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

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 93

[Docket No. APHIS–2012–0073]

RIN 0579–AD91

Cattle Fever Tick; Importation Requirements for Ruminants From Mexico

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations to recognize the State of Sonora as a region in Mexico that is free of fever ticks. We are also establishing an exemption from acaricide dipping treatment requirements, and the documentation requirements associated with such dipping, that were formerly applicable to cattle and other ruminants originating from Sonora as a condition of eligibility for entry to the United States, provided that certain conditions are met. This action will remove restrictions on the importation of cattle and other ruminants from Sonora that we believe are no longer necessary and reduce the costs associated with tick dipping for exporters and importers of ruminants.

DATES: Effective March 30, 2015.

FOR FURTHER INFORMATION CONTACT: Dr. Betzaida Lopez, Senior Staff Veterinarian, National Import Export Services, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737; (301) 851–3300.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 93 prohibit or restrict the importation of certain animals, birds, and poultry into the United States to prevent the introduction of communicable diseases of livestock and poultry. Subpart D of part 93 (§§ 93.400 through 93.436, referred to below as the regulations) governs the importation of ruminants; within subpart D, §§ 93.424 through 93.429 specifically address the importation of various ruminants from Mexico into the United States.

On July 17, 2014, we published in the **Federal Register** (79 FR 41652–41656, Docket No. APHIS–2012–0073) a proposal[1] to amend the regulations by recognizing the State of Sonora as a region in Mexico that is free of fever ticks. We also proposed to establish an exemption from acaricide dipping treatment requirements, and the documentation requirements associated with such dipping, that have applied to cattle and other ruminants originating from Sonora as a condition of eligibility for entry to the United States, provided that certain conditions are met.

We solicited comments concerning our proposal for 60 days ending September 15, 2014. We received two comments by that date. They were from a cattle producers' association and an individual. One commenter supported the proposed rule. The other expressed a generalized opposition, but did not address the actual content of the proposed rule. Thus, there is no need to address that comment. Therefore, for the reasons given in the proposed rule and in this document, we are adopting the proposed rule as a final rule, without change.

Executive Order 12866 and Regulatory Flexibility Act

This final rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with 5 U.S. C. 604, we have performed a final regulatory flexibility analysis, which is summarized below, regarding the economic effects of this rule on small entities. Copies of the full analysis are available on the Regulations.gov Web site (see footnote 1 for a link to Regulations.gov) or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

[1] To view the proposed rule and the comments we received, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0073.*

We are recognizing the Mexican State of Sonora as a region that is free of fever ticks. Under this rulemaking, importers of cattle from Sonora will have to submit an application either for inspection or dipping, but not both, as was previously required.

From 2009 to 2013, 1.21 million cattle were imported yearly from Mexico. About one-fourth came from Sonora. Cattle imported into the United States from Mexico are generally purchased by stocker operations that background the cattle on pasture before they are shipped to feedlots.

The average unit price of cattle imported from Mexico between 2009 and 2013 was about $440. The average cost of dipping with an acaricide is $3.50 to $10.00 per head. It takes approximately 5 seconds for 3 cattle to cross a dipping vat. For an average 500-head herd, dipping takes about 15 minutes. To inspect a 500-head herd takes from 4 to 12 hours. Depending on the size of the herd and time needed for inspection, some importers may choose to have the cattle dipped rather than inspected. The estimated cost of dipping is equivalent to about 1 to 2 percent of the value of the imported cattle. Any resulting cost savings realized by U.S. cattle importers due to inspection rather than dipping of cattle will depend on the relative price responsiveness of the sellers and buyers of the cattle. APHIS does not expect the rule to result in an increase of any consequence in the number of cattle imported from Mexico.

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S. C. 3501 *et se.*), the information collection or recordkeeping requirements included in this final rule, which were filed under 0579–0425, have been submitted for approval to the Office of Management and Budget (OMB). When OMB notifies us of its decision, if approval is denied, we will publish a document in the **Federal**

Register providing notice of what action we plan to take.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the Internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this rule, please contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2727.

List of Subjects in 9 CFR Part 93

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

Accordingly, we are amending 9 CFR part 93 as follows:

PART 93—IMPORTATION OF CERTAIN ANIMALS, BIRDS, FISH, AND POULTRY, AND CERTAIN ANIMAL, BIRD, AND POULTRY PRODUCTS; REQUIREMENTS FOR MEANS OF CONVEYANCE AND SHIPPING CONTAINERS

■ 1. The authority citation for part 93 continues to read as follows:

Authority: 7 U.S.C. 1622 and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

■ 2. In § 93.400, the definition of *fever tick* is revised to read as follows:

§ 93.400 Definitions.

* * * * *

Fever tick. Rhipicephalus annulatus, Rhipicephalus microplus, and any other species of tick determined by the Administrator to be a vector of bovine babesiosis and specified on the Internet at *http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/importexport.*

* * * * *

§ 93.423 [Amended]

■ 3. In § 93.423, paragraph (c) is amended by removing the words ''splenetic, southern, or tick fever'' and adding the words ''bovine babesiosis'' in their place.

■ 4. In § 93.427, paragraph (b) and the OMB citation at the end of the section are revised to read as follows:

§ 93.427 Cattle and other bovines from Mexico.

* * * * *

(b)(1) *Cattle from regions of Mexico that APHIS has determined to be free from fever ticks.* APHIS has evaluated certain regions of Mexico in accordance with § 92.2 of this chapter, and determined that they are free from fever ticks; a list of all such regions is found on the Internet *http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/importexport.* Copies of the list are also available by contacting APHIS at the following address: Regionalization Evaluation Services, National Import Export Services, Veterinary Services, Animal and Plant Health Inspection Service, 4700 River Road Unit 38, Riverdale, MD 20737. Regions may be removed from the list based on a determination by APHIS that fever ticks exist in the region, on the discovery of tick-infested cattle from the region at a port of entry into the United States, or on information provided by a representative of the government of that region that fever ticks exist in the region. Cattle from regions of Mexico that APHIS has determined to be free from fever ticks may be imported into the United States subject to the following conditions:

(i) The cattle are accompanied by a certificate issued in accordance with § 93.405 that states that the cattle originate from a region of Mexico that APHIS has determined to be free from fever ticks.

(ii) If the cattle will transit to the United States through an area of Mexico that APHIS has not determined to be free from fever ticks, they are moved in a sealed means of conveyance, and that seal remains intact throughout such transit.

(iii) The cattle are presented for entry into the United States at a land border port of entry listed in § 93.403(c).

(iv) The cattle are segregated at the U.S. port of entry from cattle from regions of Mexico that APHIS has not determined to be free from fever ticks.

(v) The importer, or his or her agent, executes and delivers to the inspector at the port of entry an application for inspection or supervised dipping. In this application, the importer, or his or her agent, waive all claims against the United States for any loss or damage to the cattle occasioned by or resulting from inspection or dipping or from the fact that the cattle are later found still to be tick infested, and for any loss or damage to any other cattle in the importer's possession or control that come in contact with the dipped cattle.

(vi) The cattle are either inspected by an APHIS inspector at the port of entry for evidence of tick infestation or are treated with a tickicidal dip that is listed in § 72.13 of this chapter under the supervision of an inspector at the port of entry.

(vii) If any cattle are determined to be infested with fever ticks, the lot of cattle is refused entry and may only be imported into the United States subject to the requirements in paragraph (b)(2) of this section.

(2) *Cattle from regions of Mexico that APHIS has not determined to be free from fever ticks.* Cattle from regions of Mexico that APHIS has not determined to be free from fever ticks may only be imported into the United States subject to the following conditions:

(i) The cattle have been inspected by a veterinarian in Mexico and, in the determination of the veterinarian, are free from fever ticks and all evidence of communicable diseases, and have not been exposed to communicable diseases, other than bovine babesiosis, during the 60 days prior to movement to a port of entry into the United States.

(ii) The cattle have been treated in Mexico with a tickicidal dip that is listed in § 72.13 of this chapter within 7 to 14 days before being offered for entry into the United States.

(iii) The cattle are accompanied by a certificate issued in accordance with § 93.405 that states that this inspection and dipping have occurred.

(iv) The cattle are presented for entry into the United States at the port of entry at Santa Teresa, NM, or a port of entry within Texas that is listed in § 93.403(c).

(v) The importer, or his or her agent, executes and delivers to the inspector at the port of entry an application for inspection and supervised dipping. In this application, the importer, or his or her agent, agrees to waive all claims against the United States for any loss or damage to the cattle occasioned by or resulting from this dipping or from the fact that the cattle are later found to still be infested with ticks, and for any loss or damage to any other cattle in the importer's possession or control that come in contact with the dipped cattle.

(vi) When offered for entry, the cattle receive an inspection by an inspector. If free from fever ticks, the cattle are treated once with a tickicidal dip that is listed in § 72.13 of this chapter 7 to 14 days after the dipping required in paragraph (b)(2)(ii) of this section. If found to be infested with fever ticks, the cattle are refused entry and may not be inspected again at a port of entry until they are again dipped and 7 to 14 days have elapsed.

(vii) The cattle are not imported into an area of Texas that is quarantined in accordance with § 72.5 of this chapter for bovine babesiosis, or for tick infestation.

* * * * *

(Approved by the Office of Management and Budget under control numbers 0579–0040, 0579–0224, 0579–0393, and 0579–0425)

Done in Washington, DC, this 20th day of February 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2015–04074 Filed 2–25–15; 8:45 am]

BILLING CODE 3410–34–P

FARM CREDIT ADMINISTRATION

12 CFR Part 620

RIN 3052–AD02

Disclosure to Shareholders; Pension Benefit Disclosures

ACTION: Final rule.

SUMMARY: The Farm Credit Administration (FCA, we or our) amends our regulations related to Farm Credit System (System) bank and association disclosures to shareholders and investors of senior officer compensation in the Summary Compensation Table (Table). Under the final rule, System banks and associations are not required to report in the Table the compensation of employees who are not senior officers and who would not otherwise be considered ''highly compensated employees'' but for the payments related to, or change(s) in value of, the employees' qualified pension plans, provided that the plans were available to all employees on the same basis at the time the employees joined the plans.

DATES: *Effective Date:* The regulation will be effective 30 days after publication in the **Federal Register** during which time either one or both Houses of Congress are in session. We will publish a notice of the effective date in the **Federal Register**.

Compliance Date: System banks and associations must comply with the final rule for compensation reported in the Table for the fiscal year ending 2015, and may implement the final rule retroactively for the fiscal years ended 2014, 2013, and 2012. However, retroactive application is not required, and we would expect footnote disclosure of the change in calculation for the fiscal years to which the final rule was applied.

FOR FURTHER INFORMATION CONTACT: Michael T. Wilson, Policy Analyst, Office of Regulatory Policy, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4124, TTY (703) 883–4056, Or Jeff Pienta, Senior Attorney, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TTY (703) 883–4056.

SUPPLEMENTARY INFORMATION:

I. Objective

The objective of this rule is to improve the quality of disclosure information shareholders receive on senior officer and highly compensated employee compensation.

II. Background

Congress explained in section 514 of the Farm Credit Banks and Associations Safety and Soundness Act of 1992 (1992 Act) [1] that disclosures of financial information and compensation paid to senior officers, among other disclosures, provide System shareholders with information necessary to better manage their institution and make informed decisions regarding the operation of their institution. In addition, the FCA Board declared its commitment to support the cooperative business model and structure by encouraging member-borrowers to participate in the management, control, and ownership of their institutions.[2] Providing member-borrowers with transparent and complete disclosures regarding the compensation of senior officers and certain other highly compensated employees is essential to fostering an environment wherein member-borrowers can do so effectively.

With this as one of our objectives, we issued a final rule on October 3, 2012, that enhanced disclosure of senior officer compensation and other related topics. Section 620.6(c)(2)(i) requires System Banks and associations to disclose senior officer compensation for the last 3 fiscal years. For purposes of this reporting requirement only, § 620.6(c)(2)(i) extends the regulatory definition of ''senior officers'' to include any employee whose compensation level was among the five highest paid during the reporting period. The intent of this extension was to ensure that System banks and associations provide shareholders with necessary compensation information on highly compensated employees even though they did not fall within the regulatory definition of ''senior officer.'' The intent was not to provide compensation information on employees who would only reach the ''highly compensated'' threshold solely because of payments related to or change(s) in the value of a qualified pension plan that was available to all employees on the same basis at the time they joined the plan. We believe that application of the existing rule could create such an unintended effect and reduce the effectiveness of the disclosure.

Therefore, on November 17, 2014, we proposed amending existing § 620.6(c)(2)(i) to exclude reporting employees' compensation in the Table if the employees were not senior officers and would be considered highly compensated employees solely because of payments related to or change(s) in value of the employees' qualified pension plans provided that the plans were available to all employees on the same basis at the time the employee joined the plan.

III. Comments and Our Response

The comment period for the proposed rule closed on December 17, 2014 (79 FR 68376, Nov. 17, 2014). We received four comment letters on our proposed rule: One comment letter from the Independent Community Bankers of America (ICBA), responding on behalf of its members; one comment from a Farm Credit bank (FCB); one comment letter from a System association; and one comment letter from the Farm Credit Council, responding on behalf of its members. Two commenters supported the proposed rule, one supported it with suggested changes, and one opposed the rule. In the discussion below, we address the significant comments. After careful consideration of the comments, the proposed rule is finalized without any changes.

A. Transparency and Quality of Disclosure

The ICBA opposes the proposed rule and urges the FCA to withdraw the proposed rule or adopt the ICBA's recommendations. The ICBA asserts that the proposed rule reduces transparency of pension disclosures to System shareholders and seeks to allow System institutions to hide significant enhancements to pensions and other compensation arrangements by not disclosing them. We agree with the ICBA that employee compensation should be reported in this disclosure item if the employee's compensation reaches the highly compensated employee threshold due to large or significant bonuses and other such payments. As we explained in the proposed rule, however, there would be no reporting requirement for this disclosure item solely for employees

[1] Public Law 102–552, 106 Stat. 4131 (1992).

[2] *See* FCA Policy Statement ''Cooperative Operating Philosophy—Serving the Members of Farm Credit System Institutions'' (FCA–PS–80), dated October 14, 2010.

who are not senior officers and who would not otherwise be considered ''highly compensated employees'' but for payments related to or change(s) in the value of the employee's qualified pension plan. Also, the qualified plan must have been available to all employees on the same basis at the time the employee joined the plan. Thus, the proposed rule did not seek to change the current reporting requirement regarding payments such as those concerning the ICBA. Rather, if any such payout to the employee or change(s) in value to their plan is due to a benefit plan that is not a qualified plan and the plan was not offered to all employees on the same basis when the employee joined the plan, then the payout or change(s) in value would be included in determining whether the employee's compensation reached the five highest paid threshold. Thus, we believe that the proposed rule increases the effectiveness and transparency of the disclosure and better achieves the original intent of the rule, which we did not change.

The ICBA also expressed concern that large one-time lump sum payments made to numerous employees at the same time from a qualified pension plan that was available to all employees on the same basis at the time they joined the plan could represent significant cash outlays for the institution during a reporting period. The ICBA believes that System institution owners should be made aware of these payouts. We agree with the ICBA and would expect that such payouts be included in the financial statements or notes thereto or discussed in the management's discussion and analysis section of the annual report if material to the institution's financial condition and results of operations. As discussed above, the intent of this specific disclosure item was not and is not to include such payments in the calculation of the top five highest paid employees.

In its comment letter, the ICBA also makes a number of recommendations, such as to disclose all employees' compensation if that compensation exceeds the average income of the citizens in the surrounding geographic area, or to disclose the compensation for the twenty-five (25) highest paid employees for larger System institutions. We believe these recommendations go beyond the scope of the proposed rule and cannot be addressed in this rulemaking.

B. Explanatory Notes and Method of Compliance

The FCB, the Farm Credit Council, and the System association supported our proposed rule in their comment letters. Furthermore, they expressed that our proposal improves the disclosure language and aligns it with the intended purpose. The FCB also offered two constructive suggestions. The first suggestion was to allow System institutions affected by our proposed rule to disclose in a note to the Table that the calculation formula changed and describe the reason for the change and its effects. Also, because data is reported in the Table for 3 years, the FCB's second suggestion was that each System institution be allowed to choose the method of compliance that works best for that institution's situation. We agree with the suggestion regarding explanatory notes, but do not believe a change to our proposal is necessary. Such disclosure is not prohibited so long as the disclosure is not misleading, incomplete or inaccurate. Whether a System institution opts to restate one or all of the prior years' disclosures or to report the data prospectively beginning for fiscal year ending 2015, we would expect that any change in the method of calculations versus prior years' disclosures be described in a footnote to the Table to the extent needed so that the reported data will not be misleading or incomplete. Therefore, we agree with the FCB's suggestion to the extent that the 3-year reporting period raises issues for affected institutions, but we do not believe that a change to the regulation language is necessary. We have addressed this issue in the compliance date information.

IV. Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the FCA hereby certifies that the final rule would not have a significant economic impact on a substantial number of small entities. Each of the banks in the Farm Credit System, considered together with its affiliated associations, has assets and annual income in excess of the amounts that would qualify them as small entities. Therefore, Farm Credit System institutions are not ''small entities'' as defined in the Regulatory Flexibility Act.

List of Subjects in 12 CFR Part 620

Accounting, Agriculture, Banks, banking, Reporting and recordkeeping requirements, Rural areas.

For the reasons stated in the preamble, part 620 of chapter VI, title 12 of the Code of Federal Regulations is amended as follows:

PART 620—DISCLOSURE TO SHAREHOLDERS

■ 1. The authority citation for part 620 continues to read as follows:

Authority: Secs. 4.3, 4.3A, 4.19, 5.9, 5.19 of the Farm Credit Act (12 U.S.C. 2154, 2154a, 2207, 2243, 2252, 2254); sec. 424 of Pub. L. 100–233, 101 Stat. 1568, 1656, sec. 514 of Pub. L. 102–552, 106 Stat. 4102.

■ 2. Section 620.6(c)(2)(i) is revised to read as follows:

§ 620.6 Disclosures in the annual report to shareholders relating to directors and senior officers.

* * * * *

(c) * * *

(2) * * *

(i) If applicable, when any employee who is not a senior officer has annual compensation at a level that is among the five highest paid by the institution during the reporting period, include the highly compensated employee(s) in the aggregate number and amount of compensation reported in the Compensation Table. However, exclude any such employee from the Compensation Table if the employee would be considered highly compensated solely because of payments related to or change(s) in value of the employee's qualified pension plan provided that the plan was available to all similarly situated employees on the same basis at the time the employee joined the plan.

* * * * *

Dated: February 19, 2015.

Mary Alice Donner,

Acting Secretary, Farm Credit Administration Board.

[FR Doc. 2015–04023 Filed 2–25–15; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2014–0710; Special Conditions No. 25–574–SC

Special Conditions: Boeing Model 767–2C Series Airplanes; Isolation or Protection of Airplane Electronic-System Security From Unauthorized Internal Access

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for Boeing Model 767–2C series

airplanes. These airplanes, as modified by The Boeing Company, will have a novel or unusual design feature associated with airplane electronic-system security protection or isolation from unauthorized internal access. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on The Boeing Company on February 26, 2015. We must receive your comments by April 13, 2015.

ADDRESSES: Send comments identified by docket number FAA–2014–0710 using any of the following methods:

Federal eRegulations Portal: Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.

Mail: Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC, 20590–0001.

Hand Delivery or Courier: Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register**, published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov/.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Varun Khanna, FAA, Airplane and Flightcrew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1298; facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice of, and opportunity for prior public comment on, these special conditions is impracticable because these procedures would significantly delay issuance of the design approval and thus delivery of the affected airplane. In addition, the substance of these special conditions has been subject to the public-comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon publication in the **Federal Register**.

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive on or before the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On January 18, 2010, Boeing applied for an amendment to Type Certificate No. A1NM to include a new Model 767–2CX series airplane, a derivative of the 767–200, which later was renamed 767–2C. Later, Boeing requested, and the FAA approved, an extension to the date of application for FAA amended type certification to December 22, 2010.

The Model 767–2C is a freighter airplane equipped with Pratt & Whitney PW4062 engines. This freighter has a maximum takeoff weight of 415,000 pounds and can be configured to carry up to 11 supernumeraries (see Exemption No. 10691).

Type-Certification Basis

The regulations listed in the type certificate are commonly referred to as the ''original type-certification basis.'' The regulations to be listed in A1NM are as follows:

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) 21.101, Boeing must show that the Boeing Model 767–2C series airplane meets the applicable provisions of part 25, as amended by Amendments 25–1 through 25–130, and 14 CFR 25.1316 at Amendment 25–134, except for earlier amendments as agreed upon by the FAA. These regulations will be listed in Type Certificate No. A1NM after type-certification approval of the 767–2C.

14 CFR part 26 as amended by Amendments 26–1 through 26–6, and any later amendments in existence at the time of certification per 14 CFR 26.5. For any future part 26 Amendments, the holder of this type certificate must demonstrate compliance with the applicable sections.

14 CFR part 34 as amended by Amendments 34–1 through 34–5A, and any later amendments in existence at the time of certification.

14 CFR part 36 as amended by Amendments 36–1 through 36–29, and any later amendments in existence at the time of certification.

The certification basis also includes certain special conditions, exemptions, or later amended sections of the applicable part that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model 767–2C series airplane because of a novel or unusual design feature, special conditions are prescribed under § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model 767–2C series airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36. The FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, under § 11.38, and they become part of the type-certification basis under § 21.101.

Novel or Unusual Design Feature

The Boeing Model 767–2C series airplane will incorporate the following novel or unusual design feature:

The electronic-system network architecture for the Model 767–2C series airplane introduces potential security risks and vulnerabilities not addressed in current regulations and airplane-level or system-level safety-assessment methods.

This network architecture allows connection to previously isolated data networks connected to systems that perform functions required for the safe operation of the airplane. This data network and design integration may result in security vulnerabilities from intentional or unintentional internal-connection corruption of data and systems critical to the safety and maintenance of the airplane.

Discussion

The Boeing Model 767–2C series airplane design introduces the potential for unauthorized persons to access, from internal connection, airplane-control domain and operator-information-services domain in the passenger-services domain. The Model 767–2C design further introduces the potential for security vulnerabilities related to the introduction of viruses, worms, user mistakes, and intentional sabotage of airplane networks, systems, and databases. As such, these special conditions address these vulnerabilities.

The digital systems architecture for the Boeing Model 767–2C series airplanes is composed of several connected networks. This network architecture is used for a diverse set of functions, including:

1. Flight-safety related control and navigation systems,
2. operator business and administrative support, and
3. passenger entertainment.

The existing regulations and guidance material did not anticipate this type of system architecture or electronic access to airplane systems. Furthermore, regulations, and current system safety-assessment policy and techniques, do not address potential security vulnerabilities, which could be caused by unauthorized access to airplane data buses and servers. These special conditions are meant to ensure that security, integrity, and availability of airplane systems are not compromised by certain wired or wireless electronic connections between airplane data busses and networks.

Special conditions have been applied on past airplane programs to require consideration of related security vulnerabilities. These special conditions are similar to those previously applied, except that the scope has been adjusted to be consistent with those features unique to the Model 767–2C series airplane.

Applicability

As discussed above, these special conditions apply to Boeing Model 767–2C series airplanes. Should Boeing apply later for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model series of airplane. It is not a rule of general applicability.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances, and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, because a delay would significantly affect the certification of the airplane, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon publication in the **Federal Register**.

The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type-certification basis for Boeing Model 767–2C series airplanes.

1. The applicant must ensure that the design provides isolation from, or airplane electronic-system security protection against, access by unauthorized sources internal to the airplane. The design must prevent inadvertent and malicious changes to, and all adverse impacts upon, airplane equipment, systems, networks, or other assets required for safe flight and operations.

2. The applicant must establish appropriate procedures to allow the operator to ensure that continued airworthiness of the airplane is maintained, including all post-type-certification modifications that may have an impact on the approved electronic-system security safeguards.

Issued in Renton, Washington, on February 19, 2015.

John J. Piccola, Jr.,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–03969 Filed 2–25–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2014–0711; Special Conditions No. 25–575–SC]

Special Conditions: Boeing Model 767–2C Series Airplanes; Airplane Electronic-System Security Protection From Unauthorized External Access

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for Boeing Model 767–2C series airplanes. These airplanes, as modified by The Boeing Company, will have a novel or unusual design feature associated with airplane electronic-system security protection or isolation from unauthorized external access. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on The Boeing Company on February 26, 2015. We must receive your comments by April 13, 2015.

ADDRESSES: Send comments identified by docket number FAA–2014–0711 using any of the following methods:

Federal eRegulations Portal: Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.

Mail: Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

Hand Delivery or Courier: Take comments to Docket Operations in

Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/*, including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register**, published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov/*.

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Varun Khanna, FAA, Airplane and Flightcrew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–1298; facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION: The FAA has determined that notice of, and opportunity for prior public comment on, these special conditions is impracticable because these procedures would significantly delay issuance of the design approval and thus delivery of the affected airplane. In addition, the substance of these special conditions has been subject to the public-comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon publication in the **Federal Register**.

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive on or before the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On January 18, 2010, Boeing applied for an amendment to Type Certificate No. A1NM to include a new Model 767–2CX series airplane, a derivative of the 767–200, which later was renamed 767–2C. Later, Boeing requested, and the FAA approved, an extension to the date of application for FAA amended type certification to December 22, 2010.

The Model 767–2C is a freighter airplane equipped with Pratt & Whitney PW4062 engines. This freighter has a maximum takeoff weight of 415,000 pounds and can be configured to carry up to 11 supernumeraries (see Exemption No. 10691).

Type-Certification Basis

The regulations listed in the type certificate are commonly referred to as the ''original type-certification basis.'' The regulations to be listed in A1NM are as follows:

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) 21.101, Boeing must show that the Boeing Model 767–2C series airplane meets the applicable provisions of part 25, as amended by Amendments 25–1 through 25–130, and 14 CFR 25.1316 at Amendment 25–134, except for earlier amendments as agreed upon by the FAA. These regulations will be listed in Type Certificate No. A1NM after type-certification approval of the 767–2C.

14 CFR part 26 as amended by Amendments 26–1 through 26–6, and any later amendments in existence at the time of certification per 14 CFR 26.5. For any future part 26 Amendments, the holder of this type certificate must demonstrate compliance with the applicable sections.

14 CFR part 34 as amended by Amendments 34–1 through 34–5A, and any later amendments in existence at the time of certification.

14 CFR part 36 as amended by Amendments 36–1 through 36–29, and any later amendments in existence at the time of certification.

The certification basis also includes certain special conditions, exemptions, or later amended sections of the applicable part that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model 767–2C series airplane because of a novel or unusual design feature, special conditions are prescribed under § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model 767–2C series airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36. The FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, under § 11.38, and they become part of the type-certification basis under § 21.101.

Novel or Unusual Design Feature

The Boeing Model 767–2C series airplane will incorporate the following novel or unusual design feature:

The electronic-system network architecture for the Model 767–2C series airplane introduces potential security risks and vulnerabilities not addressed in current regulations and airplane-level or system-level safety-assessment methods. This network architecture allows connection to airplane electronic systems and networks, and access from airplane external sources (*e.g.,* operator networks, wireless devices, Internet connectivity, service-provider satellite communications, electronic flight bags, etc.), to the previously isolated airplane electronic assets. Airplane electronic assets include electronic equipment and systems, instruments, networks, servers, software and electronic components, field-loadable software and hardware applications, and databases.

Discussion

The Boeing Model 767–2C series airplane design introduces the potential for unauthorized persons to access airplane-control domain and operator-information-services domain in the passenger-services domain. The 767–2C design further introduces the potential for security vulnerabilities related to the introduction of viruses, worms, user mistakes, and intentional sabotage of airplane networks, systems, and

databases. As such, these special conditions address these vulnerabilities.

The digital systems architecture for the Boeing Model 767–2C series airplanes is composed of several connected networks. This network architecture is used for a diverse set of functions providing data connectivity between systems, including:

1. Airplane control, communication, display, monitoring and navigation systems,
2. operator business and administrative support systems,
3. passenger entertainment systems, and
4. access by systems external to the airplane.

The Model 767–2C series airplane electronic-system network architecture allows connection to airplane electronic systems and networks, and access from airplane external sources (*e.g.,* operator networks, wireless devices, Internet connectivity, service-provider satellite communications, electronic flight bags, etc.) to the previously isolated airplane electronic assets.

This design may result in network-security vulnerabilities from intentional or unintentional corruption of data and systems required for the safety, operations, and maintenance of the airplane. The existing regulations and guidance material did not anticipate this type of system architecture, or external wired and wireless electronic access to airplane electronic systems. Furthermore, regulations, and current system safety-assessment policy and techniques, do not address potential security vulnerabilities, which could be caused by unauthorized access to airplane electronic systems and networks.

Special conditions have been applied on past airplane programs to require consideration of related security vulnerabilities. These special conditions are similar to those previously applied, except that the scope has been adjusted to be consistent with those features unique to the Model 767–2C series airplane.

Applicability

As discussed above, these special conditions apply to Boeing Model 767–2C series airplanes. Should Boeing apply later for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model series of airplane. It is not a rule of general applicability.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances, and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, because a delay would significantly affect the certification of the airplane, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon publication in the **Federal Register**.

The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type-certification basis for Boeing Model 767–2C series airplanes.

1. The applicant must ensure airplane electronic-system security protection from access by unauthorized sources external to the airplane, including those possibly caused by maintenance activity.
2. The applicant must ensure that electronic-system security threats are identified and assessed, and that effective electronic-system security protection strategies are implemented to protect the airplane from all adverse impacts on safety, functionality, and continued airworthiness.
3. The applicant must establish appropriate procedures to allow the operator to ensure that continued airworthiness of the airplane is maintained, including all post type-certification modifications that may have an impact on the approved electronic-system security safeguards.

Issued in Renton, Washington, on February 19, 2015.

John J. Piccola, Jr.,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–03970 Filed 2–25–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 884

[Docket No. FDA–2014–M–1957]

Medical Devices; Obstetrical and Gynecological Devices; Classification of the Assisted Reproduction Embryo Image Assessment System

AGENCY: Food and Drug Administration, HHS.

ACTION: Final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying the Assisted Reproduction Embryo Image Assessment System into class II (special controls). The special controls that will apply to the device are identified in this order, and will be part of the codified language for the Assisted Reproduction Embryo Image Assessment System classification. The Agency is classifying the device into class II (special controls) in order to provide a reasonable assurance of safety and effectiveness of the device.

DATES: This order is effective February 26, 2015. The classification was applicable June 6, 2014.

FOR FURTHER INFORMATION CONTACT: Michael Bailey, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G120, Silver Spring, MD 20993–0002, 301–796–6530.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with section 513(f)(1) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360c(f)(1)), devices that were not in commercial distribution before May 28, 1976 (the date of enactment of the Medical Device Amendments of 1976), generally referred to as postamendments devices, are classified automatically by statute into class III without any FDA rulemaking process. These devices remain in class III and require premarket approval, unless and until the device is classified or reclassified into class I or II, or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i), to a predicate device that does not require premarket approval. The Agency determines whether new devices are substantially equivalent to predicate devices by means of premarket notification procedures in section 510(k) of the FD&C Act (21 U.S.C. 360(k)) and part 807 (21 CFR part 807) of the regulations.

Section 513(f)(2) of the FD&C Act, as amended by section 607 of the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144), provides two procedures by which a person may request FDA to classify a device under the criteria set forth in section 513(a)(1) of the FD&C Act. Under the first procedure, the person submits a premarket notification under section 510(k) of the FD&C Act for a device that has not previously been classified and, within 30 days of receiving an order classifying the device into class III under section 513(f)(1), the person requests a classification under section 513(f)(2) of the FD&C Act. Under the second procedure, rather than first submitting a premarket notification under section 510(k) of the FD&C Act and then a request for classification under the first procedure, the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence and requests a classification under section 513(f)(2) of the FD&C Act. If the person submits a request to classify the device under this second procedure, FDA may decline to undertake the classification request if FDA identifies a legally marketed device that could provide a reasonable basis for review of substantial equivalence with the device, or if FDA determines that the device submitted is not of ''low-moderate risk'', or that general controls would be inadequate to control the risks and special controls to mitigate the risks cannot be developed.

In response to a request to classify a device under either procedure provided by section 513(f)(2) of the FD&C Act, FDA will classify the device by written order within 120 days. This classification will be the initial classification of the device.

On August 3, 2012, FDA issued an order classifying the EEVA System into class III, because it was not substantially equivalent to a device that was introduced or delivered for introduction into interstate commerce for commercial distribution before May 28, 1976, or a device which was subsequently reclassified into class I or class II. On August 23, 2012, Auxogyn, Inc., submitted a de novo request for classification of the EEVA System under section 513(f)(2) of the FD&C Act. The manufacturer recommended that the device be classified into class II (Ref. 1).

In accordance with section 513(f)(2) of the FD&C Act, FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act. FDA classifies devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use. After review of the information submitted in the request, FDA determined that the device can be classified into class II with the establishment of special controls. FDA believes these special controls, in addition to general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on June 6, 2014, FDA issued an order to the requestor classifying the device into class II. FDA is codifying the classification of the device by adding § 884.6195 (21 CFR 884.6195).

Following the effective date of this final classification administrative order, any firm submitting a premarket notification (510(k)) for an Assisted Reproduction Embryo Image Assessment System will need to comply with the special controls named in the final administrative order.

The device is assigned the generic name Assisted Reproduction Embryo Image Assessment System, and it is identified as a prescription device that is designed to obtain and analyze light microscopy images of developing embryos. This device provides information to aid in the selection of embryo(s) for transfer when there are multiple embryos deemed suitable for transfer or freezing.

FDA has identified the following risks to health associated with this type of device and the measures required to mitigate these risks in Table 1:

TABLE 1—ASSISTED REPRODUCTION EMBRYO IMAGE ASSESSMENT SYSTEM RISKS AND MITIGATION MEASURES

Identified risk	Mitigation measures
Damage or Destruction of the Embryo	Non-Clinical Performance Testing. Software Verification, Validation & Hazard Analysis. Clinical Testing. Electromagnetic Compatibility Testing. Electrical Safety Testing. Labeling. Training.
Infection (Contamination of Device, Labware, and Incubator)	Cleaning and Disinfection Validation. Labeling. Training.
Incorrect Embryo Development Prediction	Non-Clinical Performance Testing. Software Verification, Validation & Hazard Analysis. Clinical Testing. Labeling. Training.
Electromagnetic Interference/Electrical Safety Issues	Electromagnetic Compatibility Testing. Electrical Safety Testing. Labeling.
Use Error	Labeling. Training.

FDA believes that the following special controls, in addition to the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness:

- Clinical performance testing must demonstrate a reasonable assurance of the safety and effectiveness of the device to predict embryo development. Classification performance (sensitivity and specificity) and predictive accuracy (Positive Predictive Value and Negative Predictive Value) must be

assessed at the subject and embryo levels.

- Software validation, verification, and hazard analysis must be provided.
- Non-clinical performance testing data must demonstrate the performance characteristics of the device. Testing must include the following:
  - Total light exposure and output testing;
  - a safety analysis must be performed based on maximum (worst-case) light exposure to embryos, which also includes the safety of the light wavelength(s) emitted by the device;
  - simulated-use testing;
  - Mouse Embryo Assay testing to assess whether device operation impacts growth and development of mouse embryos to the blastocyst stage;
  - cleaning and disinfection validation of reusable components;
  - package integrity and transit testing;
  - hardware fail-safe validation;
  - electrical equipment safety and electromagnetic compatibility testing; and
  - prediction algorithm reproducibility.
- Labeling must include the following:
  - A detailed summary of clinical performance testing, including any adverse events;
  - specific instructions, warnings, precautions, and training needed for safe use of the device;
  - appropriate electromagnetic compatibility information;
  - validated methods and instructions for cleaning and disinfection of reusable components; and
  - information identifying compatible cultureware and explain how they are used with the device.

An Assisted Reproduction Embryo Image Assessment System is a prescription device restricted to patient use only upon the authorization of a practitioner licensed by law to administer or use the device. (See 21 CFR 801.109 (*Prescription devices*).)

Section 510(m) of the FD&C Act provides that FDA may exempt a class II device from the premarket notification requirements under section 510(k) of the FD&C Act, if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device. For this type of device, FDA has determined that premarket notification is necessary to provide reasonable assurance of the safety and effectiveness of the device. Therefore, this device type is not exempt from premarket notification requirements. Persons who intend to market this type of device must submit to FDA a premarket notification, prior to marketing the device, which contains information about the Assisted Reproduction Embryo Image Assessment System they intend to market.

II. Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

III. Paperwork Reduction Act of 1995

This final administrative order establishes special controls that refer to previously approved collections of information found in other FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in part 807, subpart E regarding premarket notification submissions have been approved under OMB control number 0910–0120 and the collections of information in 21 CFR part 801, regarding labeling, have been approved under OMB control number 0910–0485.

IV. Reference

The following reference has been placed on display in the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. K120427: De Novo Request from Auxogyn, Inc., dated August 23, 2012.

List of Subjects in 21 CFR Part 884

Medical devices, Obstetrical and Gynecological devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 884 is amended as follows:

PART 884—OBSTETRICAL AND GYNECOLOGICAL DEVICES

■ 1. The authority citation for 21 CFR part 884 continues to read as follows:

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

■ 2. Section 884.6195 is added to subpart G to read as follows:

§ 884.6195 Assisted Reproduction Embryo Image Assessment System.

(a) *Identification.* An Assisted Reproduction Embryo Image Assessment System is a prescription device that is designed to obtain and analyze light microscopy images of developing embryos. This device provides information to aid in the selection of embryo(s) for transfer when there are multiple embryos deemed suitable for transfer or freezing.

(b) *Classification.* Class II (special controls). The special control(s) for this device are:

(1) Clinical performance testing must demonstrate a reasonable assurance of safety and effectiveness of the device to predict embryo development. Classification performance (sensitivity and specificity) and predictive accuracy (Positive Predictive Value and Negative Predictive Value) must be assessed at the subject and embryo levels.

(2) Software validation, verification, and hazard analysis must be provided.

(3) Non-clinical performance testing data must demonstrate the performance characteristics of the device. Testing must include the following:

(i) Total light exposure and output testing;

(ii) A safety analysis must be performed based on maximum (worst-case) light exposure to embryos, which also includes the safety of the light wavelength(s) emitted by the device;

(iii) Simulated-use testing;

(iv) Mouse Embryo Assay testing to assess whether device operation impacts growth and development of mouse embryos to the blastocyst stage;

(v) Cleaning and disinfection validation of reusable components;

(vi) Package integrity and transit testing;

(vii) Hardware fail-safe validation;

(viii) Electrical equipment safety and electromagnetic compatibility testing; and

(ix) Prediction algorithm reproducibility.

(4) Labeling must include the following:

(i) A detailed summary of clinical performance testing, including any adverse events;

(ii) Specific instructions, warnings, precautions, and training needed for safe use of the device

(iii) Appropriate electromagnetic compatibility information;

(iv) Validated methods and instructions for cleaning and disinfection of reusable components; and

(v) Information identifying compatible cultureware and explain how they are used with the device.

Dated: February 20, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–03934 Filed 2–25–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 57

[TD 9711]

RIN 1545–BM52

Health Insurance Providers Fee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final and temporary regulations.

SUMMARY: This document contains temporary regulations that provide rules for the definition of a covered entity for purposes of the fee imposed by section 9010 of the Patient Protection and Affordable Care Act, as amended. The temporary regulations are necessary to clarify certain terms in section 9010. The temporary regulations affect persons engaged in the business of providing health insurance for United States health risks. The text of the temporary regulations also serves as the text of the proposed regulations (REG–143416–14) published in the Proposed Rules section in this issue of the **Federal Register**.

DATES: *Effective Date:* These regulations are effective on February 26, 2015.

Applicability Date: For dates of applicability, see §§ 57.10 and 57.10T.

FOR FURTHER INFORMATION CONTACT: Rachel S. Smith, (202) 317–6855 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

Section 9010 of the Patient Protection and Affordable Care Act (PPACA), Public Law 111–148 (124 Stat. 119 (2010)), as amended by section 10905 of PPACA, and as further amended by section 1406 of the Health Care and Education Reconciliation Act of 2010, Public Law 111–152 (124 Stat. 1029 (2010)) (collectively, the Affordable Care Act or ACA) imposes an annual fee on covered entities that provide health insurance for United States health risks. All references in this preamble to section 9010 are references to the ACA. Section 9010 did not amend the Internal Revenue Code (Code) but contains cross-references to specified Code sections. Unless otherwise indicated, all other references to subtitles, chapters, subchapters, and sections in this preamble are references to subtitles, chapters, subchapters, and sections in the Code and related regulations. All references to ''fee'' in this preamble are references to the fee imposed by section 9010.

On November 27, 2013, the Treasury Department and the IRS issued the Health Insurance Providers Fee regulations as final regulations (TD 9643). On August 12, 2014, the Treasury Department and the IRS issued Notice 2014–47, 2014–35 IRB 522, to provide further guidance for the 2014 fee year on the definition of a covered entity. The temporary regulations provide further guidance on the definition of a covered entity for the 2015 fee year and subsequent fee years.

General Overview

Section 9010(a) imposes an annual fee on each covered entity engaged in the business of providing health insurance. The fee is due by the annual date specified by the Secretary, but in no event later than September 30th of each calendar year in which a fee must be paid (fee year).

Section 9010(b) requires the Secretary to determine the annual fee for each covered entity based on the ratio of the covered entity's net premiums written for health insurance for any United States health risk that are taken into account for the calendar year immediately before the fee year (data year) to the aggregate net premiums written for health insurance of United States health risks of all covered entities that are taken into account during the data year. In calculating the fee, the Secretary must determine each covered entity's net premiums written for United States health risks based on reports submitted to the Secretary by the covered entity and through the use of any other source of information available to the Secretary.

Section 9010(c)(1) defines a covered entity as any entity that provides health insurance for any United States health risk during each fee year. Section 9010(c)(2) excludes the following entities from being covered entities: (A) Any employer to the extent that the employer self-insures its employees' health risks; (B) any governmental entity; (C) any entity (i) that is incorporated as a nonprofit corporation under a State law, (ii) no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation (except as otherwise provided in section 501(h)), and which does not participate in, or intervene in, any political campaign on behalf of (or in opposition to) any candidate for public office, and (iii) more than 80 percent of the gross revenues of which is received from government programs that target low income, elderly, or disabled populations under titles XVIII, XIX, and XXI of the Social Security Act; and (D) any entity that is described in section 501(c)(9) (a voluntary employees' beneficiary association (VEBA)) and is established by an entity (other than by an employer or employers) for purposes of providing health care benefits.

Section 9010(c)(3)(A) provides a controlled group rule under which all persons treated as a single employer under section 52(a) or (b) or section 414(m) or (o) are treated as a single covered entity. Section 9010(c)(4) provides that, if more than one person is liable to pay the fee on a single covered entity by reason of the application of the controlled group rule, then all such persons are jointly and severally liable for payment of the fee.

Section 57.2(c)(1) of the Health Insurance Providers Fee regulations defines the term *controlled group* to mean a group of two or more persons, including at least one person that is a covered entity, that is treated as a single employer under section 52(a), 52(b), 414(m), or 414(o). Section 57.2(c)(3)(ii) further provides that a person is treated as being a member of the controlled group if it is a member of the group at the end of the day on December 31st of the data year.

Explanation of Provisions

Following the publication of the final regulations in TD 9643, the Treasury Department and the IRS received questions about how to apply the exclusions under section 9010(c)(2) to the general definition of a covered entity. The Treasury Department and the IRS also received questions about whether covered entities must report information on net premiums written for certain members of a controlled group. Notice 2014–47 was subsequently issued to resolve those questions for the 2014 fee year. The temporary regulations adopt the general approach of Notice 2014–47 to resolve those questions for the 2015 fee year and each subsequent fee year.

Application of Exclusions Under Section 9010(c)(2)

Notice 2014–47 provided that, for the 2014 fee year, the Treasury Department and the IRS would not treat any entity as a covered entity if it would be

excluded from the definition of a covered entity because it qualified for one of the exclusions under section 9010(c)(2) either for the entire 2013 data year or for the entire 2014 fee year, which began on January 1, 2014. As described later in this preamble, the controlled group rules under section 9010(c)(3)(A) and § 57.2(c)(1) do not apply for the limited purpose of determining whether an entity qualifies for an exclusion under section 9010(c)(2). Notice 2014–47 further provided that the entity should not report its net premiums written for the 2013 data year because the Treasury Department and the IRS would not treat such an entity as a covered entity.

The temporary regulations amend the rules in the existing Health Insurance Providers Fee regulations to incorporate the general approach in Notice 2014–47. Specifically, the temporary regulations provide that, for the 2015 fee year and each subsequent fee year, an entity qualifies for an exclusion under section 9010(c)(2) if it qualifies for an exclusion either for the entire data year ending on the prior December 31st or for the entire fee year beginning on January 1st. An entity that qualifies for an exclusion under this rule is not a covered entity for that fee year and must not report its net premiums written.

The temporary regulations also impose two additional requirements. First, the temporary regulations generally impose a consistency requirement that binds an entity to its original selection of either the data year or the fee year (its test year) to determine whether it qualifies for an exclusion under section 9010(c)(2) for the 2015 fee year and each subsequent fee year. For example, if an entity selects the 2014 data year as its test year for the 2015 fee year, it must use the data year as its test year for the 2016 fee year and each subsequent fee year.

Second, the temporary regulations impose a special rule for an entity that uses the fee year as its test year. A special rule is important in this context because the fee is due by September 30th of the fee year, and it may not be clear until the end of the fee year whether an entity will in fact qualify for an exclusion. If an entity using the fee year as its test year does not report its net premiums written because it expects to qualify for an exclusion under section 9010(c)(2), but the entity ultimately does not qualify for an exclusion, the temporary regulations require the entity to use the data year as its test year in all subsequent fee years. In this circumstance, the entity will necessarily be a covered entity that is required to report its net premiums written for the immediately following fee year. In addition, an entity that does not timely file a report in a fee year, and that is a covered entity for that fee year because it does not qualify for an exclusion, may be subject to penalties, including the failure to report penalty under section 9010(g)(2).

For example, assume that for the 2015 fee year an entity used the fee year as its test year and reasonably expected to qualify for the section 9010(c)(2)(C) exclusion for that fee year. As a result, the entity did not report its net premiums written and it was not treated as a covered entity for purposes of the 2015 fee calculation. Further assume that as of December 31, 2015, the entity did not satisfy the 80 percent minimum gross revenues requirement of section 9010(c)(2)(C)(iii) and therefore did not qualify for this or any other exclusion under section 9010(c)(2) for the 2015 fee year. Under the temporary regulations, this entity must use the data year for each subsequent fee year to determine whether it qualifies for an exclusion under section 9010(c)(2). Thus, for the 2016 fee year, because this entity must determine its eligibility for an exclusion based on the 2015 data year, it would not be eligible for an exclusion under section 9010(c)(2) for the 2016 fee year and must submit a report in that year. This entity must also use the data year as its test year for the 2017 fee year and each subsequent fee year.

The Treasury Department and the IRS request comments regarding whether there are any circumstances in which an entity should be permitted by the IRS to change its test year, and if so, what conditions and limitations should apply to any such change.

Reporting for Controlled Group Members

Notice 2014–47 provided that a controlled group must report net premiums written only for each person who is a controlled group member at the end of the day on December 31st of the data year and who would qualify as a covered entity in the fee year if it were a single-person covered entity (that is, not a member of a controlled group). The temporary regulations incorporate this rule for the 2015 fee year and each subsequent fee year. Therefore, a controlled group must not report net premiums written for any controlled group member who would fail to be a covered entity in the fee year if it were not a member of a controlled group. Although that person's net premiums written are not taken into account, it remains a member of the controlled group and is jointly and severally liable for the fee amount allocated to the controlled group.

Special Analyses

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations, and because these regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, these temporary regulations have been 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 Rachel S. Smith, IRS Office of the Associate Chief Counsel (Passthroughs and Special Industries). However, other personnel from the Treasury Department and the IRS participated in their development.

List of Subjects in 26 CFR Part 57

Health Insurance, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 57 is amended as follows:

PART 57—HEALTH INSURANCE PROVIDERS FEE

■ **Paragraph 1.** The authority citation for part 57 continues to read in part as follows:

Authority: 26 U.S.C. 7805; sec. 9010, Public Law 111–148 (124 Stat. 119 (2010)).

* * * * *

■ **Par. 2.** Section 57.2 is amended by:

■ 1. Redesignating paragraph (b)(3) as paragraph (b)(4).

■ 2. Adding paragraph (b)(3).

■ 3. Revising paragraph (c)(3)(ii).

The addition and revision read as follows:

§ 57.2 Explanation of terms.

* * * * *

(b) * * *

(3) [Reserved]. For further guidance, see § 57.2T(b)(3).

* * * * *

(c) * * *

(3) * * *

(ii) [Reserved]. For further guidance see § 57.2T(c)(3)(ii).

* * * * *

■ **Par. 3.** Section 57.2T is added to read as follows:

§ 57.2T Explanation of terms (temporary).

(a) through (b)(2) [Reserved]. For further guidance, see § 57.2(a) through (b)(2).

(3) *Application of exclusions*—(i) *Test year.* An entity qualifies for an exclusion described in § 57.2(b)(2)(i) through (iv) if it so qualifies in its test year. The term *test year* means either the entire data year or the entire fee year.

(ii) *Consistency rule.* For purposes of paragraph (b)(3)(i) of this section, an entity must use the same test year as it used in its first fee year beginning after December 31, 2014, and in each subsequent fee year. Thus, for example, if an entity used the 2014 data year as its test year for the 2015 fee year, that entity must use the data year as its test year for each subsequent fee year.

(iii) *Special rule for fee year as test year.* For purposes of paragraph (b)(3) of this section, any entity that uses the fee year as its test year but ultimately does not qualify for an exclusion described in § 57.2(b)(2)(i) through (iv) for that entire fee year must use the data year as its test year for each subsequent fee year.

(b)(4) through (c)(3)(i) [Reserved]. For further guidance, see § 57.2(b)(4) through (c)(3)(i).

(ii) A person is treated as being a member of the controlled group if it is a member of the group at the end of the day on December 31st of the data year. However, a person's net premiums written are included in net premiums written for the controlled group only if the person would qualify as a covered entity in the fee year if the person were not a member of the controlled group.

(d) through (n) [Reserved]. For further guidance, see § 52.7(d) through (n).

■ **Par. 4.** Section 57.10 is revised to read as follows:

§ 57.10 Effective/applicability date.

(a) *In general.* Except as provided in paragraph (b), §§ 57.1 through 57.9 apply to any fee that is due on or after September 30, 2014.

(b) [Reserved]. For further guidance, see § 57.10T(b).

■ **Par. 5.** Section 57.10T is added to read as follows:

§ 57.10T Effective/applicability date (temporary).

(a) [Reserved]. For further guidance, see § 57.10(a).

(b) *Paragraphs (b)(3) and (c)(3)(ii) of § 57.2T.* Paragraphs (b)(3) and (c)(3)(ii) of § 57.2T apply on February 26, 2015.

(c) *Expiration date.* Paragraphs (b)(3) and (c)(3)(ii) of § 57.2T expire on February 23, 2018.

John Dalrymple,

Deputy Commissioner for Services and Enforcement.

Approved: February 19, 2015.

Mark J. Mazur,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2015–03944 Filed 2–23–15; 4:15 pm]

BILLING CODE 4830–01–P

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 505

[USA–2014–0006]

RIN 0702–AA65

Army Privacy Program

AGENCY: Department of the Army, DoD.

ACTION: Direct final rule.

SUMMARY: The Department of the Army is amending the Army Privacy Program Regulation. Specifically, Army is reinstating exemptions that were mistakenly deleted when the Army's Privacy Program Regulation was last revised. These rules provide policies and procedures for the Army's implementation of the Privacy Act of 1974, as amended.

This direct final rule makes changes to the Department of the Army's Privacy Program rules. These changes will allow the Department to exempt records from certain portions of the Privacy Act. This will improve the efficiency and effectiveness of DoD's program by preserving the exempt status of the records when the purposes underlying the exemption are valid and necessary to protect the contents of the records.

This rule is being published as a direct final rule as the Department of Defense does not expect to receive any adverse comments, and so a proposed rule is unnecessary.

The revisions to these rules are part of DoD's retrospective plan under Executive Order 13563 completed in August 2011. DoD's full plan can be accessed at *http://www.whitehouse.gov/sites/default/files/other/2011-regulatory-action-plans/department ofdefenseregulatory reformplanaugust2011a.pdf.*

DATES: The rule will be effective on May 7, 2015 unless comments are received that would result in a contrary determination. Comments will be accepted on or before April 27, 2015.

ADDRESSES: You may submit comments, identified by docket number and/or Regulatory Information Number (RIN) and title, by any of the following methods:

- Federal Rulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- Mail: Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number or RIN for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Tracy Rogers, Chief, FOIA/PA, telephone: 703–428–6513.

SUPPLEMENTARY INFORMATION:

Direct Final Rule and Significant Adverse Comments

DoD has determined this rulemaking meets the criteria for a direct final rule because it involves changes dealing with DoD's management of its Privacy Programs. DoD expects no opposition to the changes and no significant adverse comments. However, if DoD receives a significant adverse comment, the Department will withdraw this direct final rule by publishing a notice in the **Federal Register**. A significant adverse comment is one that explains: (1) Why the direct final rule is inappropriate, including challenges to the rule's underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without a change. In determining whether a comment necessitates withdrawal of this direct final rule, DoD will consider whether it warrants a substantive response in a notice and comment process.

Executive Summary

I. Purpose of This Regulatory Action

a. These rules provide policies and procedures for Army's implementation of the Privacy Act of 1974, as amended.

b. Authority: Privacy Act of 1974, Public Law 93–579, Stat. 1896 (5 U.S.C. 552a).

II. Summary of the Major Provisions of This Regulatory Action

The Army is reinstating and adding exemption rules in the exemptions section.

III. Costs and Benefits of This Regulatory Action

This regulatory action imposes no monetary costs to the Agency or public. The benefit to the public is the accurate reflection of the Agency's Privacy Program to ensure that policies and procedures are known to the public.

Regulatory Procedures

Executive Order 12866, ''Regulatory Planning and Review'' and Executive Order 13563, ''Improving Regulation and Regulatory Review''

It has been determined that Privacy Act rules for the Department of Defense are not significant rules. This rule does not (1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in these Executive Orders.

Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. Chapter 6)

It has been determined that this Privacy Act rule for the Department of Defense does not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act within the Department of Defense.

Public Law 95–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)

It has been determined that this Privacy Act rule for the Department of Defense imposes no information collection requirements on the public under the Paperwork Reduction Act of 1995.

Section 202, Public Law 104–4, ''Unfunded Mandates Reform Act''

It has been determined that this Privacy Act rulemaking for the Department of Defense does not involve a 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 and that such rulemaking will not significantly or uniquely affect small governments.

Executive Order 13132, ''Federalism''

It has been determined that the Privacy Act rule for the Department of Defense does not have federalism implications. The rule does not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government.

List of Subjects in 32 CFR Part 505

Privacy.

Tracy Rogers,

Chief, Privacy and FOIA Office.

Accordingly 32 CFR part 505 is amended as follows:

PART 505—ARMY PRIVACY ACT PROGRAM

■ 1. The authority citation for part 505 continues to read as follows:

Authority: Pub. L. 93–579, Stat. 1896 (5 U.S.C. 552a).

■ 2. Appendix D to part 505 is revised to read as follows:

APPENDIX D TO PART 505—EXEMPTIONS, EXCEPTIONS, AND DOD BLANKET ROUTINE USES

(a) *Special exemption.* 5 U.S.C. 552a(d)(5)—Denies individual access to any information compiled in reasonable anticipation of a civil action or proceeding.

(b) *General and specific exemptions.* The Secretary of the Army may exempt Army systems of records from certain requirements of the Privacy Act of 1974. The two kinds of exemptions that require Secretary of the Army enactment are general and specific exemptions. The general exemption authorizes the exemption of a system of records from most requirements of the Act; the specific exemptions authorize the exemption of a system of record from only a few.

(c) *General exemptions.* Only Army activities actually engaged in the enforcement of criminal laws as their principal function may claim the general exemption. See 5 U.S.C. 552a(j)(2). To qualify for this exemption, a system must consist of:

(1) Information compiled to identify individual criminal offenders and alleged offenders, which consists only of identifying data and arrest records; type and disposition of charges; sentencing, confinement, and release records; and parole and probation status;

(2) Information compiled for the purpose of criminal investigation including reports of informants and investigators, and associated with an identifiable individual; or

(3) Reports identifiable to an individual, compiled at any stage of the process of enforcement of the criminal laws, from arrest or indictment through release from supervision.

(d) *Specific exemptions.* The Secretary of the Army has exempted all properly classified information and systems of records that have the following kinds of information listed in this section, from certain parts of the Privacy Act. The Privacy Act exemption reference appears in parentheses after each category.

(1) Classified information in every Army system of records. Before denying any individual access to classified information, the Access and Amendment Refusal Authority must make sure that it was properly classified under the standards of Executive Orders 11652, 12065, or 12958 and that it must remain so in the interest of national defense of foreign policy (5 U.S.C. 552a(k)(1)).

(2) Investigatory material compiled for law enforcement purposes (other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if this information has been used to deny someone a right, privilege or benefit to which the individual is entitled by Federal law, or for which an individual would otherwise be eligible as a result of the maintenance of the information, it must be released, unless doing so would reveal the identity of a confidential source. Note: When claimed, this exemption allows limited protection of investigative reports maintained in a system of records used in personnel or administrative actions.

(3) Records maintained in connection with providing protective services to the President of the United States or other individuals protected pursuant to Title 18 U.S.C., section 3056 (5 U.S.C. 552a(k)(3)).

(4) Records maintained solely for statistical research or program evaluation purposes and which are not used to make decisions on the rights, benefits, or entitlements of individuals, except for census records which may be disclosed under Title 13 U.S.C., section 8 (5 U.S.C. 552a(k)(4)).

(5) Investigatory material compiled solely to determine suitability, eligibility, or qualifications for Federal service, Federal contracts, or access to classified information. This information may be withheld only to the extent that disclosure would reveal the identity of a confidential source (5 U.S.C. 552a(k)(5)).

(6) Testing or examination material used solely to determine if a person is qualified for appointment or promotion in the Federal service. This information may be withheld only if disclosure would compromise the objectivity or fairness of the examination process (5 U.S.C. 552a(k)(6)).

(7) Evaluation material used solely to determine promotion potential in the Armed Forces. Information may be withheld, but only to the extent that disclosure would reveal the identity of a confidential source (5 U.S.C. 552a(k)(7)).

(e) *Procedures.* When a system manager seeks an exemption for a system of records,

the following information will be furnished to the Chief Information Officer, 107 Army Pentagon, Room 3E608, Washington, DC 20310–0107; applicable system notice, exemptions sought, and justification. After appropriate staffing and approval by the Secretary of the Army, a proposed rule will be published in the **Federal Register**, followed by a final rule 60 days later. No exemption may be invoked until these steps have been completed.

(f) The Army system of records notices for a particular type of record will state whether the Secretary of the Army has authorized a particular general and specific exemption to a certain type of record. The Army system of records notices are published on the Defense Privacy and Civil Liberties Division's Web site: *http://dpcld.defense.gov/Privacy/DODComponentArticleList/tabid/6799/Category/278/department-of-the-army.aspx*

(g) *Exempt Army records.* The following records may be exempt from certain parts of the Privacy Act:

(1) System identifier: A0020–1 SAIG.

(i) System name: Inspector General Records.

(ii) Exemptions: (A) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

(B) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

(C) Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(2) and (k)(5) from subsections 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f).

(iii) Authority: 5 U.S.C. 552a(k)(2) and(k)(5).

(iv) Reasons: (A) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (d) because access to such records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(C) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violations of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information is retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(D) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from the access provisions of subsection (d), making these subsections not applicable.

(E) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(F) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(2) System identifier: A0 025–400–2 0AA.

(i) System name: Army Records Information Management System (ARIMS)

(ii) Exemption: During the course of records management, declassification and claims research, exempt materials from other systems of records may in turn become part of the case record in this system. To the extent that copies of exempt records from those ''other'' systems of records are entered into this system, the Department of the Army hereby claims the same exemptions for the records from those ''other'' systems.

(iii) Authority: 5 U.S.C. 552a (j)(2) and (k)(1) through (k)(7).

(iv) Reasons: Records are only exempt from pertinent provisions of 5 U.S.C. 552a to the extent such provisions have been identified and an exemption claimed for the original record and the purposes underlying the exemption for the original record still pertain to the record which is now contained in this system of records. In general, the exemptions were claimed in order to protect properly classified information relating to national defense and foreign policy, to avoid interference during the conduct of criminal, civil, or administrative actions or investigations, to ensure protective services provided to the President and others are not compromised, to protect records used solely as statistical records, to protect the identity of confidential sources incident to Federal employment, military service, contract, and security clearance determinations, to preserve the confidentiality and integrity of Federal testing materials, and to safeguard evaluation materials used for military promotions when furnished by a confidential source. The exemption rule for the original records will identify the specific reasons why the records may be exempt from specific provisions of 5 U.S.C. 552a.

(3) System identifier: A0025–55 OAA.

(i) System name: Freedom of Information Act Program Files.

(ii) Exemption: During the processing of Freedom of Information Act (FOIA) requests, exempt materials from other systems of records may in turn become part of the case record in this system. To the extent that copies of exempt records from those ''other'' systems of records are entered into this system, the Department of the Army claims the same exemptions for the records from those ''other'' systems.

(iii) Authority: 5 U.S.C. 552a(j)(2) and (k)(1) through (k)(7).

(iv) Reasons: Records are only exempt from pertinent provisions of 5 U.S.C. 552a to the extent such provisions have been identified and an exemption claimed for the original record and the purposes underlying the exemption for the original record still pertain to the record which is now contained in this system of records. In general, the exemptions were claimed in order to protect properly classified information relating to national defense and foreign policy, to avoid interference during the conduct of criminal, civil, or administrative actions or investigations, to ensure protective services provided to the President and others are not compromised, to protect records used solely as statistical records, to protect the identity of confidential sources incident to Federal employment, military service, contract, and security clearance determinations, to preserve the confidentiality and integrity of Federal testing materials, and to safeguard evaluation materials used for military promotions when furnished by a confidential source. The exemption rule for the original records will identify the specific reasons why the records may be exempt from specific provisions of 5 U.S.C. 552a.

(4) System identifier: A0027–1 DAJA.

(i) System name: General Legal Files.

(ii) Exemption: (A) Information specifically authorized to be classified under E.O. 12958, as implemented by DoD 5200.1–R, may be exempt pursuant to 5 U.S.C. 552a(k)(1).

(B) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

(C) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

(D) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service may be exempt pursuant to 5 U.S.C. 552a(k)(6), if the disclosure would compromise the objectivity or fairness of the test or examination process.

(E) Evaluation material used to determine potential for promotion in the Military Services may be exempt pursuant to 5 U.S.C. 552a(k)(7), but only to the extent that the disclosure of such material would reveal the identity of a confidential source.

(F) Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C.

552a(k)(1) through(k)(7) from subsections 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f).

(iii) Authority: 5 U.S.C. 552a(k)(1), (k)(2), (k)(5), (k)(6), and (k)(7).

(iv) Reasons: (A) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (d) because access to such records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(C) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violations of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information is retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(D) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from the access provisions of subsection (d), making these subsections not applicable.

(E) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(F) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(5) System identifier: A0027–10a DAJA.

(i) System name: Military Justice Files.

(ii) Exemptions: Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principal function any activity pertaining to the enforcement of criminal laws. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(j)(2) from subsections 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g).

(iii) Authority: 5 U.S.C. 552a(j)(2).

(iv) Reason: (A) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (c)(4) because an exemption is being claimed for subsection (d), making this subsection not applicable.

(C) From subsection (d) because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(D) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(E) From subsection (e)(2) because in a criminal investigation the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be placed on notice of the existence of the investigation and would therefore be able to avoid detection.

(F) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life and physical safety of confidential informants.

(G) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from the access provisions of subsection (d), making these subsections not applicable.

(H) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(I) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment in reporting on investigations and impede the development of intelligence necessary for effective law enforcement.

(J) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the ability to issue search authorizations and could reveal investigative techniques and procedures.

(K) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(L) From subsection (g) because portions of this system of records are compiled for law enforcement purposes and have been exempted from the access provisions of subsections (d) and (f).

(6) System identifier: A0027–10b DAJA.

(i) System name: Courts-Martial Records and Reviews.

(ii) Exemptions: Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principal function any activity pertaining to the enforcement of criminal laws. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(j)(2) from subsections 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g).

(iii) Authority: 5 U.S.C. 552a(j)(2).

(iv) Reasons: (A) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (c)(4) because an exemption is being claimed for subsection (d), making this subsection not applicable.

(C) From subsection (d) because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(D) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(E) From subsection (e)(2) because in a criminal investigation, the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be placed on notice of the existence of the investigation and would therefore be able to avoid detection.

(F) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life and physical safety of confidential informants.

(G) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from the access provisions of subsection (d), making these subsections not applicable.

(H) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the

sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(I) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment in reporting on investigations and impede the development of intelligence necessary for effective law enforcement.

(J) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the ability to issue search authorizations and could reveal investigative techniques and procedures.

(K) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(L) From subsection (g) because portions of this system of records are compiled for law enforcement purposes and have been exempted from the access provisions of subsections (d) and (f).

(7) System identifier: A0040–5b DASG.

(i) System name: Army Public Health Data Repository (APHDR).

(ii) Exemption: (A) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

(B) Records maintained solely for statistical research or program evaluation purposes and which are not used to make decisions on the rights, benefits, or entitlement of an individual except for census records which may be disclosed under 13 U.S.C. 8, may be exempt pursuant to 5 U.S.C. 552a(k)(4).

(C) Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(2) and (k)(4) from subsections 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f).

(iii) Authority: 5 U.S.C. 552a(k)(2) and (k)(4)

(iv) Reasons: (A) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (d) because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(C) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violations of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information is retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(D) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from the access provisions of subsection (d), making these subsections not applicable.

(E) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(F) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(8) System identifier: A0190–5 OPMG.

(i) System name: Vehicle Registration System.

(ii) Exemption: Parts of this system of records may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its primary function any activity pertaining to the enforcement of criminal laws. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(j)(2) from subsections 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(8), (f), and (g).

(iii) Authority: 5 U.S.C. 552a(j)(2).

(iv) Reasons: (A) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (c)(4) because an exemption is being claimed for subsection (d), making this subsection not applicable.

(C) From subsection (d) because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(D) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(E) From subsection (e)(2) because in a criminal investigation, the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be placed on notice of the existence of the investigation and would therefore be able to avoid detection.

(F) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life and physical safety of confidential informants.

(G) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from access provisions of subsection (d), making these subsections not applicable.

(H) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(I) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment reporting on investigations and impede the development of intelligence necessary for effective law enforcement.

(J) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the ability to issue search authorizations and could reveal investigative techniques and procedures.

(K) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(L) From subsection (g) because portions of this system of records are compiled for law enforcement purposes and have been exempted from the access provisions of subsections (d) and (f).

(9) System identifier: A0190–9 OPMG.

(i) System name: Absentee Case Files.

(ii) Exemption: Parts of this system of records may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principal function any activity pertaining to the enforcement of criminal laws. Therefore, portions of this system of records may be exempt pursuant to

5 U.S.C. 552a(j)(2) from subsections 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(8), (f), and (g).

(iii) Authority: 5 U.S.C. 552a(j)(2).

(iv) Reasons: (A) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (c)(4) because an exemption is being claimed for subsection (d), making this subsection not applicable.

(C) From subsection (d) because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(D) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(E) From subsection (e)(2) because in a criminal investigation, the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be placed on notice of the existence of the investigation and would therefore be able to avoid detection.

(F) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life and physical safety of confidential informants.

(G) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from access provisions of subsection (d), making these subsections not applicable.

(H) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(I) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment reporting on investigations and impede the development of intelligence necessary for effective law enforcement.

(J) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the ability to issue search authorizations and could reveal investigative techniques and procedures.

(K) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(L) From subsection (g) because portions of this system of records are compiled for law enforcement purposes and have been exempted from the access provisions of subsections (d) and (f).

(10) System identifier: A0190–14 OPMG.

(i) System name: Registration and Permit Files.

(ii) Exemption: Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), is exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(2) from subsections 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f).

(iii) Authority: 5 U.S.C. 552a(k)(2).

(iv) Reasons: (A) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (d) because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(C) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violations of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information is retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(D) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from the access provisions of subsection (d), making these subsections not applicable.

(E) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(F) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(11) System identifier: A0190–45 OPMG.

(i) System name: Military Police Reporting Program Records (MPRP).

(ii) Exemptions: Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principal function any activity pertaining to the enforcement of criminal laws. Therefore, portions of the system may be exempt pursuant to 5 U.S.C. 552a(j)(2) from subsections 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g).

(iii) Authority: 5 U.S.C. 552a(j)(2).

(iv) Reasons: (A) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (c)(4) because an exemption is being claimed for subsection (d), making this subsection not applicable.

(C) From subsection (d) because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(D) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(E) From subsection (e)(2) because in a criminal investigation, the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be placed on notice of the existence of the investigation and would therefore be able to avoid detection.

(F) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life and physical safety of confidential informants.

(G) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from access provisions of subsection (d), making these subsections not applicable.

(H) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(I) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment reporting on investigations and impede the development of intelligence necessary for effective law enforcement.

(J) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the ability to issue search authorizations and could reveal investigative techniques and procedures.

(K) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(L) From subsection (g) because portions of this system of records are compiled for law enforcement purposes and have been exempted from the access provisions of subsections (d) and (f).

(12) System identifier: A0190–45a OPMG.

(i) System name: Local Criminal Intelligence Files.

(ii) Exemptions: Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principal function any activity pertaining to the enforcement of criminal laws. Therefore, portions of the system of records may be exempt pursuant to 5 U.S.C. 552a(j)(2) from subsections 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(8), (f), and (g).

(iii) Authority: 5 U.S.C. 552a(j)(2).

(iv) Reasons: (A) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (c)(4) because an exemption is being claimed for subsection (d), making this subsection not applicable.

(C) From subsection (d) because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(D) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(E) From subsection (e)(2) because in a criminal investigation, the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be placed on notice of the existence of the investigation and would therefore be able to avoid detection.

(F) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life and physical safety of confidential informants.

(G) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from access provisions of subsection (d), making these subsections not applicable.

(H) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(I) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment reporting on investigations and impede the development of intelligence necessary for effective law enforcement.

(J) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the ability to issue search authorizations and could reveal investigative techniques and procedures.

(K) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(L) From subsection (g) because portions of this system of records are compiled for law enforcement purposes and have been exempted from the access provisions of subsections (d) and (f).

(13) System identifier: A0190–45b OPMG.

(i) System Name: Serious Incident Reporting Files.

(ii) Exemptions: Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principal function any activity pertaining to the enforcement of criminal laws. Therefore, portions of the system of records may be exempt pursuant to 5 U.S.C. 552a(j)(2) from subsections 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(8), (f), and (g).

(iii) Authority: 5 U.S.C. 552a(j)(2).

(iv) Reasons (A) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (c)(4) because an exemption is being claimed for subsection (d), making this subsection not applicable.

(C) From subsection (d) because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(D) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(E) From subsection (e)(2) because in a criminal investigation, the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be placed on notice of the existence of the investigation and would therefore be able to avoid detection.

(F) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life and physical safety of confidential informants.

(G) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from access provisions of subsection (d), making these subsections not applicable.

(H) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(I) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment reporting on investigations and impede the development of intelligence necessary for effective law enforcement.

(J) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the ability to issue search authorizations and could reveal investigative techniques and procedures.

(K) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(L) From subsection (g) because portions of this system of records are compiled for law enforcement purposes and have been exempted from the access provisions of subsections (d) and (f).

(14) System identifier: A0190–47 DAPM–ACC.

(i) System Name: Army Corrections System and Parole Board Records.

(ii) Exemptions: Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principal function any activity pertaining to the enforcement of criminal laws. Therefore, portions of the system of records may be exempt pursuant to 5 U.S.C. 552a(j)(2) from subsections 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g).

(iii) Authority: 5 U.S.C. 552a(j)(2).

(iv) Reasons: (A) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (c)(4) because an exemption is being claimed for subsection (d), making this subsection not applicable.

(C) From subsection (d) because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(D) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(E) From subsection (e)(2) because in a criminal or other law enforcement investigation, the requirement that information be collected to the greatest extent possible from the subject individual would alert the subject as to the nature or existence of the investigation and thereby present a serious impediment to effective law enforcement.

(F) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life and physical safety of confidential informants.

(G) From subsections (e)(4)(G) and (e)(4)(H) because an exemption is being claimed for subsection (d), making these subsections not applicable.

(H) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(I) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment reporting on investigations and impede the development of intelligence necessary for effective law enforcement.

(J) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the ability to issue search authorizations and could reveal investigative techniques and procedures.

(K) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(L) From subsection (g) because portions of this system of records are compiled for law enforcement purposes and have been exempted from the access provisions of subsections (d) and (f).

(15) System identifier: A0195–2a USACIDC.

(i) System name: Source Register.

(ii) Exemption: (A): Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principal function any activity pertaining to the enforcement of criminal laws. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(j)(2) from subsections 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g).

(iii) Authority: 5 U.S.C. 552a(j)(2).

(iv) Reasons: (A) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (c)(4) because an exemption is being claimed for subsection (d), making this subsection not applicable.

(C) From subsection (d) because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(D) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(E) From subsection (e)(2) because in a criminal investigation, the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be placed on notice of the existence of the investigation and would therefore be able to avoid detection.

(F) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life and physical safety of confidential informants.

(G) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from access provisions of subsection (d), making these subsections not applicable.

(H) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(I) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings

new details to light and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment reporting on investigations and impede the development of intelligence necessary for effective law enforcement.

(J) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the ability to issue search authorizations and could reveal investigative techniques and procedures.

(K) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(L) From subsection (g) because portions of this system of records are compiled for law enforcement purposes and have been exempted from the access provisions of subsections (d) and (f).

(16) System identifier: A0195–2b USACIDC.

(i) System name: Criminal Investigation and Crime Laboratory Files.

(ii) Exemption: Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principal function any activity pertaining to the enforcement of criminal laws. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(j)(2) from subsections 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g).

(iii) Authority: 5 U.S.C. 552a(j)(2).

(iv) Reasons: (A) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsections (c)(4) because an exemption is being claimed for subsection (d), making this subsection not applicable.

(C) From subsection (d) because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(D) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this information be retained since it can aid in establishing patters of activity and provide valuable leads for other agencies and future cases that may be brought.

(E) From subsection (e)(2) because in a criminal or other law enforcement investigation, the requirement that information be collected to the greatest extent possible from the subject individual would alert the subject as to the nature or existence of the investigation and thereby present a serious impediment to effective law enforcement.

(F) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life and physical safety of confidential informants.

(G) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from access provisions of subsection (d), making these subsections not applicable.

(H) From subsections (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(I) From subsection (e)(5) because the requirement that records be maintained with attention to accuracy, relevance, timeliness, and completeness would unfairly hamper the investigative process. It is the nature of law enforcement for investigations to uncover the commission of illegal acts at diverse stages. It is frequently impossible to determine initially what information is accurate, relevant, timely, and least of all complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light.

(J) From subsection (e)(8) because the notice requirements of this provision could present a serious impediment to criminal law enforcement by revealing investigative techniques, procedures, and the existence of confidential investigations.

(K) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(L) From subsection (g) because portions of this system of records are compiled for law enforcement purposes and have been exempted from the access provisions of subsections (d) and (f).

(17) System identifier: A0195–2c USACIDC DoD.

(i) System name: DoD Criminal Investigation Task Force (CITF) Files.

(ii) Exemption: Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency, which performs as its principal function any activity pertaining to the enforcement of criminal laws. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(j)(2) from subsections 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g).

(iii) Authority: 5 U.S.C. 552a(j)(2).

(iv) Reasons: (A) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (c)(4) because an exemption is being claimed for subsection (d), making this subsection not applicable.

(C) From subsection (d) because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(D) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this information be retained since it can aid in establishing patters of activity and provide valuable leads for other agencies and future cases that may be brought.

(E) From subsection (e)(2) because in a criminal or other law enforcement investigation, the requirement that information be collected to the greatest extent possible from the subject individual would alert the subject as to the nature or existence of the investigation and thereby present a serious impediment to effective law enforcement.

(F) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life and physical safety of confidential informants.

(G) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from access provisions of subsection (d), making these subsections not applicable.

(H) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(I) From subsection (e)(5) because the requirement that records be maintained with attention to accuracy, relevance, timeliness, and completeness would unfairly hamper the investigative process. It is the nature of law enforcement for investigations to uncover the commission of illegal acts at diverse stages. It is frequently impossible to determine initially what information is accurate, relevant, timely, and least of all complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light.

(J) From subsection (e)(8) because the notice requirements of this provision could present a serious impediment to criminal law enforcement by revealing investigative techniques, procedures, and the existence of confidential investigations.

(K) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(L) From subsection (g) because portions of this system of records are compiled for law enforcement purposes and have been exempted from the access provisions of subsections (d) and (f).

(18) System identifier: A0195–2d USACIDC DoD.

(i) System name: Defense Criminal Investigation DNA Database and Sample Repository; CODIS Records.

(ii) Exemption: Parts of this system may be exempt pursuant to 5 U.S.C 552a(j)(2) if the information is compiled and maintained by a component of the agency that performs as its principal function any activity pertaining to the enforcement of criminal laws. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(j)(2) from subsections 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g).

(iii) Authority: 5 U.S.C 552a(j)(2).

(iv) Reasons: (A) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (c)(4) because an exemption is being claimed for subsection (d), making this subsection not applicable.

(C) From subsection (d) because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(D) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(E) From subsection (e)(2) because in a criminal investigation, the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be placed on notice of the existence of the investigation and would therefore be able to avoid detection.

(F) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life and physical safety of confidential informants.

(G) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from the access provisions of subsection (d), making these subsections not applicable.

(H) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(I) From subsection (e)(5) because in the collection of information for law enforcement purposes it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment reporting on investigations and impede the development of intelligence necessary for effective law enforcement.

(J) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the ability to issue search authorizations and could reveal investigative techniques and procedures.

(K) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(L) From subsection (g) because portions of this system of records are compiled for law enforcement purposes and have been exempted from the access provisions of subsections (d) and (f).

(19) System identifier: A0195–6 USACIDC.

(i) System name: Criminal Investigation Accreditation and Polygraph Examiner Evaluation Files.

(ii) Exemption: (A) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

(B) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

(C) Evaluation material used to determine potential for promotion in the Military Services may be exempt pursuant to 5 U.S.C. 552a(k)(7), but only to the extent that the disclosure of such material would reveal the identity of a confidential source.

(D) Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(2), (k)(5), or (k)(7) from subsections 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (f).

(iii) Authority: 5 U.S.C. 552a(k)(2), (k)(5), and (k)(7).

(iv) Reasons: (A) From subsections (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (d), because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(C) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(D) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from the access provisions of subsection (d), making these subsections not applicable.

(E) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(F) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(20) System identifier: A02107 DAMO.

(i) System name: Expelled or Barred Person Files.

(ii) Exemption: Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency, which performs as its principal function any activity pertaining to the enforcement of criminal laws. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(j)(2) from subsections 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(8), (f) and (g).

(iii) Authority: 5 U.S.C. 552a(j)(2).

(iv) Reasons: (A) From subsection From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (c)(4) because an exemption is being claimed for subsection (d), making this subsection not applicable.

(C) From subsection (d) because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(D) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(E) From subsection (e)(2) because in a criminal investigation, the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be placed on notice of the existence of the investigation and would therefore be able to avoid detection.

(F) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life and physical safety of confidential informants.

(G) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from the access provisions of subsection (d), making these subsections not applicable.

(H) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(I) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the ability to issue search authorizations and could reveal investigative techniques and procedures.

(J) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(K) From subsection (g) because portions of this system of records are compiled for law enforcement purposes and have been exempted from the access provisions of subsections (d) and (f).

(21) System identifier: A0340–21 OAA.

(i) System name: Privacy Case Files.

(ii) Exemption: During the processing of a Privacy Act request (which may include access requests, amendment requests, and requests for review for initial denials of such requests), exempt materials from other systems of records may in turn become part of the case record in this system. To the extent that copies of exempt records from those 'other' systems of records are entered into this system, the Department of the Army hereby claims the same exemptions.

(iii) Authority: 5 U.S.C. 552a(j)(2), and (k)(1) through (k)(7).

(iv) Records are only exempt from pertinent provisions of 5 U.S.C. 552a to the extent such provisions have been identified and an exemption claimed for the original record and the purposes underlying the exemption for the original record still pertain to the record which is now contained in this system of records. In general, the exemptions were claimed in order to protect properly classified information relating to national defense and foreign policy, to avoid interference during the conduct of criminal, civil, or administrative actions or investigations, to ensure protective services provided to the President and others are not compromised, to protect records used solely as statistical records, to protect the identity of confidential sources incident to Federal employment, military service, contract, and security clearance determinations, and to preserve the confidentiality and integrity of Federal evaluation materials. The exemption rule for the original records will identify the specific reasons why the records may be exempt from specific provisions of 5 U.S.C. 552a.

(22) System identifier: A0351–12 DAPE.

(i) System name: Applicants/Students, U.S. Military Academy Prep School.

(ii) Exemption: (A) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

(B) Evaluation material used to determine potential for promotion in the Military Services may be exempt pursuant to 5 U.S.C. 552a(k)(7), but only to the extent that the disclosure of such material would reveal the identity of a confidential source.

(C) It is imperative that the confidential nature of evaluation material on individuals, furnished to the U.S. Military Academy Preparatory School under an express promise of confidentiality, be maintained to ensure the candid presentation of information necessary in determinations involving admission to or retention at the United States Military Academy and suitability for commissioned military service.

(D) Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(5) and (k)(7) subsections 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f).

(iii) Authority: 5 U.S.C. 552a(k)(5) and (k)(7).

(iv) Reasons: (A) From subsections (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (d), because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(C) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(D) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from the access provisions of subsection (d), making these subsections not applicable.

(E) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(F) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(23) System identifier: A0351–17a USMA.

(i) System name: U.S. Military Academy Candidate Files.

(ii) Exemption: (A) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

(B) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service may be exempt pursuant to 5 U.S.C. 552a(k)(6), if the disclosure would compromise the objectivity or fairness of the test or examination process.

(C) Evaluation material used to determine potential for promotion in the Military Services may be exempt pursuant to 5 U.S.C. 552a(k)(7), but only to the extent that the disclosure of such material would reveal the identity of a confidential source.

(D) Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(5), (k)(6) or (k)(7) from subsections 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f).

(iii) Authority: 5 U.S.C. 552a(k)(5), (k)(6) and (k)(7).

(iv) Reasons: (A) From subsections (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (d), because access to the records contained in this system would

inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(C) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(D) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from the access provisions of subsection (d), making these subsections not applicable.

(E) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(F) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(24) System identifier: A0351–17b USMA.

(i) System name: U.S. Military Academy Management System Records.

(ii) Exemption: (A) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

(B) Evaluation material used to determine potential for promotion in the Military Services may be exempt pursuant to 5 U.S.C. 552a(k)(7), but only to the extent that the disclosure of such material would reveal the identity of a confidential source.

(C) It is imperative that the confidential nature of evaluation and investigatory material on candidates, cadets, and graduates, furnished to the United States Military Academy under a promise of confidentiality be maintained to ensure the candid presentation of information necessary in determinations involving admissions to the Military Academy and suitability for commissioned service and future promotion.

(D) Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(5) or (k)(7) from subsections 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f).

(iii) Authority: 5 U.S.C. 552a(k)(5) and (k)(7).

(iv) Reasons: (A) From subsections (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (d), because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(C) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(D) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from the access provisions of subsection (d), making these subsections not applicable.

(E) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(F) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(25) System identifier: A0380–67 DAMI.

(i) System name: Personnel Security Clearance Information Files.

(ii) Exemption: (A) Information specifically authorized to be classified under E.O. 12958, as implemented by DoD 5200.1–R, may be exempt pursuant to 5 U.S.C. 552a(k)(1).

(B) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

(C) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

(D) Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(1), (k)(2), or (k)(5) from subsections 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f).

(iii) Authority: 5 U.S.C. 552a(k)(1), (k)(2), or (k)(5).

(iv) Reasons: From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (d), because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(C) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(D) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from the access provisions of subsection (d), making these subsections not applicable.

(E) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(F) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(26) System identifier: A0381–20b DAMI.

(i) System name: Foreign Intelligence/Counterintelligence/Information Operations/Security Files

(ii) Exemption: (A) Information specifically authorized to be classified under E.O. 12958, as implemented by DoD 5200.1–R, may be exempt pursuant to 5 U.S.C. 552a(k)(1).

(B) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

(C) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

(D) Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(1), (k)(2) and (k)(5) from subsections 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f).

(E) To the extent that copies of exempt records from external systems of records are entered into A0381–10b DAMI, the Army

hereby claims the same exemptions for those records as claimed for the original primary system of which they are a part.

(iii) Authority: 5 U.S.C. 552a(j)(2), and (k)(1) through (k)(7).

(iv) Reasons: (A) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (d), because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(C) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(D) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from the access provisions of subsection (d), making these subsections not applicable.

(E) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(F) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(G) For records that are copies of exempt records from external systems of records, such records are only exempt from pertinent provisions of 5 U.S.C. 552a to the extent such provisions have been identified and an exemption claimed for the original record and the purposes underlying the exemption for the original record still pertain to the record which is now contained in this system of records. In general, the exemptions were claimed in order to protect properly classified information relating to national defense and foreign policy, to avoid interference during the conduct of criminal, civil, or administrative actions or investigations, to ensure protective services provided to the President and others are not compromised, to protect records used solely as statistical records, to protect the identity of confidential sources incident to Federal employment, military service, contract, and security clearance determinations, to preserve the confidentiality and integrity of Federal testing materials, and to safeguard evaluation materials used for military promotions when furnished by a confidential source. The exemption rule for the original records will identify the specific reasons why the records are exempt from specific provisions of 5 U.S.C. 552a.

(27) System identifier: A0381–100a DAMI.

(i) System name: Intelligence/Counterintelligence Source Files.

(ii) Exemption: (A) Information specifically authorized to be classified under E.O. 12958, as implemented by DoD 5200.1–R, may be exempt pursuant to 5 U.S.C. 552a(k)(1).

(B) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

(C) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

(D) Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(1), (k)(2), or (k)(5) from subsections 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f).

(iii) Authority: 5 U.S.C. 552a(k)(1), (k)(2), and (k)(5).

(iv) Reasons: (A) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (d), because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(C) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(D) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from the access provisions of subsection (d), making these subsections not applicable.

(E) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(F) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(28) System identifier: A0381–100b DAMI.

(i) System name: Technical Surveillance Index.

(ii) Exemption: (A) Information specifically authorized to be classified under E.O. 12958, as implemented by DoD 5200.1–R, may be exempt pursuant to 5 U.S.C. 552a(k)(1).

(B) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

(C) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

(D) Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(1), (k)(2), or (k)(5) from subsections 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f).

(iii) Authority: 5 U.S.C. 552a(k)(1), (k)(2) or (k)(5).

(iv) Reasons: (A) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (d), because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(C) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(D) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from the access provisions of subsection (d), making these subsections not applicable.

(E) From subsection (e)(4)(I) because the identity of specific sources must be withheld

in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(F) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(29) System identifier: A0600–20 DCS G–1.

(i) System name: Sexual Assault (SADMS) and Sexual Harassment (SHARP) Program Records.

(ii) Exemptions: This system of records is a compilation of information from other Department of Defense/Army systems of records. To the extent that copies of exempt records from those other systems of records are entered into this system of records, the Army G–1 hereby claims the same exemptions for the records from those other systems.

(iii) Authority: 5 U.S.C. 552a(j)(2), and (k)(1) through (k)(7).

(iv) Reasons: Records are only exempt from pertinent provisions of 5 U.S.C. 552a to the extent such provisions have been identified and an exemption claimed for the original record and the purposes underlying the exemption for the original record still pertain to the record which is now contained in this system of records. In general, the exemptions were claimed in order to protect properly classified information relating to national defense and foreign policy, to avoid interference during the conduct of criminal, civil, or administrative actions or investigations, to ensure protective services provided to the President and others are not compromised, to protect records used solely as statistical records, to protect the identity of confidential sources incident to Federal employment, military service, contract, and security clearance determinations, to preserve the confidentiality and integrity of Federal testing materials, and to safeguard evaluation materials used for military promotions when furnished by a confidential source. The exemption rule for the original records will identify the specific reasons why the records may be exempt from specific provisions of 5 U.S.C. 552a.

(30) System identifier: A0601–141 DASG.

(i) System name: Applications for Appointment to Army Medical Department.

(ii) Exemption: Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source. Therefore, portions of the system of records may be exempt pursuant to 5 U.S.C. 552(a)(k)(5) from subsections 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f).

(iii) Authority: 5 U.S.C. 552a(k)(5).

(iv) Reasons: (A) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (d), because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(C) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(D) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from the access provisions of subsection (d), making these subsections not applicable.

(E) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(F) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(31) System identifier: A0601–210a USAREC.

(i) System name: Enlisted Eligibility Files.

(ii) Exemption: Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(5) from subsections 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f).

(iii) Authority: 5 U.S.C. 552a(k)(5).

(iv) Reasons: (A) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (d), because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(C) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(D) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from the access provisions of subsection (d), making these subsections not applicable.

(E) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(F) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(32) System identifier: A0601–222 USMEPCOM.

(i) System name: Armed Services Military Accession Testing.

(ii) Exemption: Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service or military service may be exempt pursuant to 5 U.S.C. 552a(k)(6), if the disclosure would compromise the objectivity or fairness of the test or examination process. Therefore, portions of the system of records may be exempt pursuant to 5 U.S.C. 552a(k)(6), from subsection 5 U.S.C. 552a(d).

(iii) Authority: 5 U.S.C. 552a(k)(6).

(iv) Reasons: An exemption is required for those portions of the Skill Qualification Test system pertaining to individual item responses and scoring keys to preclude compromise of the test and to ensure fairness and objectivity of the evaluation system.

(33) System identifier: A0608–18 DASG.

(i) System name: Army Family Advocacy Program Files.

(ii) Exemptions: (A) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

(B) Investigative material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

(C) Therefore, portions of the system of records may be exempt pursuant to 5 U.S.C. 552a(k)(2) or (k)(5) from subsections 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f).

(iii) Authority: 5 U.S.C. 552a(k)(2) and (k)(5).

(iv) Reason: (A) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (d) because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(C) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(D) From subsections (e)(4)(G) and (e)(4)(H) because the requirements in those subsections are inapplicable to the extent that portions of this system of records may be exempt from subsection (d), concerning individual access.

(E) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(F) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(34) System identifier: A0614–115 DAMI.

(i) System name: Department of the Army Operational Support Activities.

(ii) Exemption: (A) Information specifically authorized to be classified under E.O. 12958, as implemented by DoD 5200.1–R, may be exempt pursuant to 5 U.S.C. 552a(k)(1).

(B) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

(C) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

(D) Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(1), (k)(2), or (k)(5) from subsections 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f).

(iii) Authority: 5 U.S.C. 552a(k)(1), (k)(2), and (k)(5).

(iv) Reasons: (A) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (d), because access to the records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(C) From subsection (e)(1) because in the course of criminal investigations, information is often obtained concerning the violation of laws or civil obligations of others not relating to an active case or matter. In the interests of effective law enforcement, it is necessary that this valuable information be retained since it can aid in establishing patterns of activity and provide valuable leads for other agencies and future cases that may be brought.

(D) From subsections (e)(4)(G) and (e)(4)(H) because portions of this system of records have been exempted from the access provisions of subsection (d), making these subsections not applicable.

(E) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(F) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(35) System identifier: A0025–2 PMG (DFBA) DoD

(i) System name: Defense Biometrics Identification Records System

(ii) Exemptions: (A) Investigatory material compiled for law enforcement purposes may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

(B) Exempt materials from other sources listed above may become part of the case records in this system of records. To the extent that copies of exempt records from other sources listed above are entered into these case records, the Department of the Army hereby claims the same exemptions, (j)(2) and (k)(2), for the records as claimed by the source systems, specifically to the extent that copies of exempt records may become part of these records from JUSTICE/FBI–019 Terrorist Screening Records System, the Department of the Army hereby claims the same exemptions for the records as claimed at their source (JUSTICE/FBI–019, Terrorist Screening Records System).

(C) Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(j)(2) and (k)(2) from subsections 5 U.S.C. 552a(c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f), and (g).

(iii) Authority: 5 U.S.C. 552a(j)(2) and(k)(2).

(iv) Reasons: (A) From subsection (c)(3) because the release of the disclosure accounting would permit the subject of a criminal investigation or matter under investigation to obtain valuable information concerning the nature of that investigation which will present a serious impediment to law enforcement.

(B) From subsection (c)(4) because an exemption is being claimed for subsection (d), making this subsection not applicable.

(C) From subsection (d) because access to such records contained in this system would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(D) From subsection (e)(1) because the nature of the criminal and/or civil investigative function creates unique problems in prescribing a specific parameter in a particular case with respect to what information is relevant or necessary. Also, information may be received which may relate to a case under the investigative jurisdiction of another agency. The maintenance of this information may be necessary to provide leads for appropriate law enforcement purposes and to establish patterns of activity that may relate to the jurisdiction of other cooperating agencies.

(E) From subsection (e)(2) because in a criminal investigation, the requirement that information be collected to the greatest extent possible from the subject individual would present a serious impediment to law enforcement in that the subject of the investigation would be placed on notice of the existence of the investigation and would therefore be able to avoid detection.

(F) From subsection (e)(3) because the requirement that individuals supplying information be provided with a form stating the requirements of subsection (e)(3) would constitute a serious impediment to law enforcement in that it could compromise the existence of a confidential investigation, reveal the identity of confidential sources of information and endanger the life and physical safety of confidential informants.

(G) From subsections (e)(4)(G) and (e)(4)(H) because the requirements in those subsections are inapplicable to the extent that portions of this system of records may be exempt from subsection (d), concerning individual access.

(H) From subsection (e)(4)(I) because the identity of specific sources must be withheld in order to protect the confidentiality of the sources of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

(I) From subsection (e)(5) because in the collection of information for law enforcement purposes, it is impossible to determine in advance what information is accurate, relevant, timely, and complete. With the passage of time, seemingly irrelevant or untimely information may acquire new significance as further investigation brings new details to light and the accuracy of such information can only be determined in a court of law. The restrictions of subsection (e)(5) would restrict the ability of trained investigators and intelligence analysts to exercise their judgment in reporting on investigations and impede the development of intelligence necessary for effective law enforcement.

(J) From subsection (e)(8) because the individual notice requirements of subsection (e)(8) could present a serious impediment to law enforcement as this could interfere with the ability to issue search authorizations and could reveal investigative techniques and procedures.

(K) From subsection (f) because portions of this system of records have been exempted from the access provisions of subsection (d).

(L) From subsection (g) because portions of this system of records are compiled for law enforcement purposes and have been exempted from the access provisions of subsections (d) and (f).

(h) *Exempt OPM records.* Three Office of Personnel Management systems of records apply to Army employees, except for non-appropriated fund employees. These systems, the specific exemptions determined to be necessary and proper, the records exempted, provisions of the Privacy Act from which exempt, and justification are set forth below:

(1) Personnel Investigations Records (OPM/CENTRAL–9).

(i) Exemptions: (A) Information specifically authorized to be classified under E.O. 12958, as implemented by DoD 5200.1–R, may be exempt pursuant to 5 U.S.C. 552a(k)(1).

(B) Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source.

(C) Records maintained in connection with providing protective services to the President of the United States or other individuals pursuant to Title 18 U.S.C., section 3056 may be exempt pursuant to 5 U.S.C. 552a(k)(3).

(D) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

(E) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service may be exempt pursuant to 5 U.S.C. 552a(k)(6), if the disclosure would compromise the objectivity or fairness of the test or examination process.

(F) Evaluation material used to determine potential for promotion in the Military Services may be exempt pursuant to 5 U.S.C. 552a(k)(7), but only to the extent that the disclosure of such material would reveal the identity of a confidential source.

(G) Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(1), (k)(2), (k)(3), (k)(5), (k)(6), or (k)(7) from subsections 5 U.S.C. 552a(c)(3) and (d).

(ii) Reasons: (A) Personnel investigations may obtain from another Federal agency, properly classified information which pertains to national defense and foreign policy. Application of exemption (k)(1) may be necessary to preclude the data subject's access to an amendment of such classified information under 5 U.S.C. 552a(d) in order to protect such information.

(B) Personnel investigations may contain investigatory material compiled for law enforcement purposes other than material within the scope of 5 U.S.C. 552a(j)(2), *e.g.,* investigations into the administration of the merit system. Application of exemption (k)(2) may be necessary to preclude the data subject's access to or amendment of such records, under 552a(c)(3) and (d) because otherwise, it would inform the subject of a criminal investigation of the existence of that investigation, provide the subject of the investigation with information that might enable him to avoid detection or apprehension, and would present a serious impediment to law enforcement.

(C) Personnel investigations may obtain from another Federal agency, information that relates to providing protective services to the President of the United States or other individuals pursuant to section 3056 of title 18. Application of exemption (k)(3) may be necessary to preclude the data subject's access to or amendment of such records under 5 U.S.C. 552a(d) to ensure protective services provided to the President and others are not compromised.

(D) All information about individuals in these records that meets the criteria stated in 5 U.S.C. 552a(k)(5) is exempt from the requirements of 5 U.S.C. 552a(c)(3) and (d) in order to protect the identity of confidential sources incident to determinations of suitability, eligibility, or qualifications for Federal employment, military service, contract, and security clearance determinations.

(E) All material and information in the records that meets the criteria stated in 5 U.S.C. 552a(k)(6) is exempt from the requirements of 5 U.S.C. 552a(d), relating to access to and amendment of records by the data subject in order to preserve the confidentiality and integrity of Federal testing materials.

(F) All material and information in the records that meets the criteria stated in 5 U.S.C. 552a(k)(7) is exempt from the requirements of 5 U.S.C. 552a(d), relating to access to and amendment of records by the data subject in order to safeguard evaluation materials used for military promotions when furnished by a confidential source.

(2) Recruiting, Examining, and Placement Records (OPM/GOVT–5).

(i) Exemptions: (A) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

(B) Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service may be exempt pursuant to 5 U.S.C. 552a(k)(6), if the disclosure would compromise the objectivity or fairness of the test or examination process.

(C) Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(5), or (k)(6) from subsections 5 U.S.C. 552a(c)(3) and (d).

(ii) Reasons: (A) All information about individuals in these records that meets the criteria stated in 5 U.S.C. 552a(k)(5) is exempt from the requirements of 5 U.S.C. 552a(c)(3) and (d) in order to protect the identity of confidential sources incident to determinations of suitability, eligibility, or qualifications for Federal employment, military service, contract, and security clearance determinations. These exemptions are also claimed because this system contains investigative material compiled solely for the purpose of determining the appropriateness of a request for approval of an objection to an eligible individual's qualification for employment in the Federal service.

(B) All material and information in these records that meets the criteria stated in 5 U.S.C. 552a(k)(6) are exempt from the requirements of 5 U.S.C. 552a(d), relating to access and amendment of records by the subject, in order to preserve the confidentiality and integrity of Federal testing materials.

(3) Personnel Research Test Validation Records (OPM/GOVT–6).

(i) Exemptions: Testing or examination material used solely to determine individual qualifications for appointment or promotion in the Federal service may be exempt pursuant to 5 U.S.C. 552a(k)(6), if the disclosure would compromise the objectivity or fairness of the test or examination process. Therefore, portions of this system of records may be exempt pursuant to 5 U.S.C. 552a(k)(6) from subsections 5 U.S.C. 552a(d).

(ii) Reasons: All material and information in these records that meets the criteria stated in 5 U.S.C. 552a(k)(6) is exempt from the requirements of 5 U.S.C. 552a(d), relating to access to an amendment of the records by the data subject, in order to preserve the confidentiality and integrity of Federal testing materials.

(i) Twelve Exceptions to the ''No Disclosure without Consent'' rule of the Privacy Act.

(1) 5 U.S.C. 552a(b)(1)—To DoD officers and employees who have a need for the record in the performance of their official duties. This is the ''official need to know'' concept.

(2) 5 U.S.C. 552a(b)(2)—FOIA requires release of the information pursuant to 5. U.S.C. 552.

(3) 5 U.S.C. 552a(b)(3)—For an authorized Routine Use, *i.e.* the ''Routine Use Exception.'' The Routine Use must be listed in the applicable system of records notice published in the **Federal Register** and the purpose of the disclosure must be compatible with the purpose for the published Routine Use.

(4) 5 U.S.C. 552a(b)(4)—To the Bureau of the Census to plan or carry out a census or survey, or related activity pursuant to Title 13 of the U.S. Code.

(5) 5 U.S.C. 552a(b)(5)—To a recipient who has provided the Department of the Army or DoD with advance adequate written assurance that the record will be used solely as a statistical research or reporting record, and the record is to be transferred in a form that is not individually identifiable.

(6) 5 U.S.C. 552a(b)(6)—To the National Archives and Records Administration as a record that has sufficient historical or other value to warrant its continued preservation by the U.S. Government, or for evaluation by the Archivist of the United States or the designee of the Archivist to determine whether the record has such value. Note: Records transferred to the Federal Records Centers for storage remain under the control of the Department of the Army and no accounting for disclosure is required under the Privacy Act.

(7) 5 U.S.C. 552a(b)(7)—To another agency or instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity, if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Department of the Army or DoD specifying the particular portion desired and the law enforcement activity for which the record is sought.

(8) 5 U.S.C. 552a(b)(8)—To a person pursuant to a showing of compelling circumstances affecting the health or safety of an individual if upon such disclosure, notification is transmitted to the last known address of such individual.

(9) 5 U.S.C. 552a(b)(9)—To either House of Congress, or, to the extent the matter is within its jurisdiction, any committee or subcommittee thereof, or any joint committee of Congress or subcommittee of any such joint committee. Requests from a Congressional member acting on behalf of a constituent are not included in this exception, but may be covered by a routine use exception to the Privacy Act (See applicable Army system of records notice).

(10) 5 U.S.C. 552a(b)(10)—To the Comptroller General or authorized representatives, in the course of the performance of the duties of the Government Accountability Office.

(11) 5 U.S.C. 552a(b)(11)—Pursuant to the order of a court of competent jurisdiction. The order must be signed by a judge.

(12) 5 U.S.C. 552a(b)(12)—To a consumer reporting agency in accordance with section 3711(e) of Title 31 of the U.S. Code. The name, address, SSN, and other information identifying the individual; amount, status, and history of the claim; and the agency or program under which the case arose may be disclosed. However, before doing so, agencies must complete a series of steps designed to validate the debt and to offer the individual an opportunity to repay it.

(j) *DoD Blanket Routine Uses.* In addition to specific routine uses which are listed in the applicable Army system of records notices, certain ''Blanket Routine Uses'' may apply to all DoD maintained systems of records. These are listed on the Defense Privacy and Civil Liberties Division's Web site *http://dpcld.defense.gov/.* These ''Blanket Routine Uses'' are not specifically listed in each system of records notice as the specific routine uses are. The current DoD ''Blanket Routine Uses'' are as follows—

(1) *Law Enforcement Routine Use.* If a system of records maintained by a DoD component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the agency concerned, whether federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

(2) *Disclosure When Requesting Information Routine Use.* A record from a system of records maintained by a DoD component may be disclosed as a routine use to a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a DoD Component decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

(3) *Disclosure of Requested Information Routine Use.* A record from a system of records maintained by a DoD component may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(4) *Congressional Inquiries Disclosure Routine Use.* Disclosure from a system of records maintained by a DoD component may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(5) *Private Relief Legislation Routine Use.* Relevant information contained in all systems of records of DoD published on or before August 22, 1975, may be disclosed to Office of Management and Budget in connection with the review of private relief legislation, as set forth in OMB Circular A–19, at any stage of the legislative coordination and clearance process as set forth in that Circular.

(6) *Disclosures Required by International Agreements Routine Use.* A record from a system of records maintained by a DoD Component may be disclosed to foreign law enforcement, security, investigatory, or administrative authorities in order to comply with requirements imposed by, or to claim rights conferred in, international agreements and arrangements including those regulating the stationing and status in foreign countries of DoD military and civilian personnel.

(7) *Disclosure to State and Local Taxing Authorities Routine Use.* Any information normally contained in Internal Revenue Service Form W–2, which is maintained in a record from a system of records maintained by a DoD component, may be disclosed to state and local taxing authorities with which the Secretary of the Treasury has entered into agreements pursuant to 5 U.S.C.s 5516, 5517, and 5520 and only to those state and local taxing authorities for which an employee or military member is or was subject to tax regardless of whether tax is or was withheld. This routine use is in accordance with Treasury Fiscal Requirements Manual Bulletin 76–07.

(8) *Disclosure to the Office of Personnel Management Routine Use.* A record from a system of records subject to the Privacy Act and maintained by a DoD Component may be disclosed to the Office of Personnel Management concerning information on pay and leave, benefits, retirement deductions, and any other information necessary for the Office of Personnel Management to carry out its legally authorized government-wide personnel management functions and studies.

(9) *Disclosure to the Department of Justice for Litigation Routine Use.* A record from a system of records maintained by a DoD component may be disclosed as a routine use to any component of the Department of Justice for the purpose of representing the DoD, or any officer, employee, or member of the Department in pending or potential litigation to which the record is pertinent.

(10) *Disclosure to Military Banking Facilities Overseas Routine Use.* Information as to current military addresses and assignments may be provided to military banking facilities who provide banking services overseas and who are reimbursed by the Government for certain checking and loan losses. For personnel separated, discharged, or retired from the Armed Forces, information as to last known residential or home of record address may be provided to the military banking facility upon certification by a banking facility officer that the facility has a returned or dishonored check negotiated by the individual or the individual has defaulted on a loan and that if restitution is not made by the individual, the U.S. Government will be liable for the losses the facility may incur.

(11) *Disclosure of Information to the General Services Administration Routine Use.* A record from a system of records maintained by a DoD component may be disclosed as a routine use to the General Services Administration for the purpose of records management inspections conducted

under authority of 44 U.S.C. Sections 2904 and 2906.

(12) *Disclosure of Information to National Archives and Records Administration Routine Use.* A record from a system of records maintained by a DoD component may be disclosed as a routine use to National Archives and Records Administration for the purpose of records management inspections conducted under authority of 44 U.S.C.s 2904 and 2906.

(13) *Disclosure to the Merit Systems Protection Board Routine Use.* A record from a system of records maintained by a DoD component may be disclosed as a routine use to the Merit Systems Protection Board, including the Office of the Special Counsel for the purpose of litigation, including administrative proceedings, appeals, special studies of the civil service and other merit systems, review of the Office of Personnel Management or component rules and regulations, investigation of alleged or possible prohibited personnel practices, including administrative proceedings involving any individual subject of a DoD investigation, and such other functions, promulgated in 5 U.S.C.s 1205 and 1206, or as may be authorized by law.

(14) *Counterintelligence Purposes Routine Use.* A record from a system of records maintained by a DoD component may be disclosed as a routine use outside the DoD or the U.S. Government for the purpose of counterintelligence activities authorized by U.S. Law or Executive Order or for the purpose of enforcing laws which protect the national security of the United States.

(15) *Data Breach Remediation Purposes Routine Use.* A record from a system of records maintained by a Component may be disclosed to appropriate agencies, entities, and persons when:

(1) The Component suspects or has confirmed that the security or confidentiality of the information in the system of records has been compromised;

(2) The Component has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the Component or another agency or entity) that rely upon the compromised information; and

(3) The disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Component's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

(16) Information Sharing Environment Routine Use. A record from a system of records maintained by a Component consisting of, or relating to, terrorism information (6 U.S.C. 485(a)(4)), homeland security information (6 U.S.C. 482(f)(1)), or law enforcement information (Guideline 2 Report attached to White House Memorandum, ''Information Sharing Environment Reports,'' November 22, 2006) may be disclosed to a Federal, State, local, tribal, territorial, foreign governmental and/or multinational agency, either in response to its request or upon the initiative of the Component, for purposes of sharing such information as is necessary and relevant for the agencies to the detection, prevention, disruption, preemption, and mitigation of the effects of terrorist activities against the territory, people, and interests of the United States of America as contemplated by the Intelligence Reform and Terrorism Protection Act of 2004 (Pub. L. 108–458) and Executive Order 13388 (October 25, 2005).

[FR Doc. 2015–03862 Filed 2–25–15; 8:45 am]

BILLING CODE 3710–08–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2010–0611; FRL–9923–24–Region 6]

Approval and Promulgation of Implementation Plans; Texas; Revision to Control of Air Pollution From Volatile Organic Compounds; Alternative Leak Detection and Repair Work Practice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve a Texas State Implementation Plan (SIP) revision for control of volatile organic compound (VOC) emissions from fugitive sources that was submitted to EPA on July 2, 2010. The SIP revision allows for a voluntary alternative work practice to detect fugitive emission leaks using optical gas imaging instruments under the EPA federal Leak Detection and Repair (LDAR) requirements. The EPA is approving this SIP revision pursuant to section 110 of the Clean Air Act (CAA) and consistent with EPA's guidance and regulations.

DATES: This rule is effective on April 27, 2015 without further notice, unless EPA receives relevant adverse comment by March 30, 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–2010–0611, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions.
- *Email:* Jennifer Huser at *huser.jennifer@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–2010–0611. 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: Jennifer Huser, (214) 665–7347, *huser.jennifer@epa.gov.* To inspect the hard copy materials, please schedule an appointment with Ms. Huser 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
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I. Background

A. CAA and SIPs

Section 110 of the CAA requires states to develop and submit to EPA a SIP to ensure that state air quality meets National Ambient Air Quality Standards (NAAQS). These NAAQS standards currently address six criteria pollutants: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide. Each federally-approved SIP protects air quality primarily by addressing air pollution at its point of origin through air pollution regulations and control strategies. EPA-approved SIPs, including control strategies are federally enforceable. As needed, States revise the SIP and submit revisions to EPA for approval.

B. SIP Revision Submitted on July 2, 2010

On July 2, 2010, the Texas Commission on Environmental Quality (TCEQ) submitted revisions to the Texas SIP LDAR rules to allow a voluntary alternative work practice to detect fugitive emission leaks using optical gas imaging. The submitted SIP revisions amended Texas Administrative Code (TAC) at 30 TAC Chapters 115.322–115.326, 115.352–115.357, 115.781, 115.782, and 115.768–788, and added new 30 TAC Chapter 115.358 and 30 TAC Chapter 115.784, Control of Air Pollution from Volatile Organic Compounds. The federal and state LDAR program is a fundamental aspect of air pollution control by reducing emissions from leaking piping components and instrumentation.

Section 172(c)(1) and 182 of the CAA require ozone nonattainment areas that are classified as moderate and above for ozone nonattainment to adopt Reasonably Available Control Technology (RACT) requirement for sources that are subject to Control Technique Guidelines (CTGs) issued by EPA and for ''major sources'' of VOCs and nitrogen oxides (NO_X). Major sources are defined as the following for each affected nonattainment area: In areas classified as moderate, those sources that the potential to emit at least 100 tons per year (tpy) of VOCs or NO_X; for areas classified as serious, those that have the potential to emit 50 tpy of VOCs or NO_X; and in areas classified as severe, those sources that have the potential to emit at least 25 tons per year of VOCs or NO_X. See Section 182(c) of the CAA. The Dallas-Fort Worth (DFW) ozone nonattainment area for the 1997 8-hour ozone standard consists of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall and Tarrant Counties. The DFW area was reclassified as serious ozone nonattainment for the 1997 8-hour ozone standard (75 FR 79302, December 20, 2010). The Houston-Galveston-Brazoria (HGB) ozone nonattainment area for the 1997 8-hour ozone standard consists of Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery and Waller counties. The HGB area was classified as a severe ozone nonattainment area for the 1997 8-hour ozone NAAQS (73 FR 56983, October 1, 2008). The Beaumont Port Arthur (BPA) area of the 1997 8-hour ozone standard consists of Hardin, Jefferson, and Orange Counties.

The fugitive emission LDAR rules in 30 TAC Chapter 115 (denoted as 30 TAC 115), referenced above, fall under two general categories, and are incorporated into the SIP: 1) 30 TAC 115, Subchapter D, Divisions 2 and 3 cover general VOC fugitive emission LDAR rules and were adopted to satisfy reasonably available control technology (RACT) requirements of the CAA (see 73 FR 10383, March 28, 2008 for Division 2 and 73 FR 40972, September 15, 2008 for Division 3); and 2) the highly-reactive volatile organic compounds (HRVOC) fugitive emission LDAR rules, in 30 TAC 115, Subchapter H, Division 3 were adopted as part of the HGB attainment demonstration for the one-hour ozone NAAQS (see 71 FR 52655, December 6, 2006). The revision incorporates the voluntary alternative work practice for both categories consistent with the alternative work practice adopted by the EPA on December 22, 2008 (73 FR 78199). For the first category, Subchapter D, Division 2 applies to petroleum refineries in Gregg, Nueces, and Victoria counties and 30 TAC Chapter 115, Subchapter D, Division 3 applies to the following facility types in the BPA, DFW, El Paso, and HGB areas as defined in 30 TAC 115.10: petroleum refineries; synthetic organic chemical, polymer, resin, or methyl-tert-butyl ether manufacturing processes; or natural gas/gasoline processing operations. For the second category, 30 TAC 115, Subchapter H, Division 3 applies to the following facility types in the HGB area as defined in 30 TAC 115.10 that have HRVOC as raw material, intermediate, final product, or in a waste stream: petroleum refineries; synthetic organic chemical, polymer, resin, or methyl-tert-butyl ether manufacturing processes; or natural gas/gasoline processing operations.

The SIP revision submitted by Texas is provided in the docket for this rulemaking.

C. What criteria must be met for EPA to approve this SIP revision?

The primary CAA requirements pertaining to the SIP revision submitted by Texas are found in CAA sections 110(l) and 182(b)(2). CAA section 110(l) requires that a SIP revision submitted to EPA be adopted after reasonable notice and public hearing. Section 110(l) also requires that we not approve a SIP revision if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the CAA. CAA section 182(b)(2) requires that ozone nonattainment areas classified as moderate or above implement RACT controls on all major VOC and NO_X emission sources and on all sources and source categories covered by a control technique guideline (CTG) issued by EPA. RACT is defined as the lowest emissions limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (44 FR 53762, September 17, 1979). The CTG and Alternative Control Technique (ACT) documents that we issue provide states with guidance concerning what types of controls could constitute RACT for a given source category. The documents we have issued pertaining to fugitive emissions from equipment leaks are (1) Control of Volatile Organic Compound Leaks from Petroleum Refinery Equipment (EPA–450/2–78–036, June 1978), (2) Control of Volatile Organic Compound Equipment Leaks from Natural Gas/Gasoline Processing Plants (EPA–450/3–83–007, December 1983), and (3) Control of Volatile Organic Compound Leaks from Synthetic Organic Chemical and Polymer Manufacturing Equipment EPA–450/3–83–006, March 1984). These documents are accessible online at *www.epa.gov/airquality/ozonepollution/SIPToolkit/ctgs.html.* Because the DFW area was classified as a serious ozone nonattainment area for the 1997 8-hour ozone standard, a major source is a source having the potential to emit 50 tpy of VOC or more (CAA § 182(c)). Because the HGB area is classified as a severe ozone nonattainment area for the 1-hour ozone standard, a major source is a source having the potential to emit 25 tpy of VOC or more (CAA § 182(d)).

II. EPA's Evaluation

The alternative work practice is a voluntary alternative to hydrocarbon analyzers required by EPA Method 21 (See the technical support document (TSD) for more detail) [1] to detect volatile organic compound leaks from equipment such as valves, pumps, connectors, compressors, pressure relief valves, etc. While EPA demonstrated that the use of optical gas imaging in the alternative work practice is equivalent to using a hydrocarbon analyzer in EPA Method 21, the optical gas imaging technology available today is generally not capable of measuring concentration and has a higher detection limit than the hydrocarbon analyzers. Therefore, the methods are not interchangeable and therefore the alternative work practice cannot simply be included as an alternate method. The fundamental premise behind EPA's rule in allowing the alternative work practice is that more frequent monitoring with the optical gas imaging device will detect larger leaks sooner resulting in a more expedient repair of the leaks. While smaller leaks may not be detected using the optical gas imaging device, the overall control level under the optical gas imaging alternative work practice is considered equivalent, or in some cases superior to, the traditional LDAR work practice using Method 21. This makes the alternative work practice more similar to an alternate means of control rather than an alternative test method. EPA's rationale in approving the alternate work practice is further discussed in the December 22, 2008 **Federal Register** (73 FR 78199). While EPA adopted the use of the alternative work practice for numerous federal LDAR rules, many facilities will not be able to make use of the alternative work practice until the fugitive emission LDAR rules are revised in the Texas SIP. Additionally, the proposed SIP revision does not change the New Source Review (NSR) permit requirements, and therefore sources choosing to implement the alternative work practice will need to change the facility's permit LDAR requirements through the SIP-approved NSR permit amendment process.

In its adopted rule, TCEQ made several substantive changes that were not required by the federal alternative work practice in 40 CFR part 60.18. These additional requirements were added by TCEQ to ensure that personnel using optical gas imaging instruments have adequate training and to address quality assurance and enforcement concerns with the federal alternative work practice in 40 CFR part 60.18. These changes include:

- Each person operating an optical gas imaging instrument for the purposes of the alternative work practice will be required to conduct the daily instrument check. [30 TAC 115.358(c)(2)]
- Owners or operators electing to use the alternative work practice will be required to submit notification to the appropriate TCEQ regional office at least 30 days prior to implementation. [30 TAC 115.358(g)]
- Operator training will be required for personnel performing the alternative work practice. [30 TAC 115.358(h)]
- A specific subset of components (*e.g.*, blind flanges, heat exchanger heads, sight glasses, etc.) subject to 30 TAC 115.781(b)(3) may be sampled at alternate frequencies for the annual Method 21 test required under the alternative work practice if the components are not subject to a federal LDAR Method 21 requirement under 40 CFR parts 60, 61, 63, or 65 [30 TAC 115.781(h)(6)].

TCEQ also added provisions to the federal alternative work practice specifically to ensure there would be no backsliding for the HRVOC fugitive emission LDAR rules in 30 TAC 115, Subchapter H, Division 3. Those changes include:

- For leaks greater than 10,000 part per million by volume (ppmv), rapid repair times are required under 30 TAC 115.782(b) and extraordinary efforts must be undertaken within a shorter time period to qualify for delay of repair under 30 TAC 115.782(c). The rulemaking will require any leak detected using the alternative work practice to meet the more stringent repair time limits of 30 TAC 115.782(b) and (c) unless a Method 21 test is done to demonstrate that the leak is 10,000 ppmv or less.
- The rule will retain the third-party audit requirements of 30 TAC 115.788; however, an alternative audit procedure will be required if the company is using the alternative work practice.
- Consistent with EPA guidance, Protocol for Equipment Leak Emission Estimates, EPA–453/R–95–017, November 1995, 30 TAC 115.782(c) requires companies to use EPA correlation equations for calculating emissions. For leaks detected using the alternative work practice, a company will be required to use the 100,000 ppmv pegged emission rates from the same section of the EPA guidance document currently referenced in the rule at 30 TAC 115.782(c)(1)(i)(II).

The SIP revision is approvable as it is consistent with the EPA federal LDAR rule that provides an alternative to required monitoring for fugitive components to ensure facilities identify and repair leaking equipment in a timely and effective manner to reduce fugitive air emissions. In addition the SIP revision improves upon the SIP-approved rules in that it provides for this voluntary alternative method for the detection of fugitive emissions from leaking components, as detailed in our TSD. Approval of this SIP revision would not interfere with any applicable requirement concerning attainment and reasonable further progress or any other applicable requirement of the CAA. Lastly, EPA's review indicates that the Texas AWP provisions are as stringent as or more stringent than the federal AWP and provide no relaxation of the state's rules for leak detection and repair.

III. Final Action

We are taking direct final action to approve revisions to the Texas SIP that pertain to the control of air pollution from VOCs alternative LDAR work practice, adopted by the TCEQ on June 2, 2010, and submitted to the EPA on July 2, 2010. EPA is approving these revisions in accordance with sections 110, 173 and 182 of the CAA and consistent with EPA's guidance and regulations.

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 27, 2015 without further notice unless we receive relevant adverse comment by March 30, 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.

[1] The TSD is in the docket for this rulemaking.

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 27, 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, Alternative work practice, Incorporation by reference, Leak detection and repair, Optical gas imaging, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: February 9, 2015.

Ron Curry,

Regional Administrator, Region 6.

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 SS—Texas

■ 2. In § 52.2270 (c), the table titled ''EPA Approved Regulations in the Texas SIP'' is amended by:

■ a. Revising the entries for sections 115.322 through 115.326, 115.352 through 115.357, 115.781, 115.782, and 115.786 through 115.788; and

■ b. Adding in sequential order entries for sections 115.358 and 115.784.

The revisions and additions read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED REGULATIONS IN THE TEXAS SIP

State citation	Title/subject	State approval/ submittal date	EPA approval date	Explanation
*	*	*	*	*	*	*
Chapter 115 (Reg 5)—Control of Air Pollution From Volatile Organic Compounds						
*	*	*	*	*	*	*
Subchapter D—Petroleum Refining, Natural Gas Processing, and Petrochemical Processes						

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/subject	State approval/ submittal date	EPA approval date	Explanation
*	*	*	*	*
Division 2: Fugitive Emission Control in Petroleum Refineries in Gregg, Nueces, and Victoria Counties			
Section 115.322	Control Requirements	6/2/2010	2/26/2015 [Insert Federal Register citation].	
Section 115.323	Alternate Control Requirements	6/2/2010	2/26/2015 [Insert Federal Register citation].	
Section 115.324	Inspection Requirements	6/2/2010	2/26/2015 [Insert Federal Register citation].	
Section 115.325	Testing Requirements	6/2/2010	2/26/2015 [Insert Federal Register citation].	
Section 115.326	Recordkeeping Requirements	6/2/2010	2/26/2015 [Insert Federal Register citation].	
*	*	*	*	*
Division 3: Fugitive Emission Control in Petroleum Refining, Natural Gas/Gasoline Processing, and Petrochemical Processes in Ozone Nonattainment Areas				
Section 115.352	Control Requirements	6/2/2010	2/26/2015 [Insert Federal Register citation].	
Section 115.353	Alternate Control Requirements	6/2/2010	2/26/2015 [Insert Federal Register citation].	
Section 115.354	Monitoring and Inspection Requirements	6/2/2010	2/26/2015 [Insert Federal Register citation].	
Section 115.355	Approved Test Methods	6/2/2010	2/26/2015 [Insert Federal Register citation].	
Section 115.356	Recordkeeping Requirements	6/2/2010	2/26/2015 [Insert Federal Register citation].	
Section 115. 357	Exemptions	6/2/2010	2/26/2015 [Insert Federal Register citation].	
Section 115.358	Alternative Work Practice	6/2/2010	2/26/2015 [Insert Federal Register citation].	
*	*	*	*	*
Subchapter H—Highly-Reactive Volatile Organic Compounds				
*	*	*	*	*
Division 3: Fugitive Emissions				
*	*	*	*	*
Section 115.781	General Monitoring and Inspection Requirements.	6/2/2010	2/26/2015 [Insert Federal Register citation].	
Section 115.782	Procedures and Schedule for Leak Repair and Follow-up.	6/2/2010	2/26/2015 [Insert Federal Register citation].	
*	*	*	*	*
Section 115.784	Alternate Control Requirements	6/2/2010	2/26/2015 [Insert Federal Register citation].	
Section 115.786	Recordkeeping Requirements	6/2/2010	2/26/2015 [Insert Federal Register citation].	
Section 115.787	Exemptions	6/2/2010	2/26/2015 [Insert Federal Register citation].	
Section 115.788	Audit Provisions	6/2/2010	2/26/2015 [Insert Federal Register citation].	
*	*	*	*	*

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[FR Doc. 2015–03588 Filed 2–25–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R05–OAR–2009–0554; FRL–9923–35–Region 5]

Approval of Other Solid Waste Incineration Units State Plan for Designated Facilities and Pollutants: Indiana

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving Indiana's State Plan to control air pollutants from ''Other Solid Waste Incineration'' (OSWI) units. The Indiana Department of Environmental Management (IDEM) submitted the State Plan to EPA on November 27, 2007. The State Plan is consistent with Emission Guidelines (EG) promulgated by EPA on December 16, 2005. This approval means that EPA finds that the State Plan meets applicable Clean Air Act (Act) requirements for OSWI units for which construction commenced on or before December 4, 2004. Once effective, this approval also makes the State Plan Federally enforceable.

DATES: This direct final rule will be effective April 27, 2015, unless EPA receives adverse comments by March 30, 2015. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2009–0554, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: nash.carlton@epa.gov.*
3. *Fax:* (312) 692–2543.
4. *Mail:* Carlton T. Nash, Chief, Integrated Air Toxics Section, Air Toxics and Assessment Branch (AT–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Carlton T. Nash, Chief, Integrated Air Toxics Section, Air Toxics and Assessment Branch (AT–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding Federal holidays.

Instructions: Direct your comments to Docket ID No. EPA–R05–OAR–2009–0554. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. We recommend that you telephone Margaret Sieffert, Environmental Engineer, at (312) 353–1151 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Margaret Sieffert, Environmental Engineer, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard (AT–18J), Chicago, Illinois 60604, (312) 353–1151, *sieffert.margaret@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. Background
II. What does the state plan contain?
III. Does the state plan meet the EPA requirements?
IV. What action is EPA taking?
V. Statutory and Executive Order Reviews

I. Background

On December 16, 2005, in accordance with sections 111 and 129 of the Act, EPA promulgated OSWI EGs and compliance schedules for the control of emissions from existing OSWI units. *See* 70 FR 74870. EPA codified these regulations at 40 CFR part 60, subpart FFFF. They include a model rule at 40 CFR 60.3000 through 60.3078. ''OSWI units'' are very small municipal waste combustors and institutional waste incinerators. *See* 40 CFR 60.3078.

Under section 111(d) of the Act, EPA is required to develop regulations for existing sources of noncriteria pollutants (*i.e.*, a pollutant for which there is no national ambient air quality standard) whenever EPA promulgates a standard for a new source. These would include OSWI units. Section 111(d) plans are subject to EPA review and approval.

Under section 129(b)(2) of the Act and the regulations at Subpart FFFF, states with OSWI units must submit to EPA plans that implement the EGs. The plans must be at least as protective as the EGs, which are not Federally enforceable until EPA approves a State Plan (or promulgates a Federal Plan for implementation and enforcement).

40 CFR part 60, subpart B contains general provisions applicable to the adoption and submittal of State Plans for subject facilities under section 111(d), which would include OSWI units. On November 27, 2007, Indiana submitted its OSWI State Plan to EPA. This submission followed public hearings for preliminary adoption of the State Plan on December 6, 2006 and for final adoption on February 7, 2007. The State adopted the final Plan on February 7, 2007, and became effective on August 9, 2007. The Plan includes State rule 326 IAC 11–9, which establishes emission standards for existing OSWI. EPA was sued and subsequently State Plan submittals were put on hold. See

Sierra Club v. *EPA*, D.C. Cir. Nos. 06–1066, 07–1063 On March 17, 2014, EPA notified IDEM that it could now process the State Plan, but that IDEM needed to submit an Attorney General's Opinion regarding the State's legal authority to ''Incorporate By Reference'' the EG's. The AG's Opinion was sent on November 13, 2014.

II. What does the State Plan contain?

The State submittal is based on the OSWI EGs (§§ 60.2980–60.3078) and incorporates by reference significant portions of that rule. As prescribed by section 129 of the Act and in 40 CFR part 60, subparts B and FFFF, the State Plan addresses the nine required elements in 40 CFR 60.2983 as follows:

1. An inventory of affected OSWI units, including those that have ceased operation but have not been dismantled. Indiana has provided this.

2. An inventory of the emissions from each of the OSWI units. Indiana has provided this.

3. A compliance schedule for each affected incineration unit. Indiana has provided a compliance schedule and a compliance date of August 9, 2010.

4. For each affected incineration unit, emission limitations, operator training and qualification requirements, a waste management plan, and operating parameter requirements that are at least as protective as the emission guidelines contained in 40 CFR 60.2983. Indiana has accomplished this, through the incorporation by reference (IBR) in 326 IAC 11–9.

5. Stack testing, recordkeeping, and reporting requirements. Indiana has accomplished this, through the IBR in 326 IAC 11–9.

6. A transcript of the public hearing on the State Plan. Indiana has certified that such a hearing was held, and that there were no comments.

7. A provision for State progress reports to EPA. Indiana has stated that it will submit data and information using the EPA Aerometric Emissions Information Retrieval System. The manner and form of reporting will be coordinated with EPA, Region 5.

8. An identification of enforceable State mechanisms selected for implementing the EGs. Indiana has provided a detailed list which identified the enforceable mechanisms.

9. A demonstration of the State's legal authority to carry out sections 111(d) and 129 of the Act in its State Plan. Indiana has provided a detailed list which demonstrated that it has such legal authority. This includes the legal authority to incorporate by reference Federal EG provisions, as confirmed by an Indiana Attorney General's Opinion dated November 10, 2014.

III. Does the State Plan meet the EPA requirements?

EPA has evaluated the OSWI State Plan and related information submitted by Indiana for consistency with the Act, EPA regulations and policy. For the reasons discussed above, EPA has determined that the State Plan meets all applicable requirements and, therefore, is approving it.

IV. What action is EPA taking?

EPA is approving the State Plan which Indiana submitted on November 27, 2007, for the control of emissions from existing OSWI sources in the State. EPA is publishing this action without prior proposal because the Agency views this as a non-controversial action and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the State Plan in the event adverse comments are filed. This rule will be effective April 27, 2015 without further notice unless we receive relevant adverse written comments by March 30, 2015. If we receive such comments, we will withdraw this action before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the proposed action. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. 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. If we do not receive any comments, this action will be effective April 27, 2015.

V. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal requirement, and does not alter the relationship or the distribution of power and responsibilities established in the Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it approves a state rule implementing a Federal standard.

In reviewing section 111(d)/129 plan submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a section 111(d)/129 plan submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a section 111(d)/129 plan submission, to use VCS in place of a section 111(d)/129 plan submission that otherwise satisfies the provisions of the Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C.

272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

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**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under Section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 27, 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 approving Indiana's section 111(d)/129 plan revision for SSI sources may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Air pollution control, Administrative practice and procedure, Intergovernmental relations, Reporting and recordkeeping requirements, Waste treatment and disposal.

Dated: February 12, 2015.

Bharat Mathur,

Acting Regional Administrator, Region 5.

40 CFR part 62 is amended as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

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

Subpart P—Indiana

■ 2. Add an undesignated center heading and §§ 62.3680, 62.3681, and 62.3682 to subpart P to read as follows:

Control of Air Emissions From Existing Other Solid Waste Incinerator Units

§ 62.3680 Identification of plan.

On November 27, 2007, Indiana submitted the State Plan for implementing the Other Solid Waste Incineration Units (OSWI). The enforceable mechanism for this State Plan is a State rule codified in 326 Indiana Administrative Code (IAC) 11–9. The rule was adopted on February 7, 2007, and became effective on August 9, 2007.

§ 62.3681 Identification of sources.

The Indiana State Plan for existing Other Solid Waste Incineration (OSWI) units applies to all OSWI units as defined in § 60.3078 for which construction commenced on or before December 9, 2004 to comply with this subpart.

§ 62.3682 Effective date.

The Federal effective date of the Indiana State Plan for existing Sewage Sludge Incinerators is April 27, 2015.

[FR Doc. 2015–03792 Filed 2–25–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2014–0002; Internal Agency Docket No. FEMA–8371]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date. Also, information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB). The CSB is available at *http://www.fema.gov/fema/csb.shtm.*

DATES: The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Bret Gates, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–4133.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a

flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Region II				
New York:				
Albany, City of, Albany County	360001	November 1, 1974, Emerg; April 15, 1980, Reg; March 16, 2015, Susp.	March 16, 2015	March 16, 2015.
Altamont, Village of, Albany County	360002	November 6, 1975, Emerg; August 15, 1983, Reg; March 16, 2015, Susp.	.....do *	Do.
Berne, Town of, Albany County	360003	June 4, 1975, Emerg; August 1, 1987, Reg; March 16, 2015, Susp.	.....do	Do.
Bethlehem, Town of, Albany County	361540	October 29, 1974, Emerg; June 15, 1983, Reg; March 16, 2015, Susp.	.....do	Do.
Coeymans, Town of, Albany County	360005	July 31, 1974, Emerg; August 3, 1989, Reg; March 16, 2015, Susp.	.....do	Do.
Cohoes, City of, Albany County	360006	May 25, 1973, Emerg; December 4, 1979, Reg; March 16, 2015, Susp.	.....do	Do.
Colonie, Town of, Albany County	360007	February 25, 1974, Emerg; September 5, 1979, Reg; March 16, 2015, Susp.	.....do	Do.
Green Island, Village of, Albany County	360009	December 3, 1974, Emerg; June 4, 1980, Reg; March 16, 2015, Susp.	.....do	Do.
Guilderland, Town of, Albany County	360010	October 9, 1974, Emerg; January 6, 1983, Reg; March 16, 2015, Susp.	.....do	Do.
Knox, Township of, Albany County	360011	October 26, 1979, Emerg; August 13, 1982, Reg; March 16, 2015, Susp.	.....do	Do.
Menands, Village of, Albany County	360012	July 25, 1974, Emerg; March 18, 1980, Reg; March 16, 2015, Susp.	.....do	Do.
New Scotland, Town of, Albany County	360013	July 31, 1975, Emerg; December 1, 1982, Reg; March 16, 2015, Susp.	.....do	Do.
Ravena, Village of, Albany County	361346	October 29, 1979, Emerg; April 2, 1982, Reg; March 16, 2015, Susp.	.....do	Do.
Rensselaerville, Town of, Albany County.	360014	May 13, 1977, Emerg; August 27, 1982, Reg; March 16, 2015, Susp.	.....do	Do.
Voorheesville, Village of, Albany County	360015	June 11, 1975, Emerg; December 1, 1982, Reg; March 16, 2015, Susp.	.....do	Do.
Watervliet, City of, Albany County	360016	November 29, 1974, Emerg; January 2, 1980, Reg; March 16, 2015, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Westerlo, Town of, Albany County	360017	June 17, 1975, Emerg; August 3, 1989, Reg; March 16, 2015, Susp.	.....do	Do.
Region III				
Delaware:				
Bethany Beach, Town of, Sussex County.	105083	November 12, 1971, Emerg; April 6, 1973, Reg; March 16, 2015, Susp.	.....do	Do.
Bethel, Town of, Sussex County	100055	January 22, 1976, Emerg; January 16, 1981, Reg; March 16, 2015, Susp.	.....do	Do.
Blades, Town of, Sussex County	100031	May 30, 1975, Emerg; January 16, 1981, Reg; March 16, 2015, Susp.	.....do	Do.
Bridgeville, Town of, Sussex County	100032	May 13, 1975, Emerg; January 7, 1977, Reg; March 16, 2015, Susp.	.....do	Do.
Dewey Beach, Town of, Sussex County	100056	June 18, 1982, Emerg; June 18, 1982, Reg; March 16, 2015, Susp.	.....do	Do.
Fenwick Island, Town of, Sussex County.	105084	November 19, 1971, Emerg; March 23 1973, Reg; March 16, 2015, Susp.	.....do	Do.
Frankford, Town of, Sussex County	100037	July 17, 1975, Emerg; September 16, 1981, Reg; March 16, 2015, Susp.	.....do	Do.
Georgetown, Town of, Sussex County	100062	N/A, Emerg; May 5, 2003, Reg; March 16, 2015, Susp.	.....do	Do.
Greenwood, Town of, Sussex County	100039	July 30, 1975, Emerg; February 24, 1978, Reg; March 16, 2015, Susp.	.....do	Do.
Lewes, City of, Sussex County	100041	March 23, 1973, Emerg; March 15, 1977, Reg; March 16, 2015, Susp.	.....do	Do.
Milford, City of, Kent and Sussex Counties.	100042	June 5, 1974, Emerg; June 1, 1977, Reg; March 16, 2015, Susp.	.....do	Do.
Millsboro, Town of, Sussex County	100043	May 28, 1974, Emerg; September 1, 1978, Reg; March 16, 2015, Susp.	.....do	Do.
Millville, Town of, Sussex County	100044	October 2, 1978, Emerg; September 25, 1981, Reg; March 16, 2015, Susp.	.....do	Do.
Ocean View, Town of, Sussex County	100046	July 1, 1975, Emerg; September 3, 1980, Reg; March 16, 2015, Susp.	.....do	Do.
Rehoboth Beach, City of, Sussex County.	105086	February 11, 1972, Emerg; March 30, 1973, Reg; March 16, 2015, Susp.	.....do	Do.
Seaford, City of, Sussex County	100048	October 2, 1974, Emerg; February 1, 1979, Reg; March 16, 2015, Susp.	.....do	Do.
Selbyville, Town of, Sussex County	100038	February 12, 1990, Emerg; July 16, 1991, Reg; March 16, 2015, Susp.	.....do	Do.
Slaughter Beach, Town of, Sussex County.	100050	May 28, 1974, Emerg; July 2, 1980, Reg; March 16, 2015, Susp.	.....do	Do.
South Bethany, Town of, Sussex County.	100051	September 15, 1972, Emerg; October 6, 1976, Reg; March 16, 2015, Susp.	.....do	Do.
Sussex County, Unincorporated Areas	100029	April 16, 1971, Emerg; October 6, 1976, Reg; March 16, 2015, Susp.	.....do	Do.
Maryland:				
Brookview, Town of, Dorchester County	240097	March 17, 1976, Emerg; January 7, 1977, Reg; March 16, 2015, Susp.	.....do	Do.
Cambridge, City of, Dorchester County	240098	August 12, 1975, Emerg; January 16, 1981, Reg; March 16, 2015, Susp.	.....do	Do.
Church Creek, Town of, Dorchester County.	240101	N/A, Emerg; July 25, 1995, Reg; March 16, 2015, Susp.	.....do	Do.
Dorchester County, Unincorporated Areas.	240026	January 23, 1974, Emerg; October 15, 1981, Reg; March 16, 2015, Susp.	.....do	Do.
Eldorado, Town of, Dorchester County	240105	November 11, 1975, Emerg; December 15, 1978, Reg; March 16, 2015, Susp.	.....do	Do.
Galestown, Town of, Dorchester County	240106	June 2, 2004, Emerg; May 24, 2011, Reg; March 16, 2015, Susp.	.....do	Do.
Hurlock, Town of, Dorchester County	240112	September 18, 1975, Emerg; January 16, 1981, Reg; March 16, 2015, Susp.	.....do	Do.
Secretary, Town of, Dorchester County	240123	June 13, 1975, Emerg; December 19, 1980, Reg; March 16, 2015, Susp.	.....do	Do.
Vienna, Town of, Dorchester County	240127	December 12, 1975, Emerg; December 15, 1978, Reg; March 16, 2015, Susp.	.....do	Do.
Pennsylvania:				
Bedminster, Township of, Bucks County	421049	February 5, 1976, Emerg; December 1, 1983, Reg; March 16, 2015, Susp.	.....do	Do.
Bensalem, Township of, Bucks County	420181	December 15, 1972, Emerg; July 17, 1978, Reg; March 16, 2015, Susp.	.....do	Do.
Bridgeton, Township of, Bucks County	420182	December 10, 1971, Emerg; September 30, 1977, Reg; March 16, 2015, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Bristol, Borough of, Bucks County	420183	September 15, 1972, Emerg; December 18, 1979, Reg; March 16, 2015, Susp.	.....do	Do.
Bristol, Township of, Bucks County	420984	November 10, 1972, Emerg; September 29, 1978, Reg; March 16, 2015, Susp.	.....do	Do.
Buckingham, Township of, Bucks County.	420985	January 15, 1974, Emerg; March 15, 1979, Reg; March 16, 2015, Susp.	.....do	Do.
Chalfont, Borough of, Bucks County	420184	February 25, 1972, Emerg; December 28, 1976, Reg; March 16, 2015, Susp.	.....do	Do.
Doylestown, Borough of, Bucks County	421410	February 17, 1977, Emerg; June 1, 1984, Reg; March 16, 2015, Susp.	.....do	Do.
Doylestown, Township of, Bucks County.	420185	December 22, 1972, Emerg; September 29, 1978, Reg; March 16, 2015, Susp.	.....do	Do.
Durham, Township of, Bucks County	420186	September 8, 1972, Emerg; August 15, 1978, Reg; March 16, 2015, Susp.	.....do	Do.
East Rockhill, Township of, Bucks County.	420187	January 26, 1973, Emerg; August 1, 1977, Reg; March 16, 2015, Susp.	.....do	Do.
Falls, Township of, Bucks County	420188	July 21, 1972, Emerg; September 30, 1980, Reg; March 16, 2015, Susp.	.....do	Do.
Haycock, Township of, Bucks County	421127	July 28, 1975, Emerg; September 3, 1980, Reg; March 16, 2015, Susp.	.....do	Do.
Hilltown, Township of, Bucks County	420189	October 6, 1972, Emerg; January 30, 1981, Reg; March 16, 2015, Susp.	.....do	Do.
Hulmeville, Borough of, Bucks County	420190	August 16, 1973, Emerg; September 30, 1977, Reg; March 16, 2015, Susp.	.....do	Do.
Langhorne, Borough of, Bucks County	421074	January 24, 1975, Emerg; July 2, 1980, Reg; March 16, 2015, Susp.	.....do	Do.
Langhorne Manor, Borough of, Bucks County.	422336	October 5, 1976, Emerg; February 15, 1984, Reg; March 16, 2015, Susp.	.....do	Do.
Lower Makefield, Township of, Bucks County.	420191	December 1, 1972, Emerg; September 30, 1977, Reg; March 16, 2015, Susp.	.....do	Do.
Lower Southampton, Township of, Bucks County.	420192	September 15, 1972, Emerg; March 15, 1977, Reg; March 16, 2015, Susp.	.....do	Do.
Middletown, Township of, Bucks County	420193	October 6, 1972, Emerg; December 4, 1979, Reg; March 16, 2015, Susp.	.....do	Do.
Milford, Township of, Bucks County	422337	June 17, 1975, Emerg; June 1, 1982, Reg; March 16, 2015, Susp.	.....do	Do.
Morrisville, Borough of, Bucks County	420194	September 1, 1972, Emerg; September 30, 1977, Reg; March 16, 2015, Susp.	.....do	Do.
New Britain, Borough of, Bucks County	420986	December 6, 1973, Emerg; April 2, 1979, Reg; March 16, 2015, Susp.	.....do	Do.
New Britain, Township of, Bucks County.	420987	April 18, 1973, Emerg; September 30, 1977, Reg; March 16, 2015, Susp.	.....do	Do.
New Hope, Borough of, Bucks County	420195	January 19, 1973, Emerg; December 15, 1977, Reg; March 16, 2015, Susp.	.....do	Do.
Newtown, Borough of, Bucks County	420196	February 5, 1975, Emerg; December 18, 1979, Reg; March 16, 2015, Susp.	.....do	Do.
Newtown, Township of, Bucks County	421084	March 16, 1976, Emerg; December 18, 1979, Reg; March 16, 2015, Susp.	.....do	Do.
Nockamixon, Township of, Bucks County.	420197	February 2, 1973, Emerg; November 2, 1977, Reg; March 16, 2015, Susp.	.....do	Do.
Northampton, Township of, Bucks County.	420988	September 26, 1973, Emerg; February 15, 1980, Reg; March 16, 2015, Susp.	.....do	Do.
Penndel, Borough of, Bucks County	422678	September 27, 1996, Emerg; June 20, 2001, Reg; March 16, 2015, Susp.	.....do	Do.
Perkasie, Borough of, Bucks County	420198	September 8, 1972, Emerg; March 1, 1977, Reg; March 16, 2015, Susp.	.....do	Do.
Plumstead, Township of, Bucks County	420199	February 25, 1973, Emerg; September 29, 1978, Reg; March 16, 2015, Susp.	.....do	Do.
Quakertown, Borough of, Bucks County	420200	February 2, 1973, Emerg; July 5, 1977, Reg; March 16, 2015, Susp.	.....do	Do.
Richland, Township of, Bucks County	421095	May 15, 1974, Emerg; June 15, 1981, Reg; March 16, 2015, Susp.	.....do	Do.
Riegelsville, Borough of, Bucks County	420201	August 25, 1972, Emerg; April 17, 1978, Reg; March 16, 2015, Susp.	.....do	Do.
Silverdale, Borough of, Bucks County	422338	February 17, 1977, Emerg; January 5, 1984, Reg; March 16, 2015, Susp.	.....do	Do.
Solebury, Township of, Bucks County	420202	October 29, 1971, Emerg; April 15, 1977, Reg; March 16, 2015, Susp.	.....do	Do.
Springfield, Township of, Bucks County	420204	June 14, 1973, Emerg; January 3, 1979, Reg; March 16, 2015, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Tinicum, Township of, Bucks County	420205	November 12, 1971, Emerg; February 1, 1979, Reg; March 16, 2015, Susp.	.....do	Do.
Tullytown, Borough of, Bucks County	420206	August 15, 1974, Emerg; February 1, 1980, Reg; March 16, 2015, Susp.	.....do	Do.
Upper Makefield, Township of, Bucks County.	420207	December 3, 1971, Emerg; October 17, 1978, Reg; March 16, 2015, Susp.	.....do	Do.
Warminster, Township of, Bucks County.	420990	October 4, 1973, Emerg; March 1, 1978, Reg; March 16, 2015, Susp.	.....do	Do.
Warrington, Township of, Bucks County	420208	August 18, 1972, Emerg; September 29, 1978, Reg; March 16, 2015, Susp.	.....do	Do.
Warwick, Township of, Bucks County	420209	February 18, 1972, Emerg; September 29, 1978, Reg; March 16, 2015, Susp.	.....do	Do.
West Rockhill, Township of, Bucks County.	421123	June 1, 1979, Emerg; July 5, 1984, Reg; March 16, 2015, Susp.	.....do	Do.
Wrightstown, Township of, Bucks County.	421045	February 5, 1974, Emerg; August 15, 1978, Reg; March 16, 2015, Susp.	.....do	Do.
Yardley, Borough of, Bucks County	420210	December 10, 1971, Emerg; August 1, 1977, Reg; March 16, 2015, Susp.	.....do	Do.
Region IV				
Florida:				
Martin County, Unincorporated Areas	120161	May 19, 1972, Emerg; June 15, 1981, Reg; March 16, 2015, Susp.	.....do	Do.
Ocean Breeze, Town of, Martin County	120163	April 15, 1976, Emerg; June 15, 1981, Reg; March 16, 2015, Susp.	.....do	Do.
Sewall's Point, Town of, Martin County	120164	July 26, 1973, Emerg; August 15, 1978, Reg; March 16, 2015, Susp.	.....do	Do.
Stuart, City of, Martin County	120165	May 14, 1973, Emerg; August 15, 1978, Reg; March 16, 2015, Susp.	.....do	Do.
Georgia:				
Effingham County, Unincorporated Areas.	130076	November 28, 1975, Emerg; March 18, 1987, Reg; March 16, 2015, Susp.	.....do	Do.
Guyton, City of, Effingham County	130456	February 27, 1995, Emerg; June 1, 2005, Reg; March 16, 2015, Susp.	.....do	Do.
Rincon, City of, Effingham County	130426	November 5, 1976, Emerg; February 19, 1987, Reg; March 16, 2015, Susp.	.....do	Do.
Springfield, City of, Effingham County	130427	January 16, 1976, Emerg; March 18, 1987, Reg; March 16, 2015, Susp.	.....do	Do.
Kentucky:				
Barbourville, City of, Knox County	210132	November 23, 1973, Emerg; December 1, 1977, Reg; March 16, 2015, Susp.	.....do	Do.
Bell County, Unincorporated Areas	210010	March 28, 1975, Emerg; February 18, 1981, Reg; March 16, 2015, Susp.	.....do	Do.
Benham, City of, Harlan County	210099	February 5, 1975, Emerg; September 5, 1979, Reg; March 16, 2015, Susp.	.....do	Do.
Corbin, City of, Knox and Whitley Counties.	210227	August 16, 1976, Emerg; December 18, 1986, Reg; March 16, 2015, Susp.	.....do	Do.
Cumberland, City of, Harlan County	210100	November 5, 1971, Emerg; March 15, 1977, Reg; March 16, 2015, Susp.	.....do	Do.
Evarts, City of, Harlan County	210101	March 5, 1975, Emerg; November 19, 1980, Reg; March 16, 2015, Susp.	.....do	Do.
Harlan, City of, Harlan County	210102	October 29, 1971, Emerg; January 17, 1979, Reg; March 16, 2015, Susp.	.....do	Do.
Harlan County, Unincorporated Areas	210098	January 12, 1973, Emerg; August 15, 1978, Reg; March 16, 2015, Susp.	.....do	Do.
Knox County, Unincorporated Areas	210131	July 29, 1975, Emerg; May 17, 1989, Reg; March 16, 2015, Susp.	.....do	Do.
Laurel County, Unincorporated Areas	210134	N/A, Emerg; February 8, 2005, Reg; March 16, 2015, Susp.	.....do	Do.
Letcher County, Unincorporated Areas	210289	September 15, 2003, Emerg; August 1, 2005, Reg; March 16, 2015, Susp.	.....do	Do.
London, City of, Laurel County	210396	September 6, 2004, Emerg; August 2, 2006, Reg; March 16, 2015, Susp.	.....do	Do.
Loyall, City of, Harlan County	215189	December 3, 1971, Emerg; April 6, 1973, Reg; March 16, 2015, Susp.	.....do	Do.
Lynch, City of, Harlan County	210104	January 14, 1975, Emerg; July 2, 1979, Reg; March 16, 2015, Susp.	.....do	Do.
McCreary County, Unincorporated Areas.	210343	November 19, 1996, Emerg; September 2, 2009, Reg; March 16, 2015, Susp.	.....do	Do.
Middlesboro, City of, Bell County	215190	December 4, 1970, Emerg; May 28, 1971, Reg; March 16, 2015, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Pineville, City of, Bell County	210012	November 21, 1973, Emerg; June 1, 1978, Reg; March 16, 2015, Susp.	.....do	Do.
Wallins Creek, City of, Harlan County	215192	December 7, 1971, Emerg; March 2, 1973, Reg; March 16, 2015, Susp.	.....do	Do.
Whitesburg, City of, Letcher County	210140	June 4, 1975, Emerg; December 3, 1987, Reg; March 16, 2015, Susp.	.....do	Do.
Whitley County, Unincorporated Areas	210226	July 9, 1975, Emerg; January 5, 1989, Reg; March 16, 2015, Susp.	.....do	Do.
Williamsburg, City of, Whitley County	210228	March 6, 1975, Emerg; January 5, 1989, Reg; March 16, 2015, Susp.	.....do	Do.
Mississippi:				
Forrest County, Unincorporated Areas	280052	March 6, 1975, Emerg; April 2, 1990, Reg; March 16, 2015, Susp.	.....do	Do.
Hattiesburg, City of, Forrest and Lamar Counties.	280053	April 3, 1970, Emerg; April 3, 1970, Reg; March 16, 2015, Susp.	.....do	Do.
Petal, City of, Forrest County	280260	September 27, 1974, Emerg; April 15, 1980, Reg; March 16, 2015, Susp.	.....do	Do.
Tennessee:				
Claiborne County, Unincorporated Areas.	470212	April 16, 1974, Emerg; May 4, 1988, Reg; March 16, 2015, Susp.	.....do	Do.
Region V				
Illinois:				
Cedarville, Village of, Stephenson County.	170842	N/A, Emerg; April 11, 2011, Reg; March 16, 2015, Susp.	.....do	Do.
Freeport, City of, Stephenson County	170640	January 28, 1973, Emerg; May 16, 1977, Reg; March 16, 2015, Susp.	.....do	Do.
Lena, Village of, Stephenson County	171340	N/A, Emerg; August 4, 2011, Reg; March 16, 2015, Susp.	.....do	Do.
Orangeville, Village of, Stephenson County.	170641	October 25, 1996, Emerg; March 3, 2011, Reg; March 16, 2015, Susp.	.....do	Do.
Ridott, Village of, Stephenson County	170643	N/A, Emerg; April 5, 2011, Reg; March 16, 2015, Susp.	.....do	Do.
Stephenson County, Unincorporated Areas.	170639	March 17, 1972, Emerg; February 15, 1978, Reg; March 16, 2015, Susp.	.....do	Do.
Winslow, Village of, Stephenson County	170644	June 30, 1975, Emerg; November 17, 1982, Reg; March 16, 2015, Susp.	.....do	Do.
Michigan:				
Arenac, Township of, Arenac County	260251	August 16, 1974, Emerg; July 3, 1986, Reg; March 16, 2015, Susp.	.....do	Do.
Au Gres, City of, Arenac County	260012	July 26, 1973, Emerg; May 17, 1989, Reg; March 16, 2015, Susp.	.....do	Do.
Au Gres, Township of, Arenac County	260013	May 15, 1973, Emerg; May 17, 1989, Reg; March 16, 2015, Susp.	.....do	Do.
Deep River, Township of, Arenac County.	260350	March 10, 1982, Emerg; August 19, 1985, Reg; March 16, 2015, Susp.	.....do	Do.
Lincoln, Township of, Arenac County	260014	February 21, 1996, Emerg; November 5, 2009, Reg; March 16, 2015, Susp.	.....do	Do.
Omer, City of, Arenac County	260622	February 7, 2014, Emerg; N/A, Reg; March 16, 2015, Susp.	.....do	Do.
Sims, Township of, Arenac County	260015	May 7, 1973, Emerg; June 1, 1978, Reg; March 16, 2015, Susp.	.....do	Do.
Standish, City of, Arenac County	260016	September 4, 1975, Emerg; September 27, 1985, Reg; March 16, 2015, Susp.	.....do	Do.
Standish, Township of, Arenac County	260017	May 25, 1973, Emerg; August 4, 1987, Reg; March 16, 2015, Susp.	.....do	Do.
Turner, Township of, Arenac County	260351	October 29, 1998, Emerg; N/A, Reg; March 16, 2015, Susp.	.....do	Do.
Turner, Village of, Arenac County	260550	October 22, 1987, Emerg; September 30, 1988, Reg; March 16, 2015, Susp.	.....do	Do.
Whitney, Township of, Arenac County	260018	May 25, 1973, Emerg; June 1, 1978, Reg; March 16, 2015, Susp.	.....do	Do.
Region VII				
Kansas:				
Manhattan, City of, Pottawatomie and Riley Counties.	200300	January 30, 1974, Emerg; April 1, 1982, Reg; March 16, 2015, Susp.	.....do	Do.
Ogden, City of, Riley County	200301	June 26, 1975, Emerg; October 15, 1981, Reg; March 16, 2015, Susp.	.....do	Do.
Pottawatomie County, Unincorporated Areas.	200621	August 5, 1975, Emerg; February 17, 1988, Reg; March 16, 2015, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in SFHAs
Riley County, Unincorporated Areas	200298	June 23, 1975, Emerg; April 1, 1982, Reg; March 16, 2015, Susp.	.....do	Do.

* -do- =Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: February 6, 2015.

David L. Miller,

Associate Administrator, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2015–03954 Filed 2–25–15; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 401

[Docket No. USCG–2014–0481]

RIN 1625–AC22

Great Lakes Pilotage Rates—2015 Annual Review and Adjustment

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is adjusting rates for pilotage services on the Great Lakes, which were last amended in March 2014. The adjustments establish new base rates made in accordance with a full ratemaking procedure. Additionally, the Coast Guard exercises the discretion provided by Step 7 of the Appendix A methodology. The result is an upward adjustment to close the gap between revenues projected by this rulemaking and those collected by the pilot associations. Our proposed rates planned to maintain parity with the Canadian Great Lakes Pilotage Authority. While this continues to be our goal, we have since discovered a more significant challenge demonstrated by the recently completed revenue audits. This is a more pressing concern for the operation of safe, efficient, and reliable pilotage service on the Great Lakes than maintaining parity because it demonstrates that the pilot associations are unable to properly fund their operations. Also, we are implementing temporary surcharges to accelerate recoupment of necessary and reasonable training and investment costs for the pilot associations. This final rule promotes the Coast Guard's strategic goal of maritime safety.

DATES: This final rule is effective August 1, 2015.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2014–0481 and are available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet by going to *http://www.regulations.gov,* inserting USCG–2014–0481 in the ''Keyword'' box, and then clicking ''Search.''

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Todd Haviland, Director, Great Lakes Pilotage, Commandant (CG–WWM–2), Coast Guard; telephone 202–372–2037, email *Todd.A.Haviland@uscg.mil,* or fax 202–372–1914. If you have questions on viewing or submitting material to the docket, call Ms. Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

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I. Abbreviations

AMOU American Maritime Officers Union
APA American Pilots Association
CFR Code of Federal Regulations
CPA Certified public accountant
CPI Consumer Price Index
E.O. Executive Order
FR Federal Register
GLPA Great Lakes Pilotage Association
MISLE Marine Information for Safety and Law Enforcement
MOA Memorandum of Arrangements
MOU Memorandum of Understanding
NAICS North American Industry Classification System
NPRM Notice of proposed rulemaking
OMB Office of Management and Budget
ROI Return on investment
§ Section symbol
U.S.C. United States Code
WGLPA Western Great Lakes Pilots Association

II. Regulatory History

On September 4, 2014, we published a notice of proposed rulemaking (NPRM) titled ''Great Lakes Pilotage Rates—2015 Annual Review and Adjustment'' in the **Federal Register** (79 FR 52602). We received 10 submissions on the NPRM from multiple sources, including pilotage associations, pilots, pilot organizations, and shippers. No public meeting was requested and none was held.

On December 1, 2014, we published the recently completed revenue audits of the pilot associations and reopened the public comment period in the **Federal Register** (79 FR 71082). We received 5 submissions on the revenue audits.

III. Basis and Purpose

The basis of this final rule is the Great Lakes Pilotage Act of 1960 (''the Act'') (46 U.S.C. Chapter 93), which requires U.S. vessels operating ''on register'' [1] and foreign vessels to use U.S. or Canadian registered pilots while transiting the U.S. waters of the St. Lawrence Seaway and the Great Lakes

[1] ''On register'' means that the vessel's certificate of documentation has been endorsed with a registry endorsement, and therefore, may be employed in foreign trade or trade with Guam, American Samoa, Wake, Midway, or Kingman Reef. 46 U.S.C. 12105, 46 CFR 67.17.

system. 46 U.S.C. 9302(a)(1). The Act requires the Secretary to ''prescribe by regulation rates and charges for pilotage services, giving consideration to the public interest and the costs of providing the services.'' 46 U.S.C. 9303(f). Rates must be established or reviewed and adjusted each year, not later than March 1. Base rates must be established by a full ratemaking at least once every 5 years, and in years when base rates are not established, they must be reviewed and, if necessary, adjusted. *Id.* The Secretary's duties and authority under the Act have been delegated to the Coast Guard. Department of Homeland Security Delegation No. 0170.1, paragraph (92)(f). Coast Guard regulations implementing the Act appear in parts 401 through 404 of Title 46, Code of Federal Regulations (CFR). Procedures for use in establishing base rates appear in 46 CFR part 404, Appendix A, and procedures for annual review and adjustment of existing base rates appear in 46 CFR part 404, Appendix C.

The purpose of this final rule is to establish new base pilotage rates, using the methodology found in 46 CFR part 404, Appendix A.

IV. Background

The vessels affected by this final rule are those engaged in foreign trade upon the U.S. waters of the Great Lakes. United States and Canadian ''lakers,'' [2] which account for most commercial shipping on the Great Lakes, are not affected. 46 U.S.C. 9302.

The U.S. waters of the Great Lakes and the St. Lawrence Seaway are divided into three pilotage districts. Pilotage in each district is provided by an association certified by the Coast Guard Director of Great Lakes Pilotage to operate a pilotage pool. It is important to note that we do not control the actual compensation that pilots receive. The actual compensation is determined by each of the three district associations, which use different compensation practices.

District One, consisting of Areas 1 and 2, includes all U.S. waters of the St. Lawrence River and Lake Ontario. District Two, consisting of Areas 4 and 5, includes all U.S. waters of Lake Erie, the Detroit River, Lake St. Clair, and the St. Clair River. District Three, consisting of Areas 6, 7, and 8, includes all U.S. waters of the St. Mary's River, Sault Ste. Marie Locks, and Lakes Michigan, Huron, and Superior. Area 3 is the Welland Canal, which is serviced exclusively by the Canadian Great Lakes Pilotage Association (GLPA) and, accordingly, is not included in the United States rate structure. Areas 1, 5, and 7 have been designated by Presidential Proclamation, pursuant to the Act, to be waters in which pilots must, at all times, be fully engaged in the navigation of vessels in their charge. Areas 2, 4, 6, and 8 have not been so designated because they are open bodies of water. While working in those undesignated areas, pilots must only ''be on board and available to direct the navigation of the vessel at the discretion of and subject to the customary authority of the master.'' 46 U.S.C. 9302(a) (1) (B).

This final rule is a full ratemaking to establish new base pilotage rates, using the methodology found in 46 CFR part 404, Appendix A (hereafter ''Appendix A''). The last full ratemaking established the current base rates in March 2014 (79 FR 12084; Mar. 4, 2014). Among other things, the Appendix A methodology requires us to review detailed pilot association financial information, and we contract with independent accountants to assist in that review. We have now completed our review of the independent accountants' 2012 financial reports. The comments by the pilot associations on those reports and the independent accountants' final findings are discussed in our document titled ''Summary—Independent Accountant's Report on Pilot Association Expenses, with Pilot Association Comments and Accountant's Responses,'' which appears in the docket. In addition, we also use the independent accountant's review of pilot association revenues. The review, contracted by the Coast Guard, confirms the revenues of the pilot associations and it establishes a baseline of comparison between actual collected revenues and those projected by the rulemaking. The revenue reports also appear in the docket.

V. Discussion of Comments and Changes

We received 10 public submissions in response to the initial public comment period of our NPRM.

In the NPRM, the Coast Guard proposed a 2.5 percent across the board rate increase for the three pilotage districts and varying surcharge levels across the three districts. However, due to the completion of the revenue audits during the initial comment period, the Coast Guard extended the comment period for 30 days for the public to comment on the revenue audits. We received an additional five comments to our supplementary comment period focusing on the revenue audits. Of all the comments we received, 10 came from pilots or pilot associations, 3 came from industry groups, and 2 came from the union whose contract data provides benchmark data for pilot compensation.

Based on the comments and revenue audits, the Coast Guard is implementing a 10 percent across the board rate increase for the three pilotage districts and a 10 percent surcharge for each district. The reasoning behind the changes follows. Any further changes involving the Appendix A methodology will be published for notice and comment in a future rulemaking.

A. Ratemaking Methodology

Three commenters questioned various aspects of the ratemaking methodology. First, a pilot from the Western Great Lakes Pilots Association (WGLPA) questioned the application of bridge hours, as well as what the definition should include. We are currently working with the pilots, industry, and the American Pilots Association to finalize a new model to gauge necessary pilot strength. We plan to propose this model in a future rulemaking. We believe this coordinated, thorough process is needed to address the longstanding challenges with pilot recruitment and retention on the Great Lakes. Another pilot suggested that we need to incorporate multiple years of inflation in the rate to compensate for the time lapse between the conduct of the audits and the effective date of the rate. Under Step 1.C of the Appendix A methodology, the adjustment for inflation or deflation is a 1-year adjustment between the reported year (the audit year) and the succeeding navigation season. As we have stated in previous rulemakings, we are unable to incorporate a multiyear adjustment in the current methodology. We will consider changing this step in a future rulemaking.

Also, the same commenter questioned our application of benefits to the American Maritime Officers Union (AMOU) contract. This is a longstanding issue and the commenter argues that we should multiply first mate wages and benefits by 150 percent to determine designated waters compensation. We disagree and continue to maintain that the 150 percent applies only to wages; benefits are then added to the result. As part of our extensive review of the Appendix A methodology, we are actively seeking alternative compensation benchmarks to the AMOU contracts. Another commenter believes that compensation must exceed that of the AMOU in order to successfully recruit future pilots. We

[2] A ''laker'' is a commercial cargo vessel especially designed for and generally limited to use on the Great Lakes.

agree that actual pilot compensation should be sufficient to attract and retain U.S. Registered Pilots and we are actively pursuing alternatives to the AMOU contracts for a new pilot compensation standard. Two commenters suggested that the pilot strength called for in the rate is inadequate. As discussed previously, we believe the current bridge hour standard is not an effective means of establishing pilot strength. We plan to continue efforts to develop a new pilot strength model based on feedback from the stakeholders and will provide it for public comment in a future rulemaking. Another commenter questioned the effective date of the rate, saying that the rate should go into effect at the start of the season instead of aligning with the union contract start date of August 1. Since the AMOU contracts are part of the current Appendix A methodology, August 1 continues to be the effective date of the rate. We are open to adjusting the effective date of the rate in a future rulemaking in coordination with our expansive review of the methodology if doing so will enhance the delivery of safe, efficient, and reliable service.

Additionally, five commenters questioned use of our discretion under Step 7 of the Appendix A methodology. Two of those commenters, a member of industry and a pilot, disagree with our basis for Step 7 adjustments, citing insufficient support for our justification of parity adjustments under the Memorandum of Arrangements/Memorandum of Understanding (MOA/MOU) with Canada and Executive Order (E.O.) 13609. We disagree. The purpose of the MOA/MOU and E.O. 13609 is to work to better align U.S. and Canadian regulatory schemes. We agree that the new MOU has a less strict interpretation of parity, seeking comparable rates over identical ones. However, we believe that the revenue shortfall against projections uncovered in the recently completed audits calls for action. Our actions to seek comparable rates are undercut by overprojections and the inability of the current billing scheme to generate sufficient revenue to operate the pilotage associations. The third commenter, also a member of industry, asserts that the results of our calculations represent a ''serious flaw'' in the methodology. We plan to address the challenges with the current methodology in a future rulemaking. We neither believe the calculations resulting from the methodology in this rule are representative of economic conditions in the Great Lakes region, nor do they represent increased efficiencies of the pilot organizations. As such, we continue to utilize our Step 7 discretion to adjust them.

Another commenter stated that the Canadian GLPA is actually raising their rates only 1 percent rather than 2.5 percent as stated in the NPRM. While we continue to strive for comparability with Canadian rates, our greater concern currently is the gap in revenue. Thus, we seek to actively close the confirmed revenue gap between pilot association collections and Coast Guard projections by increasing the rate. The gap highlighted in the revenue audits points to an even greater disparity between U.S. and Canadian rates on the Great Lakes that must be addressed.

This leads into a discussion of the final commenter on the ratemaking methodology. The remaining commenter highlights the gap between revenues projected in the rate and those actually collected by the pilot association, as well as the second and third order effects of that gap. Based on a review of the recently completed revenue audits, we agree with the commenter that the gap between revenue projections in the rate and the revenues actually collected by the pilot associations presents an untenable situation. The revenue projections in the rate for each pilot association directly impact each association's ability to provide safe, efficient, and reliable service. Since the actual revenues collected by the associations fall well short of our projections, we are utilizing our Step 7 discretion to increase the rates in all areas by 10 percent. This rate increase will begin to address the significant shortfall in pilotage revenue against our projections. We believe that the current shortfall in revenue is a result of both bridge hour projections and a billing scheme that is not properly baselined to collect appropriate revenue. Rate increases to address the shortfall will continue to be separate and distinct from the temporary surcharges applied in the districts for training and investments.

B. AMOU Contracts

Five commenters–three pilots or pilots' representatives and two officials from the AMOU–addressed our use of AMOU contracts to estimate average annual compensation for U.S. Registered Pilots in Step 2.A of our Appendix A ratemaking methodology. Since the application of these contracts is currently the subject of pending litigation, we refrain from addressing these comments and will continue to utilize the AMOU contract data as we did in the 2013 and 2014 ratemakings.

C. Surcharge

Eight commenters–seven pilots or pilot associations and one member of industry–addressed the proposed surcharges in the NPRM. We received a comment from the Lakes Pilots Association, Inc. supporting the proposed surcharge for District Two. Commenters from both District One and District Three stated that they require two additional pilot applicants each above their authorized strength to deal with personnel turnover. We agree with both commenters. The pilotage associations are facing a wave of retirements, both expected and unexpected, and these additional applicant pilots are necessary to ensure the system continues to operate smoothly. The long lead time for pilot training necessitates that the pilot associations begin training now to address current pilot retirements as well as those projected for the next 24 months. Thus, we are using our surcharge authority to fund applicant pilots that exceed the current authorized pilot strength of the associations. Based on how three associations plan to compensate the applicants and the costs associated with training, we have estimated that a 5 percent surcharge is necessary to fund each applicant pilot. As you will see in the following discussion, we have established a 10 percent surcharge for each district in order to accelerate the costs associated with training 2 applicant pilots.

In the case of District One, we agree with the need for two applicant pilots above their authorized strength of 11 pilots to ensure safe, efficient, and reliable pilotage service. To fund these applicant pilots, we will increase their authorized surcharge to 10 percent.

We also agree with the need for two applicant pilots above their authorized strength of 15 pilots to ensure safe, efficient, and reliable pilotage service in District Three. Accordingly, we will fund two additional applicants above their authorized pilot strength and increase their authorized surcharge to 10 percent. As mentioned above, in conjunction with stakeholders, we are developing a new pilotage strength model that we will provide for public comment in a future rulemaking.

Finally, a member of industry questioned the need for pilot training surcharges and the authority to charge for expenses not yet incurred. The Coast Guard has the authority to prescribe rates and charges pursuant to 46 U.S.C. 9303. Temporary surcharge authority was implemented through regulation in the 2014 ratemaking cycle. See 78 FR 48376. The surcharges include funds for

professional training, investments in pilotage technology, and the costs to train and fund six new applicant pilots across the system. These applicants will all be in place for the 2015 shipping season and thus, through the temporary surcharge, the Coast Guard is accelerating recoupment of these important expenses. We fully support investments in professional development and technology to enhance the safety, reliability, and efficiency of the system. Further, we believe the recruitment, funding, and training of applicant pilots before the retirement of current registered pilots is essential to the stability of the system and to achieve and maintain acceptable levels of service. Any overages in surcharge collection against the actual costs will be adjusted in the next year's rate. We discuss surcharges further in Part VI after our discussion of other comments.

D. Revenue Audits

We received three comments on the revenue audits—two from pilots and one from industry. Both pilot commenters approved of the revenue audits and asked the Coast Guard to adjust for the differences between actual and projected revenues. We agree with these comments and have adjusted our rate increase to 10 percent across all districts to begin aligning actual and projected revenues. Our discussion in Step 7 provides additional discussion on this topic. It is clear that the audits for the 2013 Appendix A rulemaking demonstrate a significant shortfall. Since we only have a single data point, we plan to increase the base rate to fill this gap over a multi-year period. Ten percent is reasonable because this is greater than inflation and begins to align the revenues needed to provide safe, efficient, and reliable service with the actual revenues that our rulemakings generate. We will also work to address this discrepancy in a future rulemaking regarding the methodology. We discuss this further in Step 7 of the methodology. The industry commenter disapproves of the open-ended nature of the comment period, seeking further clarity regarding our plan for use of the revenue audits and a better explanation of our use of discretion. We disagree. The comment period was set up to allow access by all parties to the revenue audits and to provide feedback to the Coast Guard regarding their review and incorporation into the ratemaking methodology. The revenue audits clearly point to a shortcoming in the billing scheme and methodology that significantly reduces actual revenue. Failure to act on the revenue audits would ignore the point ''and other supportable economic factors'' in Step 7 of the methodology. While we do not propose a solution for the methodology in this rulemaking, we are working to develop new proposals to address the significant hindrances of the current methodology. The discretion exercised in Step 7 seeks to maintain safe, efficient, and reliable pilotage service while we prepare a future rulemaking to address the current methodology.

E. Pilot Boats

We received two comments regarding purchase of new pilot boats. District Two submitted information regarding the purchase of a new boat for use in Detroit for consideration in the rate. However, based on the documents submitted, the pilots have reached an agreement with the Canadian GLPA and industry to fund the pilot boat through usage fees, not through the rate. As a result, the expenses associated with the new pilot boat will not be included in the 2015 rate. Similarly, a pilot from the WGLPA believes that infrastructure investment in a new dock and new pilot boat near Sault Sainte Marie, MI should be included in the rate. We disagree. Like District Two, the letter of intent signed between the WGLPA and the Canadian GLPA plans to recoup the cost of their infrastructure improvement through levied pilot boat fees, not the pilotage rate. We support and encourage the investment of both associations in badly needed infrastructure and capital assets but cannot allow recoupment of expenses already marked to be paid by industry separately.

VI. Summary of the Rule and Discussion of Methodology

A. Summary of the Rule

We are establishing new base pilotage rates in accordance with the methodology outlined in Appendix A to 46 CFR part 404. The new rates will be established by March 1, 2015 and become effective August 1, 2015. Our calculations under Steps 1 through 6 of Appendix A would result in an average 12 percent rate decrease. This rate decrease is not the result of increased efficiencies in providing pilotage services but rather is a result of changes to AMOU contract data.

Additionally, the recently completed revenue audits demonstrate a significant shortfall between revenues projected by the Coast Guard using the Appendix A methodology and those actually captured by the current billing scheme. This gap, explained further in our Step 7 discussion, demonstrates that a more significant rate increase is necessary to promote a standard safe, efficient, and reliable pilotage service by ensuring the pilot associations have sufficient actual revenue to continue operations. Therefore, we will continue to exercise the discretion outlined in Step 7, increasing rates by 10 percent to begin closing the gap between projected revenues and those actually collected by the pilot associations. Table 1 shows the percent change for the new rates for each area.

Secondly, we are implementing temporary surcharges for the pilot associations to recoup necessary and reasonable training and investment expenses incurred or that are expected to be incurred prior to the required March 1, 2015 publication of the final rule. Normally, these expenses would not be recognized until the 2016 annual ratemaking or later. By authorizing the temporary surcharges now, this action will accelerate the reimbursement for necessary and reasonable training and investment expenses. The surcharge will be authorized for the duration of the 2015 shipping season, which begins in March 2015. The value of the surcharges is based on the audited revenues of the pilot associations and the identified need to train two additional pilot applicants per District. This action will merely accelerate the recoupment of these expenses. At the conclusion of the 2015 shipping season, we would account for the monies generated by the surcharge and make adjustments as necessary to the operating expenses for the following year.

In District One, we are implementing a temporary surcharge of 10 percent to compensate pilots for $28,028.91 that the District One pilot association spent on training in 2013 and early 2014, as well as the anticipated $300,000 cost to train two new applicant pilots and prepare replacements for retiring pilots. We believe this training is necessary and reasonable to promote safe, efficient, and reliable pilotage on the Great Lakes and support the St. Lawrence Seaway Pilots Association's continued commitment to the training and professional development of their pilots.

Additionally, we are implementing a temporary surcharge of 10 percent in District Two to compensate pilots for $300,000 that the District Two pilot association spent training two applicant pilots in 2014. This is necessary and reasonable to allow the association to bring on new pilots in the face of upcoming retirements without adjusting the pilotage needs as determined by the ratemaking methodology. This surcharge will also accelerate the

repayment of the association's investment in upgraded technology ($25,829.80) to enhance the situational awareness of pilots on the bridge. We believe this needed technology will assist in the safety, efficiency, and reliability of the system.

Next, we are implementing a temporary surcharge of 10 percent in District Three to compensate pilots for $26,950 that the District Three pilot association plans to spend on training at the conclusion of the 2014 shipping season. We believe this training is necessary and reasonable for the provision of safe pilotage service. This also compensates District Three for the anticipated $300,000 cost of training two additional pilot applicants to increase pilot strength and advance safe, efficient, and reliable pilotage service in the district.

All figures in the tables that follow are based on calculations performed either by an independent accountant or by the Director's [3] staff. In both cases, those calculations were performed using common commercial computer programs. Decimalization and rounding of the audited and calculated data affects the display in these tables but does not affect the calculations. The calculations are based on the actual figures, which are rounded for presentation in the tables.

TABLE 1—SUMMARY OF RATE ADJUSTMENTS BASED ON STEP 7 DISCRETION

If pilotage service is required in:	Then the percent change over the current rate is:
Area 1 (Designated waters)	10
Area 2 (Undesignated waters)	10
Area 4 (Undesignated waters)	10
Area 5 (Designated waters)	10
Area 6 (Undesignated waters)	10
Area 7 (Designated waters)	10
Area 8 (Undesignated waters)	10

B. Discussion of the Methodology

The Appendix A methodology provides seven steps, with sub-steps, for calculating rate adjustments. The following discussion describes those steps and sub-steps, and includes tables showing how we have applied them to the 2012 financial information supplied by the pilots association.

Step 1: Projection of Operating Expenses. In this step, we project the amount of vessel traffic annually. Based on that projection, we forecast the amount of necessary and reasonable operating expenses that pilotage rates should recover.

Step 1.A: Submission of Financial Information. This sub-step requires each pilot association to provide us with detailed financial information in accordance with 46 CFR part 403. The associations complied with this requirement, supplying 2012 financial information in 2013. This is the most current and complete data set we have available.

Step 1.B: Determination of Recognizable Expenses. This sub-step requires us to determine which reported association expenses will be recognized for ratemaking purposes, using the guidelines shown in 46 CFR 404.5. We contracted with an independent accountant to review the reported expenses and submit findings recommending which reported expenses should be recognized. The accountant also reviewed which reported expenses should be adjusted prior to recognition or disallowed for ratemaking purposes. The accountant's preliminary findings were sent to the pilot associations, they reviewed and commented on those findings, and the accountant then finalized the findings. The Director reviewed and accepted the final findings, resulting in the determination of recognizable expenses. The preliminary findings, the associations' comments on those findings, and the final findings are all discussed in the ''Summary—Independent Accountant's Report on Pilot Association Expenses, with Pilot Association Comments and Accountant's Responses,'' which appears in the docket. Tables 2 through 4 show each association's recognized expenses.

TABLE 2—RECOGNIZED EXPENSES FOR DISTRICT ONE

Reported expenses for 2012	Area 1	Area 2	Total
	St. Lawrence River	Lake Ontario	
Operating Expenses:			
Other Pilotage Costs:			
Pilot subsistence/Travel	$227,199	$137,315	$364,514
License insurance	0	0	0
Payroll taxes	62,038	48,452	110,490
Other	596	549	1,145
Total Other Pilotage Costs	289,833	186,316	476,149
Pilot Boat and Dispatch Costs:			
Pilot boat expense	108,539	95,405	203,944
Dispatch expense	0	0	0
Payroll taxes	13,429	11,804	25,233

[3] ''Director'' is the Coast Guard Director, Great Lakes Pilotage, which is used throughout this rule.

TABLE 2—RECOGNIZED EXPENSES FOR DISTRICT ONE—Continued

Reported expenses for 2012	Area 1	Area 2	Total
	St. Lawrence River	Lake Ontario	
Total Pilot and Dispatch Costs	121,968	107,209	229,177
Administrative Expenses:			
Legal—general counsel	1,369	1,281	2,650
Legal—lobbying	3,957	3,478	7,435
Insurance	21,907	18,998	40,905
Employee benefits	21,281	18,509	39,790
Payroll taxes	0	0	0
Other taxes	18,491	15,801	34,292
Travel	473	416	889
Depreciation/Auto leasing/Other	38,346	33,705	72,051
Interest	15,484	13,610	29,094
Dues and subscriptions	13,740	10,240	23,980
Utilities	4,549	3,897	8,446
Salaries	48,837	42,927	91,764
Accounting/Professional fees	4,683	4,317	9,000
Pilot Training	26,353	21,961	48,314
Other	10,689	8,974	19,663
Total Administrative Expenses	230,159	198,114	428,273
Total Operating Expenses	641,960	491,639	1,133,599
Adjustments (Independent certified public accountant (CPA)):			
Pilotage subsistence/Travel	(887)	(779)	(1,666)
Payroll taxes	(13,719)	(12,058)	(25,777)
Dues and subscriptions	(13,740)	(10,240)	(23,980)
TOTAL CPA ADJUSTMENTS	(28,346)	(23,077)	(51,423)
Adjustments (Director):			
American Pilots Association (APA) Dues	11,679	8,704	20,383
Pilot Training (surcharge)	(26,353)	(21,961)	(48,314)
Legal—lobbying	(3,957)	(3,478)	(7,435)
TOTAL DIRECTOR ADJUSTMENTS	(18,631)	(16,735)	(35,366)
Total Operating Expenses	594,983	451,827	1,046,810

Note: Numbers may not total due to rounding.

TABLE 3—RECOGNIZED EXPENSES FOR DISTRICT TWO

Reported Expenses for 2012	Area 4	Area 5	Total
	Lake Erie	Southeast Shoal to Port Huron, MI	
Operating Expenses:			
Other Pilotage Costs:			
Pilot subsistence/Travel	86,947	130,421	217,368
License insurance	6,168	9,252	15,420
Payroll taxes	42,218	63,328	105,546
Other	23,888	35,833	59,721
Total Other Pilotage Costs	159,221	238,834	398,055
Pilot Boat and Dispatch Costs:			
Pilot boat expense	131,285	196,930	328,215
Dispatch expense	6,600	9,900	16,500
Employee Benefits	48,310	72,465	120,775
Payroll taxes	7,412	11,119	18,531
Total Pilot and Dispatch Costs	193,607	290,414	484,021
Administrative Expenses:			
Legal—general counsel	2,054	3,082	5,136
Legal—lobbying	2,704	4,055	6,759
Legal—litigation	6,488	9,733	16,221
Office rent	26,275	39,413	65,688
Insurance	10,682	16,024	26,706
Employee benefits	16,452	24,678	41,130
Payroll taxes	4,143	6,216	10,359
Other taxes	12,546	18,819	31,365

TABLE 3—RECOGNIZED EXPENSES FOR DISTRICT TWO—Continued

Reported Expenses for 2012	Area 4 Lake Erie	Area 5 Southeast Shoal to Port Huron, MI	Total
Depreciation/Auto leasing/Other	9,074	13,610	22,684
Interest	2,989	4,483	7,472
Utilities	13,917	20,876	34,793
Salaries	36,252	54,377	90,629
Accounting/Professional fees	11,764	17,646	29,410
Pilot Training	0	0	0
Other	9,405	14,108	23,513
Total Administrative Expenses	164,745	247,120	411,865
Total Operating Expenses	517,573	776,368	1,293,941
Adjustments (Independent CPA):			
Pilot subsistence/Travel	(1,982)	(2,974)	(4,956)
Employee benefits	(3,585)	(5,378)	(8,963)
TOTAL CPA ADJUSTMENTS	(5,567)	(8,352)	(13,919)
Adjustments (Director):			
Federal Tax Allowance	(5,200)	(7,800)	(13,000)
APA Dues	7,344	11,016	18,360
Legal—lobbying	(2,704)	(4,055)	(6,759)
Legal—litigation	(6,488)	(9,733)	(16,221)
TOTAL DIRECTOR ADJUSTMENTS	(7,048)	(10,572)	(17,620)
Total Operating Expenses	504,958	757,444	1,262,402

Note: Numbers may not total due to rounding.

TABLE 4—RECOGNIZED EXPENSES FOR DISTRICT THREE

Reported expenses for 2012	Area 6 Lakes Huron and Michigan	Area 7 St. Mary's River	Area 8 Lake Superior	Total
Operating Expenses:				
Other Pilotage Costs:				
Pilot subsistence/Travel	$180,316	$77,278	$110,398	$367,992
License insurance	8,859	3,797	5,424	18,080
Payroll taxes	0	0	0	0
Other	2,875	1,232	1,760	5,867
Total Other Pilotage Costs	192,050	82,307	117,582	391,939
Pilot Boat and Dispatch Costs:				
Pilot boat expense	261,937	112,259	160,370	534,566
Dispatch expense	81,958	35,125	50,178	167,261
Payroll taxes	8,203	3,515	5,022	16,740
Total Pilot Boat and Dispatch Costs	352,098	150,899	215,570	718,567
Administrative Expenses:				
Legal—lobbying	4,304	1,845	2,635	8,784
Office rent	4,851	2,079	2,970	9,900
Insurance	6,469	2,773	3,961	13,203
Employee benefits	77,348	33,149	47,356	157,854
Payroll taxes	5,404	2,316	3,309	11,029
Other taxes	941	403	576	1,920
Depreciation/Auto leasing	17,462	7,484	10,691	35,637
Interest	2,692	1,154	1,648	5,494
Utilities	20,950	8,979	12,827	42,756
Salaries	54,003	23,144	33,063	110,210
Accounting/Professional fees	13,157	5,639	8,055	26,851
Pilot Training	0	0	0	0
Other	4,657	1,996	2,851	9,504
Total Administrative Expenses	212,238	90,961	129,942	433,141
Total Operating Expenses	756,386	324,167	463,094	1,543,647
Adjustments (Independent CPA):				
Pilot subsistence/travel	(5,303)	(2,273)	(3,247)	(10,823)

TABLE 4—RECOGNIZED EXPENSES FOR DISTRICT THREE—Continued

Reported expenses for 2012	Area 6	Area 7	Area 8	Total
	Lakes Huron and Michigan	St. Mary's River	Lake Superior	
Payroll taxes	44,613	19,120	27,314	91,046
Other taxes	(1,761)	(755)	(1,078)	(3,594)
Other	(637)	(273)	(390)	(1,300)
TOTAL CPA ADJUSTMENTS	36,912	15,819	22,599	75,329
Adjustments (Director):				
APA dues	11,695	5,012	7,160	23,868
Legal—lobbying	(4,304)	(1,845)	(2,635)	(8,784)
TOTAL DIRECTOR ADJUSTMENTS	7,391	3,167	4,525	15,084
Total Operating Expenses	800,689	343,153	490,218	1,634,060

Note: Numbers may not total due to rounding.

Step 1.C: Adjustment for Inflation or Deflation. In this sub-step, we project rates of inflation or deflation for the succeeding navigation season. Because we used 2012 financial information, the ''succeeding navigation season'' for this ratemaking is 2013. We based our inflation adjustment of 1.4 percent on the 2013 change in the Consumer Price Index (CPI) for the Midwest Region of the United States, which can be found at *http://www.bls.gov/xg_shells/ro5xg01.htm.* This adjustment appears in Tables 5 through 7.

The Coast Guard is aware that the current annual adjustment for inflation does not account for the value of money over time. We are working on a solution to allow for a better approximation of actual costs.

TABLE 5—INFLATION ADJUSTMENT, DISTRICT ONE

Reported expenses for 2012		Area 1		Area 2		Total
		St. Lawrence River		Lake Ontario		
Total Operating Expenses:		$594,983		$451,827		$1,046,810
2013 change in the CPI for the Midwest Region of the United States	×	.014	×	.014	×	.014
Inflation Adjustment	=	$8,330	=	$6,326	=	$14,655

TABLE 6—INFLATION ADJUSTMENT, DISTRICT TWO

Reported expenses for 2012		Area 4		Area 5		Total
		Lake Erie		Southeast Shoal to Port Huron, MI		
Total Operating Expenses		$504,958		$757,444		$1,262,402
2013 change in the CPI for the Midwest Region of the United States	×	.014	×	.014	×	.014
Inflation Adjustment	=	$7,069	=	$10,604	=	$17,674

TABLE 7—INFLATION ADJUSTMENT, DISTRICT THREE

Reported expenses for 2012		Area 6		Area 7		Area 8		Total
		Lakes Huron and Michigan		St. Mary's River		Lake Superior		
Total Operating Expenses		$800,689		$343,153		$490,218		$1,634,060
2013 change in the CPI for the Midwest Region of the United States	×	.014	×	.014	×	.014	×	.014
Inflation Adjustment	=	$11,210	=	$4,804	=	$6,863	=	$22,877

Step 1.D: Projection of Operating Expenses. In this final sub-step of Step 1, we project the operating expenses for each pilotage area on the basis of the preceding sub-steps and any other foreseeable circumstances that could affect the accuracy of the projection.

For District One, the projected operating expenses are based on the calculations from Steps 1.A through 1.C. Table 8 shows these projections.

TABLE 8—PROJECTED OPERATING EXPENSES, DISTRICT ONE

Reported expenses for 2012		Area 1		Area 2		Total
		St. Lawrence River		Lake Ontario		
Total operating expenses		$594,983		$451,827		$1,046,810
Inflation adjustment 1.4%	+	$8,330	+	$6,326	+	$14,655
Total projected expenses for 2015 pilotage season	=	$603,313	=	$458,153	=	$1,061,465

Note: Numbers may not total due to rounding.

In District Two the projected operating expenses are based on the calculations from Steps 1.A through 1.C. Table 9 shows these projections.

TABLE 9—PROJECTED OPERATING EXPENSES, DISTRICT TWO

Reported expenses for 2012		Area 4		Area 5		Total
		Lake Erie		Southeast Shoal to Port Huron, MI		
Total Operating Expenses		$504,958		$757,444		$1,262,402
Inflation adjustment 1.4%	+	7,069	+	10,604	+	17,674
Total projected expenses for 2015 pilotage season	=	512,027	=	768,048	=	1,280,076

In District Three, projected operating expenses are based on the calculations from Steps 1.A through 1.C. Table 10 shows these projections.

TABLE 10—PROJECTED OPERATING EXPENSES, DISTRICT THREE

Reported expenses for 2012		Area 6		Area 7		Area 8		Total
		Lakes Huron and Michigan		St. Mary's River		Lake Superior		
Total Expenses		$800,689		$343,153		$490,218		$1,634,060
Inflation adjustment 1.4%	+	11,210	+	4,804	+	6,863	+	22,877
Total projected expenses for 2015 pilotage season	=	811,899	=	347,957	=	497,081	=	1,656,937

Step 2: Projection of Target Pilot Compensation. In Step 2, we project the annual amount of target pilot compensation that pilotage rates should provide in each area. These projections are based on our latest information on the conditions that will prevail in 2015.

Step 2.A: Determination of Target Rate of Compensation. Target pilot compensation for pilots in undesignated waters approximates the average annual compensation for first mates on U.S. Great Lakes vessels. Compensation is determined based on the most current union contracts and includes wages and benefits received by first mates. We calculate target pilot compensation on designated waters by multiplying the average first mates' wages by 150 percent and then adding the average first mates' benefits.

We rely upon union contract data provided by the AMOU, which has agreements with three U.S. companies engaged in Great Lakes shipping. We derive the data from two separate AMOU contracts—we refer to them as Agreements A and B—and apportion the compensation provided by each agreement according to the percentage of tonnage represented by companies under each agreement. Agreement A applies to vessels operated by Key Lakes, Inc., and Agreement B applies to vessels operated by American Steamship Co. and Mittal Steel USA, Inc.

Agreements A and B both expire on July 31, 2016. The AMOU has set the daily aggregate rate, including the daily wage rate, vacation pay, pension plan contributions, and medical plan contributions effective August 1, 2015, as follows: (1) In undesignated waters, $632.12 for Agreement A and $624.34 for Agreement B; and (2) In designated waters, $870.05 for Agreement A and $856.42 for Agreement B.

Because we are interested in annual compensation, we must convert these daily rates. We use a 270-day multiplier which reflects an average 30-day month, over the 9 months of the average shipping season. Table 11 shows our calculations using the 270-day multiplier.

TABLE 11—PROJECTED ANNUAL AGGREGATE RATE COMPONENTS

Aggregate Rate–Wages and Vacation, Pension, and Medical Benefits	
Pilots on undesignated waters	
Agreement A:	
$632.12 daily rate × 270 days	$170,672.40

TABLE 11—PROJECTED ANNUAL AGGREGATE RATE COMPONENTS—Continued

Agreement B:	
$624.34 daily rate × 270 days	168,571.80
Pilots on designated waters	
Agreement A:	
$870.05 daily rate × 270 days	234,913.50
Agreement B:	
$856.42 daily rate × 270 days	231,233.40

We apportion the compensation provided by each agreement according to the percentage of tonnage represented by companies under each agreement. Agreement A applies to vessels operated by Key Lakes, Inc., representing approximately 30 percent of tonnage, and Agreement B applies to vessels operated by American Steamship Co. and Mittal Steel USA, Inc., representing approximately 70 percent of tonnage. Table 12 provides details.

TABLE 12—SHIPPING TONNAGE APPORTIONED BY CONTRACT

Company	Agreement A	Agreement B
American Steamship Company		815,600
Mittal Steel USA, Inc		38,826
Key Lakes, Inc	361,385	
Total tonnage, each agreement	361,385	854,426
Percent tonnage, each agreement	361,385 ÷ 1,215,811 = 29.7238%	854,426 ÷ 1,215,811 = 70.2762%

We use the percentages from Table 12 to apportion the projected compensation from Table 11. This gives us a single tonnage-weighted set of figures. Table 13 shows our calculations.

TABLE 13—TONNAGE-WEIGHTED WAGE AND BENEFIT COMPONENTS

		Undesignated waters		Designated waters
Agreement A:				
Total wages and benefits		$170,672.40		$234,913.50
Percent tonnage	×	29.7238%	×	29.7238%
Total	=	$50,730	=	$69,825
Agreement B:				
Total wages and benefits		$168,571.80		$231,233.40
Percent tonnage	×	70.2762%	×	70.2762%
Total	=	$118,466	=	$162,502
Projected Target Rate of Compensation:				
Agreement A total weighted average wages and benefits		$50,730		$69,825
Agreement B total weighted average wages and benefits	+	$118,466	+	$162,502
Total	=	$169,196	=	$232,327

Step 2.B: Determination of the Number of Pilots Needed. Subject to adjustment by the Director to ensure uninterrupted service or for other reasonable circumstances, we determine the number of pilots needed for ratemaking purposes in each area through dividing projected bridge hours for each area by either the 1,000 (designated waters) or 1,800 (undesignated waters) bridge hours specified in Step 2.B. We round the mathematical results and express our determination as a whole number of pilots.

According to 46 CFR part 404, Appendix A, Step 2.B(1), bridge hours are the number of hours a pilot is aboard a vessel providing pilotage service. For that reason, and as we explained most recently in the 2011 ratemaking's final rule (76 FR 6351 at 6352 col. 3 (Feb. 4, 2011)), we do not include, and never have included, pilot delay, detention, or cancellation in calculating bridge hours. Projected bridge hours are based on the vessel traffic that pilots are expected to serve. We use historical data, input from the pilots and industry, periodicals and trade magazines, and information from conferences to project demand for pilotage services for the coming year.

In our 2014 final rule, we determined that 36 pilots would be needed for ratemaking purposes. For 2015, we project 36 pilots is still the proper number to use for ratemaking purposes. The total pilot authorization strength includes five pilots in Area 2, where rounding up alone would result in only four pilots. For the same reasons we explained at length in the 2008 ratemaking final rule (74 FR 220 at 221–22 (Jan. 5, 2009)), we have determined that this adjustment is essential for

ensuring uninterrupted pilotage service in Area 2. Table 14 shows the bridge hours we project will be needed for each area and our calculations to determine the whole number of pilots needed for ratemaking purposes.

TABLE 14—NUMBER OF PILOTS NEEDED

Pilotage area	Projected 2015 bridge hours		Divided by 1,000 (designated waters) or 1,800 (undesignated waters)		Calculated value of pilot demand	Pilots needed (total = 36)
Area 1 (Designated waters)	5,116	÷	1,000	=	5.116	6
Area 2 (Undesignated waters)	5,429	÷	1,800	=	3.016	5
Area 4 (Undesignated waters)	5,814	÷	1,800	=	3.230	4
Area 5 (Designated waters)	5,052	÷	1,000	=	5.052	6
Area 6 (Undesignated waters)	9,611	÷	1,800	=	5.339	6
Area 7 (Designated waters)	3,023	÷	1,000	=	3.023	4
Area 8 (Undesignated waters)	7,540	÷	1,800	=	4.189	5

Step 2.C: Projection of Target Pilot Compensation. In Table 15, we project total target pilot compensation separately for each area by multiplying the number of pilots needed in each area, as shown in Table 14, by the target pilot compensation shown in Table 13.

TABLE 15—PROJECTION OF TARGET PILOT COMPENSATION BY AREA

Pilotage area	Pilots needed (total = 36)		Target rate of pilot compensation		Projected target pilot compensation
Area 1 (Designated waters)	6	×	$232,327	=	$1,393,964
Area 2 (Undesignated waters)	5	×	169,196	=	845,981
Area 4 (Undesignated waters)	4	×	169,196	=	676,785
Area 5 (Designated waters)	6	×	232,327	=	1,393,964
Area 6 (Undesignated waters)	6	×	169,196	=	1,015,177
Area 7 (Designated waters)	4	×	232,327	=	929,309
Area 8 (Undesignated waters)	5	×	169,196	=	845,981

Note: Numbers may not total due to rounding.

Steps 3 and 3.A: Projection of Revenue. In Steps 3 and 3.A., we project the revenue that would be received in 2015 if demand for pilotage services matches the bridge hours we projected in Table 14, and if 2014 pilotage rates are left unchanged. Table 16 shows this calculation.

TABLE 16—PROJECTION OF REVENUE BY AREA

Pilotage area	Projected 2015 bridge hours		2014 Pilotage rates		Revenue projection for 2015
Area 1 (Designated waters)	5,116	×	$472.50	=	$2,417,285
Area 2 (Undesignated waters)	5,429	×	291.96	=	1,585,032
Area 4 (Undesignated waters)	5,814	×	210.40	=	1,223,262
Area 5 (Designated waters)	5,052	×	521.64	=	2,635,314
Area 6 (Undesignated waters)	9,611	×	204.95	=	1,969,800
Area 7 (Designated waters)	3,023	×	495.01	=	1,496,427
Area 8 (Undesignated waters)	7,540	×	191.34	=	1,442,677
Total					12,769,797

Note: Numbers may not total due to rounding.

Step 4: Calculation of Investment Base. In this step, we calculate each association's investment base, which is the recognized capital investment in the assets employed by the association to support pilotage operations. This step uses a formula set out in 46 CFR part 404, Appendix B. The first part of the formula identifies each association's total sources of funds. Tables 17 through 19 follow the formula up to that point.

TABLE 17—TOTAL SOURCES OF FUNDS, DISTRICT ONE

		Area 1		Area 2
Recognized Assets:				
Total Current Assets		$532,237		$467,833
Total Current Liabilities	–	61,808	–	54,329
Current Notes Payable	+	23,413	+	20,579

TABLE 17—TOTAL SOURCES OF FUNDS, DISTRICT ONE—Continued

		Area 1		Area 2
Total Property and Equipment (NET)	+	445,044	+	391,191
Land	–	11,727	–	10,308
Total Other Assets	+	0	+	0
Total Recognized Assets	=	927,159	=	814,966
Non-Recognized Assets:				
Total Investments and Special Funds	+	6,452	+	5,672
Total Non-Recognized Assets	=	6,452	=	5,672
Total Assets:				
Total Recognized Assets		927,159		814,966
Total Non-Recognized Assets	+	6,452	+	5,672
Total Assets	=	933,611	=	820,638
Recognized Sources of Funds:				
Total Stockholder Equity		659,141		579,380
Long-Term Debt	+	262,785	+	230,986
Current Notes Payable	+	23,413	+	20,579
Advances from Affiliated Companies	+	0	+	0
Long-Term Obligations—Capital Leases	+	0	+	0
Total Recognized Sources	=	945,339	=	830,945
Non-Recognized Sources of Funds:				
Pension Liability		0		0
Other Non-Current Liabilities	+	0	+	0
Deferred Federal Income Taxes	+	10,675	+	9,383
Other Deferred Credits	+	0	+	0
Total Non-Recognized Sources	=	10,675	=	9,383
Total Sources of Funds:				
Total Recognized Sources		945,339		830,945
Total Non-Recognized Sources	+	10,675	+	9,383
Total Sources of Funds	=	956,014	=	840,328

Note: Numbers may not total due to rounding.

TABLE 18—TOTAL SOURCES OF FUNDS, DISTRICT TWO

		Area 4		Area 5
Recognized Assets:				
Total Current Assets		498,456		747,683
Total Current Liabilities	–	494,410	–	741,614
Current Notes Payable	+	33,962	+	50,942
Total Property and Equipment (NET)	+	436,063	+	654,094
Land	–	0	–	0
Total Other Assets	+	60,418	+	90,627
Total Recognized Assets	=	534,488	=	801,733
Non-Recognized Assets:				
Total Investments and Special Funds	+	0	+	0
Total Non-Recognized Assets	=	0	=	0
Total Assets:				
Total Recognized Assets		534,488		801,733
Total Non-Recognized Assets	+	0	+	0
Total Assets	=	534,488	=	801,733
Recognized Sources of Funds:				
Total Stockholder Equity		85,846		128,768
Long-Term Debt	+	414,681	+	622,022
Current Notes Payable	+	33,962	+	50,942
Advances from Affiliated Companies	+	0	+	0

TABLE 18—TOTAL SOURCES OF FUNDS, DISTRICT TWO—Continued

		Area 4		Area 5
Long-Term Obligations—Capital Leases	+	0	+	0
Total Recognized Sources	=	534,488	=	801,733
Non-Recognized Sources of Funds:				
Pension Liability		0		0
Other Non-Current Liabilities	+	0	+	0
Deferred Federal Income Taxes	+	0	+	0
Other Deferred Credits	+	0	+	0
Total Non-Recognized Sources	=	0	=	0
Total Sources of Funds:				
Total Recognized Sources		534,488		801,733
Total Non-Recognized Sources	+	0	+	0
Total Sources of Funds	=	534,488	=	801,733

Note: Numbers may not total due to rounding.

TABLE 19—TOTAL SOURCES OF FUNDS, DISTRICT THREE

		Area 6		Area 7		Area 8
Recognized Assets:						
Total Current Assets		656,459		281,340		401,914
Total Current Liabilities	–	82,775	–	35,475	–	50,679
Current Notes Payable	+	7,730	+	3,313	+	4,733
Total Property and Equipment (NET)	+	19,611	+	8,405	+	12,007
Land	–	0	–	0	–	0
Total Other Assets	+	490	+	210	+	300
Total Recognized Assets	=	601,515	=	257,793	=	368,275
Non-Recognized Assets:						
Total Investments and Special Funds	+	0	+	0	+	0
Total Non-Recognized Assets	=	0	=	0	=	0
Total Assets:						
Total Recognized Assets		601,515		257,793		368,275
Total Non-Recognized Assets	+	0	+	0	+	0
Total Assets	=	601,515	=	257,793	=	368,275
Recognized Sources of Funds:						
Total Stockholder Equity		586,300		251,271		358,959
Long-Term Debt	+	7,485	+	3,208	+	4,583
Current Notes Payable	+	7,730	+	3,313	+	4,733
Advances from Affiliated Companies	+	0	+	0	+	0
Long-Term Obligations – Capital Leases	+	0	+	0	+	0
Total Recognized Sources	=	601,515	=	257,793	=	368,275
Non-Recognized Sources of Funds:						
Pension Liability		0		0		0
Other Non-Current Liabilities	+	0	+	0	+	0
Deferred Federal Income Taxes	+	0	+	0	+	0
Other Deferred Credits	+	0	+	0	+	0
Total Non-Recognized Sources	=	0	=	0	=	0
Total Sources of Funds:						
Total Recognized Sources		601,515		257,792		368,275
Total Non-Recognized Sources	+	0	+	0	+	0
Total Sources of Funds	=	601,515	=	257,792	=	368,275

Note: Numbers may not total due to rounding.

Tables 17 through 19 also relate to the second part of the formula for calculating the investment base. The second part establishes a ratio between recognized sources of funds and total sources of funds. Since non-recognized sources of funds (sources we do not recognize as required to support pilotage operations) only exist for District One for this year's rulemaking, the ratio between recognized sources of funds and total sources of funds is 1:1 (or a multiplier of 1) for Districts Two and Three. District One has a multiplier of 0.99. Table 20 applies the multiplier of 0.99 and 1 as necessary and shows the investment base for each association. Table 20 also expresses these results by area, because area results will be needed in subsequent steps.

TABLE 20—INVESTMENT BASE BY AREA AND DISTRICT

District	Area	Total recognized assets ($)	Recognized sources of funds ($)	Total sources of funds ($)	Multiplier (ratio of recognized to total sources)	Investment base ($) [1]
One	1	927,159	945,339	956,014	0.99	916,806
	2	814,966	830,945	840,328	0.99	805,866
Total						1,722,672
Two [2]	4	534,488	534,488	534,488	1	534,488
	5	801,733	801,733	801,733	1	801,733
Total						1,336,221
Three	6	601,515	601,515	601,515	1	601,515
	7	257,793	257,792	257,792	1	257,793
	8	368,275	368,275	368,275	1	368,275
Total						1,227,581

[1] "Investment base" = "Total recognized assets" × "Multiplier (ratio of recognized to total sources)".
[2] The pilot associations that provide pilotage services in Districts One and Three operate as partnerships. The pilot association that provides pilotage service for District Two operates as a corporation.
Note: Numbers may not total due to rounding.

Step 5: Determination of Target Rate of Return. We determine a market-equivalent return on investment (ROI) that will be allowed for the recognized net capital invested in each association by its members. We do not recognize capital that is unnecessary or unreasonable for providing pilotage services. There are no non-recognized investments in this year's calculations. The allowed ROI is based on the preceding year's average annual rate of return for new issues of high-grade corporate securities. For 2013, the preceding year, the allowed ROI was 4.24 percent, based on the average rate of return for that year on Moody's AAA corporate bonds, which can be found at *http://research.stlouisfed.org/fred2/series/AAA/downloaddata?cid=119.*

Step 6: Adjustment Determination. The first part of the adjustment determination requires an initial calculation, applying a formula described in Appendix A. The formula uses the results from Steps 1, 2, 3, and 4 to project the ROI that can be expected in each area if no further adjustments are made. This calculation is shown in Tables 21 through 23.

TABLE 21—PROJECTED ROI, AREAS IN DISTRICT ONE

		Area 1		Area 2
Revenue (from Step 3)		$2,417,285		$1,585,032
Operating Expenses (from Step 1)	–	$603,313	–	$458,153
Pilot Compensation (from Step 2)	–	$1,393,964	–	$845,981
Operating Profit/(Loss)	=	$420,009	=	$280,899
Interest Expense (from audits)	–	$15,484	–	$13,610
Earnings Before Tax	=	$404,525	=	$267,289
Federal Tax Allowance	–	$0	–	$0
Net Income	=	$404,525	=	$267,289
Return Element (Net Income + Interest)		$420,009		$280,899
Investment Base (from Step 4)	÷	$916,806	÷	$805,866
Projected Return on Investment	=	0.46	=	0.35

TABLE 22—PROJECTED ROI, AREAS IN DISTRICT TWO

		Area 4		Area 5
Revenue (from Step 3)		$1,223,262		$2,635,314
Operating Expenses (from Step 1)	–	$512,027	–	$768,048
Pilot Compensation (from Step 2)	–	$676,785	–	$1,393,964
Operating Profit/(Loss)	=	$34,450	=	$473,302
Interest Expense (from audits)	–	$2,989	–	$4,483
Earnings Before Tax	=	$31,461	=	$468,819

TABLE 22—PROJECTED ROI, AREAS IN DISTRICT TWO—Continued

		Area 4		Area 5
Federal Tax Allowance	–	$5,200	–	$7,800
Net Income	=	$26,261	=	$461,019
Return Element (Net Income + Interest)		$29,250		$465,502
Investment Base (from Step 4)	÷	$534,488	÷	$801,733
Projected Return on Investment	=	0.05	=	0.58

TABLE 23—PROJECTED ROI, AREAS IN DISTRICT THREE

		Area 6		Area 7		Area 8
Revenue (from Step 3)		$1,969,800		$1,496,427		$1,442,677
Operating Expenses (from Step 1)	–	$811,899	–	$347,957	–	$497,081
Pilot Compensation (from Step 2)	–	$1,015,177	–	$929,309	–	$845,981
Operating Profit/(Loss)	=	$142,724	=	$219,161	=	$99,615
Interest Expense (from audits)	–	$2,692	–	$1,154	–	$1,648
Earnings Before Tax	=	$140,032	=	$218,007	=	$97,967
Federal Tax Allowance	–	$0	–	$0	–	$0
Net Income	=	$140,032	=	$218,007	=	$97,967
Return Element (Net Income + Interest)		$142,724		$219,161		$99,615
Investment Base (from Step 4)	÷	$601,515	÷	$257,793	÷	$368,275
Projected Return on Investment	=	0.24	=	0.85	=	0.27

The second part required for Step 6 compares the results of Tables 21 through 23 with the target ROI (4.24 percent) we obtained in Step 5 to determine if an adjustment to the base pilotage rate is necessary. Table 24 shows this comparison for each area.

TABLE 24—COMPARISON OF PROJECTED ROI AND TARGET ROI, BY AREA[1]

	Area 1	Area 2	Area 4	Area 5	Area 6	Area 7	Area 8
	St. Lawrence River	Lake Ontario	Lake Erie	Southeast Shoal to Port Huron, MI	Lakes Huron and Michigan	St. Mary's River	Lake Superior
Projected return on investment	0.4581	0.3486	0.0547	0.5806	0.2373	0.8501	0.2705
Target return on investment	0.0424	0.0424	0.0424	0.0424	0.0424	0.0424	0.0424
Difference in return on investment	0.4157	0.3062	0.0123	0.5382	0.1949	0.8077	0.2281

[1] **Note:** Decimalization and rounding of the target ROI affects the display in this table but does not affect our calculations, which are based on the actual figure.

Because Table 24 shows a significant difference between the projected and target ROIs, an adjustment to the base pilotage rates is necessary. Step 6 now requires us to determine the pilotage revenues that are needed to make the target return on investment equal to the projected return on investment. This calculation is shown in Table 25. It adjusts the investment base we used in Step 4, multiplying it by the target ROI from Step 5, and applies the result to the operating expenses and target pilot compensation determined in Steps 1 and 2.

TABLE 25—REVENUE NEEDED TO RECOVER TARGET ROI, BY AREA

Pilotage area	Operating expenses (Step 1)		Target pilot compensation (Step 2)		Investment base (Step 4) × 4.24% (Target ROI Step 5)		Federal tax allowance		Revenue needed
Area 1 (Designated waters)	$603,313	+	1,393,964	+	38,873	+	0	=	2,036,149
Area 2 (Undesignated waters)	$458,153	+	845,981	+	34,169	+	0	=	1,338,302
Area 4 (Undesignated waters)	$512,027	+	676,785	+	22,662	+	5,200	=	1,216,674
Area 5 (Designated waters)	$768,048	+	1,393,964	+	33,993	+	7,800	=	2,203,805
Area 6 (Undesignated waters)	$811,899	+	1,015,177	+	25,504	+	0	=	1,852,580

TABLE 25—REVENUE NEEDED TO RECOVER TARGET ROI, BY AREA—Continued

Pilotage area	Operating expenses (Step 1)		Target pilot compensation (Step 2)		Investment base (Step 4) × 4.24% (Target ROI Step 5)		Federal tax allowance		Revenue needed
Area 7 (Designated waters)	$347,957	+	929,309	+	10,930	+	0	=	1,288,197
Area 8 (Undesignated waters)	$497,081	+	845,981	+	15,615	+	0	=	1,358,677
Total	$3,998,479	+	7,101,160	+	181,747	+	13,000	=	11,294,385

The ''Revenue Needed'' column of Table 25 is less than the revenue we projected in Table 16.

Step 7: Adjustment of Pilotage Rates. Finally, we calculate rate adjustments by dividing the Step 6 revenue needed (Table 25) by the Step 3 revenue projection (Table 16), to give us a rate multiplier for each area. These rate adjustments are subject to adjustment based on the requirements of agreements between the United States and Canada and adjustment for other supportable circumstances. Tables 26 through 28 show these calculations.

TABLE 26—RATE MULTIPLIER, AREAS IN DISTRICT ONE

Ratemaking projections		Area 1 St. Lawrence River		Area 2 Lake Ontario
Revenue Needed (from Step 6)		$2,036,149		$1,338,302
Revenue (from Step 3)	÷	$2,417,285	÷	$1,585,032
Rate Multiplier	=	0.8423	=	0.8443

TABLE 27—RATE MULTIPLIER, AREAS IN DISTRICT TWO

Ratemaking projections		Area 4 Lake Erie		Area 5 Southeast Shoal to Port Huron, MI
Revenue Needed (from Step 6)		$1,216,674		$2,203,805
Revenue (from Step 3)	÷	$1,223,262	÷	$2,635,314
Rate Multiplier	=	0.9946	=	0.8363

TABLE 28—RATE MULTIPLIER, AREAS IN DISTRICT THREE

Ratemaking projections		Area 6 Lakes Huron and Michigan		Area 7 St. Mary's River		Area 8 Lake Superior
Revenue Needed (from Step 6)		$1,825,580		$1,288,197		$1,358,677
Revenue (from Step 3)	÷	$1,969,800	÷	$1,496,427	÷	$1,442,677
Rate Multiplier	=	0.9405	=	0.8608	=	0.9418

Note: Numbers may not total due to rounding.

We calculate a rate multiplier for adjusting the basic rates and charges described in 46 CFR 401.420 and 401.428, and it is applicable in all areas. We divide total revenue needed (Step 6, Table 25) by total projected revenue (Steps 3 and 3.A, Table 16). Table 29 shows this calculation.

TABLE 29—RATE MULTIPLIER FOR BASIC RATES AND CHARGES IN 46 CFR 401.420 AND 401.428

Ratemaking Projections:		
Total Revenue Needed (from Step 6)		$11,294,385
Total revenue (from Step 3)	÷	$12,769,797
Rate Multiplier	=	0.884

Using this table, we calculate rates for cancellation, delay, or interruption in rendering services (46 CFR 401.420) and basic rates and charges for carrying a U.S. pilot beyond the normal change point, or for boarding at other than the normal boarding point (46 CFR 401.428). The result is a decrease by 11.55 percent in all areas.

Without further action, the existing rates we established in our 2014 final rule would then be multiplied by the rate multipliers from Tables 29 through 31 to calculate the area by area rate changes for 2015. The resulting 2015 rates across the Great Lakes, on average, would then decrease by approximately 12 percent from the 2014 rates. This decrease is not due to increased

efficiencies in pilotage services but rather a result of adjustments to AMOU contract data.

We decline to impose this decrease because recently completed independent audits of pilot association revenues detail a significant gap between revenues projected by the Coast Guard and those actually collected by the pilot associations. Implementing a rate decrease would further widen this disparity and adversely impact the provision of safe, efficient, and reliable pilotage service on the Great Lakes. In light of the revenue studies, our initial proposal in the NPRM to raise rates 2.5 percent in order to gain parity with the Canadian GLPA now appears insufficient to ensure the funding of safe, efficient, and reliable pilotage service. In 46 U.S.C. 9303(f), the statute states ''The Secretary shall prescribe by regulation rates and charges for pilotage services, giving consideration to the public interest and the costs of providing the services.'' We believe the public interest is best served through promotion of safe, efficient, and reliable pilotage service. Sufficient revenue to fund safe, efficient, and reliable pilotage operations are considered integral to the public interest. Table 30 demonstrates the results of the revenue audits compared to our projections.

TABLE 30—REVENUE GAP

District	Ratemaking projections (2015)	Actual revenue revenue audits (2013)	Revenue shortfall (projections minus actual)
1	$4,002,317	$3,406,164	$596,153
2	3,858,576	3,169,377	689,199
3	4,908,904	4,323,965	584,939

Further, the gap captured in Table 30 actually underestimates the revenue gap because the projections of the current rulemaking rely on the alterations of proprietary union contracts. Table 31 illustrates the average U.S. Registered Pilot compensation, assuming all revenue remaining after expenses is distributed as compensation.

TABLE 31—2013 AVERAGE ACTUAL COMPENSATION *

District	Revenues	Expenses	Total available for compensation	Number of pilots **	Approximate compensation per pilot
1	$3,406,164	$1,272,365	$2,133,799	11	$193,982
2	3,169,377	1,461,438	1,707,939	10	170,794
3	4,323,965	1,778,118	2,545,847	17	149,756
Total	10,899,506	4,511,921	6,387,585	38	168,094

* The Coast Guard does not establish pay procedures for the pilot associations, rather we set a target rate of compensation for general compensation calculation.

** The District Three Association actually employed 13 pilots during this timeframe; their approximate compensation per pilot is higher than this table depicts. Seventeen pilots were authorized in the rate.

These figures demonstrate the significant shortfall in pilot compensation compared to an estimated present value of 2011 compensation (the last figures are not in dispute) of approximately $260,000. We believe $260,000 is a fair estimate of what pilot compensation should be based on uncontested figures from previous AMOU contracts. The gap of almost $90,000 between approximate actual compensation and our estimates of where pilot compensation should stand place the pilot associations in an untenable position. We believe it is imperative to act quickly to raise the revenue needed to sustain pilot association operations and compensate pilots in a fair and reasonable manner. This gap also highlights a significant discrepancy in the actual salaries of U.S. Registered Pilots compared to the Canadian Registered Pilots of the GLPA, estimated to be approximately ($US) 250,000. We must work quickly to rebaseline the billing scheme and raise the revenue necessary to continue to sustain safe, efficient, and reliable pilotage service on the Great Lakes. We believe the shortfalls in revenue are caused by an overprojection of bridge hours and to a larger extent, an inadequate billing scheme. To this end, we will adjust our proposal to raise rates in all areas by 10 percent in a concerted effort to begin closing the established gap between compensation of U.S. and Canadian Registered Pilots, as well as the gap between actual salaries and previous estimates. This percentage increase is high enough above inflation to begin closing the revenue gap without being unduly burdensome to industry. We believe sustained, steady rate increases to close the gap are more responsible than a one-time action. This replaces our initial projections of a 2.5 percent increase in all areas. We will seek to address the underlying methodology challenges in a future rulemaking.

Therefore, we rely on the discretionary authority we have under Step 7 to further adjust rates and begin closing the gap between revenues projected by the Coast Guard and those collected by the pilot associations. Table 32 compares the impact, area by area, that an average decrease of 12 percent would have, relative to the impact each area would experience if United States rates increase.

TABLE 32—IMPACT OF EXERCISING STEP 7 DISCRETION

Area	Percent change in rate without exercising Step 7 discretion	Percent change in rate with exercise of Step 7 discretion
Area 1 (Designated waters)	−15.77	10
Area 2 (Undesignated waters)	−15.57	10
Area 4 (Undesignated waters)	−0.54	10
Area 5 (Designated waters)	−16.37	10
Area 6 (Undesignated waters)	−5.95	10
Area 7 (Designated waters)	−13.92	10
Area 8 (Undesignated waters)	−5.82	10

The following tables reflect our rate adjustments of 10 percent across all areas.

Tables 33 through 35 show these calculations.

TABLE 33—ADJUSTMENT OF PILOTAGE RATES, AREAS IN DISTRICT ONE

	2014 Rate		Rate multiplier		Adjusted rate for 2015
Area 1					
St. Lawrence River					
Basic Pilotage	$19.22/km, $34.02/mi	×	1.1	=	$21.14/km, $37.42/mi
Each lock Transited	$426	×	1.1	=	$469
Harbor movage	1,395	×	1.1	=	1,535
Minimum basic rate, St. Lawrence River	931	×	1.1	=	1,024
Maximum rate, through trip	4,084	×	1.1	=	4,492
Area 2					
Lake Ontario					
6-hour period	872	×	1.1	=	959
Docking or Undocking	832	×	1.1	=	915

Note: Numbers may not total due to rounding.

In addition to the rate charges in Table 33, as we explain in the Summary section of Part VI of this preamble, we are authorizing District One to implement a temporary supplemental 10 percent charge on each source form (the ''bill'' for pilotage service) for the duration of the 2015 shipping season, which begins in March 2015. District One will be required to provide us with monthly status reports once this surcharge becomes effective for the duration of the 2015 shipping season. We will exclude these expenses from future rates and any surcharge surplus/deficit from the 2014 season would impact the final authorized surcharge for the 2015 season.

TABLE 34—ADJUSTMENT OF PILOTAGE RATES, AREAS IN DISTRICT TWO

	2014 Rate		Rate multiplier		Adjusted rate for 2015
Area 4					
Lake Erie					
6-hour period	$849	×	1.1	=	$934
Docking or undocking	653	×	1.1	=	718
Any point on Niagara River below Black Rock Lock	1,667	×	1.1	=	1,834
Area 5					
Southeast Shoal to Port Huron, MI between any point on or in					
Toledo or any point on Lake Erie W. of Southeast Shoal	1,417	×	1.1	=	1,559
Toledo or any point on Lake Erie W. of Southeast Shoal & Southeast Shoal	2,397	×	1.1	=	2,637
Toledo or any point on Lake Erie W. of Southeast Shoal & Detroit River	3,113	×	1.1	=	3,424
Toledo or any point on Lake Erie W. of Southeast Shoal & Detroit Pilot Boat	2,397	×	1.1	=	2,637
Port Huron Change Point & Southeast Shoal (when pilots are not changed at the Detroit Pilot Boat)	4,176	×	1.1	=	4,594
Port Huron Change Point & Toledo or any point on Lake Erie W. of Southeast Shoal (when pilots are not changed at the Detroit Pilot Boat)	4,837	×	1.1	=	5,321
Port Huron Change Point & Detroit River	3,137	×	1.1	=	3,451
Port Huron Change Point & Detroit Pilot Boat	2,441	×	1.1	=	2,685
Port Huron Change Point & St. Clair River	1,735	×	1.1	=	1,909
St. Clair River	1,417	×	1.1	=	1,559
St. Clair River & Southeast Shoal (when pilots are not changed at the Detroit Pilot Boat)	4,176	×	1.1	=	4,594
St. Clair River & Detroit River/Detroit Pilot Boat	3,137	×	1.1	=	3,451
Detroit, Windsor, or Detroit River	1,417	×	1.1	=	1,559
Detroit, Windsor, or Detroit River & Southeast Shoal	2,397	×	1.1	=	2,637

TABLE 34—ADJUSTMENT OF PILOTAGE RATES, AREAS IN DISTRICT TWO—Continued

	2014 Rate		Rate multiplier		Adjusted rate for 2015
Detroit, Windsor, or Detroit River & Toledo or any point on Lake Erie W. of Southeast Shoal	3,113	×	1.1	=	3,424
Detroit, Windsor, or Detroit River & St. Clair River	3,137	×	1.1	=	3,451
Detroit Pilot Boat & Southeast Shoal	1,735	×	1.1	=	1,909
Detroit Pilot Boat & Toledo or any point on Lake Erie W. of Southeast Shoal	2,397	×	1.1	=	2,637
Detroit Pilot Boat & St. Clair River	3,137	×	1.1	=	3,451

Note: Numbers may not total due to rounding.

In addition to the rate charges in Table 34, and for the reasons we discussed in the Summary section of Part VI of this preamble, we are authorizing District Two to implement a temporary supplemental 10 percent charge on each source form for the duration of the 2015 shipping season, which begins in March 2015. District Two will be required to provide us with monthly status reports once this surcharge becomes effective for the duration of the 2015 shipping season. We will exclude these expenses from future rates.

TABLE 35—ADJUSTMENT OF PILOTAGE RATES, AREAS IN DISTRICT THREE

	2014 Rate		Rate multiplier		Adjusted rate for 2015
Area 6					
Lakes Huron and Michigan					
6-hour Period	$708	×	1.1	=	$779
Docking or undocking	672	×	1.1	=	739
Area 7					
St. Mary's River between any point on or in Gros Cap & De Tour	2,648	×	1.1	=	2,913
Algoma Steel Corp. Wharf, Sault Ste. Marie, Ont. & De Tour	2,648	×	1.1	=	2,913
Algoma Steel Corp. Wharf, Sault Ste. Marie, Ont. & Gros Cap	997	×	1.1	=	1,097
Any point in Sault Ste. Marie, Ont., except the Algoma Steel Corp. Wharf & De Tour	2,219	×	1.1	=	2,441
Any point in Sault Ste. Marie, Ont., except the Algoma Steel Corp. Wharf & Gros Cap	997	×	1.1	=	1,097
Sault Ste. Marie, MI & De Tour	2,219	×	1.1	=	2,441
Sault Ste. Marie, MI & Gros Cap	997	×	1.1	=	1,097
Harbor movage	997	×	1.1	=	1,097
Area 8					
Lake Superior					
6-hour period	601	×	1.1	=	661
Docking or undocking	571	×	1.1	=	628

Note: Numbers may not total due to rounding.

In addition to the rate charges in Table 35, and for the reasons we discussed in the Summary section of Part VI of this preamble, we are authorizing District Three to implement a temporary supplemental 10 percent charge on each source form for the duration of the 2015 shipping season, which begins in March 2015. District Three will be required to provide us with monthly status reports once this surcharge becomes effective for the duration of the 2015 shipping season. We will exclude these expenses from future rates.

VII. Regulatory Analyses

We developed this rule after considering numerous statutes and E.O.s related to rulemaking. Below we summarize our analyses based on these statutes or E.O.s.

A. Regulatory Planning and Review

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

This rule is not a significant regulatory action under section 3(f) of E.O. 12866 as supplemented by E.O. 13563, and does not require an assessment of potential costs and benefits under section 6(a)(3) of E.O. 12866. The Office of Management and Budget (OMB) has not reviewed it under E.O. 12866. Nonetheless, we developed an analysis of the costs and benefits of the rule to ascertain its probable impacts on industry.

The Coast Guard is required to review and adjust pilotage rates on the Great Lakes annually. See Parts III and IV of this preamble for detailed discussions of the Coast Guard's legal basis and purpose for this rulemaking and for background information on Great Lakes pilotage ratemaking. Based on our annual review for this rulemaking, we are adjusting the pilotage rates for the 2015 shipping season to generate sufficient revenue to cover allowable expenses, and to target pilot compensation and returns on pilot associations' investments. The rate adjustments in this rule will, if codified, lead to an increase in the cost per unit

of service to shippers in all three districts, and result in an estimated annual cost increase to shippers of approximately $1,276,980 across all three districts over 2014 rates—an increase of 10 percent.

In addition to the increase in payments that will be incurred by shippers in all three districts from the previous year as a result of the discretionary rate adjustments, we are authorizing temporary, supplemental surcharges to traffic across all three districts in order for the pilotage associations to recover training expenses and technology improvements that were incurred throughout the 2013 and 2014 shipping seasons. These temporary surcharges will be authorized for the duration of the 2015 shipping season, which begins in March. The additional revenue due to the temporary surcharges was calculated by multiplying the surcharge percentage by the projected revenue needed in 2015 for each district (Table 37). We estimate that these temporary surcharges will generate a combined $1,404,678 in revenue for the pilotage associations across all three districts. In District One, the 10 percent surcharge is expected to generate an additional $440,255 in revenue. In District Two, the 10 percent surcharge is expected to generate $424,443 in additional revenue. In District Three, the 10 percent surcharge is expected to generate an additional $539,979 in revenue. At the end of the 2015 shipping season, we will account for the monies the surcharges generate and make adjustments (debits/credits) to the operating expenses for the following year.

Therefore, after accounting for the implementation of the temporary surcharges on traffic across all three districts, the payments made by shippers during the 2015 shipping season are estimated to be approximately $2,681,657 more than the payments that were made in 2014.[4]

A regulatory assessment follows.

The final rule applies the 46 CFR part 404, Appendix A, full ratemaking methodology, including the exercise of our discretion to increase Great Lakes pilotage rates, on average, approximately 10 percent overall from the current rates set in the 2014 final rule. The Appendix A methodology is discussed and applied in detail in Part VI of this preamble. Among other factors described in Part VI, it reflects audited 2012 financial data from the pilotage associations (the most recent year available for auditing), projected association expenses, and regional inflation or deflation. The last full Appendix A ratemaking was concluded in 2014 and used financial data from the 2011 base accounting year. The last annual rate review, conducted under 46 CFR part 404, Appendix C, was completed early in 2011.

The shippers affected by these rate adjustments are those owners and operators of domestic vessels operating on register (employed in foreign trade) and owners and operators of foreign vessels on a route within the Great Lakes system. These owners and operators must have pilots or pilotage service as required by 46 U.S. C. 9302. There is no minimum tonnage limit or exemption for these vessels. The statute applies only to commercial vessels and not to recreational vessels.

Owners and operators of other vessels that are not affected by this final rule, such as recreational boats and vessels operating only within the Great Lakes system, may elect to purchase pilotage services. However, this election is voluntary and does not affect our calculation of the rate and is not a part of our estimated national cost to shippers.

We used 2011–2013 vessel arrival data from the Coast Guard's Marine Information for Safety and Law Enforcement (MISLE) system to estimate the average annual number of vessels affected by the rate adjustment. Using that period, we found that approximately 114 different vessels journeyed into the Great Lakes system annually. These vessels entered the Great Lakes by transiting at least one of the three pilotage districts before leaving the Great Lakes system. These vessels often made more than one distinct stop, docking, loading, and unloading at facilities in Great Lakes ports. Of the total trips for the 114 vessels, there were approximately 353 annual U.S. port arrivals before the vessels left the Great Lakes system, based on 2011–2013 vessel data from MISLE.

The impact of the rate adjustment to shippers is estimated from the District pilotage revenues. These revenues represent the costs that shippers must pay for pilotage services. The Coast Guard sets rates so that revenues equal the estimated cost of pilotage for these services.

We estimate the additional impact (cost increases or cost decreases) of the rate adjustment in this rule to be the difference between the total projected revenue needed to cover costs in 2014, based on the 2014 rate adjustment, and the total projected revenue needed to cover costs in 2015, as set forth in this rule, plus any temporary surcharges authorized by the Coast Guard. Table 36 details projected revenue needed to cover costs in 2015 after making the discretionary adjustment to pilotage rates as discussed in Step 7 of Part V of this preamble. Table 37 summarizes the derivation for calculating the revenue expected to be generated as a result of the temporary surcharges applied to traffic in all three districts as discussed in Step 7 of Part V of this preamble. Table 38 details the additional cost increases to shippers by area and district as a result of the rate adjustments and temporary surcharges on traffic in Districts One,Two, and Three.

TABLE 36—RATE ADJUSTMENT BY AREA AND DISTRICT

[$U.S.; Non-discounted]

	2014 Pilotage rates [5]	Rate change [6]	2015 Pilotage rates [7]	Projected 2015 bridge hours [8]	Projected revenue needed in 2015 [9]
Area 1	$472.50	1.10	$519.74	5,116	$2,659,014
Area 2	291.96	1.10	321.15	5,429	1,743,536

[4] Total payments across all three districts are equal to the increase in payments incurred by shippers as a result of the rate changes plus the temporary surcharges applied to traffic in Districts One, Two, and Three.

[5] 2014 Pilotage Rates are described in Table 16 of this rule.

[6] The estimated rate changes are described in Table 32 of this rule.

[7] 2015 Pilotage Rates—2014 Pilotage Rates × Rate Change.

[8] Projected 2015 Bridge Hours are described in Table 14 of this rule.

[9] Projected Revenue Needed in 2015—2015 Pilotage Rates × Projected 2015 Bridge Hours.

TABLE 36—RATE ADJUSTMENT BY AREA AND DISTRICT—Continued

[$U.S.; Non-discounted]

	2014 Pilotage rates [5]	Rate change [6]	2015 Pilotage rates [7]	Projected 2015 bridge hours [8]	Projected revenue needed in 2015 [9]
Total, District One					4,402,549
Area 4	210.40	1.10	231.44	5,814	1,345,588
Area 5	521.64	1.10	573.80	5,052	2,898,845
Total, District Two					4,244,433
Area 6	204.95	1.10	225.45	9,611	2,166,780
Area 7	495.01	1.10	544.52	3,023	1,646,070
Area 8	191.34	1.10	210.47	7,540	1,586,945
Total, District Three					5,399,795

* Some values may not total due to rounding.

TABLE 37—DERIVATION OF TEMPORARY SURCHARGE

	Area 1	Area 2	Area 4	Area 5	Area 6	Area 7	Area 8
Projected Revenue Needed in 2015	$2,659,014	$1,743,536	$1,345,588	$2,898,845	$2,166,780	$1,646,070	$1,586,945
Surcharge Rate	10%	10%	10%	10%	10%	10%	10%
Surcharge Raised	$265,901	$174,354	$134,559	$289,885	$216,678	$167,607	$158,694
Total Surcharge	$440,255		$424,443		$539,979		

TABLE 38—IMPACT OF THE RULE BY AREA AND DISTRICT

[$U.S.; Non-discounted]

	Projected revenue needed in 2014 [10]	Projected revenue needed in 2015 [11]	Temporary surcharge	Additional revenue or costs 2015 (2015–2014)	Total costs or savings of this final rule (additional revenue or costs 2015+temporary surcharge)
Area 1	$2,417,285	$2,659,014	$265,901	$241,729	$507,630
Area 2	1,585,032	1,743,536	174,354	158,503	332,857
Total, District One	4,002,318	4,402,549	440,255	400,232	840,487
Area 4	1,223,262	1,345,588	134,559	122,326	256,885
Area 5	2,635,314	2,898,845	289,885	263,531	553,416
Total, District Two	3,858,576	4,244,433	424,443	385,858	810,301
Area 6	1,969,800	2,166,780	216,678	196,980	413,658
Area 7	1,496,427	1,646,070	164,607	149,643	314,250
Area 8	1,442,677	1,586,945	158,694	144,268	302,962
Total, District Three	4,908,904	5,399,795	539,979	490,890	1,030,870
System Total	12,769,797	14,046,777	1,404,678	1,276,980	2,681,657

* Some values may not total due to rounding.

After applying the discretionary rate change in this rule, the resulting difference between the projected revenue in 2014 and the projected revenue in 2015 is the annual change in payments from shippers to pilots after accounting for market conditions (*i.e.,* a decrease in demand for pilotage services) and the change to pilotage rates as a result of this final rule. This figure is equivalent to the total additional payments or reduction in payments from the previous year that shippers will incur for pilotage services from this rule.

The impact of the discretionary rate adjustment on shippers varies by area and district in this final rule. The discretionary rate adjustments will lead to affected shippers operating in District One, District Two, and District Three experiencing an increase in payments of $400,232, $385,858, and $490,890, respectively, from the previous year.

In addition to the rate adjustments, temporary surcharges on traffic in District One, District Two, and District Three will be applied for the duration of the 2015 season in order for the pilotage associations to recover training expenses and technology investments incurred during the 2013 and 2014

[10] Projected revenue needed in 2014 is described in Table 16 of this rule.

[11] Projected revenue needed in 2015 is described in Table 36 of this rule.

shipping seasons. We estimate that these surcharges will generate an additional $440,255, $424,443, and $539,979 in revenue for the pilotage associations in District One, District Two, and District Three, respectively. At the end of the 2015 shipping season, we will account for the monies the surcharges generate and make adjustments (debits/credits) to the operating expenses for the following year.[12]

To calculate an exact cost or savings per vessel is difficult because of the variation in vessel types, routes, port arrivals, commodity carriage, time of season, conditions during navigation, and preferences for the extent of pilotage services on designated and undesignated portions of the Great Lakes system. Some owners and operators will pay more and some would pay less, depending on the distance travelled and the number of port arrivals by their vessels. However, the increase in costs reported earlier in this rule does capture the adjustment in payments that shippers will experience from the previous year. The overall adjustment in payments, after taking into account the increase in pilotage rates and the addition of temporary surcharges will be an increase in payments by shippers of approximately $2,681,657 across all three districts.

This rule will allow the Coast Guard to meet the requirements in 46 U.S. C. 9303 to review the rates for pilotage services on the Great Lakes, thus ensuring proper pilot compensation.

Alternatively, if we imposed the new rates based on the new contract data from AMOU, instead of using the discretionary rate adjustment described in Step 7, there would be an approximately 12 percent decrease in rates across the system. Instead of shippers experiencing an increase in payments of approximately $1,276,980[13] from the previous year, as a result of the rate adjustments, shippers would instead experience a reduction in payments of approximately $1,475,412.[14] Table 39 details projected revenue needed to cover costs in 2015 if the discretionary adjustment to pilotage rates as discussed in Step 7 of Part V of this preamble is not made. Table 40 details the additional costs or savings by area and district as a result of this alternative proposal.

TABLE 39—ALTERNATIVE RATE ADJUSTMENT BY AREA AND DISTRICT

[$U.S.; Non-discounted]

	2014 Pilotage rates	Rate change[15]	2015 Pilotage rates	Projected 2015 bridge hours	Projected revenue needed in 2015
Area 1	$472.50	0.8423	$398.00	5,116	$2,036,149
Area 2	291.96	0.8443	246.51	5,429	1,338,302
Total, District One					3,374,451
Area 4	210.40	0.9946	209.27	5,814	1,216,674
Area 5	521.64	0.8363	436.22	5,052	2,203,805
Total, District Two					3,420,480
Area 6	204.95	0.9405	192.76	9,611	1,852,580
Area 7	495.01	0.8608	426.13	3,023	1,288,197
Area 8	191.34	0.9418	180.20	7,540	1,358,677
Total, District Three					4,499,454
System Total					11,294,385

* Some values may not total due to rounding.

TABLE 40—ALTERNATIVE IMPACT OF THE RULE BY AREA AND DISTRICT

[$U.S.; Non-discounted]

	Projected revenue needed in 2014	Projected revenue needed in 2015	Temporary surcharge	Additional costs or savings of this rule
Area 1	$2,417,285	$2,036,149	$203,615	($177,521)
Area 2	1,585,032	1,338,302	133,830	(112,900)
Total, District One	4,002,318	3,374,451	337,445	(290,421)
Area 4	1,223,262	1,216,674	121,667	115,080
Area 5	2,635,314	2,203,805	220,381	(211,128)
Total, District Two	3,858,576	3,420,480	342,048	(96,048)
Area 6	1,969,800	1,852,580	185,258	68,038
Area 7	1,496,427	1,288,197	128,820	(79,411)
Area 8	1,442,677	1,358,677	135,868	51,868

[12] Our projections indicate in the 2016 rulemaking we will apply a surcharge of $112,226 for District One shippers at the end of the 2015 season in order to account for the difference between the total surcharges collected ($440,255) and the actual expenses incurred by the District One pilot association ($328,029 for training expenses), District Two shippers $98,614 (calculation: $424,443 (total surcharges collected) minus $300,000 to train two applicant pilots and ($25,829.80 for technology improvements)), and District Three shippers $213,029 (calculation: $539,979 (total surcharges collected) minus $326,950 (actual training expenses incurred)).

[13] This figure is the total costs or savings of the final rule minus the surcharges.

[14] This figure does not include the additional payments incurred by shippers as a result of the temporary surcharges applied to traffic in all three districts. The figure is equal to the total additional costs or savings of this final rule minus the temporary surcharges (see Table 40).

[15] The estimated rate changes are described in Table 32 of this final rule.

TABLE 40—ALTERNATIVE IMPACT OF THE RULE BY AREA AND DISTRICT—Continued

[$U.S.; Non-discounted]

	Projected revenue needed in 2014	Projected revenue needed in 2015	Temporary surcharge	Additional costs or savings of this rule
Total, District Three	4,908,904	4,499,454	449,945	40,495
System Total	12,769,797	11,294,385	1,129,439	(345,974)

* Some values may not total due to rounding.

We reject this alternative, however, because independent audits of pilot association revenues details a nearly $2 million gap between Coast Guard revenue projections and the amount of revenues actually collected. A rate decrease would only further widen this disparity, and would also jeopardize the ability of pilotage associations to provide safe, efficient, and reliable pilotage service. A rate increase of 10 percent in all areas will lessen the gap between revenues projected by the Coast Guard and those collected by pilot associations, and the gap between the actual salaries of U.S. Registered Pilots and Canadian Registered Pilots of the GLPA. See our discussion of Step 7 in Part VI of this preamble for further explanation.

B. Small Entities

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

We expect that entities affected by the final rule will be classified under the North American Industry Classification System (NAICS) code subsector 483-Water Transportation, which includes the following 6-digit NAICS codes for freight transportation: 483111—Deep Sea Freight Transportation, 483113—Coastal and Great Lakes Freight Transportation, and 483211—Inland Water Freight Transportation. According to the Small Business Administration's definition, a U.S. company with these NAICS codes and employing less than 500 employees is considered a small entity.

For the final rule, we reviewed recent company size and ownership data for the period 2011 through 2013 in the Coast Guard's MISLE database, and we reviewed business revenue and size data provided by publicly available sources such as MANTA and Reference USA. We found that large, foreign-owned shipping conglomerates or their subsidiaries owned or operated all vessels engaged in foreign trade on the Great Lakes. We assume that new industry entrants would be comparable in ownership and size to these shippers.

There are three U.S. entities affected by this rule that receive revenue from pilotage services. These are the three pilot associations that provide and manage pilotage services within the Great Lakes districts. Two of the associations operate as partnerships and one operates as a corporation. These associations are designated with the same NAICS industry classification and small-entity size standards described above, but they have fewer than 500 employees; combined, they have approximately 65 total employees. We expect no adverse impact to these entities from this rule because through this rulemaking, all the pilot associations are provided with additional revenue to offset some of the projected expenses associated with the projected number of bridge hours and pilots, and to keep them on par with their Canadian counterparts.

Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule would not have a significant economic impact on a substantial number of small entities.

C. Assistance for Small Entities

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

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

D. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). This rule does not change the burden in the collection currently approved by the OMB under OMB Control Number 1625–0086, Great Lakes Pilotage Methodology.

E. Federalism

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

Congress directed the Coast Guard to establish ''rates and charges for pilotage services.'' 46 U.S.C. 9303(f). This regulation is issued pursuant to that statute and is preemptive of state law as specified in 46 U.S.C. 9306. Under 46 U.S.C. 9306, a ''State or political subdivision of a State may not regulate or impose any requirement on pilotage on the Great Lakes.'' As a result, States or local governments are expressly prohibited from regulating within this category. Therefore, this rule is consistent with the principles of federalism and preemption requirements in E.O. 13132.

F. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions

that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule would not result in such expenditure, we discuss the effects of this rule elsewhere in this preamble.

G. Taking of Private Property

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

H. Civil Justice Reform

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

I. Protection of Children

We have analyzed this rule under E.O. 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.

J. Indian Tribal Governments

This rule does not have tribal implications under E.O. 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.

K. Energy Effects

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

L. Technical Standards

The National Technology Transfer and Advancement Act (15 U.S.C. 272, note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

M. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A final environmental analysis checklist supporting this determination is available in the docket where indicated under the **ADDRESSES** section of this preamble. This final rule involves regulations that are editorial or procedural and fall under section 2.B.2, figure 2–1, paragraph (34)(a) of the Instruction.

List of Subjects in 46 CFR Part 401

Administrative practice and procedure, Great Lakes, Navigation (water), Penalties, Reporting and recordkeeping requirements, Seamen.

For the reasons discussed in the preamble, the Coast Guard amends 46 CFR part 401 as follows:

Title 46—Shipping

PART 401—GREAT LAKES PILOTAGE REGULATIONS

■ 1. The authority citation for part 401 continues to read as follows:

Authority: 46 U.S.C. 2104(a), 6101, 7701, 8105, 9303, 9304; Department of Homeland Security Delegation No. 0170.1; 46 CFR 401.105 also issued under the authority of 44 U.S.C. 3507.

■ 2. In § 401.405, revise paragraphs (a) and (b), including the footnote to Table (a), to read as follows:

§ 401.405 Basic rates and charges on the St. Lawrence River and Lake Ontario.

* * * * *

(a) Area 1 (Designated Waters):

Service	St. Lawrence River
Basic Pilotage	$21.13 per kilometer or $37.42 per mile.[1]
Each Lock Transited	$469.[1]
Harbor Movage	$1,535.[1]

[1] The minimum basic rate for assignment of a pilot in the St. Lawrence River is $1,024, and the maximum basic rate for a through trip is $4,492.

(b) Area 2 (Undesignated Waters):

Service	Lake Ontario
6-hour Period	$959
Docking or Undocking	915

■ 3. In § 401.407, revise paragraphs (a) and (b), including the footnote to Table (b), to read as follows:

§ 401.407 Basic rates and charges on Lake Erie and the navigable waters from Southeast Shoal to Port Huron, MI.

* * * * *

(a) Area 4 (Undesignated Waters):

Service	Lake Erie (East of Southeast Shoal)	Buffalo
6-hour Period	$934	$934
Docking or Undocking	718	718
Any point on the Niagara River below the Black Rock Lock	N/A	1,834

(b) Area 5 (Designated Waters):

Any point on or in	Southeast Shoal	Toledo or any point on Lake Erie west of Southeast Shoal	Detroit River	Detroit Pilot Boat	St. Clair River
Toledo or any port on Lake Erie west of Southeast Shoal	$2,637	$1,559	$3,424	$2,637	N/A
Port Huron Change Point	[1] 4,594	[1] 5,321	3,451	2,685	1,909
St. Clair River	[1] 4,594	N/A	3,451	3,451	1,559
Detroit or Windsor or the Detroit River	2,637	3,424	1,559	N/A	3,451
Detroit Pilot Boat	1,909	2,637	N/A	N/A	3,451

[1] When pilots are not changed at the Detroit Pilot Boat.

■ 4. In § 401.410, revise paragraphs (a), (b), and (c) to read as follows:

§ 401.410 Basic rates and charges on Lakes Huron, Michigan, and Superior; and the St. Mary's River.

* * * * *

(a) Area 6 (Undesignated Waters):

Service	Lakes Huron and Michigan
6-hour Period	$779
Docking or Undocking	739

(b) Area 7 (Designated Waters):

Area	De tour	Gros cap	Any harbor
Gros Cap	$2,913	N/A	N/A
Algoma Steel Corporation Wharf at Sault Ste. Marie, Ontario	2,913	$1,097	N/A
Any point in Sault Ste. Marie, Ontario, except the Algoma Steel Corporation Wharf	2,441	1,097	N/A
Sault Ste. Marie, MI	2,441	1,097	N/A
Harbor Movage	N/A	N/A	$1,097

(c) Area 8 (Undesignated Waters):

Service	Lake Superior
6-hour Period	$661
Docking or Undocking	628

§ 401.420 [Amended]

■ 5. Amend § 401.420 as follows:

■ a. In paragraph (a), remove the text ''$129'' and add, in its place, the text ''$142''; and remove the text ''$2,021'' and add, in its place, the text ''$2,223'';

■ b. In paragraph (b), remove the text ''$129'' and add, in its place, the text ''$142''; and remove the text ''$2,021'' and add, in its place, the text ''$2,223''; and

■ c. In paragraph (c)(1), remove the text ''$763'' and add, in its place, the text ''$839''; in paragraph (c)(3), remove the text ''$129'' and add, in its place, the text ''$142''; and remove the text ''$2,021'' and add, in its place, the text ''$2,223''.

§ 401.428 [Amended]

■ 6. In § 401.428, remove the text ''$763'' and add, in its place, the text ''$839''.

Dated: February 23, 2015.

Gary C. Rasicot,

Director, Marine Transportation Systems, U.S. Coast Guard.

[FR Doc. 2015–04036 Filed 2–25–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 212

RIN 0750–AI50

Defense Federal Acquisition Regulation Supplement: Deletion of Obsolete Text Relating to Acquisition of Commercial Items (DFARS Case 2015–D002)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to delete obsolete text relating to acquisition of commercial items.

DATES: Effective February 26, 2015.

FOR FURTHER INFORMATION CONTACT: Janetta Brewer, telephone 571–372–6104.

SUPPLEMENTARY INFORMATION:

I. Background

On March 12, 2012, the DFARS was amended to implement a recommendation made by the Panel on Contracting Integrity and included in its 2009 Report to Congress concerning compliance with the DFARS documentation requirements for commercial item determinations. DFARS subpart 212.1 was revised to require the contracting officer to determine that an acquisition exceeding $1 million and using FAR part 12 procedures either meets the commercial item definition at FAR 2.101 or the criteria at FAR 12.102(g)(1). The DFARS reference to FAR 12.102(g)(1), however, is no longer necessary since the FAR criteria only apply to contracts and task orders entered on or before November 24, 2013. Accordingly, DFARS 212.102(a)(i)(A) is being revised to remove the statement ''or meets the criteria at FAR 12.102(g)(1)''.

On November 1, 2004, DFARS subpart 212.70 was amended to implement section 847 of the National Defense Authorization Act for Fiscal Year 2004, which authorized DoD to carry out a pilot program that permitted the use of streamlined contracting procedures for the production of items or processes begun as prototype projects under other transaction agreements. Since the authority for this program expired on September 30, 2010, the associated text at DFARS subpart 212.70 is being removed.

II. Publication of This Final Rule for Public Comment Is Not Required by Statute

''Publication of proposed regulations'', 41 U.S.C. 1707, is the statute which applies to the publication of the Federal Acquisition Regulation. Paragraph (a)(1) of the statute requires that a procurement policy, regulation,

procedure or form (including an amendment or modification thereof) must be published for public comment if it relates to the expenditure of appropriated funds, and has either a significant effect beyond the internal operating procedures of the agency issuing the policy, regulation, procedure or form, or has a significant cost or administrative impact on contractors or offerors. This final rule is not required to be published for public comment, because it only deletes from the DFARS obsolete authorities for a program that expired September 30, 2010, and removes an outdated reference to the FAR. As such, these DFARS updates have no significant effect beyond the internal operating procedures of the Government and do not impose a significant cost or administrative impact on contractors or offerors.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

IV. Regulatory Flexibility Act

The Regulatory Flexibility Act does not apply to this rule because this final rule does not constitute a significant DFARS revision within the meaning of FAR 1.501–1, and 41 U.S.C. 1707 does not require publication for public comment.

V. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Part 212

Government procurement.

Manuel Quinones,

Editor, Defense Acquisition Regulations System.

Therefore, 48 CFR part 212 is amended as follows:

PART 212—ACQUISITION OF COMMERCIAL ITEMS

■ 1. The authority citation for 48 CFR part 212 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR Chapter 1.

212.102 [Amended]

■ 2. Amend section 212.102, paragraph (a)(i)(A) by removing the phrase ''or meets the criteria at FAR 12.102(g)(1)''.

Subpart 212.70 [Removed and Reserved]

■ 3. Remove and reserve subpart 212.70 (consisting of sections 212.7000, 212.7001, 212.7002, 212.7002–1, 212.7002–2, 212.7002–3, and 212.7003).

[FR Doc. 2015–03856 Filed 2–25–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 218, 225, and 242

Defense Federal Acquisition Regulation Supplement; Technical Amendments

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is making technical amendments to the Defense Federal Acquisition Regulation Supplement (DFARS) to provide needed editorial changes.

DATES: Effective February 26, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. Manuel Quinones, Defense Acquisition Regulations System, OUSD(AT&L)DPAP(DARS), Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060. Telephone 571–372–6088; facsimile 571–372–6094.

SUPPLEMENTARY INFORMATION: This final rule amends the DFARS as follows:

1. Directs contracting officers to additional procedures and guidance by adding a reference to DFARS Procedures, Guidance, and Information PGI 218.272 at DFARS 218.272. A cross reference to DFARS 218.272 is also added at DFARS 225.7405.

2. Directs contracting officers to additional procedures and guidance by adding a reference to DFARS Procedures, Guidance, and Information PGI 242.7502 at DFARS 242.7502.

List of Subjects in 48 CFR Parts 218, 225, and 242

Government procurement.

Manuel Quinones,

Editor, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 218, 225, and 242 are amended as follows:

■ 1. The authority citation for 48 CFR parts 218, 225, and 242 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

PART 218–EMERGENCY ACQUISITIONS

■ 2. Add section 218.272 to read as follows:

218.272 Use of electronic business tools.

When supporting a contingency operation or humanitarian or peacekeeping operation, follow the procedures at PGI 218.272 concerning the use of electronic business tools.

PART 225–FOREIGN ACQUISITION

■ 3. Add section 225.7405 to read as follows:

225.7405 Use of electronic business tools.

See 218.272 concerning the use of electronic business tools in support of a contingency operation or humanitarian or peacekeeping operation.

PART 242–CONTRACT ADMINISTRATION AND AUDIT SERVICES

■ 4. Amend section 242.7502 by revising paragraph (g)(2) introductory text to read as follows:

242.7502 Policy.

* * * * *

(g) * * *

(2) The contracting officer responsible for negotiation of a proposal generated by an accounting system with an identified deficiency shall evaluate whether the deficiency impacts the negotiations. See also PGI 242.7502(g)(2). If it does not, the contracting officer should proceed with negotiations. If it does, the contracting officer should consider other alternatives, *e.g.*—

* * * * *

[FR Doc. 2015–03858 Filed 2–25–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 225

RIN 0750–AI36

Defense Federal Acquisition Regulation Supplement: Domestic Source Restrictions on Certain Naval Vessel Components (DFARS Case 2014–D022)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement the statutory domestic source restrictions on acquisition of certain naval vessel components.

DATES: Effective February 26, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Amy G. Williams, telephone 571–372–6106.

SUPPLEMENTARY INFORMATION:

I. Background

DoD published a proposed rule in the **Federal Register** at 79 FR 56333 on September 19, 2014, to implement the domestic source restrictions in 10 U.S.C. 2534 on gyrocompasses, electronic navigation chart systems, steering controls, pumps, propulsion and machinery control systems, and totally enclosed lifeboats, to the extent they are unique to marine applications.

One respondent submitted a public comment in response to the proposed rule.

II. Discussion and Analysis

DoD reviewed the public comment in the development of the final rule. A discussion of the comment is provided, as follows:

A. Significant Changes From the Proposed Rule

There is no change from the proposed rule to the final rule.

B. Analysis of Public Comment

Comment: The respondent stated that the rule should require manufacture of the naval vessel components in the United States.

Response: In accordance with 10 U.S.C. 2534, the rule requires manufacture of the naval vessel components in the United States or Canada. 10 U.S.C. 2534(b) requires the manufacturer of the items to be a part of the national technology and industrial base. The term ''national technology and industrial base'' is defined at 10 U.S.C. 2500 to mean ''the persons and organizations that are engaged in research, development, production, integration, services, or information technology activities conducted within the United States and Canada.'' Therefore, it is necessary to allow manufacture in Canada, as well as the United States.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

IV. Regulatory Flexibility Act

DoD certifies that 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.,* because this law has been implemented in the Defense Logistics Agency and Department of Navy regulations for many years, and moving the regulations to the DFARS will have no impact on the public.

V. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Part 225

Government procurement.

Manuel Quinones,

Editor, Defense Acquisition Regulations System.

Therefore, 48 CFR part 225 is amended as follows:

PART 225—FOREIGN ACQUISITION

■ 1. The authority citation for 48 CFR part 225 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

■ 2. Amend section 225.7008 by revising paragraph (b) to read as follows:

225.7008 Waiver of restrictions of 10 U.S.C. 2534.

* * * * *

(b) In accordance with the provisions of paragraphs (a)(1)(i) through (iii) of this section, the USD(AT&L) has waived the restrictions of 10 U.S.C. 2534(a) for certain items manufactured in the United Kingdom, including air circuit breakers for naval vessels (see 225.7006) and the naval vessel components listed at 225.7010–1.

■ 3. Add sections 225.7010, 225.7010–1, 225.7010–2, 225.7010–3, and 225.7010–4 to read as follows:

225.7010 Restriction on certain naval vessel components.

225.7010–1 Restriction.

In accordance with 10 U.S.C. 2534, do not acquire the following components of naval vessels, to the extent they are unique to marine applications, unless manufactured in the United States or Canada:

(a) Gyrocompasses.

(b) Electronic navigation chart systems.

(c) Steering controls.

(d) Pumps.

(e) Propulsion and machinery control systems.

(f) Totally enclosed lifeboats.

225.7010–2 Exceptions.

This restriction does not apply to—

(a) Contracts or subcontracts that do not exceed the simplified acquisition threshold; or

(b) Acquisition of spare or repair parts needed to support components for naval vessels manufactured outside the United States. Support includes the purchase of spare gyrocompasses, electronic navigation chart systems, steering controls, pumps, propulsion and machinery control systems, or totally enclosed lifeboats, when those from alternate sources are not interchangeable.

225.7010–3 Waiver.

(a) The waiver criteria at 225.7008(a) apply to this restriction.

(b) The Under Secretary of Defense (Acquisition, Technology, and Logistics) has waived the restriction of 10 U.S.C. 2534 for certain items manufactured in the United Kingdom, including the items listed in section 225.7010–1. See 225.7008.

225.7010–4 Implementation.

(a) 10 U.S.C. 2534(h) prohibits the use of contract clauses or certifications to implement this restriction.

(b) Agencies shall accomplish implementation of this restriction through use of management and oversight techniques that achieve the objectives of this section without imposing a significant management burden on the Government or the contractor involved.

[FR Doc. 2015–03855 Filed 2–25–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 130312235–3658–02]

RIN 0648–XD733

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Resources of the South Atlantic; Trip Limit Reduction

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

ACTION: Temporary rule; trip limit reduction.

SUMMARY: NMFS reduces the commercial trip limit for vermilion snapper in or from the exclusive economic zone (EEZ) of the South Atlantic to 500 lb (227 kg), gutted weight. This trip limit reduction is necessary to protect the South Atlantic vermilion snapper resource.

DATES: This rule is effective 12:01 a.m., local time, March 2, 2015, until 12:01 a.m., local time, July 1, 2015.

FOR FURTHER INFORMATION CONTACT: Britni LaVine, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *britni.lavine@noaa.gov.*

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery includes vermilion snapper in the South Atlantic and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The South Atlantic Fishery Management Council prepared the FMP and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

The commercial quota for vermilion snapper in the South Atlantic is divided into two 6-month time periods, January through June and July through December. For the January 1 through June 30, 2015, fishing season, the commercial quota is 394,829 lb (179,091 kg), gutted weight (438,260 lb (198,791 kg), round weight), as specified in 50 CFR 622.190(a)(4)(i)(C).

Under 50 CFR 622.191(a)(6)(ii), NMFS is required to reduce the commercial trip limit for vermilion snapper from 1,000 lb (454 kg), gutted weight (1,110 lb (503 kg), round weight), to 500 lb (227 kg), gutted weight (555 lb (252 kg), round weight), when 75 percent of the fishing season quota is reached or projected to be reached, by filing a notification to that effect with the Office of the Federal Register, as implemented by the final rule for Regulatory Amendment 18 (78 FR 47574, August 6, 2013). Based on current information, NMFS has determined that 75 percent of the available commercial quota for the January 1 through June 30, 2015, fishing season for vermilion snapper will be reached by March 2, 2015. Accordingly, NMFS is reducing the commercial trip limit for vermilion snapper to 500 lb (227 kg), gutted weight (555 lb (252 kg), round weight), in or from the South Atlantic EEZ at 12:01 a.m., local time, on March 2, 2015. This 500-lb (227-kg), gutted weight, trip limit will remain in effect until July 1, 2015, or until the quota is reached and the commercial sector closes, whichever occurs first.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of South Atlantic vermilion snapper and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.191(a)(6)(ii) and is exempt from review under Executive Order 12866.

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

This action responds to the best scientific information available. The Assistant Administrator for Fisheries, NOAA (AA), finds that the need to immediately implement this commercial trip limit reduction constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), because prior notice and opportunity for public comment on this temporary rule is unnecessary and contrary to the public interest. Such procedures are unnecessary, because the rule establishing the trip limit has already been subject to notice and comment, and all that remains is to notify the public of the trip limit reduction. They are contrary to the public interest, because there is a need to immediately implement this action to protect the vermilion snapper resource since the capacity of the fishing fleet allows for rapid harvest of the quota. Prior notice and opportunity for public comment on this action would require time and would increase the probability that the commercial sector could exceed the quota.

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

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

Dated: February 23, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–04024 Filed 2–23–15; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 140528460–5122–02]

RIN 0648–BE25

Fisheries Off West Coast States; Highly Migratory Fisheries; California Swordfish Drift Gillnet Fishery; Vessel Monitoring System and Pre-Trip Notification Requirements

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

ACTION: Final rule.

SUMMARY: NMFS is issuing regulations that require use of a NMFS-approved vessel monitoring system (VMS) and institute a pre-trip notification requirement for West Coast large-mesh swordfish drift gillnet (DGN) vessel owners and operators. The DGN fishery operates under the authority of the Federal Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species (HMS FMP). Installing and operating VMS on vessels in this fishery will provide NMFS and law enforcement personnel with the ability to monitor the DGN fishery for compliance with conservation measures, efficiently deploy agents to inspect vessels, and provide the ability

to more closely examine and compare the distribution of observed and unobserved fishing effort. The pre-trip notification will assist NMFS with timely and efficient placement of NMFS-trained observers on board DGN vessels. This action implements the recommendations of the Pacific Fishery Management Council (Council) and satisfies terms and conditions of the NMFS' 2013 Endangered Species Act (ESA) Section 7 Biological Opinion (Opinion).

DATES: This final rule is effective on March 30, 2015, except for the amendments to paragraphs (l), (o), and (p) of § 660.705 and paragraphs (f)(2) through (g)(5) of § 660.713. Those paragraphs contain collection-of-information requirements that the Office of Management and Budget (OMB) has not yet approved under the Paperwork Reduction Act. NMFS will publish a document in the **Federal Register** announcing the effective date of these amendments.

ADDRESSES: Copies of supporting documents that were prepared for this final rule, including the Regulatory Impact Review and the proposed rule, are available via the Federal eRulemaking Portal: *http://www.regulations.gov,* docket NOAA–NMFS–2014–0116. A summary of the regulatory flexibility analysis was included in the proposed rule. These documents are also available from the Regional Administrator, NMFS, West Coast Regional Office, 7600 Sand Point Way NE., Bldg 1, Seattle, WA. 98115–0070, or *RegionalAdministrator.WCRHMS@noaa.gov.* Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule may be submitted to the West Coast Region and by email to *OIRA_Submission@omb.eop.gov,* or fax to (202) 395–7285.

FOR FURTHER INFORMATION CONTACT: Amber Rhodes, NMFS, (562) 980–3231, or *Amber.Rhodes@noaa.gov.*

SUPPLEMENTARY INFORMATION: The DGN fishery is managed under the HMS FMP, which was prepared by the Council and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), 16 U.S.C. 1801, *et seq.,* by regulations at 50 CFR part 660.

Background

On September 15, 2014, NMFS published a proposed rule in the **Federal Register** (79 FR 54950) that would add regulations at 50 CFR part 660, subpart K, to require use of a NMFS-approved VMS and institute a 48-hour pre-trip call-in notification requirement for DGN vessel owners and operators. The proposed rule was open to public comment through September 30, 2014. The comments that were received are addressed in this rule.

The proposed rule incorporated additional background information on the basis for the new regulations, including recommendations of the Council and information on temporary rules (78 FR 54548, September 4, 2013, and 79 FR 29377, May 22, 2014) that, among other measures, required the use of VMS and the pre-trip notification components being implemented with this rule, as well as the status of the DGN fishery's compliance with the Marine Mammal Protection Act and ESA.

New Regulations

This final rule establishes regulations requiring DGN vessel owners and operators to use a NMFS-approved VMS and to notify NMFS prior to making a fishing trip that will use DGN gear. Installing and operating VMS on vessels in this fishery will allow NMFS and law enforcement personnel to monitor the DGN fishery for compliance with conservation measures, efficiently deploy personnel to inspect vessels, and more closely examine and compare the distribution of observed and unobserved fishing effort. The pre-trip notification will assist NMFS with timely and efficient placement of NMFS-trained observers on board DGN vessels. This final rule implements the recommendations of the Council and satisfies key terms and conditions of NMFS' 2013 ESA Section 7 Opinion. Additional information regarding this Opinion can be found in the proposed rule (79 FR 54950).

Pre-Trip Notification Requirements

DGN vessel owners or operators will be required to notify the NMFS or the NMFS-designated observer provider at least 48 hours prior to departing on each fishing trip. The vessel owners or operators must provide their name, contact information, vessel name, port of departure, and estimated date and time of departure to the observer provider. Upon receipt of a pre-trip notification, the observer provider will notify the DGN vessel owner/operator whether their fishing trip has been selected for observer coverage. Additionally, DGN vessel owners and operators must provide the NMFS West Coast Division Office of Law Enforcement (OLE) with a declaration report before the vessel leaves port to fish with DGN gear in state or Federal waters. (See the regulatory text for pre-trip notification and declaration reporting schedules and contact information.)

VMS Requirements and Costs

Vessel owners may choose the OLE type-approved VMS unit that best fits their needs. The unit cost, physical size, available features, transmission fees, and service packages vary among the different type-approved VMS mobile transceiver units (VMS unit). Current information on OLE type-approved VMS units can be obtained by contacting: OLE, 1315 East West Hwy, Suite 3301, Silver Spring, MD 20910–3282; telephone: (888) 210–9288; fax: (301) 427–0049. Or, by contacting NMFS OLE VMS Helpdesk: telephone: (888) 219–9228; email: *ole.helpdesk@noaa.gov.* The business hours of the VMS Helpdesk are: Monday through Friday, except Federal holidays, 7 a.m. to 11 p.m., Eastern Time.

The vessel owner is responsible for all costs associated with the purchase, installation, and maintenance of the VMS unit, and for all charges levied by the mobile communications service provider as necessary to ensure the transmission of automatic position reports to NMFS. Federal funds are currently available for reimbursement of type-approved VMS units—up to $3,100 or as determined by the VMS Reimbursement Program. The availability of funds for reimbursement of the cost of purchasing a VMS unit is not guaranteed; rather, funds are available on a first-come first-served basis. To be eligible to receive reimbursement, the owner must submit proof of professional installation of the VMS unit to OLE in compliance with the requirements of the VMS Reimbursement Program. More information on the VMS Reimbursement Program can be obtained by calling the NMFS OLE VMS Helpdesk: telephone: (888) 219–9228, and online: *http://www.psmfc.org/program/vessel-monitoring-system-reimbursement-program-vms?pid=17.*

Prior to fishing, the vessel owner, or the vessel operator on the owner's behalf, is required to send an activation report to OLE. Activation of a VMS unit is required any time the unit is installed or reinstalled, any time the mobile communications service provider has changed, and any other time as directed by NMFS. Activation involves submitting a report to NMFS via mail, facsimile or email with information about the vessel, its fishing strategy, its owner or operator, and the VMS unit, as well as receiving confirmation from NMFS that the VMS unit is transmitting

position reports properly. (See the regulatory text for more information regarding day-to-day operation of VMS units, including activation reports, declaration reports, exemption reports, repairing and replacing units, and contact information for OLE and the Special Agent-in-Charge.)

Public Comments and Responses

Three written public comments were submitted during the proposed rulemaking stage. One comment came in the form of an Enforcement Consultants Report to the Council during the Council's September 2014 meeting. The other comments included suggestions for additional restrictions on the DGN fleet that are beyond the scope of this action and are not addressed further. The summarized comments that pertained to this rulemaking and NMFS' responses are below.

Comment 1: Small-boat DGN fishermen based out of San Diego, CA, are being unfairly punished and should be exempted from this rule as they do not venture into the Pacific Leatherback Closure Area or other closed areas that are further offshore.

Response: The VMS requirements provide assurance that permitted DGN vessels are complying with the regulations found at 50 CFR 660.713. Without VMS coverage for the entire fleet, it would be difficult to monitor compliance with important conservation measures such as closed areas. Furthermore, some of these closed areas, like the Pacific Loggerhead Conservation Area, which was effective in 2014 (79 FR 43268, July 25, 2015), occur in near-shore southern California waters, including areas close to San Diego, CA.

Comment 2: We request that NMFS modify the rule to include a continuous transit requirement when operating in closed areas and increase the frequency of the signal transimission rate to 15 minutes for the VMS, consistent with the Enforcement Consultants Report to the Council at its September 2014 meeting.

Response: NMFS recognizes the Enforcement Consultants' recommendation to increase the VMS signal transmission rate to 15 minutes in conjunction with a continuous transit requirement to improve the ability of NMFS to monitor vessel activity in closed areas. NMFS examined VMS tracks of DGN vessels in consideration of continuous transit requirements and found that an addition of continuous transit provisions to this final rule would likely have impacts to the fleet that were not considered during the proposed rule stage. Additionally, following the presentation of the Enforcement Consultants Report, the Council recommended that the VMS signal transmission rate for the DGN fishery not be further enhanced. The maker of the motion contended that such an enhancement was not the right tool for monitoring the DGN fishery since fishing with DGN gear takes several hours to execute once the net is set (*e.g.,* 8 to 12 hour soak times), and further recommended that the Council consider other types of equipment better tailored to the monitoring needs of the fishery. The motion carried unanimously. This final rule is consistent with the Council's recommendation during their September 2014 meeting.

Changes From the Proposed Rule

No substantive changes have been made to this rule since the proposed rule stage. To further clarify the specific contents, reporting frequency, and process for confirmation of receipt of declaration reports, additional information was provided at § 660.713, including paragraphs (f)(2)(i) and (f)(2)(ii), and paragraphs (g)(4)(ii) and (g)(4)(ii)(A).

Classification

The Administrator, West Coast Region, NMFS, has determined that this final rule is necessary for the conservation and management of the DGN fishery for swordfish and is consistent with MSA and other applicable laws.

Executive Order 12866

This final rule has been determined to be not significant for purposes of Executive Order 12866.

Regulatory Flexibility Act

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification and no other information has been received that would impact this determination. As a result, a Final Regulatory Flexibility Analysis is not required and none was prepared.

Paperwork Reduction Act (PRA)

This final rule contains a collection-of-information requirement subject to the PRA. The pre-trip notification requirement has been approved by the OMB under OMB Control Number 0648–0593. Public reporting burden for the pre-trip notification requirement is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The VMS requirement is still pending approval by OMB under OMB Control Number 0648–0498. Public reporting burden for compliance with the VMS requirements are estimated to include a one-time, 4-hour response time for installing a VMS unit and a 1-hour response time annually to maintain and repair a unit. Activation and on-off reports are estimated to average 5 minutes per response, including time to review instructions, prepare, and submit the reports. Send comments regarding burden estimates or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (see ADDRESSES) and by email to *OIRA_Submission@omb.eop.gov,* or fax to 202–395–7285.

Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection-of-information subject to the requirements of the PRA, unless that collection-of-information displays a currently valid OMB control number.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 13, 2015.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

■ For the reasons set out in the preamble, 50 CFR part 660 is amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES

■ 1. The authority citation for 50 CFR part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

■ 2. In § 660.702, the definitions for ''Regional Administrator,'' ''Special-Agent-In-Charge (SAC),'' and ''Vessel monitoring system unit (VMS unit)'' are revised to read as follows:

§ 660.702 Definitions.

* * * * *

Regional Administrator means the Regional Administrator for the West

Coast Region, National Marine Fisheries Service, or a designee.

Special Agent-In-Charge (SAC) means the Special Agent-In-Charge, NMFS, Office of Enforcement, West Coast Division, or a designee of the Special Agent-In-Charge.

* * * * *

Vessel monitoring system unit (VMS unit) means an automated, remote system and mobile transceiver unit that is approved by NMFS and provides information about a vessel's identity, location, and activity for the purposes of routine monitoring, control, surveillance and enforcement of area and time restrictions and other fishery management measures.

■ 3. In § 660.705, paragraphs (l), (o), and (p) are revised and paragraphs (rr) and (ss) are added to read as follows:

§ 660.705 Prohibitions.

* * * * *

(l) Fail to install, activate, repair, replace, carry, operate or maintain a VMS unit as required under § 660.712 and § 660.713.

* * * * *

(o) Fish for, catch, or harvest HMS with longline or drift gillnet gear without an operating VMS unit on board the vessel after installation of the VMS unit.

(p) Possess on board a vessel without an operating VMS unit HMS harvested with longline or drift gillnet gear after installation of the VMS unit.

* * * * *

(rr) Fail to notify NMFS or the NMFS-designated observer provider at least 48 hours prior to departure on a fishing trip using drift gillnet gear as required under § 660.713.

(ss) Fail to submit a declaration report to the NMFS Office of Law Enforcement prior to departure on a fishing trip using drift gillnet gear as required under § 660.713.

■ 4. In § 660.713, paragraphs (f) and (g) are added to read as follows:

§ 660.713 Drift gillnet fishery.

* * * * *

(f) *Pre-trip notification requirements.* (1) Drift gillnet vessel owners or operators are required to notify NMFS or the NMFS-designated observer provider at least 48 hours prior to departing on each fishing trip. The vessel owners or operators must communicate to the observer provider: the owner's or operator's name, contact information, vessel name, port of departure, estimated date and time of departure, and a telephone number at which the owner or operator may be contacted during the business day (Monday through Friday between 8 a.m. to 4:30 p.m., Pacific Time) to indicate whether an observer will be required on the subject fishing trip. Contact information for the current observer provider can be obtained by calling the NMFS West Coast Region Sustainable Fisheries Division at 562–980–4025.

(2) Drift gillnet vessel owners or operators must provide the NMFS Office of Law Enforcement for the West Coast Region (OLE) with a declaration report before the vessel leaves port to fish for thresher shark/swordfish with large-mesh drift gillnet gear in state and federal waters between 0 and 200 nautical miles offshore of California, Oregon, or Washington. Declaration reports will include: The vessel name and/or identification number, and gear type.

(i) Upon receipt of a declaration report, OLE will provide a confirmation code or receipt to confirm that a valid declaration report was received for the vessel. Retention of the confirmation code or receipt to verify that a valid declaration report was filed and the declaration requirement was met is the responsibility of the vessel owner or operator.

(ii) The vessel operator must send a new declaration report before leaving port on a trip during which the fishing gear that will be used is different from the gear type most recently declared for the vessel. A declaration report will be valid until another declaration report revising the existing gear declaration is received by OLE.

(iii) OLE's declaration hotline is 1–888–585–5518. The business hours for the OLE are Monday through Friday, except Federal holidays, 8 a.m. to 4:30 p.m., Pacific Time; voice messages left on the hotline will be retrieved at the start of the next business day.

(g) *Vessel Monitoring System (VMS) requirements.* Drift gillnet vessel owners are required to install an OLE type-approved VMS mobile transceiver unit (VMS unit) and to arrange for a OLE type-approved communications service provider to receive and relay transmissions to the OLE prior to fishing for thresher shark/swordfish with large-mesh drift gillnet gear.

(1) *What is a VMS?* A VMS consists of an OLE type-approved VMS unit that automatically determines the vessel's position and transmits it to an OLE type-approved communications service provider. The communications service provider receives the transmission and relays it to the OLE.

(2) *What vessels are required to have a VMS?* Any vessel registered for use with both a limited-entry California state large-mesh thresher shark/swordfish drift gillnet permit and a federal highly migratory species permit that fishes in state or federal waters off the coasts of California, Oregon, or Washington (0–200 nm offshore).

(3) *How are VMS units and communications dervice providers approved by OLE?*

(i) VMS unit manufacturers or communication service providers will submit products or services to the OLE for evaluation based on the published specifications.

(ii) The OLE will publish a list of OLE type-approved VMS units and communication service providers for the DGN fishery in the **Federal Register** or notify the public through other appropriate media; and the OLE may publish amendments to the list as necessary.

(4) *What are the vessel owner's responsibilities?* If you are a vessel owner that must participate in the VMS program, you or the vessel operator on your behalf must:

(i) Obtain an OLE type-approved VMS unit and have it installed on board your vessel in accordance with the instructions provided by the OLE. You may obtain a copy of the VMS installation and operation instructions from the Special-Agent-In-Charge (SAC).

(ii) Activate the VMS unit, submit an activation report and an initial declaration report, and receive confirmation from the OLE that the VMS transmissions are being received at least 72 hours prior to leaving port on a fishing trip for which VMS is required. Instructions for submitting an activation report may be obtained from the SAC. An activation report must again be submitted to the OLE following reinstallation of a VMS unit or change in service provider before the vessel may be used to fish in a fishery requiring the VMS.

(A) *Activation reports.* If you are a vessel owner who must use VMS and you are activating a VMS unit for the first time, or reactivating a VMS unit following a reinstallation or change in service provider, you or the vessel operator on your behalf must fax to the OLE an activation report that includes: vessel name, vessel owner's name, address and telephone number, vessel operator's name, address and telephone number, USCG vessel documentation number/state registration number; and, if applicable, the relevant state and federal permit numbers for which vessel or owner is registered, VMS unit manufacturer, VMS communications service provider, VMS unit identification, and a statement signed and dated by the vessel owner

confirming compliance with the installation procedures provided by the SAC and identifying whether the VMS unit is primary or backup. Immediately following submission of an activation report, submit an initial declaration report as described in paragraph (f)(2) of this section using the OLE's declaration hotline included in paragraph (f)(2)(iii) of this section.

(B) *Transferring ownership of the VMS unit.* Ownership of the VMS unit may be transferred from one vessel owner to another vessel owner if all of the following documents are provided to the OLE: a new activation report, which identifies that the VMS unit was previously registered to another vessel, a notarized bill of sale showing proof of ownership of the VMS unit, and documentation from the communications service provider showing proof that the service agreement for the previous vessel was terminated and that a service agreement was established for the new vessel.

(iii) Continuously operate and maintain the VMS unit in good working order 24 hours a day throughout the fishing year. The VMS unit must accurately transmit a signal indicating the vessel's position at least once every hour, 24 hours a day throughout the year, unless a valid exemption report, as described in paragraph (g)(4)(iv)(F) of this section, has been confirmed by the OLE. A reduced signal transmission rate, at least once every 4 hours, may be authorized by the OLE when a vessel remains in port for an extended period of time.

(iv) Submit an exemption report to be confirmed by the OLE as valid, as described at paragraph (g)(4)(iv)(F) of this section, and comply with all conditions and requirements of the VMS exemption identified in this section and specified in the exemption report for a vessel to be exempted from the requirement of continuously operating and maintaining the VMS unit 24 hours a day throughout the fishing year.

(A) *Haul out exemption.* When it is anticipated that a vessel will be continuously out of the water for more than 7 consecutive days and the OLE has confirmed a valid exemption report has been received for the vessel, electrical power to the VMS unit may be removed and transmissions may be discontinued. Under this exemption, VMS transmissions can be discontinued from the time the vessel is removed from the water until the time that the vessel is placed back in the water.

(B) *Outside areas exemption.* When the vessel will be continuously operating seaward of the U.S. exclusive economic zone (EEZ; beyond 200 nm) off the coasts of California, Oregon, or Washington for more than 7 consecutive days and the OLE has confirmed a valid exemption report has been received for the vessel, the VMS unit transmissions may be reduced or discontinued from the time the vessel leaves the EEZ off the coasts of California, Oregon, or Washington until the time that the vessel re-enters the EEZ off the coasts of California, Oregon, or Washington. If the vessel is equipped with a VMS unit that OLE has approved for this exemption and after the OLE has received an exemption report for the vessel, the vessel owner or operator can request that the OLE reduce or discontinue the VMS transmissions.

(C) *Long-term departure exemption.* A vessel participating in the DGN fishery that is required to have VMS under paragraph (g) of this section may be exempted from VMS provisions after the end of the fishing season in which it fished, provided that a completed exemption report including a statement signed by the vessel owner indicating that the vessel will not be used to take and retain or possess or land swordfish taken in state or federal waters off the coasts of California, Oregon, or Washington during the upcoming fishing year is submitted to the OLE.

(D) *Emergency exemption.* Vessels required to have VMS under paragraph (g) of this section may be exempted from VMS provisions in emergency situations that are beyond the vessel owner's control, including but not limited to: fire, flooding, or extensive physical damage to critical areas of the vessel. A vessel owner may request an emergency exemption from the VMS requirements specified in paragraph (g) of this section for his/her vessel by contacting the OLE and submitting the following information in writing: the reasons for seeking an exemption including any supporting documents (*e.g.,* repair invoices, photographs showing damage to the vessel, insurance claim forms, etc.), the time period for which the exemption is requested, and the location of the vessel while the exemption is in effect. The OLE will issue a written determination granting or denying the emergency exemption request. A vessel will not be covered by the emergency exemption until the OLE issues a determination granting the exemption. If an exemption is granted, the duration of the exemption will be specified in the OLE determination.

(E) *Submission of exemption reports.* Long-term departure exemption reports must be signed by the vessel owner and submitted by fax or by emailing an electronic copy of the actual report to the OLE. If an emergency exemption request will be submitted, initial contact with the OLE must be made by telephone, fax or email within 24 hours from when the emergency incident occurred. All emergency exemption requests must be submitted in writing within 72 hours from when the incident occurred. Submission methods for exemption reports, except long-term departures and emergency exemption requests, may include email, facsimile, or telephone. The OLE will provide, through appropriate media, instructions to the public on submitting exemption reports. Instructions and other information needed to make exemption reports may be mailed to the vessel owner's address of record. Owners of vessels required to use the VMS who do not receive instructions by mail are responsible for contacting OLE during business hours at least 3 days before the exemption is needed to obtain information necessary for exemption reports. The OLE must be contacted during business hours (Monday through Friday, except federal holidays, between 8 a.m. to 4:30 p.m., Pacific Time). Any other categories of exemptions that have not been specified in paragraph (g) of this section may be submitted to the OLE through the VMS unit or another method deemed appropriate by the OLE. Before a request for a new category of exemption can be approved by OLE, it must be announced in the **Federal Register**.

(F) *Valid exemption reports.* For an exemption report to be valid, the OLE must receive and confirm it at least 2 hours and not more than 24 hours before the exempted activities defined at paragraphs (g)(4)(iv)(A) through (D) of this section. An exemption report is valid until NMFS receives a report canceling the exemption. An exemption cancellation must be received at least 2 hours before the vessel re-enters the EEZ following an outside areas exemption; at least 2 hours before the vessel is placed back in the water following a haul-out exemption; or at least 2 hours before a vessel resumes fishing with a large-mesh drift gillnet after a long-term departure exemption. If a vessel is required to submit an activation report under paragraph (g)(4)(ii) of this section before returning to fish, that report may substitute for the exemption cancellation. After an emergency situation occurs that disrupts the VMS transmission, initial contact must be made with the OLE within 24 hours and a written emergency exemption request submitted within 72 hours from when the incident occurred. If the emergency situation, upon which an emergency exemption is based, is resolved before

the exemption expires, an exemption cancellation must be received by OLE at least 2 hours before the vessel resumes fishing.

(v) When aware that transmission of automatic position reports has been interrupted, or when notified by OLE that automatic position reports are not being received, contact OLE and follow the instructions provided to you. Such instructions may include, but are not limited to, manually communicating the vessel's position to a location designated by the OLE or returning to port until the VMS unit is operable.

(vi) After a fishing trip during which interruption of automatic position reports has occurred, the vessel's owner or operator must replace or repair the VMS unit prior to the vessel's next fishing trip. Repair or reinstallation of a VMS unit or installation of a replacement unit, including any changes in communications service providers shall be in accordance with the instructions provided by the OLE.

(vii) Make the VMS units available for inspection by OLE personnel, USCG personnel, state enforcement personnel or any authorized officer.

(viii) Ensure that the VMS unit is not tampered with, disabled, destroyed, operated, or maintained improperly.

(ix) Pay all charges levied by the communication service provider as necessary to ensure continuous operation of the VMS units.

(5) *What is the contact information for the OLE SAC?* For issues related to day-to-day operation of VMS units, including declaration reports, activation reports and exemption reports, the SAC's designee is the OLE VMS Program Manager's office located at 7600 Sand Point Way NE., Seattle, WA 98115–6349; phone: (888) 585–5518; fax: (206) 526–6528); and email: *wcd.vms@noaa.gov.*

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Proposed Rules

Federal Register
Vol. 80, No. 38
Thursday, February 26, 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 AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 91

[Docket No. APHIS–2012–0049]

RIN 0579–AE00

Exportation of Live Animals, Hatching Eggs, and Animal Germplasm From the United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to revise the regulations pertaining to the exportation of livestock from the United States. Among other things, we propose to remove most of the requirements for export health certifications, tests, and treatments from the regulations, and instead would direct exporters to follow the requirements of the importing country regarding such processes and procedures. We propose to retain only those export health certification, testing, and treatment requirements that we consider necessary to have assurances regarding the health and welfare of livestock exported from the United States. We also propose to allow pre-export inspection of livestock to occur at facilities other than an export inspection facility associated with the port of embarkation, under certain circumstances, and propose to replace specific standards for export inspection facilities and ocean vessels with performance standards. These changes would provide exporters and the Animal and Plant Health Inspection Service with more flexibility in arranging for the export of livestock from the United States while continuing to ensure the health and welfare of the livestock. Additionally, if a country is known to require an export health certificate for any animal other than livestock, including pets, or for any hatching eggs or animal germplasm, we propose to require that the animal, hatching eggs, or animal germplasm have an export health certificate to be eligible for export from the United States. This change would help ensure that all animals, hatching eggs, and animal germplasm exported from the United States meet the health requirements of the countries to which they are destined. Finally, we are proposing editorial amendments to the regulations to make them easier to understand and comply with.

DATES: We will consider all comments that we receive on or before April 27, 2015.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0049.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2012–0049, 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-2012-0049* 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: Dr. Jack Taniewski, Director for Animal Export, National Import Export Services, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737–1231; (301) 851–3300.

SUPPLEMENTARY INFORMATION:

Background

Under the Animal Health Protection Act (AHPA, 7 U.S.C. 8301 *et seq.*), the Secretary of Agriculture may prohibit or restrict the exportation of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of any pest or disease of livestock from or within the United States. The AHPA also authorizes the Secretary to prohibit: (1) The exportation of any livestock if the Secretary determines that the livestock is unfit to be moved; (2) the use of any means of conveyance or facility in connection with the exportation of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of any pest or disease of livestock from or within the United States; and (3) the use of any means of conveyance in connection with the exportation of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not have accommodations for the safe and proper movement and humane treatment of livestock.

The Secretary has delegated this authority to the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA). Pursuant to this authority, APHIS has issued the regulations in 9 CFR part 91, ''Inspection and Handling of Livestock for Exportation'' (''the regulations'').

The regulations contain requirements for the inspection and handling of cattle (including American bison), horses, captive cervids, sheep, goats, and swine (referred to below collectively as livestock) intended for export from the United States. Among other things:

- The livestock must be accompanied to a port of embarkation or land border port by an export health certificate.
- The export health certificate must contain test results and certifications required by the country to which the animals are destined, as well as certain test results and certifications required by APHIS, regardless of the destination country.
- If tests for brucellosis are required, the tests must be conducted in a cooperating State-Federal laboratory in accordance with the Brucellosis Uniform Methods and Rules.
- Except for livestock exported through land border ports, the livestock must be inspected within 24 hours of embarkation by an APHIS veterinarian at an export inspection facility associated with the port of embarkation.
- Except for livestock exported through land border ports, the livestock must be allowed to rest at least 5 hours at an export inspection facility at the port of embarkation prior to embarkation. The livestock must be

given food and water during this time unless they had food and water in the carrier that transported them to the export inspection facility and they will reach the destination country within 36 hours after they were last fed and watered in the United States, or, if they are under 30 days of age, within 24 hours after they were last fed and watered in the United States.

- Ports of embarkation for animals to be exported by air or sea must meet standards set out in the regulations for construction, space, equipment, access, feed, and water.
- Ocean vessels used to export livestock must meet standards specified in the regulations for construction, ventilation, space, fittings, equipment, attendants, cleaning, and disinfection.

We have not substantively amended these regulations for many years. Some provisions, such as those that require pre-export inspection of livestock at an export inspection facility associated with the port of embarkation and those that set forth specific construction and maintenance standards for export inspection facilities and ocean vessels, sometimes interfere with exports. Other requirements, particularly those that require certain tests and certifications for all livestock intended for export from the United States, are not always required by importing countries or necessary for us to have assurances regarding the health and welfare of the livestock at the time of export.

For these reasons, we are proposing to remove requirements that we have determined to be unnecessary or overly prescriptive from the regulations in order to provide exporters and APHIS with more options for inspecting and handling livestock intended for export. The proposed changes would continue to ensure that livestock intended for export are humanely transported and that all livestock exported from the United States meet the import health requirements of the countries to which they are destined.

Additionally, although our authority under the AHPA allows us to issue export health certificates for animals other than livestock, as well as for hatching eggs and germplasm, the regulations currently do not contain provisions for such issuance.

However, as a signatory on the World Trade Organization's Agreement on Sanitary and Phytosanitary Measures (SPS Agreement), the United States has agreed to respect the measures that other countries impose on the importation of animals other than livestock, hatching eggs, or animal germplasm from the United States, when these countries demonstrate the need to impose the measures in order to protect animal health. Several countries have entered into export protocols with the United States in which they demonstrate such a need and require export health certificates to be issued in order for animals other than livestock, hatching eggs, or animal germplasm to be exported to their country.

Accordingly, we would revise part 91 so that, when an importing country is known to require an export health certificate for any animal other than livestock or for any animal semen, animal embryos, hatching eggs, other embryonated eggs, or gametes intended for export to that country, the animal or other commodity must have an export health certificate in order to be eligible for export from the United States.

Finally, in order to make the regulations easier to follow, we are proposing to group certain provisions that are currently located in disparate sections of the regulations, and to make certain other editorial changes to make the regulations easier to read.

We discuss our proposed revision to the regulations, by section, below.

Definitions (§ 91.1)

The regulations in current § 91.1 contain definitions of the following terms: *Accredited veterinarian, Administrator, Animal and Plant Health Inspection Service, animals, APHIS representative, Department, horses, inspector, miniature swine, official brucellosis vaccinate, origin health certificate, premises of origin, roofing paper, State of origin,* and *Veterinary Services.*

In proposed § 91.1, we would omit the definitions of *Department, miniature swine, official brucellosis vaccinate,* and *Veterinary Services,* as the terms would not be used in the revised regulations. We would also remove the definitions of *origin health certificate* and *premises of origin* and replace these terms with two other terms, *export health certificate* and *premises of export,* respectively.

We would replace *origin health certificate* with *export health certificate* because the latter term is more commonly used. We would define the term *export health certificate* as ''an official document issued in the United States that certifies that animals or other commodities listed on the certificate meet the export requirements of this part and the importing country.'' Whereas the definition of *origin health certificate* contains provisions regarding the content and issuance of origin health certificates, the definition of *export health certificate* would not. This is because we have determined that these provisions are more accurately characterized as regulatory requirements, and would thus place them in proposed § 91.3. That section would contain requirements regarding the information that must be contained on an export health certificate and the manner in which the certificate must be issued in order for us to consider it valid.

We would replace *premises of origin* with *premises of export* for a different reason. The term *premises of origin* is often used in common speech to mean the premises where animals were born and/or raised. We mean, instead, the premises where the animals are assembled for pre-export isolation (if such isolation is required by the importing country) or, if the importing country does not require pre-export isolation, the premises where the animals are assembled for pre-export inspection and/or testing, or the germplasm is collected and stored, before being moved to a port of embarkation or land border port. This could be the premises where the animals were born and/or raised, but could also be another location where the animals were assembled for isolation, testing, and/or inspection prior to movement. This nuance is currently reflected in the definition of *premises of origin,* which is defined in a manner that includes the premises where animals are assembled immediately before movement for export. However, the term *premises of origin* itself does not necessarily capture the nuance. We think the term *premises of export* better expresses our intent.

By replacing the term *premises of origin* with the term *premises of export,* we would also revise the definition of *State of origin,* which currently uses the term *premises of origin.*

We would also revise the definitions of *Animal and Plant Health Inspection Service, animal, APHIS representative,* and *inspector.*

We currently define *Animal and Plant Health Inspection Service* as ''The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS or Service).'' The revised regulations would no longer use the term ''Service'' as a synonym for APHIS; thus, we would remove a reference to ''Service'' from this definition.

As we mentioned above, the regulations currently apply only to horses, cattle (including American bison), captive cervids, sheep, swine, and goats. As a result, the definition of *animal* in current § 91.1 only includes those species. However, because this proposed rule would contain provisions for export certification of animals other

than those six species, when we use the term *animal* in this preamble and proposed rule, it has the common meaning of any member of the animal kingdom, except a human. (This revised definition would be identical to the definition of *animal* within the AHPA itself.)

Certain provisions of the revised regulations would only pertain to horses, cattle (including American bison), captive cervids, sheep, swine, and goats, however. To differentiate between those provisions that would be generally applicable to all animals, and those that would pertain only to those species, we would refer to horses, cattle (including American bison), captive cervids, sheep, swine, and goats collectively as *livestock* within the revised regulations, and would include such a definition of *livestock* within proposed § 91.1.

Currently, we define *APHIS representative* as ''an individual employed by APHIS who is authorized to perform the function involved'' and *inspector* as ''an inspector of the Animal and Plant Health Inspection Service.'' However, as we have expanded our export certification services to animals other than livestock, we have occasionally authorized individuals who are not employed by APHIS to serve as APHIS representatives and inspectors. This usually occurs when we do not have the specialized expertise necessary to assess the disease status of a particular animal intended for export. For example, APHIS sometimes authorizes employees of the United States Fish and Wildlife Service of the Department of the Interior to provide inspection and/or certification of certain species of aquaculture intended for export. To reflect these operational practices, we would revise the definition of *APHIS representative* to ''an individual who is authorized by APHIS to perform the function involved'' and the definition of *inspector* to ''an individual authorized by APHIS to inspect animals and/or animal products intended for export from the United States.''

Finally, we would add definitions of the following terms to the regulations: *Date of export, export inspection facility, export isolation facility, program diseases,* and *Program Handbook.*

We would define *date of export* as ''the date animals intended for export are loaded onto an ocean vessel or aircraft or, if moved by land to Canada or Mexico, the date the animals cross the border.'' We would include such a definition within the revised regulations because, as in the current regulations, we would require animals to be inspected in order for their export to be authorized, and this inspection would have to occur within a set period of time prior to the date of export.

We would define *export isolation facility* as ''a facility where animals intended for export are isolated from other animals for a period of time immediately before being moved for export,'' and would define *export inspection facility* as ''a facility that is affiliated with a port of embarkation and that has been approved by the Administrator as the location where APHIS will conduct health inspections of livestock before they are loaded onto ocean vessels or aircraft for export from the United States.'' We would include a definition of export isolation facility because we would authorize pre-export inspection of livestock at export isolation facilities, under certain conditions. We would include a definition of *export inspection facility* in order to clarify how such facilities differ from export isolation facilities.

We would define *program diseases* to mean diseases for which there are cooperative State-Federal programs and domestic regulations in subchapter C of the APHIS' regulations in 9 CFR. As we mentioned earlier in this document, we are proposing to remove most testing requirements from the regulations, and instead would direct exporters to follow the testing requirements of the importing country. However, many countries require tests for diseases for which we have established domestic State-Federal quarantine programs, such as tuberculosis, brucellosis, and pseudorabies. Such diseases are commonly referred to as program diseases. We would require testing for such program diseases to occur according to the standards and protocols established domestically for these diseases.

We would define *Program Handbook* to mean a document that contains guidance and other information related to the regulations. The definition would provide that the Program Handbook is available on APHIS' import-export Web site, and would provide the address for that Web site. We discuss the role that the Program Handbook would play in relation to the proposed regulations at greater length in the discussion of subsequent sections of the proposed regulations.

Applicability (§ 91.2)

Current § 91.2 requires livestock to be exported from the United States in accordance with the regulations. We would retain this requirement. However, since the revised regulations would also pertain to the export of animals other than livestock and to animal germplasm, proposed § 91.2 would specify that such animals and animal germplasm must also be exported in accordance with the regulations.

General Requirements (§ 91.3)

Proposed § 91.3 would provide general requirements for the export of livestock, animals other than livestock, and animal germplasm.

Proposed paragraph (a)(1) of § 91.3 would provide that livestock must have an export health certificate in order to be eligible for export from the United States. We recognize that a country could elect to allow livestock to be imported into that country without an export health certificate. However, even in such instances, pursuant to our authority under the AHPA, we would need assurances that the livestock were fit to be moved for export from their premises of export at the time that movement occurred. The export health certificate would provide such assurances.

The current regulations do not contain export health certification or other export-health requirements for animals other than livestock or for animal semen, animal embryos, hatching eggs, other embryonated eggs, or gametes. However, as we mentioned above, some foreign countries have entered into export protocols with the United States for species of animals other than livestock, including dogs, cats, and aquatic animals in which these countries require export health certificates to be issued in order for the animal to be exported from the United States to their country. Likewise, some foreign countries require export health certificates for animal germplasm, hatching eggs, other embryonated eggs, and gametes exported from the United States. Consistent with the SPS Agreement and our authority under the AHPA, it is APHIS policy to require export health certificates for the export of such animals and germplasm from the United States to such countries.

Accordingly, proposed paragraph (a)(2) of § 91.3 would provide that, if an importing country is known to require an export health certificate for any animal other than livestock or for any animal semen, animal embryos, hatching eggs, other embryonated eggs, or gametes intended for export to that country, the animal or other commodity must have an export health certificate in order to be eligible for export from the United States.

Proposed paragraph (b) of § 91.3 would contain minimum requirements

regarding the information that must be contained on an export health certificate. Proposed paragraph (b)(1) of § 91.3 would specify that regardless of the requirements of the importing country, an export health certificate for livestock must contain:

- The species of each animal.
- The breed of each animal.
- The sex of each animal.
- The age of each animal.
- The individual identification used to identify the animals. (Identification requirements would be contained in proposed § 91.5.)
- The importing country.
- The consignor.
- The consignee.
- A certification that an accredited veterinarian inspected the livestock and found them to be fit for export.
- A signature and date by an accredited veterinarian.
- An endorsement by the APHIS veterinarian responsible for the State of origin.

These information requirements, many of which are included in the current definition of *origin health certificate,* represent the minimal categories of information that we require in order for us to consider an export health certificate to have been validly issued.

Proposed paragraph (b)(2) of § 91.3 would also require export certificates for livestock to meet any other information or issuance requirements specified by the importing country. This provision would be substantively similar to an existing provision in current § 91.3 that requires origin health certificates for livestock to include all test results, certifications, or other statements required by the country of destination.

Proposed paragraph (b)(3) of § 91.3 would set forth requirements for export health certificates for animals other than livestock, animal semen, animal embryos, hatching eggs, other embryonated eggs, and gametes. For such animals and commodities, we propose to require that their export health certificates meet any information requirements specified by the importing country.

As we mentioned above, we issue export health certificates for animals other than livestock and animal germplasm when such certificates are required by the importing country. For these reasons, we consider it reasonable to require that such certificates meet the information requirements specified by the importing country.

Current paragraph (a) of § 91.3 requires the origin health certificate to certify that the livestock were inspected within 30 days prior to the date of export, with certain exceptions. The Administrator may allow inspection to be done more than 30 days prior to the date of export if required or allowed by the importing country. Proposed paragraph (c) of § 91.3 would require that livestock be inspected within the timeframe required by the importing country. If the importing country does not specify a timeframe, we propose to require that the livestock be inspected within 30 days prior to the date of export. These requirements would be similar to the current requirements, but would place a greater emphasis on meeting the requirements of the importing country.

Current paragraph (c) of § 91.3 sets forth general requirements for sampling and testing for livestock intended for export. It requires species-specific samples and tests, which are currently listed in § 91.5 through § 91.9, to be taken by an inspector or accredited veterinarian in the State of origin. It further requires the samples to be taken and tests made within 30 days prior to the date of export, except when the importing country requires or allows such sampling and testing to be conducted more than 30 days prior to the date of export and the Administrator agrees to this different timeframe. It further allows tuberculin tests to be conducted 90 days prior to export. Finally, it requires tests for brucellosis to be conducted in a cooperative State-Federal laboratory in accordance with the Brucellosis Uniform Methods and Rules.

We consider substantial revisions to these testing requirements to be necessary. First, although most testing is conducted by accredited veterinarians or APHIS inspectors, on certain occasions the samples and tests are administered by APHIS employees, such as animal health technicians, who are neither inspectors nor accredited veterinarians, but who have been trained by APHIS to conduct such sampling and testing. Such individuals function as APHIS representatives, as we are proposing to define that term.

Second, while the intent of §§ 91.3 through 91.9 is to require that, if an importing country requires livestock intended for export to be tested for a program disease, the livestock are tested for the disease, and are tested in the same manner and under the same conditions as domestic livestock are tested for that disease prior to interstate movement, this intent is not readily apparent. Similarly, current § 91.3 could be construed to suggest that brucellosis is the only program disease for which approved laboratories exist; this is not the case.

Finally, consistent with other changes that we are proposing to the regulations, we believe that greater emphasis must be put on meeting the requirements of the importing country.

Accordingly, proposed paragraph (d) of § 91.3 would set forth revised testing requirements for livestock intended for export. All samples for tests of livestock that are required by the importing country would have to be taken by an APHIS representative or accredited veterinarian. The samples would have to be taken and tests made within the timeframe allowed by the importing country, and, if specified, at the location required by the importing country. Consistent with the current regulations, if the importing country does not specify a timeframe, the samples would have to be taken and tests made within 30 days prior to the date of export, except that tuberculin tests could be conducted within 90 days prior to the date of export. All tests for program diseases would have to be made in laboratories and using methods approved by the Administrator for those diseases. The Program Handbook would provide access to a list of approved laboratories; approved methods would be those specified or otherwise incorporated within the domestic regulations in subchapter C of 9 CFR chapter I.

These proposed requirements, in conjunction with our proposed general requirement that all certification requirements of the importing country be met, would eliminate the need to specify species-specific testing requirements in part 91. Thus we would not retain the provisions contained in current §§ 91.5 through 91.9.

Proposed paragraph (e) of § 91.3 would set forth conditions for movement from the premises of export for livestock, animals other than livestock, and animal germplasm with an export health certificate.

Proposed paragraph (e)(1) of § 91.3 would set forth movement requirements for livestock moving from the premises of export under an export health certificate. It would require that an export health certificate be issued and endorsed before the livestock move from the premises of export. Additionally, except when the certificate has been issued and endorsed electronically, the original signed export health certificate would have to accompany the livestock for the entire duration of movement from the premises of export to the port of embarkation or land border port.

Proposed paragraph (e)(2) of § 91.3 would set forth movement requirements for animals other than livestock and animal germplasm moving from a

premises of export under an export health certificate. (It would pertain to animals other than livestock and animal germplasm only when export health certificates are required for such animals or commodities.) It would require that, when an export health certificate is required by the importing country for any animal other than livestock or for animal semen, animal embryos, hatching eggs, other embryonated eggs, or gametes, it must be issued and, if required by the importing country, endorsed by an APHIS representative prior to the arrival of the animal or other commodity at the port of embarkation or land border port.

When presented for endorsement, the health certificate would have to be accompanied by reports for all laboratory tests specifically identified on the certificate. To preclude tampering, we would require either the original reports prepared by the laboratory that performed the tests to accompany the certificate or a copy of the reports that is annotated by the laboratory to indicate how the originals may be obtained.

Finally, except when an export health certificate has been issued and endorsed electronically, the original signed export health certificate would have to accompany the animals or animal germplasm to the port of embarkation or land border port.

Proposed paragraph (f)(1) of § 91.3 would provide that, unless specified by the importing country, an export health certificate for livestock is valid for 30 days from the date of issuance, provided that the inspection and tests results under paragraphs (c) and (d) of § 91.3 are still valid. Similarly, proposed paragraph (f)(2) of § 91.3 would provide that, unless specified by the importing country, an export health certificate for animals other than livestock, animal semen, animal embryos, hatching eggs, other embryonated eggs, or gametes is valid for 30 days from the date of issuance.

Prohibited Exports (§ 91.4)

We are proposing to prohibit the export of any animal, animal semen, animal embryos, hatching eggs, other embryonated eggs, or gametes under Federal, State, or local government quarantine or movement restrictions for animal health reasons unless the importing country issues an import permit or other written instruction allowing that animal or other commodity to enter its country and APHIS concurs with the export of the animal, animal semen, animal embryos, hatching eggs, other embryonated eggs, or gametes. This restriction, together with any export health certifications required by an importing country, would ensure that animals, hatching eggs, and animal germplasm exported from the United States meet the health requirements of importing countries and are free from serious diseases.

Identification of Livestock Intended for Export (§ 91.5)

Proposed § 91.5 would contain identification requirements for livestock intended for export. With one exception, we would require such livestock to be identified in accordance with 9 CFR part 86. That part contains national identification standards for livestock moving in interstate commerce. We consider this requirement to be necessary in order to align our export requirements with our domestic regulations, and to facilitate the interstate movement of animals intended for export from their premises of export to an export inspection facility, port of embarkation, or land border port.

We would also require the livestock to bear any additional form of identification required by the importing country.

Finally, while part 86 requires that, if a horse is identified by an individual animal tattoo, the horse must be accompanied by a written description of the horse, we would allow horses intended for export to be identified by individual animal tattoos alone, if allowed by the importing country. The United States has long-standing export protocols with several countries that allow horses to be identified solely by an animal tattoo, and we have not encountered problems with the orderly export of horses to those countries that would suggest the need to modify the protocols to specify an alternate means of identification.

Cleaning and Disinfection of Means of Conveyance, Containers, and Facilities Used During Movement; Approved Disinfectants (§ 91.6)

Current paragraph (d) of § 91.3 requires export health certificates to certify that the means of conveyance or container used to move livestock from their premises of export has been cleaned and disinfected since last used for animals with a disinfectant approved under § 71.10 of 9 CFR prior to loading, or to certify that the carrier or container has not previously been used in transporting animals. Similarly, current paragraph (e) of § 91.3 requires that facilities where animals are unloaded during movement to ports of embarkation or border ports be cleaned and disinfected with a disinfectant approved under § 71.10 before the animals are unloaded into that facility.

Section 71.10 lists disinfectants permitted for use on means of conveyance, containers, and facilities associated with the movement of livestock in commerce. However, the list of permitted disinfectants in § 71.10 has not been updated in many years. Additionally, § 71.10 does not provide for a mechanism to add or remove disinfectants from the list, as warranted.

Therefore, while proposed § 91.6 would substantively retain the regulatory provisions currently located in paragraphs (d) and (e) of § 91.3, it would no longer require use of a disinfectant listed in § 71.10. Instead, disinfectants approved by the Administrator for the purposes of fulfilling these regulatory requirements would be listed online, at a Web address provided in the Program Handbook.

We would also provide a mechanism for additional disinfectants to be added to the list of approved disinfectants. The Administrator would approve a disinfectant upon determining that the disinfectant is effective against pathogens that may be spread by the animals intended for export. Additionally, if the disinfectant is a chemical disinfectant, it would have to be registered or exempted for the specified use by the U.S. Environmental Protection Agency (EPA).

Under the authority of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 *et seq.,* FIFRA), EPA requires chemical disinfectants used for animal pathogens to be registered with their Agency, unless they have granted an exemption from such registration for the specified use. Criteria for exemptions are specified in sections 18, 24, and 25 of FIFRA.

There would also be a mechanism for removing disinfectants from the list of approved disinfectants. The Administrator would remove a disinfectant from the list if it no longer meets the conditions for approval specified above.

Pre-Export Inspection (§ 91.7)

Currently, paragraph (a) of § 91.15 requires animals offered for exportation to any country other than Mexico or Canada to be inspected by an APHIS veterinarian within 24 hours of embarkation of the animals at an export inspection facility associated with a port designated as a port of embarkation by the Administrator. Current paragraph (b) of § 91.17 requires that owners, masters, or operators of ocean vessels must refuse for transportation any livestock that are unfit to withstand the rigors of such transportation. This paragraph also

provides that an APHIS veterinarian must make this determination.

The paragraphs are intended to work in tandem to describe APHIS' usual processes regarding pre-export inspection of livestock destined for export aboard an ocean vessel: The animals are moved to an export inspection facility and an APHIS veterinarian examines the livestock to determine whether they are fit to travel. If any of the livestock are deemed unfit to travel, the veterinarian requires them to be segregated from the rest of the livestock intended for export, and prohibits them from being loaded onto the ocean vessel at the point of embarkation.

This intent, however, is not readily apparent. Nor do the current regulations in part 91 specify that APHIS has in place parallel processes for livestock intended for export via aircraft. Finally, exporters have from time to time requested the criteria that lead a veterinarian to determine an animal is unfit for travel.

To clarify both the nature and intent of the pre-export inspection, proposed paragraph (a) of § 91.7 would require all livestock intended for export by air or sea to receive a visual health inspection from an APHIS veterinarian within 48 hours prior to embarkation. (We discuss why we are proposing to increase the allowed duration between this inspection and the embarkation of the animals from 24 to 48 hours later in this document). Paragraph (a) would also provide that the purpose of the inspection is to determine whether the livestock are sound, healthy, and fit to travel. The paragraph would further state that an APHIS veterinarian will reject for export any livestock that he or she finds to be unfit to travel.

The paragraph would specify that it is the responsibility of the owner of the animals or his or her agent to make arrangements for any livestock found unfit to travel. The purpose of this requirement, which is not found in the current regulations, would be to give notice to owners and their agents that it is their responsibility to take appropriate, effective, and humane care of animals that are judged unfit to travel.

Finally, proposed paragraph (a) of § 91.7 would provide a list of conditions that make an animal unfit to travel. The list is not intended to be exhaustive or all-inclusive, but would cover the most common situations that we encounter. The list would include:

- Livestock that are sick, injured, weak, disabled, or fatigued.
- Livestock that are unable to stand unaided or bear weight on each leg.
- Livestock that are blind in both eyes.
- Livestock that cannot be moved without causing additional suffering.
- Newborn livestock with an unhealed navel.
- Livestock that have given birth within the previous 48 hours and are traveling without their offspring.
- Pregnant livestock that would be in the final 10 percent of their gestation period at the planned time of unloading in the importing country.
- Livestock with unhealed wounds from recent surgical procedures, such as dehorning.

As we mentioned earlier in this document, the regulations currently require pre-export inspection to occur at an export inspection facility associated with a port that has been designated as a port of embarkation by the Administrator.

Currently, many countries require livestock intended for export to be kept isolated from other animals for a period of time immediately prior to movement for export. This isolation usually occurs at the premises of export, although, in certain instances, it occurs at another facility specifically designed for isolation of livestock. After the period of isolation ends, if the livestock will be exported by air or sea, they are shipped from the export isolation facility to an export inspection facility at a designated port of embarkation for pre-export inspection.

In recent years, APHIS has received several requests from exporters to allow pre-export inspection of livestock at export isolation facilities. These requests have usually been made when the export isolation facility was closer to the nearest designated port of embarkation than it was to the export inspection facility, or when the exporter expressed concern that moving the livestock to the export inspection facility would cause undue hardship to the animals.

Similarly, from time to time, we also have received requests from exporters to allow pre-export inspection of livestock at an export inspection facility other than the facility associated with the port of embarkation for the livestock. These usually have occurred when the export inspection facility requested by the exporter can more easily accommodate the lot of animals to be inspected, or has additional resources or personnel to conduct inspections.

As a result, proposed paragraph (b) of § 91.7 would provide that an APHIS veterinarian must conduct pre-export inspection at either an export inspection facility associated with the port of embarkation, or, when authorized by the Administrator, at an export isolation facility or another export inspection facility. The conditions under which the Administrator would authorize inspection of the livestock at an export isolation facility or an export inspection facility not associated with the port of embarkation would be described in paragraphs (c) and (d) of § 91.7.

Proposed paragraph (b) of § 91.7 would also provide that, unless APHIS has authorized otherwise, any sorting, grouping, identification, or other handling of the livestock by the exporter must be done before the inspection. It would further provide that the APHIS veterinarian may also conduct clinical examination of any of the livestock during or after this inspection if he or she deems it necessary in order to determine the animal's health. Any testing or treatment related to this clinical examination would have to be performed by an APHIS veterinarian or an accredited veterinarian. (In this context, testing refers to discretionary tests performed on animals exhibiting signs or symptoms of illness, not to tests required by APHIS or the importing country.) Finally, the paragraph would specify that if the facility used to conduct the inspection is a facility other than the export inspection facility associated with the port of embarkation, it must be located within 28 hours driving distance under normal driving conditions from the port of embarkation. While we have determined that there are certain instances where it makes sense to authorize pre-export inspection of livestock at export isolation facilities or export inspection facilities other than the export inspection facility associated with the port of embarkation, none of these instances would suggest authorizing inspections at an export isolation facility or export inspection facility located more than 28 hours driving distance from the port of embarkation. We are proposing a maximum driving distance of 28 hours because, pursuant to the 28 hour law (49 U.S.C. 80502), the maximum time that livestock may be transported in interstate commerce without rest, feed, and water is 28 hours.

To help ensure that livestock moved from a facility located a significant distance from the port of embarkation are well-rested and fit for travel, we would require livestock to be afforded at least 48 hours rest, with sufficient feed and water during that time period, prior to movement from the facility. Inspection of the livestock would occur during this rest period, which could also be concurrent with any isolation period required by the exporting country.

As we mentioned above, proposed paragraph (c) of § 91.7 would contain conditions under which the Administrator would authorize pre-export inspection of the livestock at an export isolation facility, rather than the export inspection facility associated with the port of embarkation. Proposed paragraph (c)(1) would state that the Administrator may allow pre-export inspection of livestock to be conducted at an export isolation facility, rather than at an export inspection facility, when the exporter can show to the satisfaction of the Administrator that the livestock would suffer undue hardship if they had to be inspected at the export inspection facility, when the distance from the export isolation facility to the port of embarkation is significantly less than the distance from the export isolation facility to the export inspection facility associated with the port of embarkation, when inspection at the export isolation facility would be a more efficient use of APHIS resources, or for other reasons acceptable to the Administrator. In other words, generally speaking, we would authorize pre-export inspection of livestock at an export isolation facility when we determine that it would further our goal under the AHPA to ensure the health and humane treatment of animals exported from the United States, or when it would be more practical for the parties involved in the inspection to have it at the export isolation facility as long as the livestock would not suffer any undue hardship.

Proposed paragraph (c)(2) of § 91.7 would specify that the Administrator's approval of an export isolation facility as the location where pre-export inspection takes place is contingent upon APHIS having personnel available to provide services at that location. It would further specify that approval is also contingent upon the Administrator determining that the facility has space, lighting, and humane means of handling livestock sufficient for the APHIS personnel to safely conduct required inspections.

The Program Handbook would provide guidance for isolation facilities regarding ways to meet these performance standards. Isolation facility owners or operators who follow the guidance set forth in the Program Handbook would be assured of APHIS approval of their facilities as locations for pre-export inspection. Owners and operators could submit alternate plans for meeting the performance standards to APHIS for evaluation and approval. In order for us to approve these alternate plans, however, they would have to be at least as effective in meeting the performance standards as those described in the Program Handbook. We would have to approve these alternate plans before the facility could be used for purposes of proposed § 91.7.

Proposed paragraph (d) of § 91.7 would contain conditions under which the Administrator would authorize inspection of livestock at an export inspection facility other than the export inspection facility associated with the port of embarkation. It would state that the Administrator may allow pre-export inspection of livestock to be conducted at an export inspection facility other than the export inspection facility associated with the port of embarkation when the exporter can show to the satisfaction of the Administrator that the livestock would suffer undue hardship if they had to be inspected at the export inspection facility associated with the port of embarkation, when inspection at this different export inspection facility would be a more efficient use of APHIS resources, or for other reasons acceptable to the Administrator.

These conditions would be very similar to the conditions under which we would allow pre-export inspection at an export isolation facility. However, while we can foresee instances when an export isolation facility may be closer to the port of embarkation from which the livestock will be shipped than the export inspection facility associated with the port of embarkation, we cannot foresee instances when the export inspection facility associated with a different port would be closer to the port of embarkation than the export inspection facility associated with that port.

If this rule is finalized, we anticipate approving several export isolation facilities and authorizing pre-export inspection of livestock at those facilities pursuant to paragraphs (c)(1) and (c)(2) of § 91.7. We also anticipate authorizing pre-export inspection of livestock at export inspection facilities other than those associated with the port of embarkation pursuant to paragraph (d) of § 91.7 from time to time.

If such authorization occurs, there could be certain instances when it would be difficult, if not impossible, for an animal to be inspected within 24 hours prior to embarkation. Even when pre-export inspection of livestock is conducted at an export inspection facility located at the port of embarkation, it can take more than 24 hours to load a large lot of animals safely into an ocean vessel. If pre-export inspection were to occur at an export isolation facility or an export inspection facility other than the facility associated with the port of embarkation, the time spent en route to the port of embarkation would count towards the 24 hour period. This could result in hastened loading of the animals and increased likelihood of their injury or distress. For these reasons, as we mentioned above, we are proposing to allow pre-export inspections to occur up to 48 hours prior to embarkation. Allowing the inspection to occur up to 48 hours in advance would provide additional time for thorough inspections and orderly loading of the livestock, while still keeping the final inspection close to the time of departure.

That being said, we recognize that some countries have import requirements that specify that livestock must be inspected within a shorter period of time prior to export. In such instances, the inspection would have to take place within the timeframe specified by the importing country.

Paragraph (e) of § 91.7 would provide that the APHIS veterinarian will maintain an inspection record that includes the date and place of the pre-export inspection, species and number of animals inspected, the number of animals rejected, a description of those animals, and the reasons for rejection. In the event of a dispute regarding whether a particular animal was considered fit for travel during pre-export inspection, we would have recourse to these records to help resolve the dispute.

For similar reasons, proposed paragraph (f) of § 91.7 would provide that, at the request of the importing country or an exporter, the APHIS veterinarian who inspects the livestock will issue a certificate of inspection for livestock he or she finds to be sound, healthy, and fit for travel.

Rest, Feed, and Water Prior to Export (§ 91.8)

Currently, paragraph (c) of § 91.15 requires all livestock intended for export from the United States by sea or air to be allowed a period of at least 5 hours for rest at the export inspection facility associated with the port of embarkation, with adequate feed and water available, before movement to an ocean vessel or aircraft for loading for export. The paragraph allows this rest period to occur during pre-export inspection, and provides that feed and water is not required if the animals were transported to the export inspection facility in a carrier in which adequate feed and water was provided and if sufficient evidence is presented to an APHIS veterinarian that the animals, if under 30 days of age, will arrive in the import country within 24 hours after they were last fed and watered in the United States, or in the case of other

animals, within 36 hours after they were last fed and watered in the United States.

Proposed § 91.8 would revise these requirements. We are proposing to eliminate any exemptions from the rest, feed, and water requirement for livestock intended for export by sea or air. We are proposing to do so because, once an animal leaves the territorial limits of the United States, it is no longer subject to our oversight, and because it is not uncommon for travel to a foreign region to take significantly longer than expected because of adverse climatic conditions and other reasons.

We are, however, proposing to reduce the rest period that must be afforded to livestock intended for export from 5 hours to 2 hours. In our experience, livestock moved for export are usually not taxed by such movement to the extent that would warrant a 5 hour rest period.

However, they do tend to stiffen as a result of such movement. Based on our experience, it takes the animals 2 hours to become limber once again and prepared for the rigors of sea or air travel.

Out of recognition that there could be circumstances where 2 hours would be an insufficient period of time for such rest, however, we would allow an inspector to extend the duration of the rest period up to 5 hours, at his or her discretion and based on a determination that more rest is necessary in order to have assurances that the animals are fit to travel prior to loading.

Finally, we are proposing to remove the provision from the current regulations allowing this rest period to be concurrent with pre-export inspection. Based on our experience, it is difficult for an animal to rest during pre-export inspection. However, if pre-export inspection has occurred at a facility other than the export inspection facility associated at the port of embarkation, we are proposing to require that the livestock be visually observed at the end of the rest period for fitness to travel.

Ports (§ 91.9)

In accordance with current paragraph (a) of § 91.14, all livestock intended for export from the United States by air or sea must be exported through designated ports of embarkation. As provided in § 91.14(a) and (b), the Administrator will not designate a port of embarkation for livestock—even temporarily—unless the port has an approved export inspection facility permanently associated with it.

We are proposing to allow the Administrator to temporarily approve ports without export inspection facilities under certain circumstances. Specifically, proposed § 91.9 would provide that such ports could be approved on a temporary basis for a specific shipment of livestock when pre-export inspection of that shipment has occurred at an export isolation facility or an export inspection facility not associated with the port of embarkation, as provided in proposed § 91.7. This change would allow temporary use of ports that do not have export inspection facilities permanently associated with them for specific shipments of livestock. Unlike ports of embarkation with export inspection facilities permanently associated with them, which would be listed in the Program Handbook, these ports would not be listed in the Program Handbook. Their use would be limited to the specific shipment(s) for which they were approved by the Administrator.

Export Inspection Facilities (§ 91.10)

Currently, § 91.14 sets out standards that facilities have to meet in order to be approved as export inspection facilities. The standards are often very prescriptive. For example, paragraph (c)(10), lighting, states that: ''The facility shall be equipped with artificial lighting to provide not less than 70 foot candle power in the inspection area and not less than 40 foot candle power in the remainder of the facility.''

Proposed § 91.10 would remove the prescriptive standards for export inspection facilities that are currently in § 91.14 from the regulations. Instead, proposed § 91.10 would require the export inspection facilities to be constructed, equipped, and managed in a manner that: (1) Prevents transmission of disease to and from livestock in the facilities; (2) provides for the safe and humane handling and restraint of livestock; and (3) provides sufficient offices, space, and lighting for APHIS veterinarians to safely conduct required health inspections of livestock and related business.

The Program Handbook that accompanies this proposed rule provides guidance on ways to comply with these requirements. This guidance is substantively similar to the requirements currently in the regulations in § 91.14. Owners and operators of facilities that follow the guidance provided in the Program Handbook are assured of meeting our proposed requirements.

That said, while the Program Handbook provides one way of meeting the requirements in proposed § 91.10, we recognize that there could also be other ways of meeting the requirements. To that end, owners and operators could submit alternative plans for meeting the requirements to APHIS for our evaluation and approval. Any alternatives submitted would have to be at least as effective in meeting the requirements as the methods described in the Program Handbook in order to be approved. APHIS approval would be required before alternatives could be used for the purpose described in the regulations.

We would retain in proposed § 91.10(b) the requirements currently in the regulations in § 91.14(c)(6) and (c)(9) that facilities allow APHIS representatives access to all parts of the facility, and that applications for approval of an export inspection facility be accompanied by a certification that the facility meets all applicable environmental laws and regulations. However, we would limit the current scope of § 91.14(c)(6) somewhat in proposed § 91.10(b)(2). While we currently require facilities to provide access to all parts of the facility at all times for the purpose of assessing compliance with the regulations, we only exercise this authority during the facility's business hours, that is, while the facility is in operation. To reflect this, we would require access to the facility during the facility's business hours. Additionally, while the current requirement does not specify why APHIS needs such broad access to the facility, our proposed requirement would clarify that the access is needed in order for us to evaluate whether the facility is in compliance with the requirements of the regulations for the purposes of approval or a subsequent audit.

We also propose to substantively retain in proposed paragraph (c) of § 91.10 the provisions currently in the regulations in § 91.14(d) regarding approval and denial or revocation of approval of export inspection facilities. We do, however, propose to add two conditions that would trigger the need for reapproval of an export inspection facility that we have previously approved: Change of ownership of the facility or significant damage or structural changes to the facility. In these instances, we would need assurances that the facility continues to meet the standards under which it was approved in light of these changes.

Export Isolation Facilities (§ 91.11)

As we mentioned earlier in this document, many countries currently require livestock intended for export to be kept isolated from other animals for a period of time immediately prior to movement for export. Often, the

importing countries require this period of isolation to be ''officially approved'' or ''APHIS-approved.'' Proposed § 91.11 would contain standards for APHIS approval of such facilities. In those instances, APHIS inspects the facility prior to any isolation in order to ensure that the facility has measures in place that will protect the animals there from exposure to diseased livestock during the isolation period.

We are proposing to add to the regulations requirements pertaining to APHIS approval of export isolation facilities. Specifically, proposed § 91.11 requires that, if an importing country requires livestock to undergo USDA-approved export isolation, APHIS must approve the export isolation facility used for the livestock prior to each isolation. APHIS would approve the facility only if the Administrator determines, upon APHIS inspection of the facility, that the facility meets the standards identified by the importing country. If the importing country does not identify specific standards, APHIS would approve the facility only if the Administrator determines, upon inspection of the facility, that the facility has adequate measures in place to protect the livestock in the facility from exposure to animals of different health status and fomites in order to prevent transmission of disease of livestock during the isolation period. Additionally, export isolation conducted at the facility would have to be supervised by an accredited veterinarian or, if requested by the importing country, by an APHIS veterinarian.

The Program Handbook that accompanies this proposed rule provides guidance on measures that a facility can implement in order to comply with the proposed requirement that the facility have adequate measures in place to protect livestock at the facility from exposure to animals of different disease status during the isolation period. Owners and operators that follow the guidance provided in the Program Handbook are assured of meeting this proposed requirement.

That said, while the Program Handbook provides one way of adequately meeting the requirement, we recognize that there could also be other ways of adequately meeting the requirement. To that end, owners and operators could submit alternate measures to APHIS for evaluation and approval. Alternatives would have to be at least as effective in meeting the requirement as those described in the Program Handbook in order to be approved. Alternatives would have to be approved by APHIS before being used for purposes of meeting the regulations.

Ocean Vessels (§ 91.12)

Current subpart D of part 91 (§§ 91.17–91.30) applies to the ocean vessels on which livestock are exported from the United States, and sets forth requirements that the vessels must meet with regard to construction, ventilation, space, fittings, equipment, and attendants. In a similar manner to the standards for export inspection facilities that are currently in the regulations, these standards are often very detailed and prescriptive. For example, current § 91.23 requires ramps connecting one deck of an ocean vessel to another to ''have a clear width of 3 feet and a clear height of not less than 6 feet 6 inches. The incline of the ramps shall not exceed 1:2 (26½°) between the ramps and the horizontal plane. The ramps shall be fitted with footlocks of approximately 2″X2″ lumber and spaced no more than one foot apart. The ramps shall have side fencing not less than 5 feet in height. Side doors in ship's shell plating through which livestock are to be loaded shall have a height of not less than 6 feet for cattle and 6 feet 6 inches for horses.''

These requirements are based on performance standards that are sometimes articulated, but more often implied, in the current regulations. At the time the regulations were issued, we considered the requirements to be the only means of meeting those performance standards. However, since that time, alternate means of meeting certain of the standards have arisen. Accordingly, proposed § 91.12 would require ocean vessels used to transport livestock intended for export to be designed, constructed, and managed to reasonably assure the livestock are protected from injury and remain healthy during loading and transport to the importing country.

To meet this overall performance standard for ocean vessels, we propose the following requirements for ocean vessels:

• *Pens.* All pens, including gates and portable rails used to close access ways, would have to be designed and constructed of a material of sufficient strength to securely contain the livestock. They would have to be properly formed, closely fitted, and rigidly secured in place. They would also have to have smooth finished surfaces free from sharp protrusions, and not have worn, decayed, unsound, or otherwise defective parts. Flooring would have to be strong enough to support the livestock to be transported and provide a satisfactory non-slip foothold. Pens on exposed upper decks would have to protect the livestock from the weather. Boiler rooms or similar sources of heat next to pens would have to be fitted to protect the livestock from injury due to transfer of heat. Any fittings or protrusions from the vessel's sides that abut pens would have to be covered in order to protect the livestock from injury. Finally, pens would have to be of appropriate size for the species, size, weight, and condition of the livestock being transported and take into consideration the vessel's route.

We recognize that a number of these requirements are themselves performance-based, and potentially allow for a variety of means or methods in order to meet them. To that end, we provide guidance in the Program Handbook regarding means that may be used to meet the requirements. Owners and operators of ocean vessels who follow the guidance provided in the Program Handbook would be assured of meeting these and other performance-based requirements regarding ocean vessels. Owners and operators could submit alternate means and methods for meeting the requirements to APHIS for evaluation and approval. All alternate means and methods would have to be approved by APHIS before being used for purposes of complying with the regulations.

• *Positioning.* Livestock would have to be positioned during transport so that an animal handler or other responsible person can observe each animal regularly and clearly to ensure the livestock's safety and welfare.

• *Resources for sick or injured animals.* The vessel would have to have an adequate number of appropriately sized and located pens set aside to segregate livestock that become sick or injured from other animals. It would also have to have adequate veterinary medical supplies, including medicines, for the species, condition, and number of livestock transported.

• *Ramps, doors, and passageways.* Ramps, doors, and passageways used for livestock would have to be of sufficient width and height for their use and allow the safe passage of the species transported. They would have to have secure, smooth fittings free from sharp protrusions and non-slip flooring, and could not have worn, decayed, unsound, or otherwise defective parts. Ramps could not have an incline that is excessive for the species of livestock transported and would have to be fitted with foot battens to prevent slippage at intervals suitable for the species. The sides of ramps would have to be of sufficient height and strength to prevent

escape of the species of livestock that is transported.

• *Feed and water.* The feeding and watering system would have to be designed to permit all livestock in each pen adequate access to feed and water. The system would also have to be designed to minimize soiling of pens and to prevent animal waste from contaminating feed and water. Similarly, feed would have to be loaded and stored aboard the vessel in a manner that protects it from weather and sea water and, if kept under animal transport spaces, protects it from spillage from animal watering and feeding and from animal waste. If the normal means of tending, feeding, and watering of livestock on board the ocean vessel is wholly or partially by automatic means, the vessel would have to have alternate arrangements for the satisfactory tending, feeding, and watering of the animals in the event of a malfunction of the automatic means.

• *Ventilation.* Ventilation during loading, unloading, and transport must provide fresh air and remove excessive heat, humidity, and noxious fumes (such as ammonia and carbon dioxide). Ventilation would have to be adequate for variations in climate and weather and to meet the needs of the livestock being transported. Ventilation would have to be effective both when the vessel is stationary and when it is moving and would have to be turned on when the first animal is loaded. The vessel would be required to have on board a back-up ventilation system (including emergency power supply) in good working order or replacement parts and the means, including qualified personnel, to make the repairs or replacements.

• *Waste management.* The vessel would have to have a system or arrangements, including a backup system in working order or alternate arrangements, for managing waste to prevent excessive buildup in livestock transport spaces during the voyage.

• *Lighting.* The vessel would have to have adequate illumination to allow clear observation of livestock during loading, unloading, and transport.

• *Bedding.* Bedding would have to be loaded and stored aboard the vessel in a manner that protects it from weather and sea water and, if kept under animal transport spaces, protects it from spillage from animal watering and feeding and from animal waste.

• *Cleaning.* The vessel would have to be designed and constructed to allow thorough cleaning and disinfection and to prevent feces and urine from livestock on upper levels from soiling livestock or their feed or water on lower levels.

• *Halters and ropes.* Halters, ropes, or other equipment provided for the handling and tying of horses or other livestock would have to be satisfactory to ensure the humane treatment of the livestock.

• *Personnel.* The owner or operator of the ocean vessel would be required to have on board during loading, transport, and unloading at least 3 persons (or at least 1 person if fewer than 800 head of livestock will be transported) with previous experience with ocean vessels that have handled the kind(s) of livestock to be carried, as well as a sufficient number of attendants with the appropriate experience to be able to ensure proper care of the livestock.

• *Vessel stability.* The vessel would be required to have adequate stability, taking into consideration the weight and distribution of livestock and fodder, as well as effects of high winds and seas. If requested by APHIS, the owner or operator of the vessel would have to present stability calculations for the voyage that have been independently verified for accuracy.

• *Additional conditions.* The vessel would have to meet any other condition the Administrator determines is necessary for approval, as dictated by specific circumstances and communicated to the owner and operator of the vessel, to protect the livestock and keep them healthy during loading, unloading, and transport to the importing country.

These performance standards have the same goal of ensuring the humane transport of livestock as stated in current § 91.17 and, with the exception of a few proposed new standards, discussed immediately below, cover the same aspects of ocean vessels as addressed by current § 91.17 and §§ 91.20 through 91.30.

The proposed requirement that livestock must be positioned during transport so that an animal handler or other responsible person can observe each animal regularly and clearly to ensure the livestock's safety and welfare is new. This is needed, since, if animals are positioned in a manner that consistently obscures them from view, their handler or responsible person may not be able to detect signs or symptoms of distress or illness in a timely manner. For a similar reason, we are requiring ocean vessels to have sufficient illumination to allow clear observation of the animals during loading, unloading, and transport.

The proposed requirement for animal waste systems is also new. This is necessary, along with adequate ventilation, to ensure livestock are not harmed by build-up of waste in transport spaces. There is a similar rationale for the proposed new requirement that the vessel be designed and constructed to allow thorough cleaning and disinfection and to prevent feces and urine from livestock on upper levels from soiling livestock on lower levels or their feed or water, as well as for the requirement that water and feeding systems be designed to minimize the soiling of pens.

The proposed requirements that ventilation be effective when the vessel is stationary as well as when it is moving, and that it be turned on when the first animal is loaded, are also new. As we mentioned earlier in this document, it can take a day or longer to load and unload a large shipment of livestock destined for export, and these requirements would ensure that the livestock have adequate fresh air during loading and unloading.

Additionally, we are proposing that the vessel have adequate stability, taking into consideration the weight and distribution of the livestock and fodder, and effects of high winds and seas. One of the factors that APHIS needs to consider in approving a vessel for the transport of livestock is stability, particularly as the vessel's stability may be affected by the way feed and livestock will be arranged on the vessel. A vessel arranged to carry large animals on upper decks and small animals on lower decks, for instance, would be top heavy and more prone to capsize, resulting in likely loss of life. If APHIS has questions about a vessel's stability for a particular voyage, independently verified stability calculations would help resolve them, so APHIS would request such calculations as needed.

Lastly, we are proposing that the vessel meet any other condition the Administrator determines is necessary for approval, as dictated by specific circumstances and communicated to the owner or operator of the vessel, to protect the livestock and keep them healthy during loading, unloading, and transport to the importing country. We propose to include this provision in the event that unforeseen circumstances make it necessary to require additional safeguards to protect the health of the livestock.

In many instances, ocean vessels that transport livestock for export from the United States are constructed specifically for that purpose. On occasion, however, livestock are transported in shipping containers on ocean vessels that are not constructed specifically to transport livestock. In those instances, while some of the above

requirements would almost always be applicable—for example, we would still want to know whether the vessel has adequate stability to transport the livestock without risk of capsizing—others, such as those pertaining to pen size, construction, and placement on the vessel, as well as positioning of livestock within a pen, would almost always not be applicable. Additionally, other standards, such as those pertaining to cleaning, could be applicable in certain instances, but not in others, depending on the construction and location of the container.

Accordingly, proposed § 91.12 would provide that an inspector may exempt an ocean vessel that uses shipping containers to transport livestock to an importing country from any of the above requirements that he or she specifies, if the inspector determines that the containers themselves are designed, constructed, and managed in a manner to reasonably assure the livestock are protected from injury and remain healthy during loading, unloading, and transport to the importing country. The Program Handbook provides guidance regarding the considerations that may lead an inspector to exempt a vessel from a specific requirement.

Inspection of vessels would occur in a manner very similar to the existing requirements. Currently, § 91.19, headed ''Inspection of ocean vessels prior to loading,'' directs owners or masters of ocean vessels intended for use in exporting livestock to present the vessel to an inspector at a U.S. port of embarkation or, in some cases, at a foreign port, for an inspection to determine if the fittings aboard the vessel comply with the regulations. We propose to require inspection of an ocean vessel to determine whether it meets the above standards for ocean vessels only prior to initial use to transport any livestock from the United States. If we determine that the ocean vessel meets the standards, we would certify the vessel to transport livestock from the United States. (As an exception, if a vessel that would use shipping containers to transport livestock has been granted an exemption from certain requirements pursuant to proposed paragraph (e) of § 91.12, we would not require the vessel to meet those particular requirements in order to be certified or recertified.) This initial certification would specify the species of livestock for which the vessel is approved.

Thereafter, in most instances, the vessel would only need to be recertified every 3 years. The only other occasions when the vessel would need to be recertified would be when circumstances dictate that a recertification occur before the vessel is again used to transport livestock. These circumstances would be when significant changes are made to the vessel, including to livestock transport spaces or life support systems; when there is a failure of any major life support system; when species of livestock not covered by the existing certification are to be transported; and when the owner or operator of the ocean vessel changes.

To aid us in determining whether the vessel meets the above standards and can be certified to transport livestock from the United States, we would request the following information prior to the initial certification inspection of the vessel (as well as prior to subsequent inspections for recertification, upon our request):

- General information about the vessel, including the year built, length and breadth, vessel name history, port of registry, call sign, maximum and average speed, fresh water tank capacity and fresh water generation rate, and feed silo capacity (if the vessel has a silo).
- A notarized statement from an engineer concerning the rate of air exchange in each compartment of the vessel.
- The species of livestock that the vessel would transport.
- Scale drawings that provide details of the design, materials, and methods of construction and arrangement of fittings for the containment and movement of livestock; provisions for the storage and distribution of feed and water; drainage arrangements; primary and secondary sources of power; and lighting.
- A photograph of the rails and gates of any pens.
- A description of the flooring surface on livestock decks.
- The following measurements: Width of the ramps; the clear height from the ramps to the lowest overhead structures; the incline between the ramps and the horizontal plane; the distance between footlocks on the ramps; the height of side fencing on the ramps; the height of the vessel's side doors through which livestock are loaded; the width of alleyways running fore and aft between livestock pens; and the distance from the floor of the livestock pens to the beams of lowest structures overhead.

We recognize that, if a vessel intends to use shipping containers to transport livestock to an importing country, some of this information may not be applicable. The Program Handbook provides guidance for owners and operators of ocean vessels regarding how to indicate this non-applicability on their submission in a manner that is clear to APHIS, and that triggers an evaluation of the shipping containers themselves pursuant to proposed paragraph (e) of § 91.12.

We propose to modify the current requirement for providing feed and water to livestock aboard ocean vessels. The regulations currently require ocean vessels to provide livestock with feed and water immediately after the livestock are loaded onto the vessel unless an APHIS representative determines that all of the livestock are 30 days of age or older and the vessel will arrive in the country of destination within 36 hours after the livestock were last fed and watered within the United States, or, if any of the livestock in the shipment are younger than 30 days, that the vessel will arrive in the country of destination within 24 hours after the livestock were last fed and watered within the United States.

We issued these provisions on the presupposition that 36 hours is the maximum amount of time that livestock 30 days of age or older can go without feed and water before suffering duress, and 24 hours is the maximum amount of time that livestock younger than 30 days can go without feed and water before suffering duress.

We have since determined that, in certain instances, with adequate food, water, and rest beforehand, livestock can go a longer period without food and water before suffering duress. On the other hand, we have also encountered several occasions since the regulations were issued where allowing livestock aboard an ocean vessel to go 36 hours without food and water adversely impacted the well-being of the animals. These situations usually arose when the ocean vessel carrying the livestock was subject to particularly adverse climatic conditions, such as high winds, heavy seas, or driving precipitation; the livestock were unaccustomed to eating and drinking while under duress; and the amount of feed and water aboard the vessel did not take into sufficient consideration the livestock's species, body weight, and eating and watering tendencies.

As a result, instead of providing a maximum time period at sea that livestock may go without feed and water, proposed paragraph (c) of § 91.12 would require the ocean vessel to provide sufficient feed and water to the livestock aboard the vessel, taking into consideration the livestock's species, body weight, the expected duration of the voyage, and the likelihood of adverse climatic conditions during

export. Guidance regarding this proposed requirement is found in the Program Handbook.

We propose to retain the current requirements in § 91.18 for cleaning and disinfection of ocean vessels, with some clarifications. Current § 91.18 requires that all fittings, utensils, and equipment, unless new, to be used in the loading, stowing, or handling of animals aboard ocean vessels be cleaned and disinfected under the supervision of an inspector before being used for, or in conjunction with, the transportation of any animals from any U.S. port. In proposed paragraph (b) of § 91.12, we propose to require cleaning and disinfection of any vessel intended for use in exporting livestock, and all fittings, utensils, containers, and equipment (unless new) used for loading, stowing, or other handling of livestock aboard the vessel, and provide guidance regarding which surfaces need to be cleaned in the Program Handbook. Our intent is to ensure that all surfaces where livestock are kept are cleaned and disinfected prior to loading, as well as any other surface where the crew walks in the same footwear that is worn in the livestock cargo areas. Likewise, all rails, gates, water troughs, and other equipment and utensils used for livestock would have to be cleaned and disinfected prior to the loading of the livestock.

Additionally, we propose that this cleaning and disinfection be done to the satisfaction of an APHIS representative, rather than under the supervision of an APHIS inspector. We also propose to remove the list of approved disinfectants from the regulations and to instead use the Program Handbook to provide access to the list, which we would maintain online. Similar to other provisions regarding approval of disinfectants in this proposed rule, the Administrator would approve a disinfectant for use to disinfect ocean vessels upon determining that the disinfectant is effective against pathogens that may be spread by the animals and, if the disinfectant is a chemical disinfectant, that it is registered or exempted for the specified use by the EPA. Proposed paragraph (b) of § 91.12 would also contain provisions for approving additional disinfectants, as well as withdrawing approval.

We would also add a new requirement that all ocean vessels, upon docking at a U.S. port to load livestock, have disinfectant foot baths at entryways where persons board and exit the ship, and require such baths before allowing any person to disembark. Many countries have diseases of livestock that are not known to exist in the United States or that are not widely prevalent, and that can be spread by soil and other ground contaminants. This requirement would mitigate against the introduction of such diseases through such fomites.

We would continue to inspect ocean vessels prior to each voyage to ensure that the vessel has been properly cleaned and disinfected. The inspection would also be to ensure that there is sufficient food and water for the voyage, and continues to meet the standards for ocean vessels.

To ensure that we have sufficient notice and information to conduct the inspection in a timely manner, we propose to require that the owner or operator provide us with the following information at least 72 hours before the vessel will be available for inspection:

- The name of the ocean vessel.
- The port, date, and time the ocean vessel will be available for inspection, and the estimated time that loading will begin.
- A description of the livestock to be transported, including the type, number, and estimated average weight of the livestock.
- Stability data for the ship with the livestock on board.
- The port of discharge.
- The route and expected length of the voyage.

Finally, we are proposing to require that the owner or operator of an ocean vessel used to export livestock from the United States, including vessels that use shipping containers, submit a written report to APHIS within 5 business days after completing the voyage. This report would include the name of the ocean vessel, the name and address of all exporters of livestock transported on the vessel, the port of embarkation, the dates of the voyage, the port where the livestock were discharged, the number of each species of livestock loaded, and the number of each species that died and an explanation for those mortalities. Additionally, the report would have to document any failure of any major life support system for the livestock, including, but not limited to, systems for providing feed and water, ventilation systems, and livestock waste management systems. Any such failure would have to be documented, regardless of the duration or whether the failure resulted in any harm to the livestock. Additionally, if an ocean vessel used to export livestock experiences such a failure of a major life support system for livestock during the voyage, we propose to require that the owner or operator of the vessel would have to notify APHIS immediately by telephone, facsimile, or other electronic means. Contact numbers and addresses would be provided in the Program Handbook.

The report itself would have to include the name and contact information of the person who prepared the report, and would have to be submitted to APHIS by facsimile or email. Contact numbers and addresses for the report itself, as well as an optional template for the report, would also be provided in the Program Handbook.

There currently are no requirements for owners or operators of ocean vessels to report livestock deaths or serious system failures on ocean vessels that could affect the health of any livestock transported. Having this information would allow APHIS to better determine whether a particular vessel meets our performance standards or whether any of our guidance for meeting performance standards should be adjusted. Requiring that APHIS be notified immediately of any major system failures would alert APHIS to the potential need for additional food or other resources for the livestock, or a potential stop at another port.

APHIS would also be able to notify animal health officials in the importing country about any expected delays or animal health issues they may have to deal with as a result of system failures, including mortalities. In the absence of these requirements, APHIS may not learn of problems affecting animals during a voyage until those problems are reported by animal health officials in the importing country, or may have to scramble to make last minute arrangements in the event of a problem. We propose that failure to provide timely reports as required could result in us disapproving future livestock shipments by the owner or operator or revoking the vessel's certification to transport livestock for export.

Aircraft (§ 91.13)

We are proposing to substantially retain the requirements in current § 91.41 for cleaning and disinfection of aircraft. We are, however, proposing to remove specific approved disinfectants from the regulations, and instead, to list approved disinfectants in the Program Handbook. The requirements for cleaning and disinfection of aircraft are in paragraphs (a) through (d) of proposed § 91.13.

Proposed paragraph (a)(1) of § 91.13 provides that the Administrator will approve a disinfectant for the purposes of that section upon determining that the disinfectant is effective against pathogens that may be spread by the animals and, if the disinfectant is a

chemical disinfectant, that it is registered or exempted for the specified use by the EPA. Proposed paragraph (a)(2) of § 91.13 states that the Program Handbook provides access to a list of approved disinfectants, and contains provisions for approving additional disinfectants. Proposed paragraph (a)(3) of § 91.13 contains provisions for withdrawing approval.

Proposed paragraphs (b) through (d) would retain, with non-substantive editorial revisions, the other existing requirements in the regulations governing cleaning and disinfection of aircraft.

Finally, we are also proposing two new requirements for livestock exported from the United States via aircraft, which would be contained in paragraph (e) of § 91.13. We are proposing that any cargo containers used to ship the livestock would have to be designed and constructed of a material of sufficient strength to securely contain the animals, as determined by APHIS. We are doing so because, in the absence of such requirements, exporters have sometimes constructed containers out of materials, such as plywood, that are not adequate to prevent the livestock from escaping during transit. We are also proposing that the containers must provide sufficient space for the species being transported given the duration of the trip, as determined by APHIS, in order to prevent overcrowding of animals.

Other Movements and Conditions (§ 91.14)

Finally, we propose to retain the provision in current § 91.4 by which the Administrator may, upon request in specific cases, permit the export of livestock not otherwise provided for in part 91 under such conditions as the Administrator may prescribe in each specific case to prevent the spread of livestock diseases and to ensure the humane treatment of the animals during transport to the importing country. This flexibility ensures that the Administrator can make appropriate exceptions in unforeseen or unusual situations.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The proposed rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with 5 U.S.C. 603, we have performed an initial regulatory flexibility analysis, which is summarized below, regarding the economic effects of this proposed rule on small entities. Copies of the full analysis are available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** or on the Regulations.gov Web site (see **ADDRESSES** above for instructions for accessing Regulations.gov).

Based on the information we have, there is no reason to conclude that adoption of this proposed rule would result in any significant economic effect on a substantial number of small entities. However, we do not currently have all of the data necessary for a comprehensive analysis of the effects of this proposed rule on small entities. Therefore, we are inviting comments on potential effects. In particular, we are interested in determining the number and kind of small entities that may incur benefits or costs from the implementation of this proposed rule.

This proposed rule would amend 9 CFR part 91, which contains requirements for the inspection and handling of live animals (cattle, horses, captive cervids, sheep, goats, and swine) to be exported from the United States. Among other things, the proposed rule would remove some prescriptive requirements applicable to livestock, either completely or by replacing them with performance standards, and would make other adjustments in inspection and handling requirements to assist exporters. These changes would provide APHIS and exporters more flexibility in arranging for the export of livestock from the United States while continuing to ensure the animals' health and welfare.

The proposed rule would also add requirements for individual identification of livestock intended for export, use of methods and laboratories approved by APHIS when livestock must be tested for certain diseases, and obtaining export health certificates for non-livestock animals, hatching eggs, and animal germplasm when such certificates are required by the importing country. These changes would help ensure that all live animals, hatching eggs, and animal germplasm exported from the United States meet the health requirements of the countries to which they are destined.

Entities directly affected by this rule would include exporters of live animals, hatching eggs, and animal germplasm. While we do not know the size distribution of these exporters, we expect that the majority are small by Small Business Administration standards, given the prevalence of small entities among livestock producers. Operators of export inspection facilities, export isolation facilities, aircraft, and ocean vessels would also be directly affected. These industries are also largely composed of small businesses. The provisions of the proposed rule would facilitate the export process for affected parties.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. APHIS–2012–0049. Please send a copy of your comments to: (1) APHIS, using one of the methods described under **ADDRESSES** at the beginning of this document, and (2) Clearance Officer, OCIO, USDA, Room 404–W, 14th Street and Independence Avenue SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

Revising our regulations governing the export of live animals from the United States will require information collection activities, including the issuance of export health certificates, official identification of exported animals, and reports filed by the owners or operators of ocean vessels that export livestock.

We are soliciting comments from the public (as well as affected agencies) concerning our proposed information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, 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 information collection on those who are to respond (such as 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).

Estimate of burden: Public reporting burden for this collection of information is estimated to average 0.54 hours per response.

Respondents: Veterinarians, exporters, owners, owners/operators of ocean vessels.

Estimated annual number of respondents: 10,183.

Estimated annual number of responses per respondent: 2.91.

Estimated annual number of responses: 29,614.

Estimated total annual burden on respondents: 15,950 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.)

Copies of this information collection can be obtained from Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2727.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the Internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this proposed rule, please contact Ms. Kimberly Hardy, APHIS' Information Collection Coordinator, at (301) 851–2727.

List of Subjects in 9 CFR Part 91

Animal diseases, Animal welfare, Exports, Livestock, Reporting and recordkeeping requirements, Transportation.

Accordingly, we propose to revise 9 CFR part 91 to read as follows:

PART 91—EXPORTATION OF LIVE ANIMALS, HATCHING EGGS OR OTHER EMBRYONATED EGGS, ANIMAL SEMEN, ANIMAL EMBRYOS, AND GAMETES FROM THE UNITED STATES

Subpart A—General Provisions

Sec.
91.1 Definitions.
91.2 Applicability.
91.3 General requirements.
91.4 Prohibited exports.

Subpart B—Livestock

91.5 Identification of livestock intended for export.
91.6 Cleaning and disinfection of means of conveyance, containers, and facilities used during movement; approved disinfectants.
91.7 Pre-export inspection.
91.8 Rest, feed, and water prior to export.
91.9 Ports.
91.10 Export inspection facilities.
91.11 Export isolation facilities.
91.12 Ocean vessels.
91.13 Aircraft.
91.14 Other movements and conditions.

Authority: 7 U.S.C. 8301–8317; 19 U.S.C. 1644a(c); 21 U.S.C. 136, 136a, and 618; 46 U.S.C. 3901 and 3902; 7 CFR 2.22, 2.80, and 371.4.

Subpart A—General Provisions

§ 91.1 Definitions.

As used in this part, the following terms will have the meanings set forth in this section:

Accredited veterinarian. A veterinarian approved by the Administrator in accordance with part 161 of this chapter to perform functions specified in parts 1, 2, 3, and 11 of subchapter A, and subchapters B, C, and D of this chapter, and to perform functions required by cooperative State-Federal disease control and eradication programs.

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal. Any member of the animal kingdom (except a human).

Animal and Plant Health Inspection Service (APHIS). The Animal and Plant Health Inspection Service of the United States Department of Agriculture.

APHIS representative. An individual who is authorized by APHIS to perform the function involved.

Date of export. The date animals intended for export are loaded onto an ocean vessel or aircraft or, if moved by land to Canada or Mexico, the date the animals cross the border.

Export health certificate. An official document issued in the United States that certifies that animals or other commodities listed on the certificate meet the export requirements of this part and the importing country.

Export inspection facility. A facility that is affiliated with a port of embarkation and that has been approved by the Administrator as the location where APHIS will conduct health inspections of livestock before they are loaded onto ocean vessels or aircraft for export from the United States.

Export isolation facility. A facility where animals intended for export are isolated from other animals for a period of time immediately before being moved for export.

Horses. Horses, mules, and asses.

Inspector. An individual authorized by APHIS to inspect animals and/or animal products intended for export from the United States.

Livestock. Horses, cattle (including American bison), captive cervids, sheep, swine, and goats, regardless of intended use.

Premises of export. The premises where the animals intended for export are isolated as required by the importing country prior to export or, if the importing country does not require pre-export isolation, the farm or other premises where the animals are assembled for pre-export inspection and/or testing, or the germplasm is collected or stored, before being moved to a port of embarkation or land border port.

Program diseases. Diseases for which there are cooperative State-Federal programs and domestic regulations in subchapter C of this chapter.

Program Handbook. A document that contains guidance and other information related to the regulations in this part. The Program Handbook is available on APHIS' import-export Web site (*http://www.aphis.usda.gov/import_export/index.shtml*).

State of origin. The State in which the premises of export is located.

§ 91.2 Applicability.

You may not export any animal or animal germplasm from the United States except in compliance with this part.

§ 91.3 General requirements.

(a) *Issuance of export health certificates.* (1) Livestock must have an export health certificate in order to be eligible for export from the United States.

(2) If an importing country is known to require an export health certificate for any animal other than livestock or for any animal semen, animal embryos, hatching eggs, other embryonated eggs, or gametes intended for export to that

country, the animal or other commodity must have an export health certificate in order to be eligible for export from the United States.

(b) *Content of export health certificates.* (1) *Livestock; minimum requirements.* Regardless of the requirements of the importing country, at a minimum, the following information must be contained on an export health certificate for livestock:

(i) The species of each animal.

(ii) The breed of each animal.

(iii) The sex of each animal.

(iv) The age of each animal.

(v) The individual identification of the animals as required by § 91.5.

(vi) The importing country.

(vii) The consignor.

(viii) The consignee.

(ix) A certification that an accredited veterinarian inspected the livestock and found them to be fit for export.

(x) A signature and date by an accredited veterinarian.

(xi) An endorsement by the APHIS veterinarian responsible for the State of origin.

(2) *Livestock; additional requirements.* In addition to the minimum requirements in paragraph (b)(1) of this section, the export health certificate must meet any other information or issuance requirements specified by the importing country.

(3) *Animals other than livestock, animal semen, animal embryos, hatching eggs, other embryonated eggs, and gametes.* Export health certificates for animals other than livestock, animal semen, animal embryos, hatching eggs, other embryonated eggs, and gametes must meet any information requirements specified by the importing country.

(c) *Inspection requirements for livestock.* In order to be eligible for export, livestock must be inspected within the timeframe required by the importing country. If the importing country does not specify a timeframe, the livestock must be inspected within 30 days prior to the date of export.

(d) *Testing requirements for livestock.* All samples for tests of livestock that are required by the importing country must be taken by an APHIS representative or accredited veterinarian. The samples must be taken and tests made within the timeframe allowed by the importing country and, if specified, at the location required by the importing country. If the importing country does not specify a timeframe, the samples must be taken and tests made within 30 days prior to the date of export, except that tuberculin tests may be conducted within 90 days prior to the date of export. All tests for program diseases must be made in laboratories and using methods approved by the Administrator for those diseases. The Program Handbook contains a link to an APHIS Web site that lists laboratories approved to conduct tests for specific diseases. Approved methods are those specified or otherwise incorporated within the domestic regulations in subchapter C of this chapter.

(e) *Movement of livestock, animals other than livestock, animal semen, animal embryos, hatching eggs, other embryonated eggs, or gametes with an export health certificate.* (1) *Livestock.* An export health certificate for livestock must be issued and endorsed before the livestock move from the premises of export. The original signed export health certificate must accompany the livestock for the entire duration of movement from the premises of export to the port of embarkation or land border port, except when the export health certificate has been issued and endorsed electronically.

(2) *Animals other than livestock, animal semen, animal embryos, hatching eggs, other embryonated eggs, and gametes.* When an export health certificate is required by the importing country for any animal other than livestock or for animal semen, animal embryos, hatching eggs, other embryonated eggs, or gametes, it must be issued and, if required by the importing country, endorsed by an APHIS representative prior to the arrival of the animal or other commodity at the port of embarkation or land border port. When presented for endorsement, the health certificate must be accompanied by reports for all laboratory tests specifically identified on the certificate. The laboratory reports must either be the originals prepared by the laboratory that performed the tests or must be annotated by the laboratory that performed the test to indicate how the originals may be obtained. Except when an export health certificate has been issued and endorsed electronically, the original signed export health certificate must accompany the animals, animal semen, animal embryos, hatching eggs, other embryonated eggs, or gametes to the port of embarkation or land border port.

(f) *Validity of export health certificate.* (1) *Livestock.* Unless specified by the importing country, the export health certificate is valid for 30 days from the date of issuance, provided that the inspection and test results under paragraphs (c) and (d) of this section are still valid.

(2) *Animals other than livestock, animal semen, animal embryos, hatching eggs, other embryonated eggs, and gametes.* Unless specified by the importing country, the export health certificate is valid for 30 days from the date of issuance.

§ 91.4 Prohibited exports.

No animal, animal semen, animal embryos, hatching eggs, other embryonated eggs, or gametes under Federal, State, or local government quarantine or movement restrictions for animal health reasons may be exported from the United States unless the importing country issues an import permit or other written instruction allowing entry of the animal, animal semen, animal embryos, hatching eggs, other embryonated eggs, or gametes, and APHIS concurs with the export of the animal, animal semen, animal embryos, hatching eggs, other embryonated eggs, or gametes.

Subpart B—Livestock

§ 91.5 Identification of livestock intended for export.

(a) Except as provided in paragraph (b) of this section, livestock that are intended for export must be identified in accordance with part 86 of this chapter. If the importing country requires an additional form of identification, the livestock must also bear that form of identification.

(b) Horses may be identified by an individual animal tattoo alone, without an accompanying description of the horse, if allowed by the importing country.

§ 91.6 Cleaning and disinfection of means of conveyance, containers, and facilities used during movement; approved disinfectants.

(a) All export health certificates for livestock must be accompanied by a statement issued by an APHIS representative and/or accredited veterinarian that the means of conveyance or container in which the livestock will be transported from the premises of export has been cleaned and disinfected prior to loading the livestock with a disinfectant approved by the Administrator for purposes of this section or by a statement that the means of conveyance or container was not previously used to transport animals.

(b) Livestock moved for export may be unloaded only into a facility which has been cleaned and disinfected in the presence of an APHIS representative or an accredited veterinarian prior to such unloading with a disinfectant approved by the Administrator for purposes of this section. A statement certifying to such action must be attached to the export health certificate by the APHIS

representative or accredited veterinarian.

(c) *Approved disinfectants.* The Administrator will approve a disinfectant for the purposes of this section upon determining that the disinfectant is effective against pathogens that may be spread by the animals intended for export and, if the disinfectant is a chemical disinfectant, that it is registered or exempted for the specified use by the U.S. Environmental Protection Agency. The Program Handbook provides access to a list of disinfectants approved by the Administrator for use as required by this section. Other disinfectants may also be approved by the Administrator in accordance with this paragraph. The Administrator will withdraw approval of a disinfectant, and remove it from the list of approved disinfectants, if the disinfectant no longer meets the conditions for approval in this section.

§ 91.7 Pre-export inspection.

(a) All livestock intended for export by air or sea must receive a visual health inspection from an APHIS veterinarian within 48 hours prior to embarkation, unless the importing country specifies otherwise. The purpose of the inspection is to determine whether the livestock are sound, healthy, and fit to travel. The APHIS veterinarian will reject for export any livestock that he or she finds unfit to travel. The owner of the animals or the owner's agent must make arrangements for any livestock found unfit to travel. Livestock that are unfit to travel include, but are not limited to:

(1) Livestock that are sick, injured, weak, disabled, or fatigued;

(2) Livestock that are unable to stand unaided or bear weight on each leg;

(3) Livestock that are blind in both eyes;

(4) Livestock that cannot be moved without causing additional suffering;

(5) Newborn livestock with an unhealed navel;

(6) Livestock that have given birth within the previous 48 hours and are traveling without their offspring;

(7) Pregnant livestock that would be in the final 10 percent of their gestation period at the planned time of unloading in the importing country; and

(8) Livestock with unhealed wounds from recent surgical procedures, such as dehorning.

(b) The APHIS veterinarian must conduct the inspection at the export inspection facility associated with the port of embarkation of the livestock; at an export isolation facility approved in accordance with § 91.11, when authorized by the Administrator in accordance with paragraph (c) of this section; or at an export inspection facility other than the facility associated with the port of embarkation, when authorized by the Administrator in accordance with paragraph (d) of this section. Unless APHIS has authorized otherwise, any sorting, grouping, identification, or other handling of the livestock by the exporter must be done before this inspection. The APHIS veterinarian may also conduct clinical examination of any livestock during or after this inspection if he or she deems it necessary in order to determine the animal's health. Any testing or treatment related to this clinical examination must be performed by an APHIS veterinarian or an accredited veterinarian. Finally, if the facility used to conduct the inspection is a facility other than the export inspection facility associated with the port of embarkation, it must be located within 28 hours driving distance under normal driving conditions from the port of embarkation, and livestock must be afforded at least 48 hours rest, with sufficient feed and water during that time period, prior to movement from the facility.

(c) *Conditions for approval of pre-export inspection at an export isolation facility.*

(1) The Administrator may allow pre-export inspection of livestock to be conducted at an export isolation facility, rather than at an export inspection facility, when the exporter can show to the satisfaction of the Administrator that the livestock would suffer undue hardship if they had to be inspected at the export inspection facility, when the distance from the export isolation facility to the port of embarkation is significantly less than the distance from the export isolation facility to the export inspection facility associated with the port of embarkation, when inspection at the export isolation facility would be a more efficient use of APHIS resources, or for other reasons acceptable to the Administrator.

(2) The Administrator's approval is contingent upon APHIS having personnel available to provide services at that location. Approval is also contingent upon the Administrator determining that the facility has space, lighting, and humane means of handling livestock sufficient for the APHIS personnel to safely conduct required inspections. The Program Handbook contains guidance on ways to meet these requirements. Owners and operators may submit alternative plans for meeting the requirements to APHIS for evaluation and approval. Alternatives must be at least as effective in meeting the requirements as those described in the Program Handbook in order to be approved. Alternate plans must be approved by APHIS before the facility may be used for purposes of this section.

(d) The Administrator may allow pre-export inspection of livestock to be conducted at an export inspection facility other than the export inspection facility associated with the port of embarkation when the exporter can show to the satisfaction of the Administrator that the livestock would suffer undue hardship if they had to be inspected at the export inspection facility associated with the port of embarkation, when inspection at this different export inspection facility would be a more efficient use of APHIS resources, or for other reasons acceptable to the Administrator.

(e) The APHIS veterinarian will maintain an inspection record that includes the date and place of the pre-export inspection, species and number of animals inspected, the number of animals rejected, a description of those animals, and the reasons for rejection.

(f) If requested by the importing country or an exporter, the APHIS veterinarian who inspects the livestock will issue a certificate of inspection for livestock he or she finds to be sound, healthy, and fit to travel.

§ 91.8 Rest, feed, and water prior to export.

All livestock intended for export by air or sea must be allowed a period of at least 2 hours rest prior to being loaded onto an ocean vessel or aircraft for export. Adequate food and water must be available to the livestock during the rest period. An inspector may extend the required rest period up to 5 hours, at his or her discretion and based on a determination that more rest is needed in order for the inspector to have assurances that the animals are fit to travel prior to loading. Finally, if livestock have been inspected for export at a facility other than the export inspection facility associated with the port of embarkation, they must be visually observed at the end of this rest period for fitness to travel.

§ 91.9 Ports.

(a) Except as provided in paragraph (b) of this section, livestock exported by air or sea may be exported only through ports designated as ports of embarkation by the Administrator. Any port that has an export inspection facility that meets the requirements of § 91.10 permanently associated with it is designated as a port of embarkation. The Program Handbook contains a list of designated ports of embarkation. A list may also be

obtained from a Veterinary Services area office. Information on area offices is available on APHIS' import-export Web site (*http://www.aphis.usda.gov/import_export/index.shtml*).

(b) The Administrator may approve other ports for the exportation of livestock on a temporary basis with the concurrence of the port director. The Administrator will grant such temporary approvals only for a specific shipment of livestock, and only if pre-export inspection of that shipment has occurred at an export isolation facility or an export inspection facility not associated with the port of embarkation, as provided in § 91.7.

(c) Temporarily approved ports of embarkation will not be added to the list of designated ports of embarkation and are only approved for the time period and shipment conditions specified by APHIS at the time of approval.

§ 91.10 Export inspection facilities.

(a) Export inspection facilities must be approved by the Administrator before they may be used for any livestock intended for export. The Administrator will approve an export inspection facility upon determining that it meets the requirements in paragraph (b) of this section. This approval remains in effect unless it is revoked in accordance with paragraph (c) of this section, or unless any of the following occur, in which case reapproval must be sought:

(1) The owner of the facility changes.

(2) Significant damage to the facility occurs or significant structural changes are made to the facility.

(b)(1) Export inspection facilities must be constructed, equipped, and managed in a manner that prevents transmission of disease to and from livestock in the facilities, provides for the safe and humane handling and restraint of livestock, and provides sufficient offices, space, and lighting for APHIS veterinarians to safely conduct required health inspections of livestock and related business. The Program Handbook contains guidance on ways to meet these requirements. Owners and operators may submit alternative plans for meeting the requirements to APHIS for evaluation and approval; the address to which to submit such alternatives is contained in the Program Handbook. Alternatives must be at least as effective in meeting the requirements as the methods described in the Program Handbook in order to be approved. Alternatives must be approved by APHIS before being used for purposes of this section.

(2) For the purposes of approval or a subsequent audit, APHIS representatives must have access to all areas of the facility during the facility's business hours to evaluate compliance with the requirements of this section.

(3) The application for approval of an export inspection facility must be accompanied by a certification from the authorities having jurisdiction over environmental affairs in the locality of the facility. The certification must state that the facility complies with any applicable requirements of the State and local governments, and the U.S. Environmental Protection Agency regarding disposal of animal wastes.

(c) The Administrator will deny or revoke approval of an export inspection facility for failure to meet the requirements in paragraph (b) of this section.

(1) APHIS will conduct site inspections of approved export inspection facilities at least once a year for continued compliance with the standards. If a facility fails to pass the inspection, the Administrator may revoke its approval. If the Administrator revokes approval for a facility that serves a designated port of embarkation, the Administrator may also remove that port from the list of designated ports of embarkation.

(2) APHIS will provide written notice of any proposed denial or revocation to the operator of the facility, who will be given an opportunity to present his or her views on the issues before a final decision is made. The notice will list any deficiencies in detail. APHIS will provide notice of pending revocations at least 60 days before the revocation is scheduled to take effect, but may suspend facility operations before that date and before any consideration of objections by the facility operator if the Administrator determines the suspension is necessary to protect animal health or public health, interest, or safety. The operator of any facility whose approval is denied or revoked may request another inspection after remedying the deficiencies.

§ 91.11 Export isolation facilities.

(a) If an importing country requires livestock to undergo pre-export isolation approved by the U.S. Department of Agriculture, APHIS must approve the export isolation facility to be used for the livestock prior to each isolation. APHIS will approve a facility only if the Administrator determines, upon APHIS inspection of the facility, that the facility meets standards identified by the importing country. If the importing country does not identify specific standards, APHIS will approve the export isolation facility only if the Administrator determines, upon APHIS inspection of the facility, that the facility has adequate measures in place to protect the livestock at the facility from exposure to animals of different health status and fomites in order to prevent transmission of diseases of livestock during the isolation period. The Program Handbook contains guidance on measures acceptable to APHIS. Owners and operators may submit alternative measures to APHIS for evaluation and approval; the address to which to submit such an alternative is contained in the Program Handbook. Alternatives must be at least as effective in meeting the requirement as those described in the Program Handbook in order to be approved. Alternatives must be approved by APHIS before being used for purposes of this section.

(b) Isolation must be under the supervision of an accredited veterinarian or, if requested by the importing country, by an APHIS veterinarian.

§ 91.12 Ocean vessels.

(a) *Inspection of the ocean vessel.* (1) *Certification to carry livestock.* Ocean vessels must be certified by APHIS prior to initial use to transport any livestock from the United States. The owner or the operator of the ocean vessel must make arrangements prior to the vessel's arrival at a designated port of embarkation in the United States for an APHIS representative to inspect the vessel while it is at that port of embarkation. Alternatively, at the discretion of the Administrator and upon request of the exporter, transporting company, or their agent, the inspection may be done at a foreign port. If APHIS determines that the ocean vessel meets the requirements of paragraph (d) of this section, APHIS will certify the vessel to transport livestock from the United States. APHIS may certify a vessel that does not meet all of the requirements in paragraph (d), provided that an exemption from the requirements the vessel does not meet has been granted to the vessel pursuant to paragraph (e) of this section. The certification will specify the species of livestock for which the vessel is approved. The certification will be valid for up to 3 years; however, the ocean vessel must be recertified prior to transporting livestock any time significant changes are made to the vessel, including to livestock transport spaces or life support systems; any time a major life support system fails; any time species of livestock not covered by the existing certification are to be transported; and any time the owner or operator of the ocean vessel changes. The owner or operator of the vessel must present the following

documentation to APHIS prior to its initial inspection for certification and when requested by APHIS prior to subsequent inspections for recertification:

(i) General information about the vessel, including year built, length and breadth, vessel name history, port of registry, call sign, maximum and average speed, fresh water tank capacity and fresh water generation rate, and feed silo capacity (if the vessel has a silo);

(ii) A notarized statement from an engineer concerning the rate of air exchange in each compartment of the vessel;

(iii) The species of livestock that the vessel would transport;

(iv) Scale drawings that provide details of the design, materials, and methods of construction and arrangement of fittings for the containment and movement of livestock; provisions for the storage and distribution of feed and water; drainage arrangements; primary and secondary sources of power; and lighting;

(v) A photograph of the rails and gates of any pens;

(vi) A description of the flooring surface on the livestock decks; and

(vii) The following measurements: Width of the ramps; the clear height from the ramps to the lowest overhead structures; the incline between the ramps and the horizontal plane; the distance between footlocks on the ramps; the height of side fencing on the ramps; the height of the vessel's side doors through which livestock are loaded; the width of alleyways running fore and aft between livestock pens; and the distance from the floor of the livestock pens to the beams or lowest structures overhead.

(2) *Prior to each voyage.* Prior to loading any livestock intended for export from the United States, an APHIS representative must inspect the vessel to confirm that the ocean vessel has been adequately cleaned and disinfected as required by paragraph (b) of this section, has sufficient food and water for the voyage as required by paragraph (c) of this section, and continues to meet the requirements of paragraph (d) of this section. APHIS will schedule the inspection after the owner or operator of the ocean vessel provides the following information:

(i) The name of the ocean vessel;

(ii) The port, date, and time the ocean vessel will be available for inspection, and estimated time that loading will begin;

(iii) A description of the livestock to be transported, including the type, number, and estimated average weight of the livestock;

(iv) Stability data for the ocean vessel with livestock on board;

(v) The port of discharge; and

(vi) The route and expected length of the voyage.

(3) The information in paragraphs (a)(2)(i) through (a)(2)(vi) must be provided at least 72 hours before the vessel will be available for inspection.

(b) *Cleaning and disinfection.* (1) Any ocean vessel intended for use in exporting livestock, and all fittings, utensils, containers, and equipment (unless new) used for loading, stowing, or other handling of livestock aboard the vessel must be thoroughly cleaned and disinfected to the satisfaction of an APHIS representative prior to any livestock being loaded. The disinfectant must be approved by the Administrator. Guidance on cleaning and disinfecting ocean vessels may be found in the Program Handbook.

(2) The Administrator will approve a disinfectant for the purposes of this paragraph upon determining that the disinfectant is effective against pathogens that may be spread by the animals and, if the disinfectant is a chemical disinfectant, that it is registered or exempted for the specified use by the U.S. Environmental Protection Agency. The Program Handbook provides access to a list of disinfectants approved by the Administrator. Other disinfectants may also be approved by the Administrator in accordance with this paragraph. The Administrator will withdraw approval of a disinfectant, and remove it from the list of approved disinfectants in the Program Handbook, if the disinfectant no longer meets the conditions for approval in this section.

(3) All ocean vessels, upon docking at a U.S. port to load livestock, must have disinfectant foot baths at entryways where persons board and exit the ocean vessel, and require such baths before allowing any person to disembark.

(c) *Feed and water.* Sufficient feed and water must be provided to livestock aboard the ocean vessel, taking into consideration the livestock's species, body weight, the expected duration of the voyage, and the likelihood of adverse climatic conditions during transport. Guidance on this requirement may be found in the Program Handbook.

(d) *Accommodations for the humane transport of livestock; general requirements.* Ocean vessels used to transport livestock intended for export must be designed, constructed, and managed to reasonably assure the livestock are protected from injury and remain healthy during loading and transport to the importing country. Except as provided below in paragraph (e) of this section, no livestock may be loaded onto an ocean vessel unless, in the opinion of an APHIS representative, the ocean vessel meets the requirements of this section. The Program Handbook contains guidance on ways to meet the requirements. Owners and operators may submit alternative means and methods for meeting the requirements to APHIS for evaluation and approval. Alternatives must be at least as effective in meeting the requirements as those described in the Program Handbook in order to be approved. Alternatives must be approved by APHIS before being used for purposes of this section.

(1) *Pens.* All pens, including gates and portable rails used to close access ways, must be designed and constructed of material of sufficient strength to securely contain the livestock. They must be properly formed, closely fitted, and rigidly secured in place. They must have smooth finished surfaces free from sharp protrusions. They must not have worn, decayed, unsound, or otherwise defective parts. Flooring must be strong enough to support the livestock to be transported and provide a satisfactory non-slip foothold. Pens on exposed upper decks must protect the livestock from the weather. Pens next to engine or boiler rooms or similar sources of heat must be fitted to protect the livestock from injury due to transfer of heat to the livestock or livestock transport spaces. Any fittings or protrusions from the vessel's sides that abut pens must be covered to protect the livestock from injury. Pens must be of appropriate size for the species, size, weight, and condition of the livestock being transported and take into consideration the vessel's route.

(2) *Positioning.* Livestock must be positioned during transport so that an animal handler or other responsible person can observe each animal regularly and clearly to ensure the livestock's safety and welfare.

(3) *Resources for sick or injured animals.* The vessel must have an adequate number of appropriately sized and located pens set aside to segregate livestock that become sick or injured from other animals. It must also have adequate veterinary medical supplies, including medicines, for the species, condition, and number of livestock transported.

(4) *Ramps, doors, and passageways.* Ramps, doors, and passageways used for livestock must be of sufficient width and height for their use and allow the safe passage of the species transported. They must have secure, smooth fittings free from sharp protrusions and non-slip

flooring, and must not have worn, decayed, unsound, or otherwise defective parts. Ramps must not have an incline that is excessive for the species of livestock transported and must be fitted with foot battens to prevent slippage at intervals suitable for the species. The sides of ramps must be of sufficient height and strength to prevent escape of the species of livestock transported.

(5) *Feed and water.* The feeding and watering system must be designed to permit all livestock in each pen adequate access to feed and water. The system must also be designed to minimize soiling of pens and to prevent animal waste from contaminating feed and water. Similarly, feed must be loaded and stored aboard the vessel in a manner that protects it from weather and sea water and, if kept under animal transport spaces, protects it from spillage from animal watering and feeding and from animal waste. If the normal means of tending, feeding, and watering of livestock on board the ocean vessel is wholly or partially by automatic means, the vessel must have alternative arrangements for the satisfactory tending, feeding, and watering of the animals in the event of a malfunction of the automatic means.

(6) *Ventilation.* Ventilation during loading, unloading, and transport must provide fresh air and remove excessive heat, humidity, and noxious fumes (such as ammonia and carbon dioxide). Ventilation must be adequate for variations in climate and weather and to meet the needs of the livestock being transported. Ventilation must be effective both when the vessel is stationary and when it is moving and must be turned on when the first animal is loaded. The vessel must have on board a back-up ventilation system (including emergency power supply) in good working order or replacement parts and the means, including qualified personnel, to make the repairs or replacements.

(7) *Waste management.* The vessel must have a system or arrangements, including a backup system in working order or alternate arrangements, for managing waste to prevent excessive buildup in livestock transport spaces during the voyage.

(8) *Lighting.* The vessel must have adequate illumination to allow clear observation of livestock during loading, unloading, and transport.

(9) *Bedding.* Bedding must be loaded and stored aboard the vessel in a manner that protects it from weather and sea water and, if kept under animal transport spaces, protects it from spillage from animal watering and feeding and from animal waste.

(10) *Cleaning.* The vessel must be designed and constructed to allow thorough cleaning and disinfection and to prevent feces and urine from livestock on upper levels from soiling livestock or their feed or water on lower levels.

(11) *Halters and ropes.* Halters, ropes, or other equipment provided for the handling and tying of horses or other livestock must be satisfactory to ensure the humane treatment of the livestock.

(12) *Personnel.* The owner or operator of the ocean vessel must have on board during loading, transport, and unloading at least 3 persons (or at least 1 person if fewer than 800 head of livestock will be transported) with previous experience with ocean vessels that have handled the kind(s) of livestock to be carried, as well as a sufficient number of attendants with the appropriate experience to be able to ensure proper care of the livestock.

(13) *Vessel stability.* The vessel must have adequate stability, taking into consideration the weight and distribution of livestock and fodder, as well as effects of high winds and seas. If requested by APHIS, the owner or operator of the vessel must present stability calculations for the voyage that have been independently verified for accuracy.

(14) *Additional conditions.* The vessel must meet any other condition the Administrator determines is necessary for approval, as dictated by specific circumstances and communicated to the owner and operator of the vessel, to protect the livestock and keep them healthy during loading, unloading, and transport to the importing country.

(e) *Accommodations for the humane transport of livestock; vessels using shipping containers.* An inspector may exempt an ocean vessel that uses shipping containers to transport livestock to an importing country from requirements in paragraph (d) of this section that he or she specifies, if the inspector determines that the containers themselves are designed, constructed, and managed in a manner to reasonably assure the livestock are protected from injury and remain healthy during loading, unloading, and transport to the importing country. The Program Handbook contains exemption guidance.

(f) *Operator's report.* (1) The owner or operator of any ocean vessel used to export livestock (including vessels that use shipping containers) from the United States must submit a written report to APHIS within 5 business days after completing a voyage. The report must include the name of the ocean vessel; the name and address of all exporters of livestock transported on the vessel; the port of embarkation; dates of the voyage; the port where the livestock were discharged; the number of each species of livestock loaded; and the number of each species that died and an explanation for those mortalities. The report must also document any failure of any major life support system for the livestock, including, but not limited to, systems for providing feed and water, ventilation systems, and livestock waste management systems. Any such failure must be documented, regardless of the duration or whether the failure resulted in any harm to the livestock. The report must include the name, telephone number, and email address of the person who prepared the report and the date of the report. The report must be submitted to APHIS by facsimile or email. Contact numbers and addresses, as well as an optional template for the report, are provided in the Program Handbook.

(2) If an ocean vessel used to export livestock experiences any failure of a major life support system for livestock during the voyage, the owner or operator of the ocean vessel must notify APHIS immediately by telephone, facsimile, or other electronic means. Contact numbers and addresses are provided in the Program Handbook.

(3) Failure to provide timely reports as required by this section may result in APHIS disapproving future livestock shipments by the responsible owner or operator or revoking the vessel's certification under paragraph (a) of this section to carry livestock.

§ 91.13 Aircraft.

(a) Prior to loading livestock aboard aircraft, the stowage area of the aircraft and any loading ramps, fittings, and equipment to be used in loading the animals must be cleaned and then disinfected with a disinfectant approved by the Administrator, to the satisfaction of an APHIS representative, unless the representative determines that the aircraft has already been cleaned and disinfected to his or her satisfaction.

(1) The Administrator will approve a disinfectant for the purposes of this section upon determining that the disinfectant is effective against pathogens that may be spread by the animals and, if the disinfectant is a chemical disinfectant, that it is registered or exempted for the specified use by the U.S. Environmental Protection Agency.

(2) The Program Handbook provides access to a list of disinfectants approved by the Administrator for use as required

by this section. Other disinfectants may also be approved by the Administrator in accordance with paragraph (a)(1) of this section.

(3) The Administrator will withdraw approval of a disinfectant, and remove it from the list of approved disinfectants in the Program Handbook, if the disinfectant no longer meets the conditions for approval in this section.

(b) The time at which the cleaning and disinfection are to be performed must be approved by the APHIS representative, who will give approval only if he or she determines that the cleaning and disinfection will be effective up to the projected time the livestock will be loaded. If the livestock are not loaded by the projected time, the APHIS representative will determine whether further cleaning and disinfection are necessary.

(c) The cleaning must remove all garbage, soil, manure, plant materials, insects, paper, and other debris from the stowage area. The disinfectant solution must be applied with a device that creates an aerosol or mist that covers 100 percent of the surfaces in the stowage area, except for any loaded cargo and deck surface under it that, in the opinion of the APHIS representative, do not contain material, such as garbage, soil, manure, plant materials, insects, waste paper, or debris, that may harbor animal disease pathogens.

(d) After cleaning and disinfection is performed, the APHIS representative will sign and deliver to the captain of the aircraft or other responsible official of the airline involved a document stating that the aircraft has been properly cleaned and disinfected, and stating further the date, the carrier, the flight number, and the name of the airport and the city and state in which it is located. If an aircraft is cleaned and disinfected at one airport, then flies to a subsequent airport, with or without stops en route, to load animals for export, an APHIS representative at the subsequent airport will determine, based on examination of the cleaning and disinfection documents, whether the previous cleaning and disinfection is adequate or whether to order a new cleaning and disinfection. If the aircraft has loaded any cargo in addition to animals, the APHIS representative at the subsequent airport will determine whether to order a new cleaning and disinfection, based on both examination of the cleaning and disinfection documents and on the inspection of the stowage area for materials, such as garbage, soil, manure, plant materials, insects, waste paper, or debris, that may harbor animal disease pathogens.

(e) Cargo containers used to ship livestock must be designed and constructed of a material of sufficient strength to securely contain the animals and must provide sufficient space for the species being transported given the duration of the trip, as determined by APHIS.

§ 91.14 Other movements and conditions.

The Administrator may, upon request in specific cases, permit the exportation of livestock not otherwise provided for in this part under such conditions as he or she may prescribe in each specific case to prevent the spread of livestock diseases and to ensure the humane treatment of the animals during transport to the importing country.

Done in Washington, DC, this 20th day of February 2015.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

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BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1026

[Docket No. CFPB–2015–0006]

RIN 3170–AA50

Submission of Credit Card Agreements Under the Truth In Lending Act (Regulation Z)

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Proposed rule; request for public comment.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is proposing to amend Regulation Z, which implements the Truth in Lending Act, and the official interpretation to that regulation. The proposal would temporarily suspend card issuers' obligations to submit credit card agreements to the Bureau for a period of one year (*i.e.,* four quarterly submissions), in order to reduce burden while the Bureau works to develop a more streamlined and automated electronic submission system. Other requirements, including card issuers' obligations to post currently-offered agreements on their own Web sites, would remain unaffected.

DATES: Comments must be received on or before March 13, 2015.

ADDRESSES: You may submit comments, identified by Docket No. CFPB–2015–0006 or RIN 3170–AA50, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: FederalRegisterComments@cfpb.gov.* Include Docket No. CFPB–2015–0006 and/or RIN 3170–AA50 in the subject line of the email.
- *Mail:* Monica Jackson, Office of the Executive Secretary, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552.
- *Hand Delivery/Courier:* Monica Jackson, Office of the Executive Secretary, Consumer Financial Protection Bureau, 1275 First Street NE., Washington, DC 20002.

Instructions: All submissions should include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to *http://www.regulations.gov.* In addition, comments will be available for public inspection and copying at 1275 First Street NE., Washington, DC 20002, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect the documents by telephoning (202) 435–7275.

All comments, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information, such as account numbers or social security numbers, should not be included. Comments generally will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: Thomas L. Devlin, Counsel, or Kristine M. Andreassen, Senior Counsel, Office of Regulations, at (202) 435–7700.

SUPPLEMENTARY INFORMATION:

I. Summary of the Proposed Rule

The Truth in Lending Act (TILA), in section 122(d), requires creditors to post agreements for open-end consumer credit card plans on the creditors' Web sites and to submit those agreements to the Bureau. 15 U.S.C. 1632(d). These provisions are implemented in § 1026.58 of Regulation Z.[1] 12 CFR 1026.58. The Bureau is proposing to temporarily suspend the requirement in § 1026.58(c) that card issuers submit credit card agreements to the Bureau for

[1] Section 1026.58 uses the terms card issuer (or issuer) and credit card agreement (or agreement) in lieu of the terms creditor and open-end consumer credit card plan, respectively, that are used in section 122(d) of TILA.

a period of one year (*i.e.,* four quarterly submissions), in order to reduce burden while the Bureau works to develop a more streamlined and automated electronic submission system. Specifically, the Bureau is proposing to suspend the submissions that would otherwise be due to the Bureau by the first business day on or after April 30, 2015; July 31, 2015; October 31, 2015; and January 31, 2016. Beginning with the submission due on the first business day on or after April 30, 2016, card issuers would resume submitting credit card agreements on a quarterly basis to the Bureau. Other requirements under § 1026.58, including card issuers' obligations to post currently-offered agreements on their own Web sites under § 1026.58(d), would remain unaffected.

II. Background

In 2009, Congress enhanced protections for credit cards in the Credit Card Accountability Responsibility and Disclosure Act (CARD Act), which it enacted to ''establish fair and transparent practices related to the extension of credit'' in the credit card market.[2] The Board of Governors of the Federal Reserve System (Board) generally implemented the CARD Act's provisions in subpart G of Regulation Z. Section 204 of the CARD Act added new TILA section 122(d) to require creditors to post agreements for open-end consumer credit card plans on the creditors' Web sites and to submit those agreements to the Board for posting on a publicly available Web site established and maintained by the Board. 15 U.S.C. 1632(d).

Specifically, TILA section 122(d)(1) requires each creditor to post its credit card agreements on its own Web site, and section 122(d)(2) requires the creditor to provide its agreements to the Bureau (formerly the Board). TILA section 122(d)(3) requires the Bureau (formerly the Board) to establish and maintain on its publicly available Web site a central repository of the agreements it receives under section 122(d)(2). The Board implemented these provisions in 12 CFR 226.58. With the adoption of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), authority to implement TILA transferred to the Bureau [3] and the Bureau renumbered this provision in Regulation Z as § 1026.58.[4]

While TILA section 122(d) requires that creditors provide agreements to the Bureau, it does not specify the frequency or timing for these submissions. The implementing regulations in Regulation Z provide that submission of currently-offered agreements must be made quarterly. *See* § 1026.58(c)(1). These quarterly submissions must be sent to the Bureau no later than the first business day on or after January 31, April 30, July 31, and October 31 of each year. The regulation also provides that, except in certain circumstances, card issuers must post and maintain on their publicly available Web sites the credit card agreements that the issuers are required to submit to the Bureau. *See* § 1026.58(d).

Under the current process, which has been used by the Bureau since its inception, card issuers submit agreements and agreement information to the Bureau manually via email. The Bureau believes this process may be unnecessarily cumbersome for issuers and may make issuers' own internal tracking of previously submitted agreements difficult. In addition, the current process for Bureau staff to manually review, catalog, and upload new or revised agreements to the Bureau's Web site, and to remove outdated agreements, can extend for several months after the quarterly submission deadline.[5] The Bureau is working to develop a more streamlined and automated electronic submission system which would allow issuers to upload agreements directly to the Bureau's database. The Bureau intends for its new submission system to be less burdensome and easier for issuers to use. It also intends for the new system to enable faster posting of new and revised agreements on the Bureau's Web site.

In order to reduce the burden on card issuers of continuing to use manual submission methods while the Bureau works to design, test, and implement a more streamlined and automated electronic submission system, the Bureau is proposing to temporarily suspend issuers' obligations to submit credit card agreements to the Bureau for a period of one year (*i.e.,* four quarterly submissions), as described in more detail in the section-by-section analysis below. Issuers' obligations to post currently-offered agreements on their own Web sites would be unaffected.

The Bureau recognizes that its proposed temporary suspension of the requirement that card issuers submit credit card agreements to the Bureau would temporarily reduce the access consumers, other external parties, and the Bureau itself would have to a single repository of the agreements that would have been submitted during this one-year period. However, the Bureau believes that this temporary reduction would not impose significant costs on consumers, other external parties, or the Bureau itself for at least two key reasons. First, the Bureau is not proposing to modify the requirement that card issuers post currently-offered agreements on their own Web sites in a manner that is prominent and readily accessible by the public (§ 1026.58(d)) or that card issuers make all open agreements available on their Web sites or to cardholders upon request (§ 1026.58(e)).

Second, the Bureau intends to manually compile credit card agreements from certain large card issuers' Web sites as of approximately September 2015. Given the longstanding concentration in the credit card market, the Bureau believes that uploading agreements obtained from a relatively small number of issuers' Web sites to the Bureau's own Web site is sufficient to provide the agreement terms available to the overwhelming majority of credit card consumers in the U.S. as of the mid-point of the proposed suspension period.[6] This will allow consumers to continue to use the Bureau's Web site to effectively compare agreements offered by various issuers.

Overall, the Bureau anticipates that the marginal costs to consumers and other external parties from interrupted access during the suspension period will be outweighed by the anticipated benefits of increased usability of the agreements and expedited availability of agreements on the Bureau's Web site after the Bureau implements a more streamlined and automated submission system. The Bureau intends to explore potential functionality for the new system that would improve external parties' ability to use the information efficiently and effectively, such as through improved reporting capabilities. In addition, by streamlining the submission process, the Bureau intends for the new system to also reduce burden on card issuers.

III. Legal Authority

TILA section 105(a) authorizes the Bureau to prescribe regulations to carry

[2] Public Law 111–24, 123 Stat. 1734 (2009).

[3] Public Law 111–203, section 1100A, 124 Stat. 2081 (2010) (codified at 15 U.S.C. 1602 *et seq.*).

[4] 76 FR 79768 (Dec. 22, 2011).

[5] The Bureau's database of credit card agreements is available at *http://www.consumerfinance.gov/credit-cards/agreements/.*

[6] *See, e.g.,* CFPB, *CARD Act Report,* at 13–14 (Oct. 1, 2013), *available at http://files.consumerfinance.gov/f/201309_cfpb_card-act-report.pdf.*

out the purposes of TILA. These regulations may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions, that in the Bureau's judgment are necessary or proper to effectuate the purposes of TILA, facilitate compliance with TILA, or prevent circumvention or evasion of TILA. TILA section 122(d)(5) authorizes the Bureau to promulgate regulations to implement section 122(d), including, among other things, establishing exceptions to TILA sections 122(d)(1) and (2) in any case where the administrative burden outweighs the benefits of increased transparency.

The Bureau proposes to exercise its rulemaking authority pursuant to TILA sections 105(a) and 122(d)(5) to, in effect, change the period for creditors' submission of agreements to the Bureau from quarterly to annually, for a period of one year. The Bureau also proposes to exercise its exception authority under TILA sections 105(a) and 122(d)(5) to temporarily suspend the agreement submission requirements in § 1026.58(c), as it believes the burden to issuers of continuing to submit agreements under the current cumbersome, manual process while the Bureau works to develop a more streamlined and automated electronic submission system outweighs the benefits of transparency to consumers and other external parties of access to those agreements via the Bureau's Web site during the proposed suspension period. Further, the Bureau believes that a temporary suspension would effectuate the purposes of TILA and facilitate compliance therewith.

IV. Section-by-Section Analysis of the Proposed Rule

Regulation Z

Subpart G—Special Rules Applicable to Credit Card Accounts and Open-End Credit Offered to College Students

Section 1026.58 Internet Posting of Credit Card Agreements

58(g) Temporary Suspension of Agreement Submission Requirement

The Bureau is proposing, in § 1026.58(g)(1), to temporarily suspend the quarterly credit card agreement submission requirement in § 1026.58(c) for submissions that would otherwise be due to the Bureau by the first business day on or after April 30, 2015; July 31, 2015; October 31, 2015; and January 31, 2016. Proposed comment 58(g)–1 would further clarify this provision.

Proposed comment 58(g)–2 would explain that, beginning with the submission due on the first business day on or after April 30, 2016, card issuers shall resume submitting credit card agreements on a quarterly basis to the Bureau pursuant to § 1026.58(c). A card issuer shall submit agreements for the prior calendar quarter (that is, the calendar quarter ending March 31, 2016), as required by § 1026.58(c)(1)(ii) through (iv) and (c)(3) through (7), to the Bureau no later than the first business day on or after April 30, 2016.

Proposed comment 58(g)–2.i would explain what must be included in the submission due on the first business day on or after April 30, 2016, as required by § 1026.58(c)(1)(i) through (iv) and (c)(3) through (7). Proposed comment 58(g)–2.ii would explain that, in lieu of providing new and amended agreements, and notice of withdrawn agreements, for the April 30, 2016 submission, § 1026.58(c)(1) and comment 58(c)(1)–3 permit a card issuer to submit to the Bureau a complete, updated set of the credit card agreements the card issuer offered to the public as of the calendar quarter ending March 31, 2016.

Section 1026.58(d) requires a card issuer to post and maintain on its publicly available Web site the credit card agreements that the issuer is required to submit to the Bureau under § 1026.58(c). Proposed § 1026.58(g)(2) would provide that the suspended submission requirement in proposed § 1026.58(g)(1) would not affect card issuers' obligations to post agreements on their own Web sites as required by § 1026.58(d) during the temporary suspension period. Proposed comment 58(g)–3 would further explain this provision and provide several examples.

The Bureau solicits comment on its proposal to temporarily suspend the obligation card issuers would otherwise have under § 1026.58(c) to submit credit card agreements to the Bureau for the four quarterly submissions that would otherwise be due to the Bureau by the first business day on or after April 30, 2015; July 31, 2015; October 31, 2015; and January 31, 2016.

For the quarterly submission due on the first business day on or after April 30, 2016, card issuers must follow any technical specifications for submission that the Bureau releases. The Bureau shall provide advance notice to card issuers of such technical specifications. The Bureau is not seeking comment on possible technical specifications for the credit card agreement submission process.

The Bureau notes that annual submission of college credit card agreements and related data pursuant to § 1026.57(d) and the biannual submission of credit card pricing and availability information pursuant to 15 U.S.C. 1646(b) are not affected by this proposal. At present, the Bureau intends to continue using existing systems and processes to receive those submissions, which are less frequent and involve fewer issuers. At the time the Bureau implements a more streamlined and automated electronic system for submission of quarterly credit card agreements, however, the Bureau expects to review that system's potential suitability for other submissions.[7]

V. Proposed Effective Date

The Bureau proposes that the changes proposed herein take effect immediately upon publication of a final rule in the **Federal Register**. As discussed above, the Bureau is working to develop a more streamlined and automated electronic submission system which would allow card issuers to upload credit card agreements directly to the Bureau's database. The Bureau is proposing an immediate effective date for its temporary suspension of the requirement that card issuers submit credit card agreements to the Bureau.

The Bureau seeks comment on whether its proposed changes should take effect immediately upon publication of a final rule in the **Federal Register** or if a later effective date is more appropriate.

VI. Section 1022(b)(2) of the Dodd-Frank Act

A. Overview

In developing the proposed rule, the Bureau has considered potential benefits, costs, and impacts.[8] The Bureau requests comment on the preliminary analysis presented below as well as submissions of additional data

[7] The Bureau proposed a requirement similar to that of § 1026.58 for prepaid accounts. *See* 79 FR 77102, 77191 (Dec. 23, 2014). The Bureau noted that it ''expects to provide additional details regarding the electronic submission process in connection with the release of its final rule on this subject. Issuers will have no submission obligations until the Bureau has issued technical specifications addressing the form and manner for submission of agreements. The Bureau intends for the streamlined electronic submission process to be operational before proposed § 1005.19(b) becomes effective.'' *Id.* at 77196. The Bureau intends to explore whether the same streamlined electronic submission process can be used to collect agreements from both card issuers and prepaid account issuers.

[8] Specifically, section 1022(b)(2)(A) of the Dodd-Frank Act calls for the Bureau to consider the potential benefits and costs of a regulation to consumers and covered persons, including the potential reduction of access by consumers to consumer financial products or services; the impact on depository institutions and credit unions with $10 billion or less in total assets as described in section 1026 of the Dodd-Frank Act; and the impact on consumers in rural areas.

that could inform the Bureau's analysis of the benefits, costs, and impacts. The Bureau has consulted, or offered to consult with, the prudential regulators, the Department of the Treasury, and the Federal Trade Commission, including regarding consistency with any prudential, market, or systemic objectives administered by such agencies.

Pursuant to TILA section 122(d)(3), the Bureau maintains on its public Web site a repository of the consumer credit card agreements that card issuers submit pursuant to § 1026.58(c). The electronic folders in the repository are organized by quarter, back to the third quarter of 2011, reflecting the transfer of authority to implement TILA from the Board to the Bureau pursuant to the Dodd-Frank Act. For each quarter, the repository contains a copy of each agreement, in PDF format, that was available to consumers as of the end of that quarter. The repository also contains, for each quarter, a spreadsheet that provides certain identifying information about each agreement and the issuer thereof.

Proposed § 1026.58(g) would temporarily suspend the requirement in § 1026.58(c) for card issuers to submit credit card agreements to the Bureau. Under the proposed rule, card issuers would not be required to make quarterly submissions to the Bureau for the submissions that would otherwise be due by the first business day on or after April 30, 2015; July 31, 2015; October 31, 2015; and January 31, 2016. Consequently, the Bureau would not provide these agreements on its Web site. As discussed previously, however, the Bureau intends to manually compile credit card agreements from certain large card issuer Web sites as of approximately September 2015 and to post those agreements on its Web site. Card issuers would resume submitting agreements on a quarterly basis to the Bureau beginning with the submission due by the first business day on or after April 30, 2016. The Bureau is not proposing to modify the requirement that card issuers post currently-offered agreements on their own Web sites in a manner that is prominent and readily accessible by the public (§ 1026.58(d)) or that card issuers make all open agreements available on their Web sites or to cardholders upon request (§ 1026.58(e)).

B. Potential Benefits and Costs to Consumers and Covered Persons

The Bureau is not aware of any significant costs to consumers that might arise from the temporary suspension of the quarterly submission requirement and the absence of these agreements on the Bureau's Web site. While the Bureau's Web site can assist consumers in comparing credit card agreements when shopping for a new card, the Bureau believes that most consumers are not likely to use the repository to identify desirable credit cards, in part because they would not know if they qualified for the cards they identified. The Bureau believes that consumers are more likely to identify a number of cards for which they qualify before comparing the terms and conditions for those cards. These terms and conditions will remain readily available to consumers on the issuers' Web sites. Similarly, a consumer who wanted to replace a lost agreement would likely find it easier to contact the issuer than to search the repository because the agreement might no longer be available to new cardholders, in which case the consumer would need to search across multiple quarters to find the agreement, and even then might lack confidence that she had found the version of the agreement that applied to her.

On the other hand, the Bureau recognizes that consumers who would qualify for almost any card on the market and who want to learn about the features of a large number of products might find the repository useful. The proposed rule might increase the cost to these consumers of searching for desirable credit cards. The Bureau believes that this cost would be small, however, given that the Bureau is suspending the submission requirement for just four quarters. The Bureau requests comment on this point. Similarly, the Bureau recognizes the possibility that entities may use the information in the repository to develop more competitive products or extract information that they could sell or otherwise provide to consumers or third parties. However, the Bureau believes that this is unlikely given that the agreements, while generally in searchable PDF format, do not contain uniform data or text fields that would provide the same type of information in fixed locations across files. The Bureau requests comment on this point as well.

The Bureau believes that the proposal would provide issuers with a minor but tangible benefit. For the third quarter of 2014, 446 issuers had 1,833 agreements in the Bureau's database. While 169 issuers had just one agreement, the median number of agreements per issuer was two and the average was four. Four issuers had over 50 agreements. In the third quarter alone, 103 issuers submitted 429 agreements; the median and mean were again two and four, respectively. Three issuers submitted over 25 agreements. All issuers would be able to suspend their submissions for four quarters, which would remove some compliance burden. The Bureau believes that the burden is small on average, although it may be higher for the entities that provide a large number of agreements.[9] The Bureau requests comment on this point.

As noted above, the Bureau recognizes the possibility that entities could use the information in the repository to develop more competitive products or extract information that they could sell or otherwise provide to consumers or third parties. However, as mentioned above, the Bureau believes that this is unlikely given the difficulties in using files in PDF format for this purpose. To the extent that entities are inclined to use the files in the repository to extract information, the Bureau believes that manual collection of the credit card agreements from certain large card issuer Web sites as of approximately September 2015 and posting those agreements on the Bureau Web site will mitigate the impact of the proposed rule on these entities.

As an alternative, the Bureau considered coupling the temporary suspension with a requirement to provide the Bureau, after the suspension expired, with the agreements that they would have been required to submit if not for the suspension. Compared to the proposed rule, this alternative would have imposed smaller costs on consumers and provided smaller benefits to issuers. Since the costs to consumers under the proposed rule are small to begin with, the Bureau believes that the proposed rule is superior to the alternative. The Bureau requests comment on this point.

C. Impact on Covered Persons With No More Than $10 Billion in Assets

The majority of banks and credit unions that provide agreements under § 1026.58(c) have no more than $10 billion in assets. Thus, the majority of banks and credit unions that would benefit from the proposed rule have no more than $10 billion in assets. On the other hand, larger banks and credit

[9] The Bureau notes that card issuers who submit a smaller number of agreements to the Bureau, but that only submit new and amended agreements and notice of withdrawn agreements, may have higher compliance costs than issuers who resubmit each quarter all agreements that are currently available to consumers. Thus, using the number of agreements submitted each quarter does not strictly track compliance cost. However, the Bureau expects that the number of agreements submitted and compliance cost are correlated even for those who submit all available agreements each quarter because they still have to ensure they are not sending agreements that are no longer offered to new customers or are entirely defunct.

unions generally provide the Bureau with more agreements each quarter. Thus, the proposed rule would generally provide larger banks and credit unions with a greater reduction in burden compared to that obtained by banks and credit unions with no more than $10 billion in assets.

D. Impact on Access to Credit

The Bureau does not believe that there will be an adverse impact on access to credit, or any other consumer financial products or services, resulting from the proposed rule. The proposed rule imposes no direct requirements on consumer financial products or services or providers of consumer financial products or services or on the eligibility of consumers for consumer financial products or services. As discussed above, the proposed rule imposes at most a minor additional cost on certain consumers searching for a credit card.

As noted above, the Bureau recognizes the possibility that entities could use the information in the repository to develop more competitive products or extract information that they could sell or otherwise provide to consumers or third parties. However, the Bureau believes that this is unlikely given the difficulties in using files in PDF format for this purpose and the fact that the suspension would last for just four quarters. Thus, the proposed rule should not inhibit activities that would improve access to credit such as the development of more competitive credit products or products that would reduce search costs.

E. Impact on Consumers in Rural Areas

The Bureau does not believe that the proposed rule would have a unique impact on consumers in rural areas.

VII. Regulatory Flexibility Analysis

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, requires each agency to consider the potential impact of its regulations on small entities, including small businesses, small governmental units, and small nonprofit organizations. The RFA defines a ''small business'' as a business that meets the size standard developed by the Small Business Administration pursuant to the Small Business Act.

The RFA generally requires an agency to conduct an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) of any rule subject to notice-and-comment rulemaking requirements, unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The Bureau also is subject to certain additional procedures under the RFA involving the convening of a panel to consult with small business representatives prior to proposing a rule for which an IRFA is required.

An IRFA is not required here because the proposal, if adopted, would not have a significant economic impact on a substantial number of small entities. The Bureau does not expect the proposal to impose costs on small entities. As discussed above, the Bureau believes that the proposed rule would cause a small reduction in costs on all issuers, including small entity issuers, who would otherwise be required to submit agreements to the Bureau.

Accordingly, the undersigned certifies that this proposal, if adopted, would not have a significant economic impact on a substantial number of small entities.

VIII. Paperwork Reduction Act Analysis

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*), Federal agencies are generally required to seek the Office of Management and Budget (OMB) approval for information collection requirements prior to implementation. Under the PRA, the Bureau may not conduct or sponsor and, notwithstanding any other provision of law, a person is not required to respond to an information collection unless the information collection displays a valid control number assigned by OMB.

The Bureau is currently seeking a new OMB control number for the information collection in § 1026.58(c).[10] The Bureau expects to obtain this control number prior to the first business day on or after April 30, 2016, which is the date on which the information collection in § 1026.58(c) would resume if the proposed rule were finalized.

The Bureau welcomes comments on any aspect of this proposal for purposes of the PRA. Comments should be submitted as outlined in the **ADDRESSES** section above. All comments will become a matter of public record.

List of Subjects in 12 CFR Part 1026

Advertising, Consumer protection, Credit, Credit unions, Mortgages, National banks, Reporting and recordkeeping requirements, Savings associations, Truth in lending.

[10] *See* 79 FR 62421 (Oct. 17, 2014); 80 FR 8291 (Feb. 17, 2015). The OMB control number would also apply to the information collection in § 1026.57.

Authority and Issuance

For the reasons set forth in the preamble, the Bureau proposes to amend 12 CFR part 1026, as follows:

PART 1026—TRUTH IN LENDING (REGULATION Z)

■ 1. The authority citation for part 1026 continues to read as follows:

Authority: 12 U.S.C. 2601, 2603–2605, 2607, 2609, 2617, 5511, 5512, 5532, 5581; 15 U.S.C. 1601 *et seq.*

Subpart G—Special Rules Applicable to Credit Card Accounts and Open-End Credit Offered to College Students

■ 2. Section 1026.58 is amended by adding paragraph (g) to read as follows:

§ 1026.58 Internet posting of credit card agreements.

* * * * *

(g) *Temporary suspension of agreement submission requirement*—(1) *Quarterly submissions.* The quarterly submission requirement in paragraph (c) of this section is suspended for the submissions that would otherwise be due to the Bureau by the first business day on or after April 30, 2015; July 31, 2015; October 31, 2015; and January 31, 2016.

(2) *Posting of agreements offered to the public.* Nothing in paragraph (g)(1) of this section shall affect the agreement posting requirements in paragraph (d) of this section.

■ 3. In Supplement I to Part 1026, under *Section 1026.58—Internet Posting of Credit Card Agreements,* add subsection *58(g) Temporary Suspension of Agreement Submission Requirement* to read as follows:

Supplement I to Part 1026—Official Interpretations

* * * * *

Section 1026.58—Internet Posting of Credit Card Agreements

* * * * *

58(g) Temporary Suspension of Agreement Submission Requirement

1. *Suspended quarterly submission requirement.* Pursuant to § 1026.58(g)(1), card issuers are not required to make quarterly submissions to the Bureau, as otherwise required by § 1026.58(c), for the submissions that would otherwise be due by the first business day on or after April 30, 2015; July 31, 2015; October 31, 2015; and January 31, 2016. Specifically, a card issuer is not required to submit information about the issuer and its agreements pursuant to § 1026.58(c)(1)(i), new credit card agreements pursuant to § 1026.58(c)(1)(ii), amended agreements pursuant to § 1026.58(c)(1)(iii) and (c)(3), or notification of withdrawn

agreements pursuant to § 1026.58(c)(1)(iv) and (c)(4) through (7) for those four quarters.

2. *Resuming submission of credit card agreements to the Bureau.* Beginning with the submission due on the first business day on or after April 30, 2016, card issuers shall resume submitting credit card agreements on a quarterly basis to the Bureau pursuant to § 1026.58(c). A card issuer shall submit agreements for the prior calendar quarter (that is, the calendar quarter ending March 31, 2016), as specified in § 1026.58(c)(1)(ii) through (iv) and (c)(3) through (7), to the Bureau no later than the first business day on or after April 30, 2016.

i. Specifically, the submission due on the first business day on or after April 30, 2016 shall contain, as applicable:

A. Identifying information about the card issuer and the agreements submitted, including the issuer's name, address, and identifying number (such as an RSSD ID number or tax identification number), pursuant to § 1026.58(c)(1)(i);

B. The credit card agreements that the card issuer offered to the public as of the last business day of the calendar quarter ending March 31, 2016 that the card issuer had not previously submitted to the Bureau as of the first business day on or after January 31, 2015, pursuant to § 1026.58(c)(1)(ii);

C. Any credit card agreement previously submitted to the Bureau that was amended since the last business day of the calendar quarter ending December 31, 2014 and that the card issuer offered to the public as of the last business day of the calendar quarter ending March 31, 2016, pursuant to § 1026.58(c)(1)(iii) and (c)(3); and

D. Notification regarding any credit card agreement previously submitted to the Bureau that the issuer is withdrawing, pursuant to § 1026.58(c)(1)(iv) and (c)(4) through (7).

ii. In lieu of the submission described in comment 58(g)–2.i.B through D, § 1026.58(c)(1) permits a card issuer to submit to the Bureau a complete, updated set of the credit card agreements the card issuer offered to the public as of the calendar quarter ending March 31, 2016. *See* comment 58(c)(1)–3.

3. *Continuing obligation to post agreements on a card issuer's own Web site.* Section 1026.58(d) requires a card issuer to post and maintain on its publicly available Web site the credit card agreements that the issuer is required to submit to the Bureau under § 1026.58(c). Pursuant to § 1026.58(g)(2), during the temporary suspension period set forth in § 1026.58(g)(1), a card issuer shall continue to post its agreements to its own publicly available Web site as required by § 1026.58(d) using the agreements it would have otherwise submitted to the Bureau under § 1026.58(c). For example, for purposes of § 1026.58(d)(4), a card issuer must continue to update the agreements posted on its own Web site at least as frequently as the quarterly schedule required for submission of agreements to the Bureau set forth in § 1026.58(c)(1), notwithstanding the temporary suspension of submission requirements in § 1026.58(g)(1). Similarly, for purposes of § 1026.58(d)(2), agreements posted by a card issuer on its own Web site must continue to conform to the form and content requirements set forth in § 1026.58(c)(8).

* * * * *

Dated: February 19, 2015.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2015–03879 Filed 2–25–15; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR part 25

[Docket No. FAA–2014–1079; Notice No. 25–15–01–SC]

Special Conditions: Gulfstream Model GVII Series Airplanes; Limit Pilot Forces for Side-Stick Controller

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Gulfstream Model GVII–G500 (GVII series) airplanes. These airplanes will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes.

This design feature is associated with side-stick controllers that require limited pilot force because they are operated by one hand only. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Send your comments on or before April 13, 2015.

ADDRESSES: Send comments identified by docket number FAA–2014–1079 using any of the following methods:

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

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov/.*

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Todd Martin, FAA, Airframe and Cabin Safety Branch, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98057–3356; telephone 425–227–1178; facsimile 425–227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the proposed special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On March 29, 2012, Gulfstream Aerospace applied for a type certificate for their new Model GVII–G500 airplane.

The Model GVII series airplanes are large-cabin business jets capable of accommodating up to 19 passengers. The GVII series will certify a base configuration GVII–G500, which

incorporates a low, swept-wing design with winglets and a T-tail. The airplanes have two aft-fuselage-mounted Pratt & Whitney turbofan engines. Avionics include four primary display units and multiple touchscreen controllers. The flight-control system is a three-axis, fly-by-wire system using active control/coupled side sticks.

The GVII–G500 has a wingspan of 87 ft and a length of 91 ft. Maximum takeoff weight is 76,850 lbs. Maximum takeoff thrust is 15,135 lbs, maximum range is 5,000 nautical miles (nm), and maximum operating altitude is 51,000 ft.

The Model GVII series airplanes are equipped with two side-stick controllers instead of the conventional control columns and wheels. This side-stick controller is designed for one-hand operation. The requirement of Title 14, Code of Federal Regulations (14 CFR) 25.397(c), which defines limit pilot forces and torques for conventional wheel or stick controls, is not adequate for a side-stick controller. Special conditions are necessary to specify the appropriate loading conditions for this controller design.

Type-Certification Basis

Under 14 CFR 21.17, Gulfstream must show that the Model GVII–G500 airplanes meet the applicable provisions of 14 CFR part 25, as amended by Amendments 25–1 through 25–137.

The certification of the GVII–G500 airplane is 14 CFR part 25, effective February 1, 1965, including Amendments 25–1 through 25–137; 14 CFR part 34, as amended by Amendments 34–1 through the most current amendment at the time of design approval; and 14 CFR part 36, Amendment 36–29. In addition, the certification basis includes special conditions and equivalent-safety findings related to the flight-control system.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model GVII series airplanes because of a novel or unusual design feature, special conditions are prescribed under § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and proposed special conditions, the Model GVII series airplanes must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise certification requirements of 14 CFR part 36. The FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, under § 11.38, and they become part of the type-certification basis under § 21.17(a)(2) for new type certificates, and § 21.101 for amended type certificates.

Novel or Unusual Design Features

The Gulfstream Model GVII series airplanes will incorporate the following novel or unusual design feature:

A side-stick controller for one-hand operation requiring wrist motion only, not arms.

Discussion

Current regulations reference pilot-effort loads for the flight deck pitch-and-roll controls that are based on two-handed effort. Special conditions are being proposed for Gulfstream GVII series airplanes based on similar airplane programs that include side-stick controllers. These proposed special conditions are also appropriate for the Model GVII series airplane's side-stick controller.

These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these proposed special conditions apply to Gulfstream Model GVII series airplanes. Should Gulfstream apply later for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these proposed special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on the Gulfstream Model GVII series airplanes. It is not a rule of general applicability.

List of Subjects in 14 CFR part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these proposed special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions in lieu of § 25.397(c):

For the Gulfstream Model GVII series airplanes equipped with side-stick controls designed for forces to be applied by one wrist and not arms, the limit pilot forces are as follows.

1. For all components between and including the side-stick control-assembly handle and its control stops:

Pitch	Roll
Nose up, 200 lbf	Nose left, 100 lbf.
Nose down, 200 lbf ...	Nose right, 100 lbf.

2. For all other components of the side-stick control assembly, but excluding the internal components of the electrical sensor assemblies, to avoid damage to the control system as the result of an in-flight jam:

Pitch	Roll
Nose up, 125 lbf	Nose left, 50 lbf.
Nose down, 125 lbf ...	Nose right, 50 lbf.

Issued in Renton, Washington, on February 19, 2015.

John J. Piccola, Jr.,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–03968 Filed 2–25–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2015–0415; Directorate Identifier 2015–CE–001–AD]

RIN 2120–AA64

Airworthiness Directives; GROB–WERKE Airplanes

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain GROB–WERKE Models G115EG and G120A airplanes that would supersede AD 2014–26–04. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe

condition as a defective starter solenoid. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

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

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

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

For service information identified in this proposed AD, contact Grob Aircraft AG, Customer Service, Lettenbachstrasse 9, D–86874 Tussenhausen-Mattsies, Germany, telephone: + 49 (0) 8268–998–105; fax: + 49 (0) 8268–998–200; email: *productsupport@grob-aircraft.com;* Internet: *grob-aircraft.com.* You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0415; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4123; fax: (816) 329–4090; email: *karl.schletzbaum@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2015–0415; Directorate Identifier 2015–CE–001–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

On December 22, 2014, we issued AD 2014–26–04, Amendment 39–18055 (80 FR 155, January 5, 2015). That AD required actions intended to address an unsafe condition on certain GROB–WERKE Models G115EG and G120A airplanes and was based on mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country.

AD 2014–26–04, Amendment 39–18055 (80 FR 155, January 5, 2015), was considered an interim action. Since we issued AD 2014–26–04, GROB Aircraft developed a modification to avoid loss of electrical power in case of electrical shortage in the starter solenoid.

European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No. 2015–0010R1, dated February 4, 2015 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> An operator of a G 115E aeroplane experienced a total loss of electrical power in flight. The investigation found that a defective starter solenoid had caused an internal short circuit which resulted in breakdown of the system voltage.
>
> This condition, if not detected and corrected, could result in reduced control of the aeroplane.
>
> To address this potential unsafe condition, GROB Aircraft AG issued Mandatory Service Bulletin (MSB) MSB1078–196 for G 115 aeroplanes and MSB 1121–144 for G 120 aeroplanes to provide instructions for inspection and corrective action. Consequently, EASA issued AD 2014–0212 to require a one-time inspection of the starter solenoid and, depending on findings, replacement of the starter. In addition, for G 115E aeroplanes, installation of a placard was required.
>
> More recently, GROB Aircraft AG developed a modification to avoid loss of electrical power in case of electrical shortage in the starter solenoid, which was published in revised GROB MSB1078–196/1 and MSB1121–144/1.
>
> Prompted by this development, EASA issued AD 2015–0010, retaining the requirements of EASA AD 2014–0212, which was superseded, and required installation of a starter relay.
>
> Since that AD was issued, operator comments have indicated the existence of a logistical problem, resulting in the unnecessary grounding of aeroplanes.
>
> For the reason described above, this AD is revised to amend paragraph (3), extending the compliance time for modification.

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0415.

Relevant Service Information Under 1 CFR Part 51

GROB Aircraft has issued Service Bulletin No. MSB1078–196/1, dated December 1, 2014, and Service Bulletin No. MSB1121–144/3, dated February 20, 2015. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI. The GROB Aircraft service bulletins describe procedures for inspecting the starter solenoid, replacing damaged starters, and installing a starter relay. This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

FAA's Determination and Requirements of the Proposed AD

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

Costs of Compliance

We estimate that this proposed AD will affect 6 products of U.S. registry. We also estimate that it would take about 4 work-hours per product to comply with the basic starter inspection requirement of this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of this proposed inspection on

U.S. operators to be $2,040, or $340 per product.

In addition, we estimate that any necessary starter replacements would take about 4 work-hours and require parts costing $600, for a cost of $940 per product. We have no way of determining the number of products that may need this replacement.

We also estimate that it would take about 20 work-hours per product to comply with the starter relay installation requirement of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $1,000 per product.

Based on these figures, we estimate the cost of this proposed installation on U.S. operators to be $16,200, or $2,700 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 proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

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

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

(3) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Amendment 39–18055 (80 FR 155, January 5, 2015), and adding the following new AD:

GROB–WERKE: Docket No. FAA–2015–0415; Directorate Identifier 2015–CE–001–AD.

(a) Comments Due Date

We must receive comments by April 13, 2015.

(b) Affected ADs

This AD supersedes AD 2014–26–04, Amendment 39–18055 (80 FR 155, January 5, 2015) (''AD 2014–26–04'').

(c) Applicability

This AD applies to GROB–WERKE Model G115EG airplanes, all serial numbers through 82323/E, and Model G120A airplanes, all serial numbers through 85063, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 80: Starting.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. We are issuing this AD to detect and correct defective starter solenoids, which could cause an internal short circuit and could result in reduced control. We are superseding AD 2014–26–04 requiring installation of a starter relay that will prevent loss of electrical power in case of electrical shortage in the starter solenoid.

(f) Actions and Compliance

Unless already done, do the actions in paragraphs (f)(1) through (f)(3) of this AD:

(1) Within the next 30 days after February 9, 2015 (the effective date retained from AD 2014–26–04), inspect the starter following Part A of the Accomplishment Instructions in GROB Aircraft Service Bulletin No. MSB1078–196, dated July 14, 2014; GROB Aircraft Service Bulletin No. MSB1078–196/1, dated December 1, 2014; GROB Aircraft Service Bulletin No. MSB1121–144, dated July 14, 2014; GROB Aircraft Service Bulletin No. MSB1121–144/1, dated January 12, 2015; GROB Aircraft Service Bulletin No. MSB1121–144/2, dated February 5, 2015; or GROB Aircraft Service Bulletin No. MSB1121–144/3, dated February 20, 2015, as applicable.

(2) If any damage is found on the starter during the inspection required in paragraph (f)(1) of this AD, before further flight, replace the starter with a serviceable part. Do the replacement following Part A of the Accomplishment Instructions in GROB Aircraft Service Bulletin No. MSB1078–196, dated July 14, 2014; GROB Aircraft Service Bulletin No. MSB1078–196/1, dated December 1, 2014; GROB Aircraft Service Bulletin No. MSB1121–144, dated July 14, 2014; GROB Aircraft Service Bulletin No. MSB1121–144/1, dated January 12, 2015; GROB Aircraft Service Bulletin No. MSB1121–144/2, dated February 5, 2015; or GROB Aircraft Service Bulletin No. MSB1121–144/3, dated February 20, 2015, as applicable.

(3) Within the next 100 hours time-in-service after the effective date of this AD, install a starter relay following Part B of the Accomplishment Instructions in GROB Aircraft Service Bulletin No. MSB1078–196/1, dated December 1, 2014, or GROB Aircraft Service Bulletin No. MSB1121–144/3, dated February 205, 2015, as applicable.

(g) Credit for Actions Done in Accordance With Previous Service Information

Actions done before the effective date of this AD following the Accomplishment Instructions specified in GROB Aircraft Service Bulletin No. MSB1121–144/1, dated January 12, 2015; or GROB Aircraft Service Bulletin No. MSB1121–144/2, dated February 5, 2015, as applicable, are considered acceptable for compliance with the corresponding actions specified in paragraphs (f)(1) through (f)(2) of this AD.

(h) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4146; fax: (816) 329–4090; email: *karl.schletzbaum@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(i) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2015–0010R1, dated February 4, 2015, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2015–0415. For service information related to this AD, contact Grob Aircraft AG, Customer Service, Lettenbachstrasse 9, D–86874 Tussenhausen-Mattsies, Germany, telephone: + 49 (0) 8268–998–105; fax: + 49 (0) 8268–998–200; email: *productsupport@grob-aircraft.com;* Internet: *grob-aircraft.com.* You may review copies of the referenced service information at the FAA, Small Airplane Directorate, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on February 19, 2015.

Pat Mullen,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–03979 Filed 2–25–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket No. RM15–2–000]

Third-Party Provision of Primary Frequency Response Service

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) proposes to revise its regulations to foster competition in the sale of primary frequency response service. Specifically, the Commission proposes to amend its regulations to revise the regulations governing market-based rates for public utilities pursuant to the Federal Power Act (FPA) to permit the sale of primary frequency response service at market-based rates by sellers with market-based rate authority for energy and capacity.

DATES: Comments are due April 27, 2015.

ADDRESSES: Comments, identified by docket number, may be filed in the following ways:

- Electronic Filing through *http://www.ferc.gov.* Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.
- Mail/Hand Delivery: Those unable to file electronically may mail or hand-deliver comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Comment Procedures Section of this document.

FOR FURTHER INFORMATION CONTACT:

Rahim Amerkhail (General Information), Federal Energy Regulatory Commission, Office of Energy Policy and Innovation, 888 First Street NE., Washington, DC 20426, (202) 502–8266.

Gregory Basheda (Market Power Screening Information), Federal Energy Regulatory Commission, Office of Energy Market Regulation, 888 First Street NE., Washington, DC 20426, (202) 502–6479.

Lina Naik (Legal Information), Federal Energy Regulatory Commission, Office of the General Counsel, 888 First Street NE., Washington, DC 20426, (202) 502–8882.

SUPPLEMENTARY INFORMATION:

1. In this Notice of Proposed Rulemaking (NOPR), the Federal Energy Regulatory Commission (Commission) proposes to revise its regulations to foster competition in the sale of primary frequency response service.[1] Specifically, the Commission proposes to amend its regulations to revise Subpart H to Part 35 of Title 18 of the Code of Federal Regulations governing market-based rates for public utilities pursuant to the Federal Power Act (FPA)[2] to permit the sale of primary frequency response service at market-based rates by sellers with market-based rate authority for energy and capacity.

2. This NOPR is an extension of the policy reforms the Commission started with Order No. 784,[3] in which, among other things, the Commission revised Part 35 of its regulations to reflect reforms to its policy governing the sale of ancillary services at market-based rates to public utility transmission providers. As discussed in more detail below, the reforms proposed herein are in anticipation of the potential interest in purchase of primary frequency response service from third-parties as a result of a new reliability standard that requires a Balancing Authority to maintain a minimum frequency response obligation.

I. Background

3. The Commission in Order No. 888[4] delineated two categories of ancillary services: those that the transmission provider is required to provide to all of its basic transmission customers[5] and those that the transmission provider is only required to offer to provide to transmission customers serving load in the transmission provider's control area.[6] With respect to the second category, the Commission reasoned that the transmission provider is not always uniquely qualified to provide the services, and customers may be able to more cost-effectively self-supply them or procure them from other entities. The Commission contemplated that third parties (*i.e.*, parties other than a transmission provider supplying ancillary services pursuant to its Open Access Transmission Tariff (OATT) obligation) could provide these ancillary services on other than a cost-of-service basis if such pricing was supported, on a case-by-case basis, by analyses that demonstrated that the seller lacks market power in the relevant product market.[7]

4. Subsequently, in *Avista,*[8] the Commission adopted a policy allowing

[1] As envisioned in this NOPR, primary frequency response service would be a reserve product that involves dedicating capacity on a generator or other resource for autonomous, automatic, and rapid action to change its output (within seconds) to rapidly dampen large changes in frequency.

[2] 16 U.S.C. 824d, 824e (2012).

[3] *Third-Party Provision of Ancillary Services; Accounting and Financial Reporting for New Electric Storage Technologies,* Order No. 784, 78 FR 46,178 (July 30, 2013), FERC Stats. & Regs. ¶ 31,349, at PP 6–7 (2013), *order on clarification,* Order No. 784–A, 146 FERC ¶ 61,114 (2014).

[4] *See Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities,* Order No. 888, FERC Stats. & Regs. ¶ 31,036 (1996), *order on reh'g,* Order No. 888–A, FERC Stats. & Regs. ¶ 31,048, *order on reh'g,* Order No. 888–B, 81 FERC ¶ 61,248 (1997), *order on reh'g,* Order No. 888–C, 82 FERC ¶ 61,046 (1998), *aff'd in relevant part sub nom. Transmission Access Policy Study Group* v. *FERC,* 225 F.3d 667 (D.C. Cir. 2000), *aff'd sub nom. New York* v. *FERC,* 535 U.S. 1 (2002).

[5] The first category consists of Scheduling, System Control and Dispatch service and Reactive Supply and Voltage Control from Generation Sources service.

[6] The second category consists of Regulation and Frequency Response service, Energy Imbalance service, Operating Reserve-Spinning service, and Operating Reserve-Supplemental service. Order No. 890 later added an additional ancillary service to this category: Generator Imbalance service. *See Preventing Undue Discrimination and Preference in Transmission Service,* Order No. 890, FERC Stats. & Regs. ¶ 31,241, at P 85, *order on reh'g,* Order No. 890–A, FERC Stats. & Regs. ¶ 31,261 (2007), *order on reh'g,* Order No. 890–B, 123 FERC ¶ 61,299 (2008), *order on reh'g,* Order No. 890–C, 126 FERC ¶ 61,228 (2009), *order on clarification,* Order No. 890–D, 129 FERC ¶ 61,126 (2009).

[7] Order No. 888, FERC Stats. & Regs. ¶ 31,036 at 31,720–21.

[8] *Avista Corp.,* 87 FERC ¶ 61,223, at 61,882, *order on reh'g,* 89 FERC ¶ 61,136 (1999) (*Avista*). Outside the markets operated by regional transmission organizations and independent system operators, *Avista* authorizes suppliers who cannot show a lack of market power with respect to certain ancillary

third-party ancillary service providers that could not perform a market power study to sell certain ancillary services at market-based rates with certain restrictions.[9]

5. The instant proceeding derives from Order No. 784 in which the Commission found that when appropriate intra-hour transmission scheduling practices are in place, the *Avista* restrictions need not apply to the sale of Energy Imbalance, Generator Imbalance, Operating Reserve-Spinning and Operating Reserve-Supplemental services, because with those practices in place, the results of the existing market power screens for sales of energy and capacity can also be applied to sales of these ancillary services.[10]

6. However, the Commission also found in Order No. 784 that the record developed to that point did not support expanding these market-based rate authorizations to include sales of Reactive Supply and Voltage Control (under OATT Schedule 2) (Schedule 2 service) and Regulation and Frequency Response (under OATT Schedule 3) services (Schedule 3 service).[11] Instead, the Commission allowed market-based rate sales of Schedule 2 and Schedule 3 services to a public utility that is purchasing ancillary services to satisfy its OATT requirements, provided the sale is made pursuant to a competitive solicitation that meets certain specified requirements [12] or the sale is made at or below the buying public utility transmission provider's own Schedule 2 or 3 rate, as applicable.[13] The Commission further stated its intention to gather more information regarding the technical, economic and market issues concerning the provision of these services in a separate proceeding that considers, among other things, the ease and cost-effectiveness of relevant equipment upgrades, the need for and availability of appropriate special arrangements such as dynamic scheduling or pseudo-tie arrangements, and other technical requirements related to the provision of Schedule 2 and Schedule 3 services.[14]

7. Pursuant to that directive, Commission staff held a workshop on April 22, 2014 to obtain input from interested persons regarding the technical, economic and market issues concerning the provision of Schedule 2 and Schedule 3 services.[15] Among other things, the workshop explored issues surrounding the sale of these services at market-based rates. Comments submitted in response to the workshop that discussed the characteristics associated with a primary frequency response product indicated that market-based rate sales of such a product are feasible.[16]

8. Separately, the Commission on January 16, 2014 issued a Final Rule approving reliability standard BAL–003–1 [17] under which a Balancing Authority [18] must maintain a minimum frequency response obligation.[19] While most Balancing Authorities should be able to meet the new reliability standard using their own resources,[20] some may nevertheless be interested in purchasing primary frequency response service from others if doing so would be economically beneficial. Accordingly, the Commission concludes that there could be interest in the near future in voluntary purchases of a primary frequency response product.

9. For the reasons described more fully below, the Commission finds that sales of primary frequency response service at market-based rates should be authorized for entities granted market-based rate authority for sales of energy and capacity.

10. With respect to the remainder of the issues discussed at the workshop and in written comments, the Commission does not see sufficient evidence to support pursuing additional reforms on a generic basis.

II. Discussion

A. Primary Frequency Response Service

11. As explained in Order No. 794, reliable operation of a power system depends on maintaining frequency within predetermined boundaries above and below a scheduled value, which is 60 Hertz (Hz) in North America.[21] In order to do that, sufficient amounts of primary and secondary frequency response reserves must be maintained to stabilize frequency within an interconnection immediately following the sudden loss of generation or load.

12. Primary frequency response involves the autonomous, automatic, and rapid action of a generator, or other resource, to change its output (within seconds) to rapidly dampen large changes in frequency. Regulation, also known as secondary frequency response, is produced from either manual or automated dispatch from a centralized control system, generally using the communications and control system known as automatic generation control (AGC). In both cases, capacity must be set aside to provide the responses described above.

13. Mechanically, the BAL–003–1 reliability standard provides interconnection-wide primary frequency response obligations for each of the Eastern, Western, Electric Reliability Council of Texas, and Hydro Quebec

services to nevertheless sell such services, subject to certain restrictions. One such restriction is that the authorization provided by *Avista* does not apply to sales to a public utility that is purchasing ancillary services to satisfy its own OATT requirements to offer ancillary services to its own customers.

[9] These ancillary services included: Regulation and Frequency Response, Energy Imbalance, Operating Reserve-Spinning, and Operating Reserve-Supplemental. The Commission did not extend this *Avista* policy to Reactive Supply and Voltage Control from Generation Sources service, which means that third parties wishing to sell this ancillary service at market-based rates would be required to present specific evidence of a lack of market power in the provision of this specific product before the Commission would authorize sales of this service at market-based rates. The Commission also did not extend the *Avista* policy to Scheduling, System Control and Dispatch service. Because only balancing area operators can provide this ancillary service, it does not lend itself to competitive supply.

[10] Because energy and generator imbalance services merely require the ability to respond to dispatch within the hour, the Commission found that any sub-hourly transmission scheduling interval would be sufficient. Order No. 784–A, 146 FERC ¶ 61,114 at P 12. Because the operating reserve services require more rapid response within the hour (spinning reserves must be available immediately and supplemental reserves must be available within a short period of time), the Commission required potential sellers of operating reserve services to satisfactorily explain, in their market-based rate applications, how the particular intra-hour transmission scheduling practices or other protocols in their regions permit resources in one balancing area to respond to contingencies in a neighboring balancing area within these tight time frames. Order No. 784–A, 146 FERC ¶ 61,114 at PP 13–15.

[11] Order No. 784, FERC Stats. & Regs. ¶ 31,349 at PP 59–61.

[12] *Id.* PP 99–101.

[13] *Id.* PP 82–85.

[14] *Id.* P 61.

[15] *See Third-Party Provision of Reactive Supply and Voltage Control and Regulation and Frequency Response Services,* Final Agenda, Docket No. AD14–7–000 (Apr. 22, 2014).

[16] For example, most commenters echoed EEI's arguments that virtually all generators can provide primary frequency response, and because it is provided at the interconnection level, balancing authority areas have more flexibility on the location of the resource than they would for other products. *See, e.g.,* Edison Electric Institute Post-Workshop Comments, Docket No. AD14–7–000, at 7–8 (filed June 3, 2014).

[17] Reliability standards proposed by the North American Electric Reliability Corporation (NERC) are subject to the Commission's jurisdiction under section 215 of the Federal Power Act; 16 U.S.C. 824o(d). The Commission has authority to approve or reject such standards, and to enforce those that are approved.

[18] The NERC Glossary defines a Balancing Authority as ''(t)he responsible entity that integrates resource plans ahead of time, maintains load-interchange-generation balance within a Balancing Authority Area, and supports Interconnection frequency in real time.'' *See http://www.nerc.com/pa/Stand/Glossary%20of%20Terms/Glossary_of_Terms.pdf.*

[19] *See Frequency Response and Frequency Bias Setting Reliability Standard,* Order No. 794, 146 FERC ¶ 61,024 (2014).

[20] *Id.* PP 62–63.

[21] *Id.* P 6.

Interconnections. The interconnection-wide frequency response obligation is then allocated among all of the Balancing Authorities (or Frequency Response Sharing Groups made up of multiple Balancing Authorities) within each interconnection based on the ratio of the Balancing Authority's generation and load to the total interconnection-wide generation and load times the interconnection-wide frequency response obligation, and this value is called the Balancing Authority's Frequency Response Obligation. However, Balancing Authorities are not limited in how they meet the requirements of BAL–003–1; the standard neither prohibits purchases nor requires self-supply.

14. In Order No. 784, the Commission evaluated, among other things, whether the existing market power screens for sales of energy and capacity could be applied to the sale of Schedule 3 service without significant modification.[22] In Order No. 784, the Commission discussed Schedule 3 without making a distinction between primary frequency response and regulation.

15. However, as noted above, primary frequency response is distinct from regulation; and the April 22, 2014 workshop distinguished between these two services for the purpose of discussing market power issues. While the Commission, in Order No. 888, found that primary frequency response did not merit a separate ancillary service given then-standard industry practices,[23] we preliminarily find that we can distinguish between primary frequency response and regulation for the purposes of considering how the transmission provider may procure the services it must offer under OATT Schedule 3.

16. Specifically, following the approval of the new BAL–003–1 Frequency Response and Frequency Bias Setting Reliability Standard, it is now appropriate to consider the possibility that entities may wish to undertake voluntary sales of primary frequency response service as a stand-alone product distinct from regulation service. The Commission anticipates that sales of such a product would involve bilateral transactions by sellers and, while such sales could be made at cost-based rates, many sellers may prefer the administrative ease of market-based rates. Accordingly, provision would need to be made for sales of primary frequency response within the Commission's market-based rate program.

17. The Commission analyzes below the horizontal market power issues relevant to a primary frequency response product.

B. The Existing Market Power Analyses

18. The Commission analyzes horizontal market power[24] for sales of energy and capacity using two indicative screens, the wholesale market share screen and the pivotal supplier screen, to identify sellers that raise no horizontal market power concerns and can otherwise be considered for market-based rate authority.[25] The wholesale market share screen measures whether a seller has a dominant position in the relevant geographic market in terms of the number of megawatts of uncommitted capacity owned or controlled by the seller, as compared to the uncommitted capacity of the entire market.[26] A seller whose share of the relevant market is less than 20 percent during all seasons passes the wholesale market share screen.[27] The pivotal supplier screen evaluates the seller's potential to exercise horizontal market power based on the seller's uncommitted capacity at the time of annual peak demand in the relevant market.[28] A seller satisfies the pivotal supplier screen if its uncommitted capacity is less than the net uncommitted supply in the relevant market.[29]

19. Passing both the wholesale market share screen and the pivotal supplier screen creates a rebuttable presumption that the seller does not possess horizontal market power; failing either screen creates a rebuttable presumption that the seller possesses horizontal market power.[30] A seller that fails one of the screens may present evidence, such as a delivered price test, to rebut the presumption of horizontal market power.[31] In the alternative, a seller may accept the presumption of horizontal market power and adopt some form of cost-based mitigation.[32]

20. Three of the key components of the analysis of horizontal market power are the definition of products, the determination of appropriate geographic scope of the relevant market for each product, and the identification of the uncommitted generation supply within the relevant geographic market. In Order No. 697, the Commission adopted a default relevant geographic market for sales of energy and capacity.[33] Specifically, the Commission generally uses a seller's Balancing Authority area plus directly interconnected Balancing Authority areas, or the RTO/ISO market as applicable, as the default relevant geographic market. However, where the Commission has made a specific finding that there is a submarket within an RTO, that submarket becomes the default relevant geographic market for sellers located within the submarket for purposes of the market-based rate analysis. The Commission also provided guidance as to the factors the Commission will consider in evaluating whether, in a particular case, to adopt an alternative larger or smaller geographic market instead of relying on the default geographic market.[34]

C. Applicability of Existing Indicative Screens to Primary Frequency Response Service

21. The Commission has considered whether passing the market-based rate screens for energy and capacity described above should create a rebuttable presumption that the seller lacks horizontal market power for sales of primary frequency response service. As discussed below, the Commission believes it should.

22. As described above, primary frequency response service involves the autonomous, automatic, and rapid reaction of an individual turbine-generator or other resource to change its

[22] Order No. 784, FERC Stats. & Regs. ¶ 31,349 at PP 59–61.

[23] Order No. 888, FERC Stats. & Regs. ¶ 31,036 at 31,707.

[24] 18 CFR 35.37(b) (2014).

[25] *See* Order No. 697, FERC Stats. & Regs. ¶ 31,252 at PP 13, 62. *See also* 18 CFR 35.37(b), (c)(1) (2014).

[26] Order No. 697, FERC Stats. & Regs. ¶ 31,252 at P 43.

[27] *Id.* PP 43–44, 80, 89.

[28] 18 CFR 35.37(c)(1) (2014).

[29] Order No. 697, FERC Stats. & Regs. ¶ 31,252 at P 42.

[30] 18 CFR 35.37(c)(1) (2014).

[31] 18 CFR 35.37(c)(2) (2014). For purposes of rebutting the presumption of horizontal market power, sellers may use the results of the delivered price test to perform pivotal supplier and market share analyses and market concentration analyses using the Herfindahl-Hirschman Index (HHI). The HHI is a widely accepted measure of market concentration, calculated by squaring the market share of each firm competing in the market and summing the results. The Commission has stated that a showing of an HHI less than 2,500 in the relevant market for all season/load periods for sellers that have also shown that they are not pivotal and do not possess a market share of 20 percent or greater in any of the season/load periods would constitute a showing of a lack of horizontal market power, absent compelling contrary evidence from intervenors. Order No. 697, FERC Stats. & Regs. ¶ 31,252 at P 111.

[32] 18 CFR 35.37(c)(3) (2014).

[33] Order No. 697, FERC Stats. & Regs. ¶ 31,252 at P 15.

[34] A necessary condition that must be satisfied to justify an alternative market is a demonstration regarding whether there are frequently binding transmission constraints during historical peak seasons examined in the screens and at other competitively significant times that prevent competing supply from reaching customers within the proposed alternative geographic market. *Id.* P 268.

output to rapidly dampen changes in interconnection-wide frequency. With respect to the technical capability of resources to provide such response, essentially all synchronous resources and some non-synchronous resources have governors or equivalent control equipment capable of autonomous and automatic responses such as those necessary for primary frequency response.[35] The only real difference among resources in this regard involves the choice of settings applied to that equipment, where settings can range from those that result in appropriate levels of primary frequency response to those that result in no response at all, or even responses that worsen the situation. However, such settings can be changed on short notice, thus enabling resources that have never provided primary frequency response in the past to quickly begin providing it if there is some reason and incentive to do so. Accordingly, the set of resources technically capable of providing primary frequency response service does not differ significantly from the set of resources represented in the existing market power screens.

23. With respect to the geographic market, the frequency of an interconnection is uniform throughout that interconnection and is determined largely by the dynamic interconnection-wide balance of supply with demand. Large contingency events, such as the unexpected loss of large amounts of generation or load, which happen anywhere within a given interconnection, cause deviations from the target 60Hz frequency that propagate throughout that interconnection. Accordingly, primary frequency response service can be effectively supplied by any resource throughout an interconnection and have the same ability to dampen harmful changes in interconnection-wide frequency.[36] Therefore, the geographic market for a primary frequency response product could be the entire interconnection within which the buyer resides, and in any event would be no smaller than the geographic market represented in the existing market power screens.

24. With respect to potential barriers related to transmission scheduling or reservation, while information sharing arrangements will certainly be necessary between buyers and sellers to enable the buyers to rely on purchased resources to meet their frequency response obligations under BAL–003–1, primary frequency response service should not require any transmission reservation or scheduling, even for sales from resources in a different Balancing Authority area. This is because individual frequency responses, by definition,[37] would not be sustained for long enough periods to trigger a need for transmission service or schedule changes. Rather, regulation resources dispatched by balancing authorities would be expected to assume responsibility for returning the system to the target 60Hz frequency as soon as the central dispatch system is able to send appropriate dispatch signals and the dispatched resources are able to respond.

25. The AGC signals used for that dispatch are generally issued every 2–6 seconds, and actual response from dispatched resources is a gradual process on a scale of minutes due to the inherent ramping constraints of each resource; for example, PJM Interconnection, L.L.C. requires a maximum response time of 5 minutes, and certain regions may allow up to 10 minutes. Accordingly, the expectation would be for primary frequency response to gradually decline over a span of 1 to 10 minutes as regulation resources ramp up to their designated output.[38] As such, this short period of time means that transmission scheduling and reservation should not be needed in connection with the provision of the temporary, autonomous changes in output associated with primary frequency response service that would in all normal cases be quickly replaced by regulation service.[39]

26. Accordingly, there should be no barriers related to transmission scheduling or reservation preventing sellers anywhere within the same interconnection as the buyer from providing effective primary frequency response service to that buyer.

III. Proposal

27. For the reasons discussed above, the Commission concludes that passage of the existing market-based rate screens for sales of energy and capacity can adequately demonstrate lack of market power for sales of primary frequency response service.

28. The Commission, therefore, proposes that sellers passing the existing market power screens should be permitted to sell primary frequency response service at market-based rates. As a result, we propose to revise our regulations governing market-based rate authorizations to provide that sellers passing the existing market-based rate screens in a given geographic market should be granted a rebuttable presumption that they lack horizontal market power for sales of primary frequency response service in that market. Specifically, section 35.37 of the Commission's regulations would be revised to state that a seller would have a rebuttable presumption it lacks market power with respect to sales of energy, capacity, energy imbalance service, generator imbalance service, and primary frequency response service if the seller passes the indicative screens for that geographic market. The Commission preliminarily concludes that expanding the rebuttable presumption adopted in Order No. 697 for energy and capacity to include primary frequency response service provides adequate protection that market-based rates charged by public utilities will be just and reasonable and not unduly discriminatory or preferential.

29. Any entity selling primary frequency response service, either at market-based or cost-based rates, will be required to report such sales in the Electric Quarterly Report. Accordingly, the Commission proposes to update its Electric Quarterly Report system to

[35] *See, e.g.,* Kosterev Statement, Docket No. AD14–7–000 Workshop Transcript, at 180 (Apr. 22, 2014) (''. . . every synchronous machine has a governor'').

[36] *See, e.g.,* Edison Electric Institute Post-Workshop Comments, Docket No. AD14–7–000, at 8 (filed June 3, 2014).

[37] Primary frequency response service would entail the setting aside of some amount of capacity dedicated to providing autonomous frequency response, and the actual autonomous responses to predefined levels of frequency deviation. While the capacity would be set aside for extended periods, the actual autonomous responses would be of very short duration, as explained in the next section of the text.

[38] When some event causes a sudden and large drop (or increase) in system frequency across the interconnection in question, all of the frequency-responsive resources maintained by Balancing Authorities in that interconnection will automatically and autonomously begin to respond within fractions of a second to try to arrest the deviation in frequency. Within 2–6 seconds after that, each Balancing Authority's AGC system will begin issuing dispatch instructions to regulation resources to try to reverse the deviation in frequency and return the interconnection-wide system frequency to 60Hz, and those regulation resources, depending upon their ramping capabilities, may take up to 10 minutes or so to reach their full dispatched levels. At this point, they should have fully displaced the autonomous primary frequency response resources that initially reacted to slow and arrest the frequency deviation.

[39] As relevant to the topic of this order, such frequency responsive reserves (resources set aside to provide primary frequency response) may include both resources owned by the Balancing Authorities and resources purchased from other entities anywhere within the same interconnection. For remote resources within the same interconnection, arrangements will have to be made for sharing telemetry data from the resources in order to allow the host Balancing Authority to demonstrate that it met its frequency response obligation, and for ACE accounting purposes, but such telemetry sharing should not pose any significant barrier to the use of remote resources for the purposes of market-based rates here.

include a specific product name option for primary frequency response service.

30. The Commission seeks comment on this proposal, including the proposed revisions to section 35.37(c)(1) of our regulations. Comments may address, among other things, any unique technical requirements or limitations that might apply to the provision of primary frequency response service, and the Commission's proposal to extend the rebuttable presumption to primary frequency response service.

IV. Summary of Compliance and Implementation

31. In Order No. 697, the Commission provided standard tariff provisions that sellers must include in their market-based rate tariffs to the extent they are applicable based on the services provided by the seller,[40] including a provision for sales of ancillary services as a third-party provider.[41] The Commission proposes to revise the ''Third Party Provider'' ancillary services provision filed by utilities in their market-based rate tariffs to change the reference to ''Regulation and Frequency Response Service'' to ''Regulation Service'' and to add a reference to ''Primary Frequency Response Service.'' The proposed new language is as follows:

Third-party ancillary services: Seller offers [include all of the following that the seller is offering: Regulation Service, Reactive Supply and Voltage Control Service, Energy and Generator Imbalance Service, Operating Reserve-Spinning, Operating Reserve-Supplemental, and Primary Frequency Response Service]. Sales will not include the following: (1) Sales to an RTO or an ISO, *i.e.,* where that entity has no ability to self-supply ancillary services but instead depends on third parties; and (2) sales to a traditional, franchised public utility affiliated with the third-party supplier, or sales where the underlying transmission service is on the system of the public utility affiliated with the third-party supplier. Sales of Operating Reserve-Spinning and Operating Reserve-Supplemental will not include sales to a public utility that is purchasing ancillary services to satisfy its own open access transmission tariff requirements to offer ancillary services to its own customers, except where the Commission has granted authorization. Sales of Regulation Service and Reactive Supply and Voltage Control Service will not include sales to a public utility that is purchasing ancillary services to satisfy its own open access transmission tariff requirements to offer ancillary services to its own customers, except at rates not to exceed the buying public utility transmission provider's OATT rate for the same service or where the Commission has granted authorization.

32. The Commission proposes that a seller that already has market-based rate authority as of the effective date of the Final Rule issued in this proceeding would be authorized as of the effective date of the Final Rule to make sales of primary frequency response service at market-based rates. Such a seller would be required to revise the third-party provider ancillary services provision of its market-based rate tariff to reflect that it wishes to make sales of primary frequency response service at market-based rates. However, while this authorization would be effective for sellers with existing market-based rate authority as of the date specified in a Final Rule in this proceeding, the Commission proposes that such sellers may wait to file this tariff revision until the next time they make a market-based rate filing with the Commission, such as a notice of change in status filing or a triennial update.

V. Information Collection Statement

33. The Paperwork Reduction Act (PRA)[42] requires each federal agency to seek and obtain Office of Management and Budget (OMB) approval before undertaking a collection of information directed to ten or more persons or contained in a rule of general applicability. OMB regulations require approval of certain information collection requirements imposed by agency rules.[43] Upon approval of a collection(s) of information, OMB will assign an OMB control number and an expiration date. Respondents subject to the filing requirements of an agency rule will not be penalized for failing to respond to the collection of information unless the collection of information displays a valid OMB control number.

34. The Commission will submit the proposed revised information collection requirements to OMB for its review and approval. The Commission solicits public comments on its need for this information, whether the information will have practical utility, the accuracy of burden and cost estimates, ways to enhance the quality, utility, and clarity of the information to be collected or retained, and any suggested methods for minimizing respondents' burden, including the use of automated information techniques.

35. *Burden Estimate and Information Collection Costs:* While, to the Commission's knowledge, no entity currently sells primary frequency response service on an unbundled basis,[44] there is no reason why primary frequency response service could not be sold today under cost-based rates. Such cost-based sales, if they occurred, would face all of the burdens associated with cost-of-service regulation, including a variety of requirements from which market-based rate sellers frequently seek and are granted waiver.[45] Furthermore, just like market-based rate sellers, cost-based rate sellers must report all transactions in the Electric Quarterly Report. Accordingly, the Commission views this NOPR as providing potential market-based rate sellers of primary frequency response service with the opportunity to avoid cost-of-service regulation for such sales and the associated substantial reporting burdens.

36. Below, we discuss the expected increases in burdens as a result of the proposals in this NOPR, which we expect to be greatly outweighed by the reduction in burden from avoiding cost-of-service regulation. The additional estimated annual public reporting burdens and costs for the requirements in this proposed rule are as follows.

[40] Order No. 697, FERC Stats. & Regs. ¶ 31,252 at Appendix C.

[41] In Order No. 784, the Commission revised the standard third party provider provision to reflect the changes adopted in Order No. 784. Order No. 784, FERC Stats. & Regs. ¶ 31,349 at P 200.

[42] 44 U.S.C. 3501–3520.

[43] *See* 5 CFR 1320.10 (2014).

[44] It is likely that some customers purchase primary frequency response service along with other services on a bundled basis, such as through full requirements contracts, but this NOPR is focused on unbundled sales of primary frequency response service.

[45] For example, the need to maintain Open Access Transmission Tariffs and Open Access Same-Time Information Systems related to any jurisdictional transmission facilities owned by the entity, the need to adhere to the Commission's standards of conduct, the need to adhere to the detailed cost-of-service related requirements of subparts B and C of Part 35 of the Commission's regulations, the need to adhere to the accounting and reporting requirements of Parts 41, 101, and 141 of the Commission's regulations, and the need to seek separate authorizations for issuances of securities and assumptions of liabilities under FPA section 204 and Part 34 of the Commission's regulations.

CHANGES PROPOSED IN NOPR IN RM15–2 [46]

Number of respondents (a)	Annual number of responses per respondent (b)	Total number of responses (a) × (b) = (c)	Average burden & cost per response (d)	Total annual burden hours & total annual cost (c) × (d) = (e)	Cost per response (e)/(c)
FERC–516 (Electric Rate Schedules and Tariff Filings) (one time, phased in)					
1,551 [47]	[48] 0.166	258	6, $432	1,548, $111,456	$432
FERC–920 (Electric Quarterly Report) (one-time, phased in)					
1,551	[49] 0.166	258	2, $144	516, $37,152	144

Action: Proposed changes.

OMB Control Nos.: 1902–0096 (FERC–516) and 1902–0255 (FERC–920).

Respondents: Public utilities, FERC licensees.

Frequency of responses: One-time (FERC–516) and (FERC–920).

Necessity of the Information: Regarding FERC–516, section 205(c) of the Federal Power Act requires public utilities to file with the Commission schedules showing all rates and charges for any transmission or sale subject to the Commission's jurisdiction. Accordingly, entities wishing to sell primary frequency response service at market-based rates must amend their market-based rate tariffs to include the language included in this NOPR. Regarding FERC–920, the Commission is revising the EQR to ensure that public utilities that may sell primary frequency response service at market-based rates report those sales in the EQR, consistent with their filing obligations under section 205(c).

Internal Review: The Commission has reviewed the requirements associated with the proposed revisions to the information collections and determined they are necessary to ensure that rates remain just, reasonable, and not unduly discriminatory.

37. These requirements conform to the Commission's need for efficient information collection, communication, and management within the energy industry. The Commission has assured itself, through internal review, that there is specific, objective support for the burden estimates associated with the information collection requirements.

38. Interested persons may obtain information on the reporting requirements by contacting the following: Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426 [Attention: Ellen Brown, Office of the Executive Director], email: *DataClearance@ferc.gov,* Phone (202) 502–8663, fax: (202) 273–0873. Comments on the collections of information and associated burden estimates in the proposed rule should be sent to the Commission in this docket and may also be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 [Attention: Desk Officer for the Federal Energy Regulatory Commission]. For security reasons, comments to OMB should be submitted by email to: *oira_submission@omb.eop.gov.* Please refer to OMB Control No. 1902–0096 (FERC–516) and OMB Control No. 1902–0255 (FERC–920).

VI. Environmental Analysis

39. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[50] The Commission concludes that neither an Environmental Assessment nor an Environmental Impact Statement is required for this Final Rule under section 380.4(a)(15) of the Commission's regulations, which provides a categorical exemption for approval of actions under sections 205 and 206 of the FPA relating to the filing of schedules containing all rates and charges for the transmission or sale subject to the Commission's jurisdiction, plus the classification, practices, contracts, and regulations that affect rates, charges, classifications, and services.[51]

VII. Regulatory Flexibility Act

40. The Regulatory Flexibility Act of 1980 (RFA) [52] generally requires a description and analysis of proposed rules that will have significant economic impact on a substantial number of small entities.

41. The Small Business Administration's (SBA) Office of Size Standards develops the numerical definition of a small business.[53] The SBA recently revised its size standard for electric utilities (effective January 22, 2014) from a standard based on megawatt hours to a standard based on the number of employees, including

[46] We think that industry staff members are similarly situated to FERC, in terms of hourly cost per full time employee. Therefore, the estimated average hourly cost (salary plus benefits) is $72.00.

[47] The 1,551 respondent universe includes existing sellers (1,965 total market-based rate sellers—697 Category 1 sellers + 70 Category 1 sellers = 1,338 sellers estimated to sell primary frequency response services) plus 213 new market-based rate applicants (as estimated in Docket No. RM14–14). (We estimate that ten percent (or 70, as indicated above) of the Category 1 sellers may choose to sell primary frequency response services.)

[48] We expect respondents to enter the primary frequency response market gradually. For each of the next three years, we expect all 213 new market-based rate applicants per year (or 639 total during Years 1–3), to include the primary frequency response language in their tariffs.

Additionally, during the three-year period, we expect a total of ten percent of the existing 1,338 respondents (or 134 respondents), to decide to sell primary frequency response services and to make the corresponding FERC–516 rate filing. The corresponding annual estimate is 45 of the existing respondents (an average of 3.3% annually). Therefore, the annual estimate, including both new respondents and existing respondents, is an average of 258 (213 + 45) respondents and responses per year.

[49] As respondents decide to sell primary frequency response services, they would report the new offering in their Electric Quarterly Report (FERC–920), and would continue to report in subsequent EQRs. When a filer adds the new service, we estimate the one-time burden to be two hours. We expect any additional burden associated with reporting the new service in the EQR to be negligible after the first implementation as it would become part of the respondent's normal reporting practice in the EQR and would only involve selecting the 'primary frequency response' option from a list of product names. On average, we expect filers of the new primary frequency response service to phase in:

- Year 1, 258 respondents or 16.6 percent of EQR filers.
- Year 2, 258 respondents or 16.6 percent of EQR filers.
- Year 3, 258 respondents or 16.6 percent of EQR filers.

[50] *Regulations Implementing the National Environmental Policy Act,* Order No. 486, 52 FR 47,897 (Dec. 17, 1987), FERC Stats. & Regs., Regulations Preambles 1986–1990 ¶ 30,783 (1987).

[51] 18 CFR 380.4(a)(15) (2014).

[52] 5 U.S.C. 601–612 (2012).

[53] 13 CFR 121.101 (2014).

affiliates.[54] Under SBA's current size standards, the entities with market-based rates which are affected by this NOPR likely come under the following categories [55] with the indicated thresholds (in terms of number of employees [56]):

- Hydroelectric Power Generation, 500 employees
- Fossil Fuel Electric Power Generation, 750 employees
- Nuclear Electric Power Generation, 750 employees
- Solar Electric Power Generation, 250 employees
- Wind Electric Power Generation, 250 employees
- Geothermal Electric Power Generation, 250 employees
- Biomass Electric Power Generation, 250 employees
- Other Electric Power Generation, 250 employees

42. The categories for the applicable entities have a size threshold ranging from 250 employees to 750 employees. For the analysis in this proposed rule, we are using the threshold of 750 employees for all categories. We anticipate that a maximum of 82 percent of the entities potentially affected by this NOPR are small. In addition, we expect that not all of those entities will be able to or will choose to offer primary frequency response service.

43. Based on the estimates above in the Information Collection section, we expect a one-time cost of $576 (including the burden cost related to filing both the tariff and the EQR) for each entity that decides to offer primary frequency response service.

44. The Commission does not consider the estimated cost per small entity to impose a significant economic impact on a substantial number of small entities. Accordingly, the Commission certifies that this NOPR will not have a significant economic impact on a substantial number of small entities.

VIII. Comment Procedures

45. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due April 27, 2015. Comments must refer to Docket No. RM15–2–000, and must include the commenter's name, the organization they represent, if applicable, and their address in their comments.

46. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's Web site at *http://www.ferc.gov.* The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

47. Commenters that are not able to file comments electronically must send an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

48. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

IX. Document Availability

49. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's Home Page (*http://www.ferc.gov*) and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE., Room 2A, Washington, DC 20426.

50. From the Commission's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

51. User assistance is available for eLibrary and the Commission's Web site during normal business hours from the Commission's Online Support at 202–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

List of Subjects in 18 CFR Part 35

Electric power rates; Electric utilities; Reporting and recordkeeping requirements.

Issued: February 19, 2015.

By direction of the Commission.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

In consideration of the foregoing, the Commission proposes to amend Part 35, Chapter I, Title 18, *Code of Federal Regulations,* as follows.

PART 35—FILING OF RATE SCHEDULES AND TARIFFS

■ 1. The authority citation for part 35 continues to read as follows:

Authority: 16 U.S.C. 791a–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352.

■ 2. Revise § 35.37(c)(1) to read as follows:

§ 35.37 Market power analysis required.

* * * * *

(c)(1) There will be a rebuttable presumption that a Seller lacks horizontal market power with respect to sales of energy, capacity, energy imbalance service, generation imbalance service, and primary frequency response service if it passes two indicative market power screens: a pivotal supplier analysis based on annual peak demand of the relevant market, and a market share analysis applied on a seasonal basis. There will be a rebuttable presumption that a Seller lacks horizontal market power with respect to sales of operating reserve-spinning and operating reserve-supplemental services if the Seller passes these two indicative market power screens and demonstrates in its market-based rate application how the scheduling practices in its region support the delivery of operating reserve resources from one balancing authority area to another. There will be a rebuttable presumption that a Seller possesses horizontal market power with respect to sales of energy, capacity, energy imbalance service, generation imbalance service, operating reserve-spinning service, operating reserve-supplemental service, and primary frequency response service if it fails either screen.

* * * * *

[FR Doc. 2015–03741 Filed 2–25–15; 8:45 am]

BILLING CODE 6717–01–P

[54] SBA Final Rule on ''Small Business Size Standards: Utilities,'' 78 FR 77,343 (Dec. 23, 2013).

[55] 13 CFR 121.201, Sector 22, Utilities.

[56] SBA's regulations at 13 CFR 121.201 state that ''[t]he number of employees . . . indicates the maximum allowed for a concern and its affiliates to be considered small.''

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 422

[Docket No. SSA–2014–0042]

RIN 0960–AH68

Social Security Number Card Applications

AGENCY: Social Security Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: We propose to revise our regulations to allow applicants for a Social Security number (SSN) card to apply by completing a prescribed application and submitting the required evidence, rather than completing a paper Form SS–5, Application for a Social Security Card. We also propose to remove the word ''documentary'' from our description of certain evidence requirements. These changes would provide flexibility in the ways in which the public may request SSN cards and allow us, in the future, to implement an online SSN replacement card application system, which we are currently developing. In addition, we propose to replace ''Immigration and Naturalization Service'' with ''Department of Homeland Security'' to reflect that agency's reorganization.

DATES: To ensure that your comments are considered, we must receive them no later than April 27, 2015.

ADDRESSES: You may submit comments by any one of three methods—Internet, fax, or mail. Do not submit the same comments multiple times or by more than one method. Regardless of which method you choose, please state that your comments refer to Docket No. SSA–2014–0042 so that we may associate your comments with the correct regulation.

Caution: You should be careful to include in your comments only information that you wish to make publicly available. We strongly urge you not to include in your comments any personal information, such as Social Security numbers or medical information.

1. Internet: We strongly recommend that you submit your comments via the Internet. Please visit the Federal eRulemaking portal at *http://www.regulations.gov.* Use the ''Search'' function to find docket number SSA–2014–0042. The system will issue a tracking number to confirm your submission. You will not be able to view your comment immediately because we must post each comment manually. It may take up to a week for your comment to be viewable.

2. Fax: Fax comments to (410) 966–2830.

3. Mail: Mail your comments to the Office of Regulations and Reports Clearance, Social Security Administration, 3100 West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401.

Comments are available for public viewing on the Federal eRulemaking portal at *http://www.regulations.gov* or in person, during regular business hours, by arranging with the contact person identified below.

FOR FURTHER INFORMATION CONTACT: Arthur LaVeck, Office of Retirement and Disability Policy, Office of Income Security Programs, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 966–5665. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our Internet site, Social Security Online, at *http://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION:

The use of the SSN is widespread in today's society. It is necessary for employment, to properly record a person's wages and the taxes paid on those wages, to collect Social Security benefits, and to receive many other government services. Commercial organizations, such as banks and credit companies, also ask individuals for their SSNs for many business transactions. As a result of this widespread use, the issuance of original and replacement SSN cards is one of our most requested services.

Currently, a person can apply for an SSN by completing Form SS–5 and submitting it, in person or via mail, to his or her local field office (FO) or a Social Security Card Center (SSCC), or by having one of our representatives file an application electronically through the Social Security Number Application Process (SSNAP) during an in-office interview. The applicant must also present, or mail in, supporting documentary evidence.

In fiscal year 2013, we processed over 10 million replacement SSN card applications at FOs and SSCCs. It takes a field office employee an average of 14 minutes to process a replacement card application. Removing the requirements that applicants complete and submit paper Form SS–5 along with paper documentary evidence would allow us to develop convenient and efficient means to electronically process replacement SSN card applications and obtain acceptable supporting evidence, while retaining the security necessary to protect the integrity of the SSN and the card issuance process. Recent advances in technology provide us with additional, convenient options for the public to request government services. By pursuing the electronic approaches available to us, we expect to provide expanded service options that meet the varied needs of the public in a cost-efficient and environmentally responsible way.

For example, we are currently developing a new online application that would allow certain members of the public to apply for replacement SSN cards electronically without having to visit one of our offices or mail in the application and supporting evidence. Adult U.S. citizens who are not reporting any changes to their record (for example, name or date of birth) would have the option to file for an SSN replacement card online after registering through the my Social Security portal. Eligible individuals would also be required to have a U.S. mailing address, (including Air/Army Post Office, Fleet Post Office, or Diplomatic Post Office mailing address) and a valid U.S. state-issued driver's license or U.S. state-issued identity card. During the application process, we would securely collect and verify required information electronically (for example, identifying information, mailing address associated with the individual requesting the card), and analyze each request for potential fraud. Moving this service online would allow customers to complete a request at any time, without the need to visit us in person. It would also help the public by allowing our employees to focus on other vital services, such as taking claims for benefits and conducting program integrity work.

To ensure our SSN regulations support the development of convenient and efficient electronic service delivery options, we propose to update 20 CFR 422.103 and 422.110 to remove the requirement that an individual who seeks a replacement SSN card must file an application at any Social Security office. We also propose to remove references to Form SS–5 because our current process allows us to file an application electronically through SSNAP without the completion of a paper Form SS–5, and our planned online application will not require the completion of a paper Form SS–5. We would replace, in instances where a description is necessary, mention of Form SS–5 with the term ''prescribed application.'' A prescribed application would simply be the application form—whether a paper form, an online application, or some other method—that we determine to be most efficient and user-friendly at any given time. Information about application procedures would be easily available to applicants on our Internet site and at our offices nationwide.

We also propose to revise 20 CFR 422.107 to remove the word ''documentary'' from our description of evidence required to obtain an original or replacement SSN card. We would still require evidence to establish eligibility and identity in order to obtain a new or replacement card. However,

we would revise our rules so that applicants may provide or we may obtain other types of evidence to satisfy the requirement, such as through data matches or other agreements with government agencies or other entities that we determine can provide us with appropriate and secure verification of the applicant's true identity and other eligibility factors.

These changes would provide us with the flexibility we need to adapt our SSN application process as necessity and technology allow. They would allow us to offer the public new, convenient service alternatives for obtaining SSN replacement cards, while maintaining the security and integrity of the SSN card and issuance process. We also expect these changes would reduce the public's need to visit our FOs, resulting in shorter wait times for individuals who choose to visit a FO for service.

We also propose to update section 422.107(e)(1) to replace references to ''Immigration and Naturalization Service'' with ''Department of Homeland Security'' to reflect that agency's restructuring in 2003.

Regulatory Procedures

Executive Order 12866, as Supplemented by Executive Order 13563

We consulted with the Office of Management and Budget (OMB) and determined that this proposed rule meets the criteria for a significant regulatory action under Executive Order 12866, as supplemented by Executive Order 13563, and was reviewed by OMB.

Regulatory Flexibility Act

We certify that this proposed rule would not have a significant economic impact on a substantial number of small entities because it would affect individuals only. Therefore, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act, as amended.

Paperwork Reduction Act

Although the regulatory changes described below are not subject to OMB clearance under the Paperwork Reduction Act (PRA), the new electronic SSN replacement card application will require OMB PRA approval. We will seek public comment in a separate PRA **Federal Register** Notice (FRN) for the new electronic process under OMB No. 0960–0066. We will complete the PRA OMB clearance process, including publication of the two standard FRNs, before we implement the electronic SSN replacement card application. The public will have an opportunity to review and comment on the electronic SSN replacement card application at that time.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security—Disability Insurance; 96.002, Social Security—Retirement Insurance; 96.004, Social Security Survivors Insurance; 96.006, Supplemental Security Income; 96.020, Special Benefits for Certain World War II Veterans.)

List of Subjects in 20 CFR Part 422

Administrative practice and procedure, Organization and functions (Government agencies), Reporting and recordkeeping requirements, Social security.

Carolyn W. Colvin,

Acting Commissioner of Social Security.

For the reasons set out in the preamble, we propose to amend 20 CFR chapter III part 422 subpart B as set forth below:

PART 422—ORGANIZATION AND PROCEDURES

Subpart B—General Procedures

■ 1. The authority citation for subpart B of part 422 continues to read as follows:

Authority: Secs. 205, 232, 702(a)(5), 1131, and 1143 of the Social Security Act (42 U.S.C. 405, 432, 902(a)(5), 1320b–1, and 1320b–13), and sec. 7213(a)(1)(A) of Pub. L. 108–458.

■ 2. Amend § 422.103 by revising paragraphs (b), (c)(1), and (e)(1) to read as follows:

§ 422.103 Social security numbers.

* * * * *

(b) *Applying for a number*—(1) *Application.* An individual needing a Social Security number may apply for one by completing a prescribed application and submitting the required evidence. An individual outside the United States (U.S.) may apply for a Social Security number card at the Department of Veterans Affairs Regional Office, Manila, Philippines, at any U.S. Foreign Service post, or at a U.S. military post outside the United States. (See § 422.106 for special procedures for filing applications with other government agencies.) Additionally, a U.S. resident may apply for a Social Security number for a nonresident dependent when the number is necessary for U.S. tax purposes or some other valid reason, the evidence requirements of § 422.107 are met, and we determine that a personal interview with the dependent is not required.

(2) *Birth registration document.* We may enter into an agreement with officials of a State, including, for this purpose, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, and New York City, to establish, as part of the official birth registration process, a procedure to assist us in assigning Social Security numbers to newborn children. Where an agreement is in effect, a parent, as part of the official birth registration process, need not complete a prescribed application and may request that we assign a Social Security number to the newborn child.

(3) *Immigration form.* We may enter into an agreement with the Department of State (DOS) and the Department of Homeland Security (DHS) to assist us by collecting enumeration data as part of the immigration process. Where an agreement is in effect, an alien need not complete a prescribed application and may request, through DOS or DHS, as part of the immigration process, that we assign a Social Security number and issue a Social Security number card to him or her. An alien will request the assignment of a Social Security number through this process in the manner provided by DOS and DHS.

(c) *How numbers are assigned*—(1) *Application.* If you complete a prescribed application, we will require you to furnish evidence, as necessary, to assist us in establishing your age, U.S. citizenship or alien status, true identity, and previously assigned Social Security number(s), if any. (See § 422.107 for evidence requirements.) We may require you to undergo a personal interview before we assign a Social Security number. If you request evidence to show that you have filed a prescribed application for a Social Security number card, we may furnish you with a receipt or equivalent document. We will electronically screen the data from the prescribed application against our files. If we find that you have not been assigned a Social Security number previously, we will assign one to you and issue a Social Security number card. However, if we find that you have been assigned a Social Security number previously, we will issue a replacement Social Security number card.

* * * * *

(e) *Replacement of Social Security number card*—(1) *When we may issue you a replacement card.* We may issue you a replacement Social Security number card, subject to the limitations in paragraph (e)(2) of this section. You must complete a prescribed application to receive a replacement Social Security number card. We follow the evidence requirements in § 422.107 when we

issue you a replacement Social Security number card.

* * * * *

■ 3. Amend § 422.107 by:

■ a. Revising paragraphs (a) and (c);

■ b. In paragraph (e)(1), removing each instance of ''Immigration and Naturalization Service'' and adding in its place, ''Department of Homeland Security''; and

■ c. Revising paragraph (g).

The revisions read as follows:

§ 422.107 Evidence requirements.

(a) *General.* To obtain an original Social Security number card, you must submit convincing evidence of your age, U.S. citizenship or alien status, and true identity, as described in paragraphs (b) through (e) of this section. If you apply for a replacement Social Security number card, you must submit convincing evidence of your true identity, as described in paragraph (c) of this section, and you may also be required to submit convincing evidence of your age and U.S. citizenship or alien status, as described in paragraphs (b), (d), and (e) of this section. If you apply for an original or replacement Social Security number card, you are also required to submit evidence to assist us in determining the existence and identity of any previously assigned Social Security number(s). We will not assign a Social Security number or issue an original or replacement card unless we determine that you meet all of the evidence requirements. We require an in-person interview if you are age 12 or older and are applying for an original Social Security number, unless you are an alien who requests a Social Security number as part of the immigration process described in § 422.103(b)(3). We may require an in-person interview of other applicants. All paper or other tangible documents submitted as evidence must be originals or copies of the original documents certified by the custodians of the original records and are subject to verification. We may also verify your eligibility factors, as described in paragraphs (b)–(e) of this section, through other means, including but not limited to data matches or other agreements with government agencies or other entities that we determine can provide us with appropriate and secure verification of your eligibility factors.

* * * * *

(c) *Evidence of identity.* (1) If you apply for an original Social Security number or a replacement Social Security number card, you are required to submit convincing evidence of your identity. Evidence of identity may consist of a driver's license, identification card, school record, medical record, marriage record, passport, Department of Homeland Security document, or other similar evidence serving to identify you. The evidence must contain sufficient information to identify you, including your name and:

(i) Your age, date of birth, or parents' names; or

(ii) Your photograph or physical description.

(2) A birth record is not sufficient evidence to establish identity for these purposes.

* * * * *

(g) *Inability to verify eligibility factors.* We will not issue an original or replacement Social Security number card when you present invalid or expired documents or when we are unable to verify the required evidence through other means, as described in paragraph (a) of this section. Invalid documents are either forged documents that supposedly were issued by the custodian of the record, or properly issued documents that were improperly changed after they were issued. An expired document is one that was valid for only a limited time and that time has passed.

■ 4. Amend § 422.110 by revising paragraph (a) to read as follows:

§ 422.110 Individual's request for change in record.

(a) *Application.* If you wish to change the name or other personal identifying information you previously submitted in connection with an application for a Social Security number card, you must complete a prescribed application, except as provided in paragraph (b) of this section. You must prove your identity, and you may be required to provide other evidence. (See § 422.107 for evidence requirements.) You may complete a request for change in records in the manner we designate, including at any Social Security office, or, if you are outside the U.S., to the Department of Veterans Affairs Regional Office, Manila, Philippines, or to any U.S. Foreign Service post or U.S. military post. If your request is for a change of name on the card (that is, verified legal changes to the first name or surname, or both), we may issue you a replacement Social Security number card bearing the same number and the new name. We will grant an exception to the limitations specified in § 422.103(e)(2) for replacement Social Security number cards representing a change in name or, if you are an alien, a change to a restrictive legend shown on the card. (See § 422.103(e)(3) for the definition of a change to a restrictive legend.)

* * * * *

[FR Doc. 2015–03726 Filed 2–24–15; 11:15 am]

BILLING CODE 4191–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 57

[REG–143416–14; RIN 1545–BM51]

Health Insurance Providers Fee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: This document contains proposed regulations that provide rules for the definition of a covered entity for purposes of the fee imposed by section 9010 of the Patient Protection and Affordable Care Act, as amended. In the Rules and Regulations section of this issue of the **Federal Register**, the IRS is issuing temporary regulations. The text of those temporary regulations also serves as the text of these proposed regulations. The proposed regulations are necessary to clarify certain terms in section 9010. The proposed regulations affect persons engaged in the business of providing health insurance for United States health risks.

DATES: Comments and requests for a public hearing must be received by May 27, 2015.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–143416–14), Room 5203, Internal Revenue Service, PO Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–143416–14), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC, or sent electronically, via the Federal eRulemaking portal at *www.regulations.gov* (IRS REG–143416–14).

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations, Rachel S. Smith, (202) 317–6855; concerning submissions of comments and request for a hearing, Regina Johnson, (202) 317–6901 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

Temporary regulations in the Rules and Regulations section of this issue of

the **Federal Register** amend the Health Insurance Providers Fee Regulations (26 CFR part 57) and serve as the text for these proposed regulations.

Special Analyses

It has been determined that these proposed regulations are not a significant regulatory action as defined in Executive Order 12866, as supplemented by Executive Order 13563. 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, and because the regulation does not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, these regulations have been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Requests for a Public Hearing

Before the proposed regulations are adopted as final regulations, consideration will be given to any comments that are submitted timely to the IRS as prescribed in this preamble under the **ADDRESSES** heading. The Treasury Department and the IRS request comments on all aspects of the proposed regulations. All comments will be available at *www.regulations.gov* or upon request. A public hearing will be scheduled if requested in writing by any person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the public hearing will be published in the **Federal Register**.

Drafting Information

The principal author of these proposed regulations is Rachel S. Smith, IRS Office of the Associate Chief Counsel (Passthroughs and Special Industries). However, other personnel from the Treasury Department and the IRS participated in their development.

List of Subjects in 26 CFR Part 57

Health insurance, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 57 is proposed to be amended as follows:

PART 57—HEALTH INSURANCE PROVIDERS FEE

■ **Paragraph 1.** The authority citation for part 57 continues to read in part as follows:

Authority: 26 U.S.C. 7805; sec. 9010, Pub. L. 111–148 (124 Stat. 119 (2010)).

* * * * *

■ **Par. 2.** Section 57.2 is amended by revising paragraphs (b)(3) and (c)(3)(ii) to read as follows:

§ 57.2 Explanation of terms.

* * * * *

(b) * * *

(3) [The text of proposed § 57.2(b)(3) is the same as the text of § 57.2T(b)(3) published elsewhere in this issue of the **Federal Register**].

* * * * *

(c) * * *

(3) * * *

(ii) [The text of proposed § 57.2(c)(3)(ii) is the same as the text of § 57.2T(c)(3)(ii) published elsewhere in this issue of the **Federal Register**].

* * * * *

■ **Par. 3.** Section 57.10 is amended by revising paragraph (b) to read as follows:

§ 57.10 Effective/applicability date.

* * * * *

(b) [The text of proposed § 57.10(b) is the same as the text of § 57.10T(b) published elsewhere in this issue of the **Federal Register**].

John Dalrymple,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 2015–03945 Filed 2–23–15; 4:15 pm]

BILLING CODE 4830–01–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 75

RIN 1219–AB85

Request for Information To Improve the Health and Safety of Miners and To Prevent Accidents in Underground Coal Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Request for information.

SUMMARY: The Mine Safety and Health Administration (MSHA) is requesting information on mine ventilation and roof control plans; atmospheric monitoring systems and new technology for remote monitoring systems; methods to suppress the propagation of coal dust explosions; and criteria and procedures for certification, recertification, and decertification of persons qualified to conduct mine examinations. These issues were raised in reports on the coal dust explosion that occurred at the Upper Big Branch Mine on April 5, 2010. After reviewing the recommendations in these reports and related National Institute for Occupational Safety and Health research, MSHA is seeking information and data that will help improve the health and safety of underground coal miners. Submitted information will assist MSHA in determining appropriate regulatory actions.

DATES: Comments must be received by midnight Eastern Standard Time on April 27, 2015.

ADDRESSES: Submit comments, identified by ''RIN 1219–AB85'', by any of the following methods:

- *Federal E-Rulemaking Portal: http://www.regulations.gov.* Follow the on-line instructions for submitting comments for Docket Number MSHA–2014–0029.
- *Electronic mail: zzMSHA-comments@dol.gov.* Include ''RIN 1219–AB85'' 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/Courier:* 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.

Instructions: All submissions received must include the Agency name ''MSHA'' and Docket Number ''MSHA–2014–0029'' or ''RIN 1219–AB85.'' All comments received will be posted without change to *http://www.regulations.gov,* under Docket Number MSHA–2014–0029, and on *http://www.msha.gov/currentcomments.asp,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or *http://www.msha.gov/currentcomments.asp.* Review comments in person at the 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.

FOR FURTHER INFORMATION CONTACT: Sheila A. 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). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

Availability of Information

MSHA maintains a mailing list that enables subscribers to receive an email notification when the Agency publishes rulemaking documents in the **Federal Register**. To subscribe, go to *http://www.msha.gov/subscriptions/subscribe.aspx.*

I. Background

On April 5, 2010, a coal dust explosion occurred at the Upper Big Branch Mine-South (UBB) in Montcoal, West Virginia. MSHA initiated an accident investigation on April 7, 2010 under the authority of the Federal Mine Safety and Health Act of 1977 (Mine Act). MSHA issued an accident investigation report on December 11, 2011, titled, ''A Report of Investigation, Fatal Underground Mine Explosion, April 5, 2010, Upper Big Branch Mine-South, Performance Coal Company, Montcoal, Raleigh County, West Virginia, ID No. 46–08436.''

In addition to MSHA's accident investigation report, MSHA announced on May 4, 2010, a separate internal review of MSHA's actions prior to the explosion at the Upper Big Branch Mine. On March 6, 2012, MSHA issued the Internal Review (IR) report of the Agency's enforcement actions titled ''Internal Review of MSHA's Actions at the Upper Big Branch Mine-South, Performance Coal Company, Montcoal, Raleigh County, West Virginia''. The IR report compared MSHA's actions with the requirements of the Mine Act and MSHA's standards, regulations, policies, and procedures. The report recommended changes to regulations and standards that would improve the health and safety of underground coal miners by protecting them from the hazards that caused or contributed to the explosion. The IR report included recommendations to improve regulations and standards regarding mine ventilation; atmospheric mine monitoring systems; rock dusting; and certification, re-certification, and decertification of persons certified to conduct mine examinations in underground coal mines. Both the IR and Accident Investigation (AI) reports recommended that the Assistant Secretary consider rulemaking to improve mine health and safety. The combined recommendations were listed in the IR report.

Following the explosion at UBB, the Secretary of Labor, on April 16, 2010, requested that NIOSH independently assess MSHA's internal review of its enforcement actions at UBB. NIOSH identified and appointed a panel to conduct an independent assessment (the Independent Panel). On March 22, 2012, the Independent Panel issued its report titled ''An Independent Panel Assessment of an Internal Review of MSHA Enforcement Actions at the Upper Big Branch Mine South Requested by The Honorable Hilda L. Solis, Secretary, U.S. Department of Labor'' (IP Assessment). In its report, the Independent Panel recommended that MSHA address the technical deficiencies in current mining practices that could compromise safety.

II. Information Request

This request for information is based on recommendations in the AI, IR, and IP Assessment reports. MSHA seeks input from industry, labor, and other interested parties to assist the Agency in determining whether regulatory action is needed and, if so, what type of regulatory changes would be appropriate to improve health and safety in underground coal mines. The reports on the UBB mine explosion identified several areas where additional rulemaking could be used to improve health and safety in underground coal mines.

In section A, MSHA is requesting information on issues related to the requirements for developing and implementing roof control and mine ventilation plans in underground coal mines. In section B, MSHA is requesting information on issues related to the use, calibration, and maintenance of atmospheric monitoring systems (AMS) and new technology for remote monitoring systems. In section C, MSHA is requesting information on whether specifications contained in the definition of rock dust could be changed to improve its effectiveness in suppressing the propagation of coal dust explosions. In section D, the Agency is seeking information on whether surface moisture should be excluded from the determination of total incombustible content (TIC) of mixed dust. In section E, MSHA is requesting information on mine operator experiences with the coal dust explosibility meter (CDEM), the cleanup program under 30 CFR 75.400–2, and rock dusting. MSHA is also requesting information on the experiences of mine operators who have used other methods of testing for the explosibility of the dust in their mines. In section F, the Agency is seeking information on the use of active and passive explosion barriers. Finally, in section G, MSHA is requesting information on criteria and procedures for certification, recertification, and decertification of certified persons. MSHA is particularly interested in information regarding persons who conduct examinations and tests in accordance with MSHA's ventilation standards.

When responding, please address your comments to the topic and question number. For example, the response to section A. Requirements for Developing and Implementing Roof Control and Mine Ventilation Plans, Question 1, would be identified as ''A.1.'' Please explain the rationale supporting your views and, where possible, include specific examples to support your rationale. Provide sufficient detail in your responses to enable proper Agency review and consideration. Identify the information on which you rely and include applicable experiences, data, models, calculations, studies and articles, standard professional practices, availability of technology, and costs.

MSHA invites comment in response to the specific questions posed below and encourages commenters to include any related cost and benefit data, and any specific issues related to the impact on small mines.

A. Requirements for Developing and Implementing Roof Control and Mine Ventilation Plans

MSHA standards require the submission and approval of roof control and ventilation plans prior to their implementation, but do not require the operator to designate a person to be responsible for the mine's plans. The IP Assessment recommended that mine operators hire in-house plan specialists who would be certified roof control and ventilation officers to oversee plan implementation and to coordinate day-to-day actions.

MSHA is considering changes to regulatory requirements to improve roof control plans (30 CFR 75.220 and 75.223) and mine ventilation plans (30 CFR 75.370 and 75.371). These changes could add requirements that would provide mine operators, miners, and MSHA personnel with increased assurance that plans are developed, implemented, and maintained according to the conditions at the mine. These changes could improve roof control and ventilation plans, and in conjunction with additional requirements for mine monitoring, would give mine operators

information needed to evaluate mine conditions. To assist MSHA in determining how the ventilation and roof control standards could be improved, please respond to the following questions.

1. What health and safety benefit could result from requiring mine operators to designate a mine management employee, who is a credentialed professional, to be responsible for development and implementation of approved roof control and ventilation plans?

2. What knowledge, skills, abilities, or licensure would this credentialed professional need in order to develop, implement, and monitor roof control and ventilation plans?

The following recommendations were made in MSHA's reports to improve the ventilation in underground coal mines:

- Consider rulemaking to require that the minimum quantity of air be at least 75,000 cubic feet per minute (cfm) reaching the working face of each longwall mechanized mining unit (MMU).
- Establish progressive increases in the minimum quantity of air according to the mine methane liberation rate or the established schedule for spot inspections at 103(i) mines, such as 15, 10, and 5-day spot inspections. A 103(i) mine is a mine that has experienced, within the last 5 years, an ignition or explosion of methane or other gases that resulted in a fatality or in a permanently disabling injury.
- Consider respirable dust compliance as an additional factor for increasing the intake air quantity approved in the ventilation plan.
- Consider rulemaking to require the use of equipment doors in lieu of permanent stoppings, or to control ventilation within an air course, subject to approval in the mine ventilation plan.
- To maintain the separation of air courses, consider rulemaking to require that all equipment doors installed in travelways use an interlock system to ensure that only one door can be opened at a time.

3. Please comment on the recommendation to increase the minimum quantity of air. What are the advantages, disadvantages, impact on miner health and safety, and costs associated with an increase in the minimum quantity of air for longwall mines? How could this minimum quantity of air be determined and where would it be measured?

4. What is the most effective way to control methane, oxygen, and respirable dust levels to assure the health and safety of miners?

5. Please comment on equipment doors: Their use, location, approval, advantages, disadvantages and impact on miner health and safety. Also comment on the use of equipment doors in travelways, including the use of an interlock system. What are the advantages, disadvantages, impact on miner health and safety, and costs of using interlock systems on equipment doors?

B. Atmospheric Monitoring Systems and New Technology for Remote Monitoring Systems

Atmospheric Monitoring Systems (AMS) are a reliable method for early detection of fires along belt conveyors and for monitoring several other mine-ventilation-related parameters. Hand-held and machine-mounted gas detectors are used extensively underground, primarily to monitor methane and oxygen concentrations. MSHA is exploring the expanded use of coordinated monitoring systems to monitor methane and carbon monoxide levels, air velocities and directions, pressure differentials, and other parameters at critical locations to help mine operators maintain effective ventilation and diagnose system failures or deficiencies.

The following recommendations were in the IR report:

- Modify 30 CFR 75.342(a)(2) to require additional methane sensors to be installed along the longwall face and to be tied into an AMS for the mine. These sensors should be placed along the face at various distances and heights to aid in the detection of methane during normal mining and in the event of a methane inundation. These additional sensor locations should be approved by the District Manager in the mine ventilation plan; and
- Require an AMS to provide real-time monitoring of methane and carbon monoxide levels and airflow direction, and to record the quality and quantity of air at specific points in the mine. For example, monitor where air reversals are likely to impact the ventilation system, outby loading points, where air courses split, and at certain intervals along the belt.

6. Continuous remote monitoring systems, such as AMS and tube bundle systems, can be used to detect unexpected ventilation system changes or methane inundations. Please comment, including rationale, on whether and under what circumstances MSHA should require the use of a continuous remote monitoring system. Please include impact on miner health and safety, impact on mining method, and any other related impact. What would be the costs to add monitoring systems or to extend existing systems in mines?

7. Where should continuous remote monitoring systems be installed in underground coal mines? Please be specific as to locations and provide rationale, including the impact on miner health and safety.

8. Under what conditions should additional gas monitoring sensors and sensors that measure air velocity and direction be used to monitor the longwall face and its tailgate corner to minimize accumulations of methane, other gases, and dust? Where should these sensors be located?

9. What are the advantages, disadvantages, and costs of continuously monitoring the underground coal mine environment for accumulations of gases, air velocity, and airflow direction?

10. How could continuous remote monitoring technology be linked to communication and tracking technology to form an integrated monitoring system? Please explain.

11. How can integrated monitoring systems be linked to machine-mounted monitors? What are the advantages, disadvantages, impact on miner health and safety, and costs of integrated monitoring systems?

12. What types of continuous remote monitoring systems can continue to safely operate and function after an explosion, fire, or any other mine accident? How long can such systems operate after an explosion or fire, since power is likely to be deenergized due to the emergency? What can be done to improve the survivability and reliability of continuous remote monitoring systems after an explosion or fire?

13. What types of technologies exist to remotely determine methane-air mixtures and other gas, dust, and fume levels in bleeders and bleederless ventilation systems, other than traditional AMS and tube-bundle systems? Please be specific and note if this technology is practical and feasible.

14. MSHA is aware that fiber optic systems are being developed that would transmit data to a central location on the surface of the mine. Please provide system capabilities, specifications, and cost information on these systems, as well as any other relevant technologies.

15. If fiber optic technology is capable of operation when electrical power is deenergized underground, how long can such systems remain operable after power is deenergized? What is the maximum distance such technology is capable of transmitting data to the mine surface?

16. Please describe how fiber optic technology can be used in areas of the mine that require the use of permissible or intrinsically safe equipment.

C. Rock Dust

Mine operators are required to use rock dust that meets the definition of rock dust in 30 CFR 75.2. This standard specifies that rock dust material be pulverized limestone, dolomite, gypsum, anhydrite, shale, adobe, or other inert material, preferably light colored. In addition, 100 percent of the particles must pass through a sieve having 20 meshes per linear inch and 70 percent or more must pass through a sieve having 200 meshes per linear inch. The definition specifies that rock dust particles, when wetted and dried, will not cohere to form a cake that is not dispersed into separate particles by a light blast of air. In addition, the definition specifies that rock dust must not contain more than 5 percent combustible matter or more than a total of 4 percent free and combined silica or, where the Secretary finds that such silica concentrations are not available, must not contain more than 5 percent of free and combined silica.

MSHA has worked cooperatively with NIOSH on rock dust research and on the development and field testing of the CDEM. NIOSH completed development of the CDEM and field-tested it with MSHA's assistance beginning in December 2009. NIOSH researchers published a report, titled ''MSHA CDEM Survey and Results,'' that summarized the results of this CDEM field study (Harris et al., 2011). MSHA inspectors used the NIOSH-developed prototype CDEM in conjunction with routine dust compliance surveys (conducted under 30 CFR 75.403) to collect the data shown in the report. MSHA inspectors also collected rock dust samples as part of the CDEM field study.

NIOSH analyzed the rock dust samples and reported in Hazard ID 16—Non-Conforming Rock Dust (October 2011), that the investigation of rock dust revealed two significant concerns with the supply of rock dust used in U.S. mines: Insufficient quantity of particles finer than 200 mesh (75 μm) and the tendency of rock dust to form a cake when wetted and subsequently dried.

MSHA issued PIB No. P11–50 on October 27, 2011, titled ''Rock Dust Composition, 30 CFR 75.2'' that reiterated information contained in NIOSH Hazard ID 16 (October 2011). MSHA stated in PIB No. P11–50 that the particle size issue and the caking issue indicate a possible lack of product quality control.

To assist MSHA in making determinations with respect to rock dust, please respond to the following questions.

17. What specific tests should be performed to monitor the quality of rock dust to assure that the rock dust will effectively suppress an explosion in the mine environment?

18. What materials produce the most effective rock dust?

19. What are the advantages, disadvantages, impact on miner health and safety, and costs of limiting rock dust to light-colored inert materials, such as limestone and dolomite?

20. Please provide information on the types of impurities that could degrade rock dust performance. What tests or methods can be used to detect the presence of impurities?

21. What particle size distribution for rock dust would most effectively inert coal dust? What should be the maximum particle size? What should be the minimum particle size? Please explain and provide the rationale for your answer.

22. Determination of fine particle size of rock dust by sieving may be complicated by static agglomeration. What test methods should be used to measure the size distribution of rock dust to ensure consistent quality? What are the advantages, disadvantages, and costs of these test methods?

23. How can the potential of rock dust to cake be minimized? Are objective and practical tests available to determine the caking potential of rock dust? If so, please explain and provide documentation.

24. Please provide information on how fine particles (less than 10 μm) may increase the likelihood of caking in rock dust.

25. Can rock dust be treated with additives that would reduce caking? Would the additive enhance or diminish the ability of the rock dust particles to quench a coal dust explosion and, therefore, impact the effectiveness of the rock dust to inert coal dust? Please provide information on the chemical composition of any suggested additives, the quantities needed, costs, and potential impact on miner health and safety. If available, what areas of an underground coal mine would need to be treated with non-caking rock dust? Please explain and provide the rationale for your answer.

26. Applied rock dust must be dispersible to inert an explosion. What in-mine tests can be used to determine the caking resistance (*i.e.,* dispersibility) of applied rock dust?

27. How does combustible material degrade the performance of rock dust? How should MSHA modify the existing specification in the definition of rock dust? Please explain and provide documentation.

28. How should MSHA modify the existing requirement for free and combined silica in the definition of rock dust? Please explain and provide documentation.

29. How can the respirable particle size fraction of rock dust, *i.e.,* less than 10 μm, be limited, while maintaining the effectiveness of the dust to suppress the propagation of a coal dust explosion? Please explain.

D. Surface Moisture and Total Incombustible Content

The IR report recommended that MSHA amend existing standards to exclude surface moisture from the determination of TIC. (See 30 CFR 75.403 and 75.403–1). In addition, Harris *et al.* (2010) recommended that surface moisture be excluded from the measurement of TIC due to the potential variability in moisture content of the combined coal dust, rock dust, and other dust within a mine.

30. What are the advantages, disadvantages, and costs of excluding surface moisture from the definition of TIC?

E. Operator Experiences With the Coal Dust Explosibility Meter (CDEM), Cleanup Program, and Rock Dusting

MSHA has worked cooperatively with NIOSH on the development and field testing of the CDEM. NIOSH completed development of the CDEM and field-tested it with MSHA's assistance beginning in December 2009. NIOSH researchers published a report, titled ''MSHA CDEM Survey and Results,'' that summarized the results of this CDEM field study (Harris et al., 2011). MSHA inspectors used the NIOSH-developed prototype CDEM in conjunction with routine dust compliance surveys (conducted under 30 CFR 75.403) to collect the data shown in the report.

MSHA stated in the final rule on ''Maintenance of Incombustible Content of Rock Dust in Underground Coal Mines,'' published on June 21, 2011 (76 FR 35968, at 35972), that—

> . . . [t]he CDEM is intended to be used by mine operators and MSHA as a screening tool inside the mine to assess the explosion hazard potential in real time and take prudent actions to mitigate the hazard. The CDEM is not intended to replace the current MSHA laboratory analysis of coal mine dust samples for incombustible content, but to serve as a supplemental device for enhancing mine safety through improved rock dusting practices.

In addition, the IR report recommended that MSHA should consider rulemaking to require mine operators to regularly determine the adequacy of rock dusting using a method approved by the Secretary. The IR report stated that this could be achieved by requiring mine operators to sample mine dust for analysis or conduct CDEM testing at sufficient locations and intervals to determine if any area of the mine needs re-dusting. The IR report further recommended that the rule should consider requirements for certification, recordkeeping (including a map of sample locations), and corrective actions similar to examination standards.

In light of this recommendation, MSHA requests the following information from mine operators:

31. What experience do you have with CDEMs, including use, maintenance, calibration, and costs? Based on your experience, how can CDEMs be used to help prevent coal dust explosions? What benefits have you experienced? What limitations have you encountered?

32. To what extent are mine operators using other methods to assess explosibility (*i.e.,* laboratory TIC or volumeter testing)? How long does it take to get results from these test methods?

33. What are the advantages, disadvantages, and costs of these methods? What are the benefits and limitations of each of these methods?

34. How often should mine operators test for explosibility? Where should mine operators test for explosibility in mines?

35. How should mine operators assess their rock dust applications?

36. What records should mine operators be required to retain to verify that they have tested for explosibility?

The IR report also recommended that MSHA consider rulemaking to revise 30 CFR 75.402 to require the use of:

- High-pressure rock-dusting machines to continuously apply rock dust into the air stream at the tailgate end of the longwall face whenever cutting coal; and
- Rock-dusting machines to regularly apply rock dust at the outby edges of active pillar lines on retreating continuous mining machine sections and at approaches to inaccessible areas downwind of coal dust generating sources.

In light of these recommendations, MSHA requests the following information from mine operators:

37. In what additional areas of underground coal mines should the operator apply rock dust continuously or regularly?

38. What conditions necessitate the reapplication of rock dust to previously treated areas?

F. Active and Passive Explosion Barriers Used To Suppress the Propagation of a Coal Dust Explosion

The IP Assessment recommended that MSHA determine the relative merits of applying passive or active explosion barriers in specific circumstances. Explosion barriers remove heat from an explosion by engulfing the area of the barrier in an incombustible cloud of inert material like rock dust or water. These barriers are not used in underground coal mines in the United States. However, other countries allow the use of explosion barriers in underground coal mines.

These explosion barriers are designed to be activated by the pressure wave in front of a coal dust explosion. The barriers flood the area with either water or rock dust which renders any suspended coal dust inert (Cain 2003). Passive barriers quench coal dust explosions when the explosion shock wave traveling in advance of the explosion flame disturbs the barrier. Active barriers contain sensors that detect the approach of the flame and trigger a positive pressure system to flood the area with water or rock dust to quench the flame (Cain 2003).

39. What types of active or passive explosion barriers could be used and where could they be used in underground coal mines? How does the movement of equipment and personnel affect the effectiveness of explosion barriers to quench a coal dust explosion?

40. What are the advantages, disadvantages, impact on miner health and safety, and costs of installing and maintaining active and passive explosion barriers?

G. Certification, Recertification, and Decertification of Persons Certified To Conduct Mine Examinations in Underground Coal Mines

MSHA's standards at 30 CFR 75.360, 75.361, 75.362, and 75.364 require that preshift, on-shift, supplemental, and weekly examinations be performed by persons who have been certified by MSHA or a State. A certified person, defined in 30 CFR 75.2 and addressed in 30 CFR 75.100, is a person who has been certified as a mine foreman (mine manager), an assistant mine foreman (section foreman), or a preshift examiner (mine examiner). Under 30 CFR 75.100, a person can become certified through an MSHA-administered program or a State-administered program. A person must satisfy the criteria specified in 30 CFR 75.100 to obtain an MSHA certification.

Most State certifications are conditional on age and mining experience, specified training, and an examination. The criteria for certification and the types of certification, however, vary across States. The IR report recommended that MSHA supplement the recent rulemaking on Examinations of Work Areas in Underground Coal Mines, published on April 6, 2012 (77 FR 20700), as follows:

> . . . to require federal certification requirements, procedures, and time limits for re-certification of certified persons (including mine superintendents). . . . [and] provide procedures and criteria for the revocation of certifications (decertification of certified persons) for certain violations, including knowing and willful violations, advance notice of inspections, making any false statement, and smoking or carrying smoking materials.

In response to these recommendations, MSHA is considering changing existing certification criteria and establishing criteria and procedures for renewal, decertification, and recertification of persons certified under 30 CFR 75.100 to conduct mine examinations in underground coal mines.

If your State administers a program to certify persons to conduct mine examinations in underground coal mines, please respond to the following questions:

41. What criteria and procedures does the State use for certifying persons to perform mine examinations?

42. If the State requires that certified persons renew their certifications, what procedures are used for a renewal of a certification? Does the State recognize or accept other State certifications? Please provide examples.

43. If the State also has a decertification program, what criteria and procedures are used to suspend or decertify a person's certification? What procedures are used to recertify a person after a suspension or decertification?

44. How does the State notify mine operators and other States that it has decertified or recertified a person to conduct mine examinations? What types of actions are taken by other States based on your State's decertification?

In addition, MSHA requests the following information:

45. What criteria should a miner meet to be a certified person to conduct mine examinations under 30 CFR 75.100, *e.g.,* minimum age, years of experience, education, knowledge, training, and other skills?

46. What criteria and procedures would you recommend for the

suspension or decertification (revocation) of a person's certification? What criteria and procedures would you recommend for recertification? Please, include time frames for recertification.

47. What are the advantages, disadvantages, and administrative costs of having uniform criteria and procedures for the certification, decertification, and recertification of persons to conduct mine examinations in underground coal mines?

III. Request for Information

Please provide any other data or information that you think would be useful to MSHA in evaluating the effectiveness of its regulations and standards as they relate to the recommendations included in the IR and AI reports and those contained in the IP Assessment report.

List of Subjects in 30 CFR Part 75

Coal mines, Mine safety and health, Reporting and recordkeeping requirements, Safety, Underground mining.

Authority: 30 U.S.C. 811.

Dated: February 23, 2015.

Joseph A. Main,

Assistant Secretary of Labor for Mine Safety and Health.

[FR Doc. 2015–03982 Filed 2–25–15; 8:45 am]

BILLING CODE 4510–43–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2010–0611; FRL 9923–23–Region 6]

Approval and Promulgation of Implementation Plans; Texas; Revision to Control of Air Pollution From Volatile Organic Compounds; Alternative Leak Detection and Repair Work Practice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a Texas State Implementation Plan (SIP) revision for control of volatile organic compound (VOC) emissions from fugitive sources that was submitted to EPA on July 2, 2010. The SIP revision allows for a voluntary alternative work practice to detect fugitive emission leaks using optical gas imaging instruments under the EPA federal Leak Detection and Repair (LDAR) requirements. The EPA adopted through rulemaking the use of this voluntary alternative work practice for federal leak detection and repair of fugitive emissions sources. EPA has evaluated the SIP revision and determined that it is consistent with the federal LDAR regulations. EPA is approving this action under Section 110 of the Clean Air Act.

DATES: Written comments should be received on or before March 30, 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: Jennifer Huser, (214) 665–7347, *huser.jennifer@epa.gov.*

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a 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: February 9, 2015.

Ron Curry,

Regional Administrator, Region 6.

[FR Doc. 2015–03587 Filed 2–25–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R05–OAR–2009–0554; FRL–9923–34–Region 5]

Approval of Other Solid Waste Incinerator Units State Plan for Designated Facilities and Pollutants: Indiana

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve, through direct final procedure, Indiana's State Plan to control air pollutants from ''Other Solid Waste Incineration'' (OSWI) Units. The Indiana Department of Environmental Management submitted the State Plan on November 27, 2007, following the required public process. The State Plan is consistent with Emission Guidelines promulgated by EPA on December 16, 2005. This approval means that EPA finds that the State Plan meets applicable Clean Air Act requirements for OSWI units for which construction commenced on or before December 4, 2004. Once effective, this approval also makes the State Plan Federally enforceable.

DATES: Comments must be received on or before March 30, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2009–0554, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: nash.carlton @epa.gov.*
- *Fax:* (312) 692–2543.
- *Mail:* Carlton T. Nash, Chief, Integrated Air Toxics Section, Air Toxics and Assessment Branch (AT–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
- *Hand Delivery:* Carlton T. Nash, Chief, Integrated Air Toxics Section, Air Toxics and Assessment Branch (AT–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding Federal holidays.

Please see the direct final rule which is located in the Rules section of this **Federal Register** for detailed

instructions on how to submit comments.

FOR FURTHER INFORMATION CONTACT: Margaret Sieffert, Environmental Engineer, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard (AT–18J), Chicago, Illinois 60604, (312) 353–1151, *sieffert.margaret@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Rules section of this **Federal Register**, EPA is approving the State Plan as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this rule, no further activity is contemplated. If EPA receives 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. 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. For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: February 12, 2015.

Bharat Mathur,

Acting Regional Administrator, Region 5.

[FR Doc. 2015–03790 Filed 2–25–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 07–294, MD Docket. No. 10–234; FCC 15–19]

Promoting Diversification of Ownership in the Broadcasting Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) proposes improvements to the collection of data reported on FCC Form 323, Ownership Report for Commercial Broadcast Stations, and also to FCC Form 323–E, Ownership Report for Non Commercial Broadcast Stations, through the development of a new functionality in the Commission's Registration System (CORES) for issuing FCC Registration Numbers (FRNs). Specifically the Commission seeks comment on a proposal to create a new mechanism for an individual to obtain an FRN that is usable only for broadcast ownership reporting purposes through CORES.

DATES: The Commission must receive written comments on or before March 30, 2015 and reply comments on or before April 13, 2015. Written comments on the Paperwork Reduction Act proposed information collection requirements must be submitted by the public, Office of Management and Budget (OMB), and other interested parties on or before April 27, 2015.

ADDRESSES: You may submit comments, identified by MB Docket No 07–294 and/or MD Docket No 10–234, by any of the following methods:

- *Federal Communications Commission's Web site: http://fjallfoss.fcc.gov/ecfs2/.* Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

FOR FURTHER INFORMATION CONTACT: Jake Riehm, Industry Analysis Division, Media Bureau, FCC, (202) 418–2330. For additional information concerning the PRA proposed information collection requirements contained in the *Notice of Proposed Rulemaking,* contact Cathy Williams at (202) 418–2918, or via the Internet at *PRA@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Further Notice of Proposed Rulemaking and Seventh Further Notice of Proposed Rulemaking (*Second FNPRM and Seventh FNPRM*) in MB Docket Nos. 07–294 and 10–234; FCC 15–19, adopted February 11, 2015, and released February 12, 2015. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street SW., Washington, DC 20554.

Summary

I. Introduction

1. The Commission has a long-standing goal of promoting ownership diversity in broadcast stations to ensure that diverse viewpoints and perspectives are available to the American people in the content they receive over the broadcast airwaves. In pursuit of this goal, the Commission has a long history of promulgating rules and regulations designed to foster diversity in terms of minority and female ownership. A necessary foundation for the Commission's rulemaking efforts is the collection of comprehensive, reliable data reflecting the race, gender, and ethnicity of the owners and other interest holders in broadcast stations. Such data are essential to study and analyze ownership trends effectively, to assess the impact of Commission rules, and to determine whether rule changes would be in the public interest. To be useful for these purposes, to the greatest extent possible the data must be capable of being read, verified, searched, aggregated, and cross-referenced electronically.

2. As a part of these efforts, the Commission herein proposes improvements to the collection of data reported on FCC Form 323, Ownership Report for Commercial Broadcast Stations, and also to FCC Form 323–E, Ownership Report for Noncommercial Broadcast Stations, through the development of a new functionality in the Commission's Registration System (CORES) for issuing FCC Registration Numbers (FRNs). Specifically, we seek comment on a proposal to create a new mechanism for obtaining an FRN through CORES. Use of this FRN would be restricted to the reporting of individual attributable interest holders in commercial and noncommercial broadcast stations on ownership reports. This ''Restricted Use'' FRN (RUFRN) would be supported by identifying information for attributable individuals that does not include full Social Security Numbers (SSNs) and that would be housed securely on the Commission's servers and not made available to the public. This proposal is intended to address some of the privacy and data security concerns that commenters raised with respect to prior proposals while still enabling the Commission to uniquely identify reported individuals, obtain data reflecting a more useful, accurate, and thorough assessment of minority and female broadcast station ownership in the United States and reduce certain filing burdens. Ultimately, such changes to the Commission's system could assist future initiatives promoting diverse ownership.

II. Background

3. The Commission is engaged in ongoing efforts to improve the quality, utility, and reliability of its broadcast

ownership data. As part of this endeavor, in 2009 the Commission substantially revised Form 323. The changes to the filing requirements and the modifications to the form were intended to facilitate long-term comparative studies of broadcast station ownership and to address flaws in the data collection process identified by the United States Government Accountability Office (GAO) and by researchers. ''To further improve the ability of researchers and other users of the data to cross-reference information and construct ownership structures,'' filers were required to provide a CORES FRN for all reported interest holders.[1] To obtain a CORES FRN, with some limited exceptions, a party must submit a Tax Identification Number (TIN) to the Commission via CORES. In the case of an individual, a TIN is his or her SSN. Because a CORES FRN is backed by a TIN/SSN, it can serve as a unique identifier in most instances, which is crucial to the quality and utility of the Commission's broadcast ownership data and the ability of the Commission and outside parties to search, aggregate, and cross-reference that data electronically.

4. *OMB Review and Approval of 2009 Form 323.* On August 11, 2009, the Commission submitted the revised Form 323, which included the CORES FRN requirement, to the Office of Management and Budget (OMB) for approval pursuant to the Paperwork Reduction Act (PRA) requirements and published the **Federal Register** notice initiating a 60-day comment period.[2] Many of the comments to OMB objected to having to report CORES FRNs for individuals holding attributable interests, arguing that in order to obtain a CORES FRN for these individuals, they would need to provide SSNs to the Commission, a requirement that they claimed triggers privacy, data security, and identity theft concerns. Commenters also suggested that obtaining and reporting CORES FRNs for these individuals would be onerous for filers, and that in some cases, filers might be unable to obtain a CORES FRN for all individual attributable interest holders because the individuals are unwilling either to obtain the FRN themselves or provide their SSN to the filer for the purpose of obtaining an FRN. Additionally, commenters criticized the Commission for failing to seek comment on requiring these individuals to obtain CORES FRNs prior to including this requirement on the revised form submitted for OMB approval.

5. On October 6, 2009, the Office of the Managing Director (OMD) at the Commission submitted a letter to OMB addressing the comments filed in response to the revised Form 323. OMD explained that requiring CORES FRNs on Form 323 is an integral part of the Commission's effort to ''improve the quality, reliability, and usability of the collected data by eliminating inconsistencies and inadequacies in the data submitted.'' Noting that the CORES FRN is a key tool for ensuring that ownership data is matched to specific owners, OMD explained that, without the CORES FRNs, it would be unable to accurately determine an interest holder's identity when variations of a single name or other spelling irregularities appear from form to form. The Reply Letter also responded to comments that the Commission erred in concluding that the revised Form 323 did not implicate the Privacy Act. OMD stated that because sole proprietors, officers, and directors are acting in an entrepreneurial role with respect to broadcast stations, these persons are not individuals for purposes of the Privacy Act. OMD added that, to the extent that the revisions raise any privacy concerns, the Commission created a Privacy Act System of Records (SORN) for Form 323 that would address them.[3] The Reply Letter also rejected allegations that the Commission failed to comply with the notice requirements of the PRA. OMD also disputed commenters' objections that the CORES FRN requirement raised security and identity theft concerns. OMD noted that ''none of the commenters identify a single instance of a security breach'' of the CORES system. The Commission utilizes a ''robust security architecture . . . for CORES that exceeds Federal guidelines and recommendations'' and has deployed operational controls that comply with National Institute of Standards and Technology guidance. OMD stated that its servers are securely located, that its databases are behind several firewalls, and that all servers and communications are monitored. The Reply Letter also notes that administrative access to the CORES application is limited and that all transmission of non-public data is encrypted.

6. On October 19, 2009, OMB approved the revised Form 323, including the requirement that filers provide a CORES FRN for all individuals and entities holding an attributable interest in the licensee.[4] After several delayed filing deadlines, the Commission set July 8, 2010 as the first biennial filing deadline using the revised Form 323. In response to industry concerns about filers' ability to obtain CORES FRNs for all individual interest holders due to individuals' concerns about privacy, security, and identity theft, the Media Bureau allowed filers, as an interim measure, to obtain a ''Special Use'' FRN (SUFRN) for one or more reported individuals in lieu of obtaining a CORES FRN. When clicking a button on the electronic version of Form 323 to generate a SUFRN, filers were advised via a pop-up box that ''[i]f, after using diligent and good-faith efforts'' a filer is unable to obtain a social security number from an individual that must be reported on Form 323 in order to generate a CORES FRN, the filer may elect to automatically generate in the electronic Form 323 a SUFRN for that individual. The respondents were also informed that those who use a SUFRN on Form 323 would be deemed to be fully compliant with the filing obligations and the lack of a CORES FRN would not subject a filer to enforcement action. An individual does not submit an SSN, or any other identifying information, to the Commission when he or she generates a SUFRN, and SUFRNs are not stored within CORES. Each individual must obtain only one SUFRN and must use it consistently on all broadcast ownership reports. Filers submitted reports on the revised version of Form 323 during the 2009, 2011, and 2013 biennial filing periods, and SUFRNs were available to

[1] *See generally 323 Order,* 24 FCC Rcd at 5903 para. 12. *See* Promoting Diversification of Ownership in the Broadcasting Services, 74 FR 56135, Oct. 30, 2009; Promoting Diversification of Ownership in the Broadcasting Services, 74 FR 56136, Oct. 30, 2009 (**Federal Register** notices announcing OMB approval and effective date of revised Form 323). On October 16, 2009, the Commission sent a subsequent letter to OMB acknowledging the Commission's action in the *323 Order* to eliminate the reporting of certain nonattributable interest holders. Letter from Walter Boswell, Acting Assoc. Managing Director, PERM, OMD, FCC, to Nicholas A. Fraser, OMB (Oct. 16, 2009).

[2] *Public Information Collection Requirement Submitted to OMB for Review and Approval, Comments Requested,* MB Docket No. 07–294, 74 FR 40188, Aug. 11, 2009.

[3] *Id.* at 7–8. The Commission issued a System of Records Notice to cover the data contained in responses to Form 323 that became effective on December 21, 2009. Privacy Act System of Records, 74 FR 59978, Nov. 19, 2009 (system of records FCC/MB–1).

[4] *See* Promoting Diversification of Ownership in the Broadcasting Services, 74 FR 56135, Oct. 30, 2009; Promoting Diversification of Ownership in the Broadcasting Services, 74 FR 56136, Oct. 30, 2009 (**Federal Register** notices announcing OMB approval and effective date of revised Form 323). On October 16, 2009, the Commission sent a subsequent letter to OMB acknowledging the Commission's action in the *323 MO&O* to eliminate the reporting of certain nonattributable interest holders. Letter from Walter Boswell, Acting Assoc. Managing Director, PERM, OMD, FCC, to Nicholas A. Fraser, OMB (Oct. 16, 2009).

filers during all three biennial filing rounds.

7. *Quality of Data in Form 323 Biennial Reports.* In July 2011, the U.S. Court of Appeals for the Third Circuit, as part of its review of the Commission's media ownership rules, vacated and remanded certain aspects of the *Diversity Order;* an Order in which the Commission adopted measures intended to promote minority and female ownership of broadcast stations. The Third Circuit concluded that the Commission's decision to adopt a revenue-based eligible entity definition to facilitate ownership diversity was arbitrary and capricious because the Commission did not show how determining eligibility for particular programs and preferences based on such a definition specifically would assist minorities and women, who were among the intended beneficiaries of the action. The court also remanded each of the measures adopted in the *Diversity Order* that relied on the eligible entity definition. The court found that the eligible entity definition was not supported by ''data attempting to show a connection between the definition chosen and the goal of the measures adopted—increasing ownership of minorities and women,'' stressing that regulations seeking to increase ownership by women and minorities must be based upon reliable data. The court stated that, ''[a]t a minimum, in adopting or modifying its rules, the FCC must 'examine the relevant data and articulate a satisfactory explanation for its action[,] including a rational connection between the facts found and the choice made.' '' The court also made plain that ''[i]f the Commission requires more and better data . . . it must get the data.'' The court stated that the actions taken in the *323 Order and Fourth Diversity Further Notice* to reliably analyze minority and female ownership ''will, however, lay necessary groundwork for the Commission's actions remand.''

8. On November 14, 2012, the Media Bureau released the first electronic analysis of commercial broadcast ownership data submitted pursuant to the revised biennial reporting requirements for 2009 and 2011 (*2012 323 Report*). On June 27, 2014, the Bureau released a similar, second report for 2013 ownership data (*2014 323 Report*). The data contained in these reports are ''snapshots'' of the status of minority and female ownership of commercial television, radio, Class A television, and LPTV stations and represent the first three of a planned series of biennial ''snapshots'' that can be used for trend analysis. Preparation of the reports revealed continued difficulties with, and errors within, the Commission's broadcast ownership data. Many commercial broadcast stations submitted reports with apparently inaccurate or insufficient data to permit electronic calculation of voting interests. Commission staff required numerous broadcasters to correct errors contained in their biennial Form 323 filings via amendments, which allowed stations covered by those reports to be properly categorized for the report. In addition, Commission staff manually analyzed a large number of ownership reports, together with other available information, in order to assign certain stations to the appropriate categories manually for purposes of the report. As the *2012 323 Report* stated, many data problems stemmed, in part, from the ''complexity of the information required to accurately file'' Form 323.

9. The Media Bureau's Consolidated Database System (CDBS) reflects that for each filing round, more than one quarter of the unique FRNs provided for individuals were SUFRN. Further, a combined analysis of the 2009, 2011, and 2013 filing rounds shows that more than 30 percent of the total unique FRNs reported were SUFRNs and the rate at which filers obtained and reported new SUFRNs for individuals was higher than the rate at which they obtained and reported new CORES FRNS. In addition, it appears that single SUFRNs have been used for multiple individuals and that single individuals have used multiple SUFRNs despite Bureau guidance to the contrary. Because it is possible for filers to improperly report SUFRNs for individuals—either by reporting multiple SUFRNs for a single individual on multiple reports or using the same SUFRN for multiple individuals on multiple reports—the number of unique SUFRNs reported during a given filing period cannot be relied on to determine accurately the number of individuals using a Special Use FRN. The Media Bureau therefore cannot confidently determine the number of individuals reporting a SUFRN.

10. On December 3, 2012, the Commission issued a *Public Notice* in the 2010 Quadrennial Regulatory Review proceeding offering parties the opportunity to comment on the *2012 323 Report* (*2012 323 Report PN*). The notice broadly sought ''additional comment on data contained in [the *2012 323 Report*],'' specifically referencing the Commission's efforts ''to improve its collection and analysis of broadcast ownership information'' and make ''improvements to the reliability and utility of the data reported in FCC Form 323.'' Some commenters expressed concern that the Commission's incomplete and inaccurate ownership data render it difficult to track broadcast ownership trends from 2009 and 2011 accurately. One commenter suggested that the manner in which the Commission currently provides broadcast ownership data from Form 323 to the public does not meet the objective that such data be capable of being electronically searched, aggregated, or cross-referenced.

11. On June 27, 2014, the Commission solicited comment concerning the *2014 323 Report* as part of its 2014 Quadrennial Review Proceeding. In response, commenters acknowledged that the Commission has taken steps to improve the quality of its broadcast ownership data. Nonetheless, some parties suggested that the Commission should do more to make its broadcast ownership data easier to use, search, aggregate, and cross-reference electronically, for the benefit of studies and analysis. Some commenters supported elimination of the use of SUFRNs to ensure accuracy, reliability, and usefulness of the data.

12. *Proposals Related to Noncommercial Broadcast Stations.* The Commission has put forth several proposals that remain pending to improve the broadcast ownership reports focused on making the data more comprehensive, reliable, and less burdensome to collect. For instance, the *Fourth Diversity Further Notice,* which accompanied the *323 Order,* generally sought comment on whether to adopt the same or similar modifications for Form 323–E for noncommercial stations (NCEs) as the *323 Order* imposed for commercial stations. The Notice specifically sought comment on the proper definition of ''ownership'' in the NCE context, asking whether looking at the composition of the board of directors or other governing body of an NCE station would be appropriate for determining ''ownership'' for Form 323–E purposes. Several commenters support this approach, noting, for example, that board members have legally cognizable duties to the licensees they serve and often are involved in station operations and hiring decisions, have final authority over NCE licensees, and are responsible to the local communities they serve. This approach is consistent with the Commission's attribution standards, which attribute ownership interests to officers and directors of NCE stations. Other commenters argue that dissimilarities between the governance of commercial and NCE stations preclude any definition of ''ownership'' in the NCE context. These parties note that board

members do not have equity stakes in the stations they serve; are often governmental officials, governmental appointees, individuals elected by station members, or volunteers; and often are not involved in day-to-day station operations. The *Fourth Diversity Further Notice* also asked for input concerning the burden of providing race and gender information on Form 323–E. Several commenters argue that requiring the collection and reporting of such information would be unduly burdensome and might discourage board participation. Other commenters argue that the collection of such information is minimally burdensome and agree that such information is necessary to construct a complete picture of minority and female participation in broadcasting.

13. On January 3, 2013, the Commission released its *Sixth Diversity Further Notice.* It specifically proposed extending the CORES FRN requirement to all listed interest holders on Form 323–E if the filing modifications proposed in the *Fourth Diversity Further Notice* are implemented. The *Sixth Diversity Further Notice* tentatively concluded that obtaining and reporting a CORES FRN for individuals identified on Form 323–E is not burdensome and sought comment. Some commenters believe that the public interest benefits associated with compiling comprehensive data on this segment of the broadcast industry outweigh any burdens associated with such a plan. Several commenters argue that the requirement would be unduly burdensome for NCEs and that it would discourage people from serving on the boards of NCE stations. Parties also state that licensees may have difficulty obtaining SSNs from board members, some of whom are appointed governmental officials. In addition, certain commenters suggest that a CORES FRN is insufficient as a unique identifier because, for example, (1) multiple FRNs can be obtained for a single TIN/SSN, (2) an individual can in certain circumstances obtain a CORES FRN without providing an SSN, (3) an individual may provide an incorrect SSN, either intentionally or inadvertently, and (4) researchers outside the Commission do not have access to the TIN information in CORES to permit them to use it as an underlying unique identifier. Citing the Privacy Act, multiple commenters object to a requirement that noncommercial attributable interest holders obtain a CORES FRN for Form 323–E filings because it requires submission of an SSN.

14. *Use of CORES FRNs Versus Use of SUFRNs.* The *Sixth Diversity Further Notice* also sought comment on the Commission's requirement that commercial entities filing Form 323 provide a CORES FRN for attributable interest holders. The Commission tentatively affirmed its prior determination that the use of CORES FRNs was crucial to unique identification on Form 323 and that such unique identification is essential to providing the kind of searchable and manipulable database needed to support accurate and reliable studies of ownership trends. It tentatively concluded that the reporting of CORES FRNs on Form 323 was superior to the reporting of SUFRNs and proposed eliminating the availability of SUFRNs. The Commission reasoned that SUFRNs do not provide a reliable means of linking a reported interest holder to a unique individual and the continued use of the SUFRN undermines the Commission's efforts to ''accurately ascertain the nature and extent of minority and female ownership of broadcast properties.'' Acknowledging that the Third Circuit in *Prometheus II* highlighted the importance of reliable data to support rulemaking initiatives, the *Sixth Diversity Further Notice* asked for comments on the importance of the CORES FRN as a unique identifier for quality, cross-referencing, and searchability purposes. The Commission also asked whether it should continue to permit filers to use the SUFRN in the event that reportable individuals are unwilling to provide their SSN to a third party or unwilling to obtain and provide a CORES FRN. The Commission encouraged commenters to offer alternative proposals to the SUFRN. The Commission also invited comment on its tentative conclusion that the Privacy Act does not prohibit adoption of the CORES FRN proposal and asked commenters to discuss the degree of the risk to privacy the proposal poses.[5]

15. In response to the *Sixth Diversity Further Notice,* some commenters support the Commission's proposal to eliminate the SUFRN, arguing that requiring CORES FRNs ''is a necessary step'' to compiling complete and searchable data. These commenters also suggest that the availability of the SUFRN contributed to the instances of incomplete data that prevented the Media Bureau from identifying ownership interests in some stations that submitted biennial ownership reports during the 2009 and 2011 reporting periods. No commenters offered any alternative to the CORES FRN other than the SUFRN, and no commenters seriously contend that the SUFRN provides similar data quality as CORES FRNs. Instead, some commenters argue that even a CORES FRN cannot serve as a unique identifier because, for instance, the CORES system allows filers to obtain multiple FRNs and because outside researchers do not have access to the underlying TIN as a unique identifier. Also, while some commenters support the Commission's conclusion that a unique identifier is essential to allow analysis of the data, other commenters dispute that position.

16. *The Sixth Diversity Further Notice* also sought input concerning proposed modifications to Form 323 designed to reduce filing burdens in the Commission's *Review of Media Bureau Data Practices* proceeding. For instance, the Commission sought comment on an NAB suggestion to eliminate a requirement that a filer disclose the other attributable newspaper and broadcast interests of attributable parties listed in the filing, arguing that portion of the submission is particularly burdensome. In comments, NAB reiterates its support and no commenters oppose it.

17. In December 2010, the Commission initiated a rulemaking proceeding in which it proposed to update CORES in an effort to enhance the Commission's data collection efforts and to improve customer interface with CORES.[6] The Commission noted that, ''[s]ince the creation of CORES, entities have been able to obtain multiple FRNs in order to permit different members of their corporate family to obtain their own individual FRNs, regardless of whether those entities have different taxpayer identification numbers. . . .'' The *CORES Notice* also stated that the Commission has had difficulty using CORES to identify all FRNs held by the

[5] *Sixth Diversity Further Notice,* 28 FCC Rcd at 472, para. 18. The Commission also noted that it has already adopted a Privacy Act System of Records for CORES and with respect to the Form 323 requirement, which applies to any personally identifiable information required by Form 323 and CORES in connection with the CORES FRN registration process. *Id.; see also* Reply Letter at 7–8; Privacy Act System of Records, 74 FR 59978, Nov. 19, 2009 (system of records FCC/MB–1 for Form 323); Privacy Act System of Records, 71 FR 17234, Apr. 5, 2006 (system of records FCC/OMD–9 for CORES). These System of Records Notices (''SORNS'') can be viewed at *http://www.fcc.gov/encyclopedia/privacy-act-information#systems* (visited Dec. 15, 2014).

[6] *See generally CORES Notice,* 25 FCC Rcd at 17401, para. 1. The *CORES Notice* was published in the **Federal Register** on February 11, 2011. *See Amendment of Part 1 of the Commission's Rules, Concerning Practice and Procedure, Amendment of CORES Registration System;* Notice of Proposed Rulemaking, MD Docket No. 10–234, FCC 10–192, 76 FR 5652, February 1, 2011. Comments and Reply Comments were due on March 3, 2011 and March 18, 2011, respectively. *See id.*

same entity when entities have provided inconsistent TINs. To address these issues, the *CORES Notice* sought comment on two proposals for requiring entities and individuals to rely primarily upon a single CORES FRN. Under Option 1, an entity would be required to use a single ten-digit FRN for all of its dealings with the FCC, but would have the ability to create an unlimited number of sub-accounts that could be assigned to organizational units, such as a geographic district served by the entity or a distinct line of business conducted by the entity, or even to particular employees. Option 2 would enable entities that currently hold multiple FRNs to retain all of their various FRNs, which would be electronically linked to each other within the Commission's database through the assignment of an identical prefix that would precede each of the entity's ten-digit FRNs. Commenters generally support Option 2 as a mechanism for limiting parties' use of multiple CORES FRNs.

III. Discussion

18. We propose implementing an RUFRN for use on Form 323 filings. We tentatively conclude that this proposal will provide reasonable assurance of unique identification of individuals within our broadcast ownership report database, which is critical to the improvement of the Commission's data gathering practices. We also tentatively conclude that RUFRNs provide superior data quality to SUFRNs and could enable the Commission to implement a burden-reducing form modification. We next consider ways in which the RUFRN proposal is consistent with other Commission data gathering and policy initiatives. Thereafter we propose to apply RUFRNs to NCE filings if additional Commission action is undertaken with respect to broadcast ownership reporting in the NCE industry segment. We believe that the quality of the Commission's security systems and the Privacy Act are not a barrier to the system proposed. In addition, we tentatively conclude that the RUFRN proposal is not burdensome. We ask for comment on whether SUFRNs should remain available in the case of recalcitrant individuals. We seek comment on the costs and benefits of all the proposals contained herein and any alternatives commenters propose.

19. *RUFRNs Support the Commission's Data Gathering and Policy Making Initiatives.* We continue to believe, as described below, that the Commission must be able to identify parties reported on broadcast ownership reports uniquely for purposes of creating reliable and usable data in support of policy initiatives promoting diverse ownership. Our RUFRN proposal is important to the Commission's ongoing mission to improve, streamline, and modernize the way it collects and uses data. We wish, however, to balance these Commission objectives against the privacy, data security, and identity theft concerns of individuals with attributable interests in broadcast stations. The Commission is particularly sensitive to concerns that have been expressed in the existing record in the *Diversity* proceeding concerning the proposal that individual attributable interest holders of broadcast stations provide an SSN to the Commission for purposes of broadcast ownership reporting.

20. Accordingly, we propose to establish an alternative mechanism within CORES to identify individuals uniquely that does not require submission of a full SSN to the Commission. This method would allow an individual to obtain an RUFRN from CORES by submitting an alternate set of identifying information—including full name, residential address, date of birth, and last four digits of the individual's SSN. The CORES system will be programmed to verify that the submitted information is complete and does not duplicate any information that is already associated with an RUFRN in CORES. We also propose that when an applicant obtains an RUFRN the individual will be asked to list all CORES FRNs registered to the individual and all SUFRNs that individual previously used in any broadcast ownership report filings since the 2009 biennial reporting cycle. We tentatively conclude that such disclosures will allow the Commission to identify CORES FRNs, RUFRNs, and SUFRNs that identify the same individual, promoting the usefulness of the broadcast ownership data for purposes of electronic searching, aggregating, and cross-referencing and for trend analysis. Once an RUFRN is issued, we propose that any ownership report filing that lists that specific individual would be required to include that RUFRN. We propose that attributable interest holders would not be required to obtain or use an RUFRN for Form 323 (or Form 323–E if the filing obligations proposed in the *Fourth Diversity Further Notice* are extended to NCEs) and could instead opt to use a CORES FRN. Like SUFRNs, we propose that RUFRNs would be usable only on broadcast ownership reporting forms and only for individuals (not entities) reported as attributable interest holders. We seek comment on these proposals and tentative conclusions and on the costs and benefits of using an RUFRN as described herein for broadcast ownership reporting purposes.

21. The Commission has previously recognized that Sections 257 of the 1996 Act and 309(j) of the Act support its efforts to gather the ownership data contained in Form 323. In the *1998 Biennial Review Order,* the Commission concluded that, in order to fulfill its statutory mandates, it must collect race, gender, and ethnicity information from all interest holders reported on Form 323. Collecting these data enables the Commission not only to assess the current state of minority and female ownership of broadcast stations but also to determine the success of programs that are designed to facilitate opportunities for women- and minority-owned businesses and to promote a diversity of media voices. Just as it is essential for the Commission to collect these ownership data to fulfill its mandates, it is important that these data be reliable, aggregable, and useful for studies and trend analysis. The Commission has recognized that CORES FRNs offer a unique identifier and therefore play an important role in promoting the integrity of the data collected.

22. We tentatively find that flaws in the current practices related to the reporting of SUFRNs for individuals listed on Form 323 compromise the integrity of the data and thereby frustrate the Commission's attempts to fulfill its statutory mandates under section 257 and section 309(j). Because our policy initiatives are dependent on the quality of the data collected, we tentatively conclude that requiring an FRN generated by CORES, either through existing mechanisms or via the proposed method to obtain an RUFRN, for all reportable interest holders on Forms 323 (and 323–E if proposals in the *Fourth Diversity Further Notice* are adopted) is essential to improve the quality and usability of the data collected. We seek comment on these tentative conclusions.

23. We tentatively conclude that having reasonable assurance that attributable interest holders are uniquely identified on ownership reports in a manner that ensures the data can be meaningfully searched, aggregated, and cross-referenced electronically is crucial to data quality and usability. In the *Sixth Diversity Further Notice* we tentatively concluded that TINs/SSNs within CORES were necessary as underlying unique identifiers of individuals. Would the RUFRN system described provide

sufficient assurances that individuals are uniquely identified? For instance, are the specific pieces of identifying information described in our proposal (full name, residential address, date of birth, and last four digits of the individual's SSN) sufficient to provide a reasonable basis for determining that an individual identified is unique within the CORES system? Are there a sufficient number of criteria included in the proposal or are there additional pieces of information that would improve the reliability of the data? Are there additional or different pieces of information that better enable the Commission to ensure that individuals are uniquely identified? If so, what additional or different pieces of information should the Commission require? What risk would remain that the system could not uniquely identify individuals using these pieces of information?

24. A commenter to the *Sixth Diversity Further Notice* asserts that unique identification of individuals in ownership data is not necessary to study broadcast ownership trends over time. This argument is not convincing because it presumes incorrectly that the only utility of the data is to track how many stations have minority and/or female owners. Other questions relevant to evaluating trends in minority and female ownership include how many individual minority and/or female owners exist at a given point and how those numbers change over time. The Commission cannot count unique individual owners without a mechanism to identify individuals uniquely. The same commenter also states that the fact that ownership reports are submitted under penalty of perjury is sufficient to ensure that parties report race or gender information on ownership report filings accurately. But, as noted above, examination of ownership reports from 2009, 2011, and 2013 revealed numerous data reporting errors due in part to the complexity of the information required to accurately file the form. We have no reason to believe that these errors were the result of filers attempting to deliberately mislead the Commission. We tentatively conclude that the presence of a unique identifier will improve the quality of our ownership data by permitting errors to be identified and remedied. For example, since an individual's race cannot change over time, the presence of the same individual's FRN on multiple reports, along with inconsistent race information could indicate one or more reporting errors that can then be cured. We seek comment on these positions.

25. *RUFRNs Provide Superior Data Quality to SUFRNs.* We tentatively conclude that the RUFRN would provide superior data quality to the SUFRN and we seek comment on that tentative conclusion. The SUFRN was devised as merely a computer generated number created by clicking a button within Form 323 itself and not backed by any identifying information. The Commission collects no information when the system generates a new SUFRN, and there is no database analogous to CORES that contains uniquely identifying information associated with SUFRNs. The SUFRN therefore offers the Commission no way to cross reference or trace back reported information to a single individual. Because the Commission cannot determine whether particular individuals hold one or more SUFRNs or whether a particular SUFRN is being used to identify one or more individuals, it cannot reliably examine the complete attributable holdings of an individual reported with a SUFRN (either at a specific time or over time), or search, aggregate, and cross-reference our ownership data using Commission systems. Any attempt at such analysis would require manual consideration of every single entry where a SUFRN appears together with a subjective analysis of other textual information contained on the form or available from other public sources. Manual, subjective analysis of thousands of Form 323 entries using various sources of information compromises data integrity and data utility. On the other hand, we tentatively conclude that since RUFRNs will be backed by identifying information, and since CORES will not issue multiple RUFRNs for the same identifying information, RUFRNs can be relied upon to identify individuals uniquely. We seek comment on our view that the qualities of the proposed RUFRN provide superior data quality to the SUFRN.

26. As noted above, some commenters in the *Diversity* proceeding argued that CORES FRNs cannot serve as unique identifiers because, for example, multiple FRNs can be obtained for a single TIN/SSN, an FRN might be associated with no TIN or an incorrect TIN, and outside researchers do not have access to underlying TIN information within CORES. We observe that the CORES proceeding has proposed several options to resolve some of these issues. Even as the Commission continues to examine those issues through its CORES reform process, we tentatively conclude, for several reasons, that, notwithstanding these possibilities, CORES FRNs and RUFRNs are still superior to SUFRNs for the purpose of broadcast ownership reports. To begin with, exceptions permitting an individual or entity to obtain a CORES FRN without a TIN are legitimately available in a limited number of cases that would not be expected to compromise the overall ownership data submitted. And even though CORES currently permits an individual or entity to obtain multiple FRNs with a single TIN, the Commission can identify all FRNs that relate to a single TIN. Also, we expect that individuals and entities will comply with our rules and provide accurate information during the CORES registration process to the greatest extent possible. While the Commission's obligation to hold the TIN confidential does limit the direct utility of the TIN to outside researchers as a unique identifier, that limitation does not decrease the benefits for data integrity and utility to the Commission. With respect to the RUFRN proposal, we anticipate that the specificity of the identifying information required and the fact that a number of pieces of information are required will be sufficient to provide the Commission with reasonable certainty that the information identifies a unique filer within the CORES system. Based on our experience in the 2009, 2011, and 2013 reporting cycles, we tentatively conclude that the RUFRN proposal will improve the reliability and usability of the broadcast ownership report database, in furtherance of our statutory mandates. We seek comment on these conclusions.

27. *RUFRNs May Enable Burden-Reducing Form Modification.* As noted above, the Commission and commenters have identified errors in filings submitted to the Commission over the last three filing periods. We tentatively conclude that some such errors could be reduced by simplifying the form and making it less burdensome to complete and submit. Specifically, the record reflects proposals that would eliminate a filer's obligation to disclose other attributable broadcast interests of attributable parties listed in the filing. We tentatively conclude that in order to implement this burden-reducing form modification without compromising the scope and content of the information collected, the Commission requires a unique identifier to allow the filings to be electronically searched and cross-referenced within a single filing period and over time. We tentatively conclude that the existence of unique identifiers

will permit the Commission to make this modification while maintaining the integrity of its ownership data, thereby reducing burdens on filing parties and improving the quality of the information submitted to the Commission. We seek comment on these conclusions.

28. *RUFRN Application in NCE Context.* We specifically seek additional comment concerning the proposal to use RUFRNs for Form 323–E if the pending proposal in the *Fourth Diversity Further Notice* to modify NCE ownership reporting practices to correspond to commercial requirements and the proposal in the *Sixth Diversity Further Notice* to extend FRN requirements to noncommercial stations are adopted. We tentatively conclude that if the Commission does modify the Form 323–E requirements as described in the *Fourth Diversity Further Notice* then a CORES-generated FRN, either a traditional SSN-based CORES FRN or the RUFRN proposed herein, is a sufficient and appropriate tool for the unique identification of individuals with attributable interests in NCEs for the same reasons and in the same manner as commercial stations. Accordingly, we propose to permit an individual listed on Form 323–E to obtain and provide an RUFRN, in lieu of a CORES FRN, for use on broadcast ownership filings. We invite comment on these tentative conclusions and on the foregoing proposal. As described above, we note that several commenters to the *Sixth Diversity Further Notice* argue that the CORES FRN requirement would be unduly burdensome for NCEs because an SSN disclosure requirement would discourage people from serving on the boards of NCE stations and licensees would have difficulty obtaining SSNs from board members who may be government officials. We seek comment on how and whether these concerns would arise if RUFRNs were made available for use in broadcast ownership reports. We note that officers and directors of NCE stations already are reported on Form 323–E and questions related to the propriety of requiring disclosure of race, gender, and ethnicity information on Form 323–E are pending pursuant to the *Fourth Diversity Further Notice.* Here we seek comment on specifically whether there are unique considerations with respect to NCE stations that would lead to a different conclusion for NCEs than for commercial stations with regard to the information proposed to be included to obtain an RUFRN. If so what are those unique considerations? Are there other alternatives for unique identification of individuals in the NCE context that would improve the quality, usability, and reliability of our broadcast ownership data and/or help ensure that our broadcast ownership data can be searched, aggregated, and cross-referenced electronically? We invite comment on the application of RUFRNs to NCEs in the event that the pending proposals in the *Fourth Diversity Further Notice* are adopted.

29. *Security of Commission Systems.* In the *Sixth Diversity Further Notice,* the Commission sought comment on any security concerns related to the requirement that interest holders submit an SSN, noting that only the FRN is made public and the SSN is not disclosed on any Commission application or form, including Forms 323 and 323–E. Commenters raised concerns that a CORES FRN requirement for individuals will open individuals to threats of identity theft. Some commenters pointed to a system breach described in a GAO report on information security and suggested that the Commission's systems are vulnerable to a security breach.

30. We agree with commenters that privacy and security with respect to personally identifiable information are paramount, and we believe that the steps taken and the procedures in place assure the security of the Commission's systems. The Commission is not aware of any breaches to CORES. In addressing similar security concerns from commenters, the Commission wrote in 2009 that the CORES architecture exceeds Federal guidelines and that its databases are behind several firewalls. The Commission also explained that administrative access to the CORES application is limited and that all transmission of non-public data is encrypted. Furthermore, the safeguards in place in 2009 have been improved. Certain improvements were underway prior to completion of the Information Security GAO Report, and that report also provided the Commission with additional, valuable recommendations for continuing to strengthen our security environment. We have implemented enhanced perimeter controls, malware protection, and monitoring devices and upgraded workstations to operating systems with improved security. The Commission's security architecture has strict operational controls in place that comply with National Institute of Standards and Technology guidance. As the Commission explained to OMB in 2009, system servers are located behind several firewalls and other security controls to protect CORES data from intrusion by outsiders as well as the general Commission population. Administrative access to CORES remains limited to only certain known internal workstations and all servers are monitored by automated tools and operational procedures. Moreover, the Commission made several upgrades to all of its systems, including CORES, to ensure that its systems remain secure. Security will continue to be one of our highest priorities. In light of the foregoing, we seek comment on whether the elimination of the need for individual attributable interest holders to submit an SSN eliminates the privacy and identity theft concerns existing in the current record. If not, what privacy or identity theft concerns remain and how can they be addressed? Are such concerns outweighed by the importance of the data collection?

31. *Privacy Act.* We tentatively conclude that the Privacy Act does not bar the adoption of the RUFRN requirements described herein. The *Sixth Diversity Further Notice* sought comments on whether the Privacy Act was a barrier to adoption of the CORES FRN requirement. No commenters asserted that the Privacy Act was a barrier to the requirement for individuals with attributable interests in commercial entities. With respect to application of the CORES FRN requirement to Form 323–E if the proposals in the *Fourth Diversity Further Notice* are adopted, several commenters to the *Sixth Diversity Further Notice* argue that the Privacy Act bars application of the SSN requirement in the NCE context. We find that elimination of the SSN requirement from the list of identifying information that is required in conjunction with broadcast ownership reporting would further ensure that the Privacy Act is not an impediment to the proposed RUFRN requirement. Also as described above, we tentatively conclude that unique identification of individuals is essential for ownership data quality, utility, and reliability, which are critical components of any future policy initiatives to promote ownership diversity consistent with our statutory mandate under the Communications Act. Further, the Commission has already adopted a Privacy Act SORN for CORES and with respect to the Form 323 requirement, which applies to any personally identifiable information required by Form 323 and CORES in connection with the CORES FRN registration process, and to the extent necessary any modifications required by the implementation of the RUFRN system for Form 323 or Form 323–E can be addressed with modifications to the

SORN. We request comment on these tentative conclusions.

32. *RUFRNs Are Not Burdensome, and the Benefits Outweigh the Costs.* We continue to believe that obtaining a CORES FRN imposes minimal costs and burdens, if any, on individuals or filers. As noted in the *Sixth Diversity Further Notice,* registering for a CORES FRN is a one-time process that takes a few moments to complete. An individual that already has obtained a CORES FRN may continue to use his or her CORES FRN for Form 323 filings, and need not obtain a RUFRN. Moreover, an individual that wishes to obtain a RUFRN can easily locate previously-registered CORES FRNs through CORES. We tentatively conclude that permitting individuals holding attributable interests in one or more broadcast licensees to obtain a RUFRN in lieu of obtaining a CORES FRN would impose minimal costs or other burdens. We seek comment on these tentative conclusions and on any potential burdens inherent in the RUFRN proposal. We seek input on alternatives that might reduce or eliminate such burdens as well as the costs and benefits of such alternatives. To the extent possible, commenters should quantify any identified costs and benefits. We note that the vast majority of individuals reported on Form 323 have obtained and reported CORES FRNs, and we believe it is likely that will continue to be the case for future broadcast ownership filing obligations. Individuals who already have a CORES FRN need not obtain an RUFRN and may continue to use the existing number. Moreover, any individual that wishes to obtain a CORES FRN instead of an RUFRN will be able to do so. Additionally, as explained above, the existence of a unique identifier that can be cross-referenced may make modifications of the reports possible that could reduce the burdens on all filers and, thereby, further improve the quality of the ownership data submitted to the Commission. As such, we tentatively find that the benefits of improved data collection outweigh any *de minimis* costs or burdens associated with obtaining an FRN described herein and we seek comment on that conclusion. To the extent possible, commenters should quantify relative costs and benefits.

33. *Limited Availability of SUFRNs.* We seek further comment concerning the elimination of the availability of SUFRNs for broadcast ownership reports. The *Sixth Diversity Further Notice* solicited input on whether to retain the SUFRN in the event that reportable individuals are unwilling to provide their SSNs to third parties or unwilling to obtain and provide CORES FRNs. In the event that a SUFRN is reported for an individual, the *Sixth Diversity Further Notice* explained that the Commission could use its enforcement authority against individuals who failed to obtain a CORES FRN. Commenters generally support the proposal to retain the SUFRN for this limited purpose and oppose the Commission's use of its enforcement authority. We seek comment on whether the SUFRN should continue to be available to Form 323 filers (and Form 323–E filers if the proposals in the *Fourth Diversity Further Notice* are adopted), in the event that after a filer has used reasonable and good faith efforts, reportable individuals are unwilling to provide their identifying information or unwilling to obtain and provide a CORES FRN or RUFRN themselves. Would this limited availability of SUFRNs appropriately protect the position of filers in the case of recalcitrant interest holders? Should the Commission require filers to take specific steps to substantiate that they have made a reasonable good faith efforts? If so, what steps should be required? For instance, should the Commission expect that a filer will instruct an individual about the obligation to supply a filer with a CORES FRN or RUFRN or to provide the filer with the identifying information sufficient to obtain one of these numbers on the individual's behalf? Should the filer be expected to instruct such an individual about potential enforcement action? Should the filer itself be exempt from enforcement action only if such steps are substantiated? Should an instruction be included on Form 323 (and Form 323–E if the proposals in the *Fourth Diversity Further Notice* are adopted) informing reportable interest holders of their obligations and alerting them to the risk of enforcement action for the failure to provide a CORES FRN or RUFRN or to permit a CORES FRN or RUFRN to be obtained? We seek comment on these issues.

IV. Procedural Matters

A. Filing Requirements

34. *Ex Parte Rules.* The proceeding this *Notice* initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. 47 CFR 1.1200 *et seq.* Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). 47 CFR 1.1206(b). In proceedings governed by rule 1.49(f), 47 CFR 1.49(f), or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

35. *Comments and Reply Comments.* Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or

overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

• All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. 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.

36. *People With Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, 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).

37. *Availability of Documents.* Comments, reply comments, and ex parte submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW., CY–A257, Washington, DC 20554. Persons with disabilities who need assistance in the FCC Reference Center may contact Bill Cline at (202) 418–0267 (voice), (202) 418–0432 (TTY), or *bill.cline@fcc.gov.* These documents also will be available from the Commission's Electronic Comment Filing System. Documents are available electronically in ASCII, Word 97, and Adobe Acrobat. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–1400 (voice), (202) 418–0432 (TTY).

38. *Information.* For additional information on this proceeding, contact Jake Riehm at (202) 418–2166 or Warren Firschein at (202) 418–0844. Press inquiries should be directed to Janice Wise at (202) 418–8165.

B. Paperwork Reduction Act Analysis

39. *Initial Paperwork Reduction Act Analysis.* This *Second FNPRM and Seventh FNPRM* seeks comment on potential new or revised information collection requirements with regard to CORES, FCC Form 323, and FCC Form 323–E. The Commission invites the general public, the Office of Management and Budget (''OMB'') and other Federal agencies to comment on the information collection requirements. This Notice may result in new or revised information collection requirements. If the Commission adopts any new or revised information collection requirements, the Commission will publish a notice in the **Federal Register** inviting additional public comment on the requirements, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501–3520). In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.'' On October 19, 2009, OMB approved the FCC's proposal to implement a CORES FRN requirement for all individuals holding attributable interests in the licensee reported on Form 323. That requirement went into effect as of October 30, 2009.

40. In addition to filing comments with the Secretary, a copy of any PRA comments on the proposed collection requirements contained herein should be submitted to the Federal Communications Commission via email to *PRA@fcc.gov* and to Nicholas A. Fraser, Office of Management and Budget, via email to *nfraser@omb.eop.gov* or via fax at 202–395–5167.

V. Initial Regulatory Flexibility Analysis

41. As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible economic impact on small entities by the policies and rules proposed in this) *Second FNPRM and Seventh FNPRM* (Notice). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the Notice. The Commission will send a copy of the Notice, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the Notice and IRFA (or summaries thereof) will be published in the **Federal Register**.

A. Need for, and Objectives of, the Proposed Rules

42. Currently, filers of Form 323 (Ownership Report for Commercial Broadcasters) must provide an FCC Registration Number (FRN) generated via the Commission's Registration System (CORES) for each reported attributable party. To obtain a CORES FRN, an individual must submit his or her social security number (SSN) to the Commission through CORES. CORES FRNs therefore can be used to uniquely identify individuals reported on Form 323, which is crucial to the quality and utility of the Commission's broadcast ownership data. However, if a filer uses diligent and good-faith efforts to obtain an SSN from an individual that must be reported on Form 323 in order to generate a CORES FRN, but is unable to do so, the filer may provide a Special Use FRN (SUFRN) for that individual. Because the SUFRN generation process does not requires submission of an SSN, or any other identifying information, SUFRNs do not provide a reliable means of linking a reported interest holder to a unique individual. The existence of SUFRNs therefore undermines the usefulness and integrity of the Commission's broadcast ownership data.

43. To address this issue, the Notice invites comment on a proposal to create a new type of FRN within CORES—a Restricted Use FRN (''RUFRN'')—for use on Form 323. Under the proposal set forth in the Notice, an individual requesting an RUFRN would be required to submit his or her name, date of birth, and residential address, along with the last four digits of his or her SSN, to CORES. Once obtained, an individual would be required to use the RUFRN on all current and future Form 323 filings. The Notice seeks comment on this RUFRN proposal, including input concerning the costs, benefits, and possible alternative approaches.

44. The Notice explains that the Commission's Fourth Diversity Further Notice requested input on adopting modifications to Form 323–E (Ownership Report for Noncommercial Broadcast Stations) similar to those previously adopted for Form 323. The Sixth Diversity Further Notice specifically proposed requiring Form 323–E filers to provide a CORES FRN for all attributable parties. In light of the foregoing, the Notice seeks comment concerning the future application of the RUFRN proposal to Form 323–E (if Form 323–E is modified along the lines proposed in the Fourth Diversity Public Notice).

45. Finally, the Notice indicates that the Sixth Diversity Further Notice solicited input on whether to retain the availability of SUFRNs for ownership report filings in the event that reportable individuals are unwilling to provide their SSN to a third party or unwilling to obtain and provide a CORES FRN. Similarly, the Notice asks whether, if the RUFRN proposal is adopted, SUFRNs should continue to be available to Form 323 filers (and Form 323–E filers if the proposals in the Fourth Diversity Further Notice are adopted), in the event that after a filer has used reasonable and good faith efforts, reportable individuals are unwilling to provide their identifying information or unwilling to obtain and provide a CORES FRN or RUFRN themselves.

B. Legal Basis

46. This Notice is adopted pursuant to sections 1, 2(a), 4(i)–(j), 257, and 303(r), of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152(a), 154(i, j), 257, 303(r).

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

47. The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction'' under Section 3 of the Small Business Act. In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

48. Television Broadcasting. The SBA defines a television broadcasting station that has no more than $38.5 million in annual receipts as a small business. The definition of business concerns included in this industry states that establishments are primarily engaged in broadcasting images together with sound. These firms operate television broadcasting studios and facilities for the programming and transmission of programs to the public. These firms also produce or transmit visual programming to affiliated broadcast television stations, which in turn broadcast the programs to the public on a predetermined schedule. Programming may originate in their own studio, from an affiliated network, or from external sources. Census data for 2007 indicate that 808 such firms were in operation for the duration of that entire year. Of these, 709 had annual receipts of less than $25.0 million per year and 99 had annual receipts of $25.0 million or more per year. Based on this data and the associated size standard, the Commission concludes that the majority of such firms are small.

49. Additionally, the Commission has estimated the number of licensed commercial television stations to be 1,387. According to Commission staff review of the BIA/Kelsey, LLC's Media Access Pro Television Database on November 25, 2014, about 1,276 of an estimated 1,387 commercial television stations (or approximately 92 percent) had revenues of $38.5 million or less. The Commission has estimated the number of licensed noncommercial educational television stations to be 395. We do not have revenue data or revenue estimates for noncommercial stations. These stations rely primarily on grants and contributions for their operations, so we will assume that all of these entities qualify as small businesses. We note that in assessing whether a business entity qualifies as small under the above definition, business control affiliations must be included. Our estimate, therefore, likely overstates the number of small entities that might be affected by any changes to the filing requirements for FCC Form 323 or Form 323–E, because the revenue figures on which this estimate is based do not include or aggregate revenues from affiliated companies.

50. An element of the definition of ''small business'' is that the entity not be dominant in its field of operation. The Commission is unable at this time and in this context to define or quantify the criteria that would establish whether a specific television station is dominant in its market of operation. Accordingly, the foregoing estimate of small businesses to which the rules may apply does not exclude any television stations from the definition of a small business on this basis and is therefore over-inclusive to that extent. An additional element of the definition of ''small business'' is that the entity must be independently owned and operated. It is difficult at times to assess these criteria in the context of media entities, and our estimates of small businesses to which they apply may be over-inclusive to this extent.

51. Radio Broadcasting. The SBA defines a radio broadcasting entity that has $38.5 million or less in annual receipts as a small business. Business concerns included in this industry are those ''primarily engaged in broadcasting aural programs by radio to the public.'' Census data for 2007 indicate that 2,926 such firms were in operation for the duration of that entire year. Of these, 2,877 had annual receipts of less than $25.0 million per year and 49 had annual receipts of $25.0 million or more per year. Based on this data and the associated size standard, the Commission concludes that the majority of such firms are small.

52. Further, according to Commission staff review of the BIA/Kelsey, LLC's Media Access Pro Television Database on November 25, 2014, about 11,337 (or about 99.9 percent) of 11,348 commercial radio stations in the United States have revenues of $38.5 million or less. The Commission has estimated the number of licensed noncommercial radio stations to be 4,085. We do not have revenue data or revenue estimates for these stations. These stations rely primarily on grants and contributions for their operations, so we will assume that all of these entities qualify as small businesses. We note that in assessing whether a business entity qualifies as small under the above definition, business control affiliations must be included. Our estimate, therefore, likely overstates the number of small entities that might be affected by any changes to filing requirements for FCC Form 323 or Form 323–E, because the revenue figures on which this estimate is based do not include or aggregate revenues from affiliated companies.

53. In this context, the application of the statutory definition to radio stations is of concern. An element of the definition of ''small business'' is that the entity not be dominant in its field of operation. We are unable at this time and in this context to define or quantify the criteria that would establish whether a specific radio station is dominant in its field of operation. Accordingly, the foregoing estimate of small businesses to which the rules may apply does not exclude any radio station from the definition of a small business on this basis and is therefore over-inclusive to that extent. An additional element of the definition of ''small business'' is that the entity must be independently owned and operated. We note that it is difficult at times to assess these criteria in the context of media entities, and our estimates of small businesses to which they apply may be over-inclusive to this extent.

54. Class A TV and LPTV Stations. The rules and policies adopted herein apply to licensees of low power television (''LPTV'') stations, including Class A TV stations and, as well as to potential licensees in these television services. The same SBA definition that

applies to television broadcast licensees would apply to these stations. The SBA defines a television broadcast station as a small business if such station has no more than $38.5 million in annual receipts. As of September 30, 2014, there are approximately 430 licensed Class A stations and 2,115 licensed LPTV stations. Given the nature of these services, we will presume that all of these licensees qualify as small entities under the SBA definition. We note, however, that under the SBA's definition, revenue of affiliates that are not LPTV stations should be aggregated with the LPTV station revenues in determining whether a concern is small. Our estimate may thus overstate the number of small entities since the revenue figure on which it is based does not include or aggregate revenues from non-LPTV affiliated companies.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

55. There may be changes to reporting or recordkeeping requirements if the Commission adopts the RUFRN proposal for Form 323 and/or Form 323–E. In the event that the RUFRN proposal is adopted for the Form 323 and/or Form 323–E, filers will have the option to obtain and report a unique identifier for individual attributable interest holders that does not require submission of a full SSN to the Commission. Adoption of this proposal will allow an individual to obtain an RUFRN from CORES by submitting an alternate set of identifying information. Individuals would not be required to obtain or report an RUFRN on the Form 323 and/or Form 323–E—instead, individuals could obtain and report a CORES FRN. An individual who has provided a CORES FRN on one or more previous ownership filings may continue to use that CORES FRN going forward. There also may be changes to reporting or recordkeeping requirements if the Commission limits or eliminates that availability of SUFRNs for broadcast ownership reports. Filers may be obligated to instruct individuals about their obligation to supply the filer with a CORES FRN or RUFRN or to provide the filer with the information sufficient to obtain one of these identifiers on the individual's behalf. A filer may also be required to inform individuals about potential enforcement action for failure to obtain or report a CORES FRN or RUFRN. Moreover, if a filer reports an SUFRN for an individual interest holder, the filer may be required to show that the filer made reasonable good faith efforts to obtain a CORES FRN or RUFRN, or the information necessary to obtain a CORES FRN or RUFRN, on the individual's behalf.

E. Steps Taken To Minimize Significant Impact on Small Entities, and Significant Alternatives Considered

56. The RFA requires an agency to describe any significant alternatives that might minimize any significant economic impact on small entities. Such alternatives may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

57. As noted, we are directed under law to describe any such alternatives we consider, including alternatives not explicitly listed above. The Notice proposes to allow individuals reported on Form 323 to obtain and provide an RUFRN in lieu of a traditional CORES FRN. Similarly, the Notice proposes making RUFRNs available to Form 323–E filers in the event that Form 323–E is modified as proposed in the Fourth Diversity Further Notice. The Notice also proposes eliminating the availability of SUFRNs for Form 323 and Form 323–E filings. In the alternative, the Commission could decide not to enact the RUFRN proposal contained in the Notice and not to modify the availability of SUFRNs. The Commission also could defer these actions until a later time. Additionally, the Commission could decide to treat noncommercial broadcasters differently from commercial broadcast stations for purposes of uniquely identifying and tracking individual attributable interest holders reported on the 323–E. While decisions to adopt the RUFRN proposal and eliminate the Special Use FRN might result in increased burdens on reporting parties, the Notice tentatively concludes that any such burdens would be minimal and that the benefits of having a unique identifier for data quality, searchability, cross-referencing and aggregation purposes in order to further the Commission's goal of advancing diversity of ownership in the broadcast industry would outweigh those burdens. A unique identifier is necessary to improve the quality of the data collected on the Form 323. The Commission also seeks comment on whether the Special Use FRN should be available solely in instances where, after reasonable and good faith efforts, filers are unable to obtain a CORES FRN or RUFRN from an individual with reportable interests. This alternative could reduce the burden for those filers who are unable to, after reasonable and good faith efforts, to obtain a CORES FRN or RUFRN from an individual attributable interest holder, while ensuring that the filer will be able to timely submit the Form 323. This will allow the Commission to identify the individual with a reportable interest that has failed to provide a CORES FRN or RUFRN.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

58. None.

VI. Ordering Clauses

59. Accordingly, *it is ordered* that, pursuant to the authority contained in sections 1, 2(a), 4(i,j), 257, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152(a), 154(i)-(j), 257, and 303(r), the *Second FNPRM and Seventh FNPRM is adopted.*

60. *It is further ordered* that, pursuant to the authority contained in sections 1, 2(a), 4(i, j), 257, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152(a), 154(i, j), 257, 303(r), *notice is hereby given* of the proposals described in this *Second FNPRM and Seventh FNPRM.*

61. *It is further ordered* that the Commission's Consumer & Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of the *Second FNPRM and Seventh FNPRM,* including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2015–03988 Filed 2–25–15; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Parts 205, 212, 225, and 252

RIN 0750–AI51

Defense Federal Acquisition Regulation Supplement: Acquisition of the American Flag (DFARS Case 2015–D005)

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Proposed rule.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to implement sections of the Department of Defense Appropriations Acts for Fiscal Year (FY) 2014 and FY 2015 that prohibit use of funds made available under the acts for the purchase or manufacture of a flag of the United States, unless such flag is manufactured in the United States.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before April 27, 2015, to be considered in the formation of a final rule.

ADDRESSES: Submit comments identified by DFARS Case 2015–D005, using any of the following methods:

○ *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by entering ''DFARS Case 2015–D005'' under the heading ''Enter keyword or ID'' and selecting ''Search.'' Select the link ''Submit a Comment'' that corresponds with ''DFARS Case 2015–D005.'' Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''DFARS Case 2015–D005'' on your attached document.

○ *Email: osd.dfars@mail.mil.* Include DFARS Case 2015–D005 in the subject line of the message.

○ *Fax:* 571–372–6094.

○ *Mail:* Defense Acquisition Regulations System, Attn: Ms. Amy G. Williams, OUSD(AT&L)DPAP/DARS, Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Amy G. Williams, telephone 571–372–6106.

SUPPLEMENTARY INFORMATION:

I. Background

DoD is proposing to amend the DFARS to implement sections 8123 of the Department of Defense Appropriations Act, 2014 (Division C, Title VIII of Pub. L. 113–76) and section 8119 of the Department of Defense Appropriations Act, 2015 (Division C, Title VIII of Pub. L. 113–235). These sections prohibit the use of funds appropriated under those acts for the purchase or manufacture of a flag of the United States unless such flag is treated as a covered item under 10 U.S.C. 2533a(b) (commonly known as the Berry Amendment). With some exceptions, the Berry Amendment restricts the purchase of certain items of food, clothing, fabrics, and hand or measuring tools (whether as end products or components), unless the items have been grown, reprocessed, reused, or produced in the United States.

II. Discussion and Analysis

The Berry Amendment is implemented in DFARS 225.7002 and associated clauses DFARS 252.225–7012 and 252.225–7015.

This rule proposes to amend DFARS 225–7002–1, 225–7002–2, and 225.7002–3, and add a new clause at 252.225–70XX, Acquisition of the American Flag. Conforming changes are also required in DFARS 212.301(f) to apply the new clause to the acquisition of commercial items. Since most, if not all, flags are commercial items, this statute would be without affect if not applied to commercial items. Furthermore, this is an appropriations act restriction, which specifically prohibits the expenditure of any funds appropriated under these acts, unless the flags to be acquired are manufactured in the United States (regardless of whether the flags are commercial items.)

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

IV. Regulatory Flexibility Act

DoD does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* based on a review of historical purchasing data. However, an initial regulatory flexibility analysis has been performed and is summarized as follows:

This rule is necessary to implement sections 8123 and 8119 of the DoD Appropriations Acts for FYs 2014 and 2015, respectively, and the same provision in subsequent DoD appropriations acts.

The objective of the rule is to prohibit acquisition of a flag of the United States (Product or Service Code 8345), unless such flag, including the materials and components thereof, is manufactured in the United States, consistent with the requirements at 10 U.S.C. 2533a. The legal basis for the rule is sections 8123 and 8119 of the DoD Appropriations Acts for FYs 2014 and 2015 (Division C of Pub. Laws 113–76 and 113–235, respectively.

Based on FY 2013 Federal Procurement Data System data, there was only one acquisition of flags from a small business that exceeded the simplified acquisition threshold. There are no projected reporting or recordkeeping requirements. The rule only requires that if a contractor is to provide flags of the United States to DoD under a contract that exceeds the simplified acquisition threshold, the flags must be manufactured in the United States.

The rule does not duplicate, overlap, or conflict with any other Federal rules. There are no significant alternatives that meet the requirement of the statute.

DoD will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (DFARS Case 2015–D005), in correspondence.

V. Paperwork Reduction Act

The rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR Parts 205, 212, 225, and 252

Government procurement.

Manuel Quinones,

Editor, Defense Acquisition Regulations System.

Therefore, 48 CFR parts 205, 212, 225, and 252 are proposed to be amended as follows:

■ 1. The authority citation for parts 205, 212, 225, and 252 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

PART 205—PUBLICIZING CONTRACT ACTIONS

205.301 [Amended]

■ 2. Amend section 205.301, in paragraph (a)(S–70)(i) introductory text by removing ''225.7002–1(a)(2) through (10)'' and adding ''225.7002–1(a)(1)(ii) through (x)'' in its place.

PART 212—ACQUISITION OF COMMERCIAL ITEMS

■ 3. Amend section 212.301, by adding paragraph (f)(ix)(CC) to read as follows:

212.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(f) * * *

(ix) * * *

(CC) Use the clause at 252.225–70XX, Acquisition of the American Flag, as prescribed in 225.7002–3(c), to comply with section 8123 of the DoD Appropriations Act, 2014 (Pub. L. 113–76, Division C, Title VIII), and the same provision in subsequent DoD appropriations acts.

* * * * *

PART 225—FOREIGN ACQUISITION

■ 4. Revise the section 225.7002 heading to read as follows:

225.7002 Restrictions on food, clothing, fabrics, hand or measuring tools, and flags.

■ 5. Amend section 225.7002–1 by—

■ a. Redesignating paragraphs (a) and (b) as (1) and (2), respectively;

■ b. Redesignating the introductory text as paragraph (a);

■ c. In the newly redesignated paragraph (1), further redesignating paragraphs (1) through (10) as (1)(i) through (x), respectively;

■ d. In the newly redesignated paragraph (1)(iii), further redesignating paragraphs (i) through (iii) as paragraphs (1)(iii)(A) through (C), respectively;

■ e. In the newly redesignated paragraph (1)(x), removing ''(Federal Supply Class 8465)'' and adding ''(Product or Service Code (PSC) 8465)'' in its place, and removing ''paragraph (a)'' and adding ''paragraph (a)(1)'' in its place;

■ f. In the newly redesignated paragraph (2), removing ''see PGI 225.7002–1(b)'' and adding ''see PGI 225.7002–1(a)(2)'' in its place; and

■ g. Adding a new paragraph (b).

The addition reads as follows:

225.7002–1 Restrictions.

* * * * *

(b) In accordance with section 8123 of the Department of Defense Appropriations Act, 2014 (Pub. L. 113–76, Division C, Title VIII), and the same provision in subsequent Defense appropriations acts, except as provided in 225.7002–2, do not acquire a flag of the United States (PSC 8345), unless such flag, including the materials and components thereof, is manufactured in the United States, consistent with the requirements at 10 U.S.C. 2533a.

225.7002–2 [Amended]

■ 6. Amend section 225.7002–2 by—

■ a. In paragraph (l), removing ''Section 8118'' and adding ''section 8118'' in its place;

■ b. In paragraph (m)(1)(i), removing ''Federal Supply Group'' and adding ''Product or Service Group (PSG)'' in its place;

■ c. In paragraph (m)(1)(ii), removing ''Federal Supply Group'' and adding ''PSG'' in its place in two places; and

■ d. In paragraph (m)(1)(iv), removing ''Federal Supply Class'' and adding ''PSC'' in its place.

■ 7. Amend section 225.7002–3 by adding a new paragraph (c) to read as follows:

225.7002–3 Contract clauses.

* * * * *

(c) Use the clause at 252.225–70XX, Acquisition of the American Flag, in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that are for the acquisition of the American flag, with an estimated value that exceeds the simplified acquisition threshold.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 8. Add section 252.225–70XX to read as follows:

252.225–70XX Acquisition of the American Flag.

As prescribed in 225.7002–3(c), use the following clause:

ACQUISITION OF THE AMERICAN FLAG (DATE)

(a) *Definition. United States,* as used in this clause, means the 50 States, the District of Columbia, and outlying areas.

(b) If the Contractor is required to deliver under this contract one or more American flags (Product or Service Code 8345), such flag(s), including the materials and components thereof, shall be manufactured in the United States, consistent with the requirements at 10 U.S.C. 2533a (commonly known as the ''Berry Amendment'').

(c) This clause does not apply to the acquisition of any end items or components related to flying or displaying the flag (*e.g.,* flagpoles and accessories).

(End of clause)

[FR Doc. 2015–03857 Filed 2–25–15; 8:45 am]

BILLING CODE 5001–06–P

Notices

Federal Register
Vol. 80, No. 38
Thursday, February 26, 2015

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. AMS–FV–15–0010]

Fruit and Vegetable Industry Advisory Committee

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, the Agricultural Marketing Service (AMS) is announcing a meeting of the Fruit and Vegetable Industry Advisory Committee (Committee). The meeting is being convened to examine the full spectrum of fruit and vegetable industry issues and provide recommendations and ideas to the Secretary of Agriculture on how the U.S. Department of Agriculture (USDA) can tailor programs and services to better meet the needs of the U.S. produce industry. The meeting is open to the public. This notice sets forth the schedule and location for the meeting.

DATES: Tuesday, March 10, 2015, from 8:30 a.m. to 5:00 p.m. Eastern Time, and Wednesday, March 11, 2015, from 8:30 a.m. to 1:00 p.m., Eastern Time.

ADDRESSES: The Committee meeting will be held in Room 107A, USDA Jamie L. Whitten Office Building, Jefferson Drive Southwest, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Pamela Stanziani, Designated Federal Official, USDA, AMS, Fruit and Vegetable Program; Telephone: (202) 720–3334; Email: *pamela.stanziani@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (FACA)(5 U.S.C. App.), the Secretary of Agriculture (Secretary) established the Committee in 2001, to examine the full spectrum of issues faced by the fruit and vegetable industry and to provide suggestions and ideas to the Secretary on how USDA can tailor its programs to meet the fruit and vegetable industry's needs. The Committee was re-chartered in July 2013, for a two-year period.

AMS Deputy Administrator for the Fruit and Vegetable Program, Charles Parrott, serves as the Executive Secretary. Representatives from USDA mission areas and other government agencies affecting the fruit and vegetable industry are periodically called upon to participate in the Committee's meetings as determined by the Committee. AMS is giving notice of the Committee meeting to the public so that they may attend and present their views. The meeting is open to the public. The public is asked to pre-register for the meeting at least 10 business days prior to the meeting. Your pre-registration should state: The names of each person in your group; organization or interest represented; and whether anyone in your group requires special accommodations. Submit registrations to Pamela Stanziani via *pamela.stanziani@ams.usda.gov* or to Charles Parrott via *Charles.parrott@ams.usda.gov* no later than March 6, 2015.

Public Comments: All written public comments must be submitted electronically by March 6, 2015, for the Committee's consideration to Pamela Stanziani at *pamela.stanziani@ams.usda.gov* or to *www.regulations.gov,* or mailed to: 1400 Independence Avenue SW., Room 2077-South, STOP 0235, Washington, DC 20250–0235. The meeting will be recorded, and information about obtaining a transcript will be provided at the meeting.

Agenda items may include, but are not limited to, welcome and introductions, administrative matters, progress reports from committee working group chairs and/or vice chairs, potential working group recommendation discussion, and presentations by subject matter experts as requested by the Committee.

Meeting Accommodations: The USDA Jamie L. Whitten Building is ADA compliant, and the USDA provides reasonable accommodations to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in this public meeting, please notify Pamela Stanziani at *pamela.stanziani@ams.usda.gov* or (202) 720–3334. Determinations for reasonable accommodations will be made on a case-by-case basis.

Date: February 23, 2015.

Rex A. Barnes,

Associate Administrator.

[FR Doc. 2015–04022 Filed 2–25–15; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: International Trade Administration.

Title: Export Trade Certificate of Review.

OMB Control Number: 0625–0125.

Form Number(s): ITA–4093P.

Type of Request: Regular Submission.

Number of Respondents: 9.

Average Hours per Response: 32 hours (application); 2 hours (annual report).

Burden Hours: 440 hours.

Needs and Uses: The collection of information is necessary for both the Departments of Commerce and Justice to conduct an analysis, in order to determine whether the applicant and its members are eligible to receive the protection of an Export Trade Certificate of Review and whether the applicant's proposed export-related conduct meets the standards in Section 303(a) of the Act. The collection of information constitutes the essential basis of the statutory determinations to be made by the Secretary of Commerce and the Attorney General.

Affected Public: Business or other for profit organizations; not-for-profit institutions, and state, local or tribal government.

Frequency: Application for an Export Trade Certificate of Review is voluntary and submission of an application form is required once each time an entity of the affected public applies for an new or amended Export Trade Certificate of Review. Completion of an annual report is required one time per year from existing Certificate holders.

Respondent's Obligation: Voluntary.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: February 20, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–03933 Filed 2–25–15; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–11–2015]

Foreign-Trade Zone (FTZ) 168—Dallas/Fort Worth, Texas; Notification of Proposed Production Activity; Samsung Electronics America, Inc (Kitting of Mobile Phones and Tablet Computers), Coppell, Texas

The Metroplex International Trade Development Corporation, grantee of FTZ 168, submitted a notification of proposed production activity to the FTZ Board on behalf of Samsung Electronics America, Inc (Samsung), located in Coppell, Texas. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on February 20, 2015.

The Samsung facility is located within Site 9 of FTZ 168. The facility is used for the warehousing, distribution and kitting of mobile phones and tablet computers. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Samsung from customs duty payments on the foreign status components used in export production. On its domestic sales, Samsung would be able to choose the duty rates during customs entry procedures that apply to mobile phones and tablet computers (duty-free) for the foreign status inputs noted below. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The components and materials sourced from abroad include: Rubber tape; holsters (device holders); leather cases, covers and pouches; polyurethane pouches; silicone gel cases; paper labels; barcodes; user's manuals; tablets; Bluetooth® keyboards; keyboard docks; power adaptors; battery chargers; inductors; batteries; cordless headsets; mobile phones; displays; display keysets; internet phones; handsets; stereo Bluetooth® headsets; handset back covers; hands-free handsets; software; memory cards; backplanes; fan trays; LCD windows; handset bases; internal chips; surge absorbers; thermistors; mini-relays; coaxial connectors; chargers; adaptors; diodes; transistors; internal ceramic chips; SMD crystal; integrated circuit memory; flash memory; and, USB data cables (duty rate ranges from duty-free to 17.6%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 7, 2015.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: February 23, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–04072 Filed 2–25–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–21–2015]

Foreign-Trade Zone 119—Minneapolis-St. Paul, Minnesota; Application for Subzone; Red Wing Shoe Company, Inc.; Red Wing, Minnesota

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Metropolitan Area Foreign Trade Zone Commission, grantee of FTZ 119, requesting subzone status for the facilities of Red Wing Shoe Company, Inc., located in Red Wing, Minnesota. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on February 20, 2015.

The proposed subzone would consist of the following sites in Red Wing: *Site 1* (17.11 acres)—4079 Pepin Avenue; *Site 2* (21.92 acres)—135 Cannon River Avenue; *Site 3* (29.6 acres)—27319 Highway 61 Boulevard; *Site 4* (0.6 acres)—2337 Old Zumbrota Street; and, *Site 5* (1.873 acres)—127 Main Street. The proposed subzone would be subject to the existing activation limit of FTZ 119. No authorization for production activity has been requested at this time.

In accordance with the Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 7, 2015. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to April 22, 2015.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.* For further information, contact Camille Evans at *Camille.Evans@trade.gov* or (202) 482–2350.

Dated: February 20, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–04077 Filed 2–25–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–20–2015]

Foreign-Trade Zone 61—San Juan, Puerto Rico; Application for Subzone; Roger Electric Corporation, Bayamon, Puerto Rico

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Puerto Rico Trade & Export Company, grantee of FTZ 61, requesting subzone status for the facility of Roger Electric Corporation located in Bayamon, Puerto Rico. The application

was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on February 20, 2015.

The proposed subzone (3.9090 acres) is located at Road #5, Marginal Street, Luchetti Industrial Park, Bo. Juan Sanchez, Bayamon. The proposed subzone would be subject to the existing activation limit of FTZ 61. No authorization for production activity has been requested at this time.

In accordance with the Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 7, 2015. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to April 22, 2015.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.* For further information, contact Camille Evans at *Camille.Evans@trade.gov* or (202) 482–2350.

Dated: February 20, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–04070 Filed 2–25–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–827]

Certain Cased Pencils From the People's Republic of China: Notice of Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) has received information sufficient to warrant initiation of a changed circumstances review of the antidumping duty order on certain cased pencils (pencils) from the People's Republic of China (PRC).[1] Based upon the request, the Department is initiating a changed circumstances review (CCR) to determine whether pencils exported by Beijing FILA Dixon Stationery Co., Ltd.[2] (Beijing Dixon) continue not to be subject to the *Order.* In response to the request, and pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Act), 19 CFR 351.216, and 19 CFR 351.221(c)(3), the Department preliminarily determines that Beijing Dixon, after the changed circumstances, is the successor-in-interest to Beijing Dixon at the time of the *Revocation,* such that the revocation of the antidumping duty order with respect to Beijing Dixon [3] continues to apply to Beijing Dixon as currently structured. We invite interested parties to comment on these preliminary results.

DATES: *Effective:* February 26, 2015.

FOR FURTHER INFORMATION CONTACT: Sergio Balbontin, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6478.

SUPPLEMENTARY INFORMATION: On December 28, 1994, the Department published the *Order* on pencils from the PRC.[4] On July 18, 2013, the Department revoked the *Order* on pencils from the PRC with respect to pencils exported by Beijing Dixon.[5]

Background

On November 27, 2014, pursuant to 19 CFR 351.216 and 19 CFR 351.221, Beijing Dixon, and the Dixon Ticonderoga Company (Ticonderoga), Beijing Dixon's U.S. parent company, requested a CCR because Beijing Dixon's production of pencils is now performed by Fila Dixon Stationery (Kunshan) Co., Ltd. (Kunshan Dixon), a wholly-owned subsidiary of Beijing Dixon formed after the *Revocation.*[6] Beijing Dixon and Dixon Ticonderoga requested that the Department ''confirm that {Kunshan Dixon} is the same entity as (or successor-in-interest to) Beijing Dixon.'' [7] Beijing Dixon produced and exported pencils at the time of the *Revocation.* Beijing Dixon has since amended its business license and continues to function as the exporter of pencils, now produced by its subsidiary Kunshan Dixon.[8] Based on these events since the *Revocation,* Ticonderoga and Beijing Dixon contend that Kunshan Dixon is the successor-in-interest to Beijing Dixon; as such, they request that the Department apply its determination to revoke the *Order* with respect to Beijing Dixon to pencils produced by Kunshan Dixon and exported by Beijing Dixon.

Scope of the Order

The merchandise subject to the order includes pencils from the PRC. Pencils are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 9609.1010. Although the HTSUS subheadings are provided for convenience and customs purposes, the written product description is dispositive.[9]

Methodology

In making a successor-in-interest determination, the Department typically examines several factors including, but not limited to, changes in: (1) Management; (2) production facilities; (3) supplier relationships; and (4) customer base.[10] While no single factor or combination of factors will necessarily be dispositive, the Department generally will consider the new company to be the successor to the predecessor if the resulting operations of the successor are not materially dissimilar to that of its predecessor.[11]

[1] *See Antidumping Duty Order: Certain Cased Pencils From the People's Republic of China,* 59 FR 66909 (December 28, 1994) (*Order*).

[2] A/k/a Beijing Dixon Ticonderoga Stationery Company, Ltd., and Beijing Dixon Stationery Company.

[3] *See Certain Cased Pencils From the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Determination To Revoke Order In Part; 2010–2011,* 78 FR 42932 (July 18, 2013) (*Revocation*) and accompanying Issues and Decision Memorandum (IDM).

[4] *See Order.*

[5] *See Revocation* and accompanying IDM.

[6] *See* letter from Dixon, ''Request for Changed Circumstances Review pursuant to 19 CFR 351.216 on behalf of Dixon Ticonderoga Company'' dated November 27, 2014 at 4 (CCR Request) and refiled on December 10, 2014.

[7] *Id.* at 2.

[8] *Id.* at 5.

[9] For a complete description of the Scope of the Order, please *see* Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''Antidumping Duty Order on Certain Cased Pencils From the People's Republic of China: Decision Memorandum for Preliminary Results of Antidumping Duty Changed Circumstances Review Requested by the Dixon Ticonderoga Companies,'' dated concurrently with this notice (Preliminary Decision Memorandum).

[10] *See, e.g., Certain Activated Carbon From the People's Republic of China: Notice of Initiation of Changed Circumstances Review,* 74 FR 19934, 19935 (April 30, 2009).

[11] *See, e.g., Notice of Initiation of Antidumping Duty Changed Circumstances Review: Certain*

Continued

Thus, if the record demonstrates that, with respect to the production and sale of the subject merchandise, the new company operates as the same business entity as the predecessor company, the Department may assign the new company the cash deposit rate of its predecessor.[12] For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix I of this notice.

Initiation and Preliminary Results of the Changed Circumstances Review

Pursuant to section 751(b)(1) of the Act and 19 CFR 351.216(d), the Department will conduct a CCR upon receipt of a request from an interested party or receipt of information concerning an antidumping duty order which shows changed circumstances sufficient to warrant a review of the order. Section 351.221(c)(3)(ii) of the Department's regulations permits the Department to combine the initiation and preliminary results of a CCR if the Department concludes that expedited action is warranted. In this instance, we have information on the record necessary to reach the preliminary results of CCR. As such, we find that expedited action is warranted. Accordingly, we have combined the preliminary results with the initiation.

We preliminarily determine that Beijing Dixon, under its new business license, (*i.e.,* Beijing Dixon is now registered as an exporter, and it exports pencils produced by Kunshan Dixon), is the successor-in-interest to Beijing Dixon for the purposes of administering the *Order* and it revocation with respect to Beijing Dixon. The Preliminary Decision Memorandum provides a full description of the analysis underlying our conclusions.

Public Comment

Interested parties are invited to comment on these preliminary results in accordance with 19 CFR 351.309(c)(1)(ii). Pursuant to 19 CFR 351.310(c), any interested party may request a hearing within 30 days of publication of this notice. Parties will be notified of the time and date of any hearing, if requested. Pursuant to 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs and/or written comments not later than 30 days after the publication of this notice. Rebuttal briefs, and rebuttals to written comments, which must be limited to issues raised in such briefs or comments, may be filed not later than 5 days after the date of publication of this notice. Parties who submit case briefs or rebuttal briefs in this CCR are requested to submit with each argument: (1) A statement of the issue; and (2) a brief summary of the argument; and (3) a table of authorities. Interested parties who wish to comment on the preliminary results must file briefs electronically using ACCESS. An electronically-filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5 p.m. Eastern Time on the date the document is due.

In accordance with 19 CFR 351.216(e), the Department intends to issue the final results of this changed circumstance review not later than 270 days after the date on which the review is initiated, or within 45 days if all parties agree to our preliminary finding.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(b) and 777(i)(1) of the Act, and 19 CFR 351.216 and 351.221(c)(3)(ii).

Dated: February 18, 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. Successor-in-Interest Analysis
   a. Analytical Framework
   b. Relevant Facts
   i. Management
   ii. Production Facilities
   iii. Customer Base
   iv. Suppliers
   c. Analysis
   i. Time Period
   ii. Successorship Analysis
   1. Management
   2. Production Facilities
   3. Customer Base
   Suppliers
5. Recommendation

[FR Doc. 2015–04081 Filed 2–25–15; 8:45 am]

BILLING CODE 3510–DS–P

Forged Stainless Steel Flanges from India, 71 FR 327, 327 (January 4, 2006).

[12] *See, e.g., Fresh and Chilled Atlantic Salmon From Norway; Final Results of Changed Circumstances Antidumping Duty Administrative Review,* 64 FR 9979, 9980 (March 1, 1999).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD784

Fisheries of the Northeastern United States; Atlantic Herring Fishery; Notice of Intent To Prepare an Environmental Impact Statement; Scoping Process; Request for Comments

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

ACTION: Notice; intent to prepare an environmental impact statement and initiate scoping process; request for comments.

SUMMARY: The New England Fishery Management Council announces its intention to prepare, in cooperation with NMFS, an environmental impact statement in accordance with the National Environmental Policy Act. An environmental impact statement may be necessary to provide analytical support for Amendment 8 to the Atlantic Herring Fishery Management Plan. Amendment 8 would specify a long-term acceptable biological catch control rule for the herring fishery and consider acceptable biological catch control rule alternatives that account for herring's role in the ecosystem. This notice is to alert the interested public of the scoping process and potential development of a draft environmental impact statement and to outline opportunity for public participation in that process.

DATES: Written and electronic scoping comments must be received on or before 5 p.m., local time, April 30, 2015.

ADDRESSES: Written scoping comments on Amendment 8 may be sent by any of the following methods:

- Email to the following address: *comments@nefmc.org;*
- Mail to Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; or
- Fax to (978) 465–3116.

Requests for copies of the Amendment 8 scoping document and other information should be directed to Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950, telephone (978) 465–0492. The scoping document is accessible electronically via the Internet at *http://www.nefmc.org.*

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council, (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Background

The New England Fishery Management Council (Council), working through its public participatory committee and meeting processes, anticipates the development of an amendment that may be analyzed through an environmental impact statement (EIS), dependent on addressing applicable criteria in the Council on Environmental Quality regulations and guidance for implementing the National Environmental Policy Act (NEPA). Amendment 8 to the Atlantic Herring Fishery Management Plan (Herring FMP) is anticipated to consider long-term harvest strategies for herring, including an acceptable biological catch (ABC) control rule, that address the biological needs of the herring resource and the role of herring in the ecosystem.

The herring fishery is managed as one stock complex along the east coast from Maine to Cape Hatteras, NC, although evidence suggests that separate spawning components exist within the stock complex. The Council and the Atlantic States Marine Fisheries Commission adopted management measures for the herring fishery in state and Federal waters in 1999 and the Federal Herring FMP became effective on January 10, 2001.

Following the re-authorization of the Magnuson-Stevens Conservation and Fishery Management Act (MSA) in 2007, the Council developed Amendment 4 to the Herring FMP and implemented a process for establishing annual catch limits and accountability measures in the herring fishery. Amendment 4 also defined the herring ABC control rule as the specified approach to setting the ABC for a stock or stock complex as a function of scientific uncertainty in the estimate of the overfishing limit (OFL) and any other scientific uncertainty. The ABC control rule provides guidance to the Council's Scientific and Statistical Committee (SSC) regarding how to specify an annual ABC for herring based on scientific uncertainty, stock status, and the Council's risk tolerance. The ABC control rule specifies a buffer between the OFL and ABC to account for scientific uncertainty, such that there is a low risk in any given year that the OFL for herring will be exceeded. Establishing an ABC control is consistent with National Standard 1 Guidelines for implementing the provisions of the MSA.

During the development of Amendment 4, there was considerable uncertainty surrounding the 2009 herring stock assessment. As part of the 2010–2012 herring fishery specifications process, the SSC recommended that the Council specify an ABC based on recent catch until a new benchmark stock assessment for herring could be completed. Consistent with the SSC advice, the Council specified the herring ABC for 2010–2012 as a three-year average catch level (2006–2008). This specification was adopted as the interim ABC control rule in Amendment 4, to serve as a placeholder until a benchmark stock assessment could be completed and a more appropriate long-term ABC control rule for herring could be developed.

Following a benchmark stock assessment for herring in 2012, the Council and its SSC considered several alternatives for establishing an ABC control rule for herring, including two ABC control rules that explicitly adjust for the role of a forage fish in the ecosystem, during the 2013–2015 fishery specifications process. At that time, the SSC recognized the herring stock assessment's accounting for herring's role in the ecosystem. The SSC recommended that using reference points and projections associated with explicit forage fish ABC control rules receive further evaluation prior to implementation in a long-term harvest strategy for managing the herring fishery. Ultimately, based on SSC advice, the Council adopted an ABC control rule that specified a constant ABC for 2013–2015. The ABC control rule was based on the annual catch projected to produce a less than or equal to 50 percent probability of exceeding the fishing mortality rate to support maximum sustainable yield in 2015. At the conclusion of the 2013–2015 specifications process, the Council recommended a further consideration of long-term harvest strategies for herring either during the next specifications process and/or through an amendment to the Herring FMP.

Amendment 8 is proposed to further consider long-term harvest strategies for herring, including an ABC control rule that addresses the biological needs of the herring resource and explicitly accounts for herring's role in the ecosystem, consistent with the requirements and intent of the MSA. The importance of herring as a forage species is underscored by the Council's specified intent to consider a wide range of alternatives for ABC control rules in this amendment, including those that explicitly account for herring's role in the ecosystem.

The Council's Herring Oversight Committee and the Council will be identifying the goals and objectives for Amendment 8 following the scoping period and will then develop alternatives to meet the purpose and need of the action. Additionally, the Council's Ecosystem-Based Fisheries Management (EBFM) Plan Development Team and EBFM Committee will be developing guidance for managing forage fish within an ecosystem context and will be participating in the development of an ABC control rule and reference points for herring during this amendment. Following input from these Council bodies and the public, the Council will select a range of alternatives to consider long-term harvest strategies and ABC control rules for herring.

Public Comment

All persons affected by or otherwise interested in herring management are invited to participate in determining the scope and significance of issues to be analyzed by submitting written comments (see **ADDRESSES**) or by attending one of the four scoping meetings for this amendment. Scoping consists of identifying the range of actions, alternatives, and impacts to be considered. At this time in the process, the Council believes that the alternatives considered in Amendment 8 would consider long-term harvest strategies and ABC control rules for herring that explicitly account for herring's role in the ecosystem. After the scoping process is completed, the Council will begin development of Amendment 8 and will prepare an EIS to analyze the impacts of the range of alternatives under consideration. Impacts may be direct, individual, or cumulative. The Council will hold public hearings to receive comments on the draft amendment and on the analysis of its impacts presented in the Draft EIS.

In addition to soliciting comment on this notice, the public will have the opportunity to comment on the measures and alternatives being considered by the Council through public meetings and public comment periods consistent with NEPA, the MSA, and the Administrative Procedure Act. The following scoping meetings have been scheduled. The Council will take and discuss scoping comments on this amendment at the following public meetings:

1. Friday, March 6, 2015; 10:30 a.m.; Samoset Resort, Rockland Room, 220 Warrenton Street, Rockport, ME 04856; (207) 594–2511.

2. Thursday, March 26, 2015; 6 p.m.; DoubleTree by Hilton, 50 Ferncroft Road, Danvers, MA 01923; (978) 777–2500.

3. Monday, April 6, 2015; 6 p.m.; Webinar; Register to participate: *https://attendee.gotowebinar.com/register/700212250002809602;* call-in (631) 992–3221; Access Code 541–819–750.

4. Monday, April 20, 2015; 6 p.m.; Hilton Hotel, 20 Coogan Boulevard, Mystic, CT 06355; (860) 572–0731.

Special Accommodations

The meetings are accessible to people with physical disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies (see **ADDRESSES**) at least five days prior to this meeting date.

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

Dated: February 23, 2015 .

Emily H. Menashes,

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

[FR Doc. 2015–03992 Filed 2–25–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD704

Whaling Provisions; Aboriginal Subsistence Whaling Quotas

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

ACTION: Notice; notification of quota for bowhead whales.

SUMMARY: NMFS notifies the public of the aboriginal subsistence whaling quota for bowhead whales that it has assigned to the Alaska Eskimo Whaling Commission (AEWC), and of limitations on the use of the quota deriving from regulations of the International Whaling Commission (IWC). For 2015, the quota is 75 bowhead whales struck. This quota and other applicable limitations govern the harvest of bowhead whales by members of the AEWC.

DATES: Effective February 26, 2015.

ADDRESSES: Office for International Affairs and Seafood Inspection, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Melissa Garcia, (301) 427–8385.

SUPPLEMENTARY INFORMATION: Aboriginal subsistence whaling in the United States is governed by the Whaling Convention Act (WCA) (16 U.S.C. 916 *et seq.*). Under the WCA, IWC regulations shall generally become effective with respect to all persons and vessels subject to the jurisdiction of the United States, within 90 days of notification from the IWC Secretariat of an amendment to the IWC Schedule (16 U.S.C. 916k). Regulations that implement the WCA, found at 50 CFR 230.6, require the Secretary of Commerce (Secretary) to publish, at least annually, aboriginal subsistence whaling quotas and any other limitations on aboriginal subsistence whaling deriving from regulations of the IWC.

At the 64th Annual Meeting of the IWC, the Commission set catch limits for aboriginal subsistence use of bowhead whales from the Bering-Chukchi-Beaufort Seas stock. The bowhead catch limits were based on a joint request by the United States and the Russian Federation, accompanied by documentation concerning the needs of two Native groups: Alaska Eskimos and Chukotka Natives in the Russian Far East.

The IWC set a 6-year block catch limit of 336 bowhead whales landed. For each of the years 2013 through 2018, the number of bowhead whales struck may not exceed 67, except that any unused portion of a strike quota from any prior year may be carried forward. No more than 15 strikes may be added to the strike quota for any one year. At the end of the 2014 harvest, there were 15 unused strikes available for carry-forward, so the combined strike quota set by the IWC for 2015 is 82 (67 + 15).

An arrangement between the United States and the Russian Federation ensures that the total quota of bowhead whales landed and struck in 2015 will not exceed the limits set by the IWC. Under this arrangement, the Russian natives may use no more than seven strikes, and the Alaska Eskimos may use no more than 75 strikes.

Through its cooperative agreement with the AEWC, NOAA has assigned 75 strikes to the Alaska Eskimos. The AEWC will in turn allocate these strikes among the 11 villages whose cultural and subsistence needs have been documented, and will ensure that its hunters use no more than 75 strikes.

Other Limitations

The IWC regulations, as well as the NOAA regulation at 50 CFR 230.4(c), forbid the taking of calves or any whale accompanied by a calf.

NOAA regulations (at 50 CFR 230.4) contain a number of other prohibitions relating to aboriginal subsistence whaling, some of which are summarized here:

- Only licensed whaling captains or crew under the control of those captains may engage in whaling.
- Captains and crew must follow the provisions of the relevant cooperative agreement between NOAA and a Native American whaling organization.
- The aboriginal hunters must have adequate crew, supplies, and equipment to engage in an efficient operation.
- Crew may not receive money for participating in the hunt.
- No person may sell or offer for sale whale products from whales taken in the hunt, except for authentic articles of Native American handicrafts.
- Captains may not continue to whale after the relevant quota is taken, after the season has been closed, or if their licenses have been suspended. They may not engage in whaling in a wasteful manner.

Dated: February 19, 2015.

Paul N. Doremus,

Acting Director, Office for International Affairs and Seafood Inspection, National Marine Fisheries Service.

[FR Doc. 2015–04083 Filed 2–25–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Renewal of Department of Defense Federal Advisory Committees

AGENCY: DoD.

ACTION: Renewal of Federal Advisory Committee.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that it is renewing the charter for the Missouri River (South Dakota) Task Force (''the Task Force'').

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: This committee's charter is being renewed pursuant to section 905(a) of the Missouri River Restoration Act of 2000 (''the Missouri River Restoration Act'') (Title IX of Pub. L. 106–541, the Water Resources Development Act of 2000) and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR 102–3.50(a).

The Task Force is a non-discretionary Federal advisory committee that shall provide independent advice and recommendations to the Secretary of the Army on plans and projects to reduce siltation of the Missouri River in the State of South Dakota and to meet the objectives of the Pick-Sloan Missouri River Basin Program authorized by

section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 891). Specifically, the Task Force shall:

a. Prepare and approve, by a majority of the members, a plan for the use of the funds made available under the Missouri River Restoration Act, to promote:

i. Conservation practices in the Missouri River watershed;

ii. the general control and removal of sediment from the Missouri River;

iii. the protection of recreation on the Missouri River from sedimentation;

iv. the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;

v. erosion control along the Missouri River; or

vi. any combination of the activities just described;

b. Review projects to meet the goals of the plan and recommend, to the Secretary of the Army, critical restoration projects for implementation; and

c. Determine whether these critical restoration projects primarily benefit the Federal Government for purposes of cost-sharing.

The Task Force may, on an annual basis, revise the plan and shall provide the public with the opportunity to review and comment on any proposed revision to the plan.

The Task Force shall report to the Secretary of the Army and the U.S. Army Corps of Engineers. The Secretary of the Army may act upon the Task Force's advice and recommendations. As prescribed by sections 904 and 905(b) of the Missouri River Act, the Task Force shall be composed of 29 members. Specifically, the Task Force membership shall be composed of the Secretary of the Army or designee, who shall serve as the Chairperson; Secretary of Agriculture or designee; Secretary of Energy or designee; Secretary of the Interior or designee; and the Trust. The Trust is composed of 25 members to be appointed by the Secretary of the Army, including 15 members recommended by the Governor of South Dakota that represent equally the various interest of the public and include representatives of: The South Dakota Department of Environment and Natural Resources; the South Dakota Department of Game, Fish, and Parks; environmental groups; the hydroelectric power industry; local governments; recreation user groups; agricultural groups; other appropriate interests; nine members, one of each of whom shall be recommended by each of the nine Indian Tribes in the State of South Dakota; and one member recommended by the organization known as the ''Three Affiliated Tribes of North Dakota'' (composed of the Mandan, Hidatsa, and Arikara tribes).

The members of the Trust shall be appointed by the Secretary of the Army, in consultation with the Secretary of Defense or the Deputy Secretary of Defense, to serve as representative members to the Task Force pursuant to 41 CFR 102–3.130(a). Those individuals who are full-time or permanent part-time Federal officers or employees shall be appointed to serve as regular government employee (RGE) members pursuant to 41 CFR 102–3.130(a).

All representative members of the Trust shall be appointed for a two-year term of service; and no member, unless authorized by the Secretary of Defense upon request of the Secretary of the Army, may serve more than two consecutive terms of service. In addition, all Task Force members shall serve without compensation, with the exception of reimbursement for official Task Force-related travel and per diem.

The Department of Defense (DoD), when necessary and consistent with the Task Force's mission and DoD policies and procedures, may establish subcommittees, task groups, and working groups to support the Task Force. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Secretary of the Army, as the Task Force's Sponsor.

Such subcommittees shall not work independently of the Task Force and shall report all of their recommendations and advice solely to the Task Force for full and open deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Task Force. No subcommittee or any of its members can update or report, verbally or in writing, on behalf of the Task Force, directly to the DoD or any Federal officers or employees.

The Secretary of Defense or the Deputy Secretary of Defense may approve the appointment of subcommittee members for a two-year term of service, with annual renewals; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service. These individuals may come from the Task Force or may be new nominees, as recommended by the Secretary of the Army and based upon the subject matters under consideration.

Subcommittee members, if not full-time or permanent part-time Federal employees, shall be appointed as experts or consultants pursuant to 5 U.S.C. 3109 to serve as special government employee members. Those individuals who are full-time or permanent part-time Federal officers or employees shall be appointed pursuant to 41 CFR 102–3.130(a) to serve as RGE members. With the exception of reimbursement for official Task Force-related travel and per diem, subcommittee members shall serve without compensation.

Each subcommittee member is appointed to provide advice to the Government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

All subcommittees operate under the provisions of the FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

The estimated number of Task Force meetings is no less than two per year.

The Task Force's Designated Federal Officer (DFO), pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee appointed in accordance with governing DoD policies and procedures.

The Task Force's DFO is required to be in attendance at all meetings of the Task Force and any of its subcommittees for the entire duration of each and every meeting. However, in the absence of the Task Force's DFO, a properly approved Alternate DFO, duly appointed to the Task Force according to established DoD policies and procedures, shall attend the entire duration of the Task Force or any subcommittee meeting.

The DFO, or the Alternate DFO, shall call all meetings of the Task Force and its subcommittees; prepare and approve all meeting agendas; and adjourn any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, the public or interested organizations may submit written statements to Missouri River (SD) Task Force membership about the Task Force's mission and functions. Written statements may be submitted at any time or in response to the stated agenda of planned meeting of the Missouri River (SD) Task Force.

All written statements shall be submitted to the DFO for the Missouri River (SD) Task Force, and this individual will ensure that the written statements are provided to the membership for their consideration. Contact information for the Missouri River (SD) Task Force DFO can be

obtained from the GSA's FACA Database—*http://www.facadatabase.gov/.*

The DFO, pursuant to 41 CFR 102–3.150, will announce planned meetings of the Missouri River (SD) Task Force. The DFO, at that time, may provide additional guidance on the submission of written statements that are in response to the stated agenda for the planned meeting in question.

Dated: February 20, 2015.

Aaron Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2015–03942 Filed 2–25–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Air Force

US Air Force Exclusive Patent License

AGENCY: Department of the Air Force, Air Force Research Laboratory Information Directorate, Rome, New York.

ACTION: Notice of Intent to Issue an Exclusive Patent License.

SUMMARY: Pursuant to the provisions of part 404 of Title 37, Code of Federal Regulations, which implements Public Law 96–517, as amended, the Department of the Air Force announces its intention to grant Lilo, LLC, a corporation of New York, having a place of business at 106 Genesee St., Utica, New York 13413, an exclusive license in any right, title and interest the United States Air Force has in: In U.S. Patent No. 8,317,058 entitled ''Bicyclists' Water Bottle with Bottom Drinking Valve'', issued on November 27th, 2012, U.S. Design Patent No. D588,856 issued on March 24th, 2009, and U.S. Design Patent D583,626 issued on December 20th, 2008.

FOR FURTHER INFORMATION CONTACT: An exclusive license for this patent will be granted unless a written objection is received within fifteen (15) days from the date of publication of this Notice. Written objections should be sent to: Air Force Research Laboratory, Office of the Staff Judge Advocate, AFRL/RIJ, 26 Electronic Parkway, Rome, New York 13441–4514. Telephone: (315) 330–2087; Facsimile (315) 330–7583.

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2015–04028 Filed 2–25–15; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Air Force

U.S. Air Force Academy Board of Visitors Notice of Meeting

AGENCY: U.S. Air Force Academy Board of Visitors, Department of the Air Force, DoD.

ACTION: Meeting notice.

SUMMARY: In accordance with 10 U.S.C. 9355, the U.S. Air Force Academy (USAFA) Board of Visitors (BoV) will hold a meeting at Harmon Hall, U.S. Air Force Academy, Colorado Springs CO on March 16, 2015. The meeting will begin at 10:15 a.m. and is scheduled to close to the public at 3:00 p.m. The purpose of this meeting is to review morale and discipline, social climate, curriculum, instruction, infrastructure, fiscal affairs, academic methods, and other matters relating to the Academy. Specific topics for this meeting include a Superintendent's update, which will include, but not be limited to, an admissions update and a review of the DoD Annual Report on Sexual Harassment and Violence at Military Service Academies; an update from non-federal entities that support the Academy; and a review of the Center for Character and Leadership Development organization and facility. In accordance with 5 U.S.C. 552b, as amended, and 41 CFR 102–3.155, one session of this meeting shall be closed to the public because it involves matters covered by subsection (c)(6) of 5 U.S.C. 552b. Public attendance at the open portions of this USAFA BoV meeting shall be accommodated on a first-come, first-served basis up to the reasonable and safe capacity of the meeting room. In addition, any member of the public wishing to provide input to the USAFA BoV should submit a written statement in accordance with 41 CFR 102–3.140(c) and section 10(a)(3) of the Federal Advisory Committee Act and the procedures described in this paragraph. Written statements must address the following details: the issue, discussion, and a recommended course of action. Supporting documentation may also be included as needed to establish the appropriate historical context and provide any necessary background information. Written statements can be submitted to the Designated Federal Officer (DFO) at the Air Force address detailed below at any time. However, if a written statement is not received at least 10 calendar days before the first day of the meeting which is the subject of this notice, then it may not be provided to or considered by the BoV until its next open meeting. The DFO will review all timely submissions with the BoV Chairman and ensure they are provided to members of the BoV before the meeting that is the subject of this notice. If after review of timely submitted written comments and the BoV Chairman and DFO deem appropriate, they may choose to invite the submitter of the written comments to orally present the issue during an open portion of the BoV meeting that is the subject of this notice. Members of the BoV may also petition the Chairman to allow specific personnel to make oral presentations before the BoV. In accordance with 41 CFR 102–3.140(d), any oral presentations before the BoV shall be in accordance with agency guidelines provided pursuant to a written invitation and this paragraph. Direct questioning of BoV members or meeting participants by the public is not permitted except with the approval of the DFO and Chairman. For the benefit of the public, rosters that list the names of BoV members and any releasable materials presented during the open portions of this BoV meeting shall be made available upon request.

Contact Information: For additional information or to attend this BoV meeting, contact Maj. Mark Cipolla, Accessions and Training Division, AF/A1PT, 1040 Air Force Pentagon, Washington, DC 20330, (703) 695–4066, *mark.cipolla@us.af.mil.*

Henry Williams Jr.,

Civ, DAF, Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2015–04029 Filed 2–25–15; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Air Force

US Air Force Partially Exclusive Patent License

AGENCY: New York, Rome, Air Force Research Laboratory Information Directorate, Department of the Air Force.

ACTION: Notice of Intent to Issue a Partially Exclusive Patent License.

SUMMARY: Pursuant to the provisions of part 404 of Title 37, Code of Federal Regulations, which implements Public Law 96–517, as amended, the Department of the Air Force announces its intention to grant Kognitive Systems, LLC, a corporation of New York, having a place of business at 14 White Pine Road, New Hartford, New York 13413, a partially exclusive license being limited to the field of use in Process

Control in the Pulp and Paper Industry, in any right, title and interest the United States Air Force has in: In U.S. Patent No. 8,732,100 entitled ''Method and Apparatus for Event Detection Permitting Per Event Adjustment of False Alarm Rate'', issued on May 20th, 2014.

FOR FURTHER INFORMATION CONTACT: An exclusive license for this patent will be granted unless a written objection is received within fifteen (15) days from the date of publication of this Notice. Written objections should be sent to: Air Force Research Laboratory, Office of the Staff Judge Advocate, AFRL/RIJ, 26 Electronic Parkway, Rome, New York 13441–4514. Telephone: (315) 330–2087; Facsimile (315) 330–7583.

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2015–04027 Filed 2–25–15; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2015–ICCD–0018]

Agency Information Collection Activities; Comment Request; Middle Grades Longitudinal Study of 2016–2017 (MGLS:2017) Recruitment for Item Validation and Operational Field Tests

AGENCY: Institute of Education Sciences/National Center for Education Statistics (IES), 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 a reinstatement of a previously approved information collection.

DATES: Interested persons are invited to submit comments on or before April 27, 2015.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2015–ICCD–0018 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: Middle Grades Longitudinal Study of 2016–2017 (MGLS:2017) Recruitment for Item Validation and Operational Field Tests.

OMB Control Number: 1850–0911.

Type of Review: A reinstatement of a previously approved information collection.

Respondents/Affected Public: Individuals.

Total Estimated Number of Annual Responses: 8,128.

Total Estimated Number of Annual Burden Hours: 1,794.

Abstract: The Middle Grades Longitudinal Study of 2016–2017 (MGLS:2017) is the first study sponsored by the National Center for Education Statistics (NCES), within the Institute of Education Sciences (IES) of the U.S. Department of Education (ED), to follow a nationally-representative sample of students as they enter and move through the middle grades (grades 6–8). The data collected through repeated measures of key constructs will provide a rich descriptive picture of the academic experiences and development of students during these critical years and will allow researchers to examine associations between contextual factors and student outcomes. The study will focus on student achievement in mathematics and literacy along with measures of student socioemotional wellbeing and other outcomes. The study will also include a special sample of students with different types of disabilities that will provide descriptive information on their outcomes, educational experiences, and special education services. Baseline data for the MGLS: 2017 will be collected from a nationally-representative sample of 6th grade students in winter of 2017 with annual follow-ups in winter 2018 and winter 2019 when most of the students in the sample will be in grades 7 and 8, respectively. This request is to contact and recruit public school districts and public and private schools to participate in the winter 2016 concurrent item validation and operational field tests for the MGLS:2017. The primary purpose of the Item Validation Field Test is to determine the psychometric properties of items and the predictive potential of assessment and survey items so that valid, reliable, and useful assessment and survey instruments can be composed for the main study. The primary purposes of the Operational Field Test are to obtain information on recruiting, particularly for the targeted disability groups; on obtaining a tracking sample that can be used to study mobility patterns in subsequent years; and on administrative procedures.

Dated: February 23, 2015.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2015–04038 Filed 2–25–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Personal Authentication Service (PAS) for FSA ID; Agency Contact Information, Total Estimated Number of Annual Responses, Total Estimated Number of Annual Burden Hours and the Abstract; Correction

AGENCY: Department of Education.

ACTION: Correction Notice.

SUMMARY: On February 23, 2015 the U.S. Department of Education published a 30-day comment period notice in the **Federal Register** Pages 9447, Column 3; Page 9448, Column 1 and 2 seeking public comment for an information collection entitled, ''Personal Authentication Service (PAS) for FSA ID''. ED is requesting a correction to the agency contact information, total estimated number of annual responses, total estimated number of annual burden hours and the abstract. The **FOR FURTHER INFORMATION CONTACT** section should read as: For specific questions related to collection activities, please contact Beth Grebeldinger, 202–377–4018. The total estimated number of annual responses should read as 55,300,000. The total estimated number of annual burden hours should read as 7,370,000. The abstract should read as Federal Student Aid (FSA) is replacing the current PIN system with the Personal Authentication Service (PAS) which will employ an FSA ID, a standard user name and password solution. In order to create an FSA ID to gain access to certain FSA systems (FAFSA on the Web, NSLDS, StudentLoans.gov, etc.) a user must register on-line for an FSA ID account. The FSA ID will allow the customer to have a single identity, even if there is a name change or change to other personally identifiable information. The information collected to create the FSA ID enables electronic authentication and authorization of users for FSA web-based applications and information and protects users from unauthorized access to user accounts on all protected FSA sites.

The Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management, hereby issues a correction notice as required by the Paperwork Reduction Act of 1995.

Dated: February 23, 2015.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2015–04037 Filed 2–25–15; 8:45 am]

BILLING CODE;P

DEPARTMENT OF EDUCATION

Applications for New Awards; Alaska Native Education Program

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

Overview Information: Alaska Native Education Program.

Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.356A.

DATES: Applications Available: February 26, 2015.

Deadline for Transmittal of Applications: April 27, 2015.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of the Alaska Native Education (ANE) program is to support innovative projects that enhance the educational services provided to Alaska Native children and adults. These projects may include the activities authorized under section 7304(a)(2) and (a)(3) of the Elementary and Secondary Education Act of 1965, as amended (ESEA).

Note: Congress has expressly authorized the use of FY 2015 program funds for construction of facilities that support the operation of ANE programs.

Priorities: This competition includes one competitive preference priority and one invitational priority. In accordance with 34 CFR 75.105(b)(2)(iv), the competitive preference priority is from section 7304(c) of the ESEA (20 U.S.C. 7544(c)).

Competitive Preference Priority: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i), we award an additional 10 points to an application that meets this priority.

This priority is:

Alaska Native Organizations.

Applications from an Alaska Native organization, including an Alaska Native regional nonprofit organization, or a consortium that includes at least one Alaska Native organization or Alaska Native regional nonprofit organization.

Note: In order to receive a competitive preference under this priority, the applicant must provide documentation supporting its claim that it meets this priority.

Under this competition, we also are particularly interested in applications that address the following priority.

Invitational Priority: For FY 2015, and any subsequent year in which we make awards from the list of unfunded applications 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:

Preservation of Native Culture and Language.

Applications that propose to carry out activities that preserve and strengthen Alaska Native culture and language.

Definitions: These definitions are from section 7306 of the ESEA (20 U.S.C. 7546) and 34 CFR 77.1(c). For purposes of this competition, the following definitions apply:

Alaska Native has the same meaning as the term ''Native'' has in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

Alaska Native organization means a federally recognized tribe, consortium of tribes, regional nonprofit Native association, and another organization that: Has or commits to acquire expertise in the education of Alaska Natives; and has Alaska Natives in substantive and policymaking positions within the organization.

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.

Strong theory means a rationale for the proposed process, product, strategy, or practice that includes a logic model.

Program Authority: 20 U.S.C. 7544.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 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. (c) 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.

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: $16,808,028.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY

2016 from the list of unfunded applications from this competition.

Estimated Range of Awards: $300,000 to $1,000,000.

Estimated Average Size of Awards: $500,000.

Estimated Number of Awards: 33.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 36 months.

III. Eligibility Information

1. *Eligible Applicants:* (a) Alaska Native organizations; (b) educational entities with experience in developing or operating Alaska Native programs or programs of instruction conducted in Alaska Native languages; (c) cultural and community-based organizations with experience in developing or operating programs to benefit Alaska Natives; and (d) consortia of organizations and entities described in this paragraph.

Note: A State educational agency (SEA) or local educational agency (LEA), including a charter school that is considered to be an LEA under State law, may apply for an award under this program only as part of a consortium involving an Alaska Native organization. The Secretary encourages the Alaska Native organization to serve as the lead applicant and to play an active role in carrying out grant activities. The consortium may also include other eligible applicants.

2. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the program office.

To obtain a copy via the Internet, use the following address: *www2.ed.gov/programs/alaskanative/index.html.* To obtain a copy from the program office, contact: Almita Reed, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E210, Washington, DC 20202–6200. Telephone: (202) 260–1979 or by email: *Almita.Reed@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 person or team listed under *Accessible Format* in section VIII of this notice.

2. *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.

Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative to no more than 25 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, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, the page limit does apply to all of the application narrative section.

Our reviewers will not read any pages of your application that exceed the page limit.

3. *Submission Dates and Times:*

Applications Available: February 26, 2015.

Deadline for Transmittal of Applications: April 27, 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.

4. *Intergovernmental Review:* This competition is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* Under section 7304(b) of the ESEA (20 U.S.C. 7544(b)), not more than five percent of the funds provided to a grantee under this competition for any fiscal year may be used for administrative purposes. We reference additional 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 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: *http://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 ANE program, CFDA number 84.356A, 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 ANE 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 84.356, not 84.356A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.
- Your electronic application must comply with the 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: Almita Reed, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E210, Washington, DC 20202–6200. FAX: (202) 260–8969.

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 84.356A), 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 84.356A), 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 34 CFR 75.210. The maximum score for all criteria is 100 points. The maximum possible score for each criterion is indicated in parentheses. The selection criteria for this competition are as follows:

(a) *Need for project* (30 points). The Secretary considers the need for the proposed project. In determining the need for the proposed project, the Secretary considers the magnitude of the need for the services to be provided or the activities to be carried out by the proposed project.

(b) *Quality of the project design* (30 points). The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable (15 points).

(ii) The extent to which the proposed project is supported by strong theory (15 points).

(c) *Quality of the management plan* (20 points). The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) 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 (10 points).

(ii) The adequacy of mechanisms for ensuring high-quality products and services from the proposed project (10 points).

(d) *Adequacy of resources* (10 points). The Secretary considers the adequacy of the resources for the proposed project. In determining the adequacy of resources for the proposed project, the Secretary considers the relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project.

(e) *Quality of project evaluation* (10 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 the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project (5 points).

(ii) The extent to which the methods of evaluation are appropriate to the context within which the project operates (5 points).

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 the Government Performance and Results Act of 1993 (GPRA), the Department has developed the following performance measures for measuring the overall effectiveness of the ANE program: (1) The percentage of Alaska Native students in schools served by the program who meet or exceed proficiency standards in reading, mathematics, and science on the Alaska State assessments; (2) the percentage of Alaska Native children participating in early learning and preschool programs who consistently demonstrate school readiness in language and literacy as measured by the Revised Alaska Development Profile; and (3) the percentage of Alaska Native students in schools served by the program who graduate from high school with a high school diploma in four years.

All grantees will be expected to submit an annual performance report that includes data addressing these performance measures, to the extent that they apply to the grantee's project.

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: Almita Reed, U.S. Department of Education, 400 Maryland Avenue SW., Room 3E210, Washington, DC 20202–6200. Telephone: (202) 260–1979 or by email: *Almita.Reed@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 23, 2015.

Deborah S. Delisle,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 2015–04052 Filed 2–25–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge Reservation. The Federal Advisory

Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, March 11, 2015, 6:00 p.m.

ADDRESSES: Department of Energy Information Center, Office of Science and Technical Information, 1 Science.gov Way, Oak Ridge, Tennessee 37830.

FOR FURTHER INFORMATION CONTACT: Melyssa P. Noe, Federal Coordinator, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM–90, Oak Ridge, TN 37831. Phone (865) 241–3315; Fax (865) 576–0956 or email: *noemp@emor.doe.gov* or check the Web site at *http://energy.gov/orem/services/community-engagement/oak-ridge-site-specific-advisory-board.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Welcome and Announcements
- Comments from the Deputy Designated Federal Officer
- Comments from the DOE, Tennessee Department of Environment and Conservation, and Environmental Protection Agency Liaisons
- Public Comment Period
- Presentation on the State of Oak Ridge EM Program/Fiscal Year 2016 Budget and Prioritization Planning
- Additions/Approval of Agenda
- Motions/Approval of February 11, 2015 Meeting Minutes
- Status of Recommendations with DOE
- Committee Reports
- Federal Coordinator Report
- Adjourn

Public Participation: The EM SSAB, Oak Ridge, 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 Melyssa P. Noe at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to the agenda item should contact Melyssa P. Noe at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments. This notice is being published less than 15 days prior to the meeting date due to logistical issues that had to be resolved prior to the meeting date.

Minutes: Minutes will be available by writing or calling Melyssa P. Noe at the address and phone number listed above. Minutes will also be available at the following Web site: *http://energy.gov/orem/services/community-engagement/oak-ridge-site-specific-advisory-board.*

Issued at Washington, DC, on February 20, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–04025 Filed 2–25–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2669–085]

Bear Swamp Power Company, LLC; Notice of Intent To File License Application, Filing of Pre-Application Document (Pad), Commencement of Pre-Filing Process, and Scoping; Request for Comments on the Pad and Scoping Document, and Identification of Issues and Associated Study Requests

February 18, 2015.

a. *Type of Filing:* Notice of Intent to File License Application for a New License and Commencing Pre-filing Process.

b. *Project No.:* 2669–085.

c. *Dated Filed:* December 19, 2014.

d. *Submitted By:* Bear Swamp Power Company, LLC.

e. *Name of Project:* Bear Swamp Project.

f. *Location:* On the Deerfield River, in Berkshire and Franklin Counties, Massachusetts. The project does not occupy federal lands.

g. *Filed Pursuant to:* 18 CFR part 5 of the Commission's Regulations.

h. *Potential Applicant Contact:* Steven P. Murphy, Manager Licensing, Brookfield Renewable Energy Group, 33 West 1st Street South, Fulton, NY.

i. *FERC Contact:* John Baummer at (202) 502–8785 or email at *john.baummer@ferc.gov.*

j. *Cooperating agencies:* Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues that wish to cooperate in the preparation of the environmental document should follow the instructions for filing such requests described in item o below. Cooperating agencies should note the Commission's policy that agencies that cooperate in the preparation of the environmental document cannot also intervene. *See* 94 FERC ¶ 61,076 (2001).

k. *With this notice, we are initiating informal consultation with:* (a) the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402 and (b) the State Historic Preservation Officer, as required by section 106, National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating Bear Swamp Power Company, LLC as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act and section 106 of the National Historic Preservation Act.

m. Bear Swamp Power Company, LLC filed with the Commission a Pre-Application Document (PAD; including a proposed process plan and schedule), pursuant to 18 CFR 5.6 of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCONlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. With this notice, we are soliciting comments on the PAD and Commission staff's Scoping Document 1 (SD1), as well as study requests. All comments on the PAD and SD1, and study requests should be sent to the address above in paragraph h. In addition, all comments on the PAD and SD1, study requests, requests for cooperating agency status,

and all communications to and from Commission staff related to the merits of the potential application must be filed with the Commission.

The Commission strongly encourages electronic filing. Please file all documents using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov.* In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2669–085.

All filings with the Commission must bear the appropriate heading: ''Comments on Pre-Application Document,'' ''Study Requests,'' ''Comments on Scoping Document 1,'' ''Request for Cooperating Agency Status,'' or ''Communications to and from Commission Staff.'' Any individual or entity interested in submitting study requests, commenting on the PAD or SD1, and any agency requesting cooperating status must do so by April 18, 2015.

p. Although our current intent is to prepare an environmental assessment (EA), there is the possibility that an Environmental Impact Statement (EIS) will be required. Nevertheless, the meetings below will satisfy the NEPA scoping requirements, irrespective of whether an EA or EIS is issued by the Commission.

Scoping Meetings

Commission staff will hold two scoping meetings in the vicinity of the project at the time and place noted below. The daytime meeting will focus on resource agency, Indian tribes, and non-governmental organization concerns, while the evening meeting is primarily for receiving input from the public. We invite all interested individuals, organizations, and agencies to attend one or both of the meetings, and to assist staff in identifying particular study needs, as well as the scope of environmental issues to be addressed in the environmental document. The times and locations of these meetings are as follows:

Daytime Scoping Meeting

Date: Wednesday, March 18, 2015.
Time: 10:00 a.m.
Location: Holiday Inn Berkshires, 40 Main Street, North Adams, Massachusetts 01247.
Phone Number: (413) 663–6500.

Evening Scoping Meeting

Date: Wednesday, March 18, 2015.
Time: 7:00 p.m.
Location: Holiday Inn Berkshires, 40 Main Street, North Adams, Massachusetts 01247.
Phone Number: (413) 663–6500.

Scoping Document 1 (SD1), which outlines the subject areas to be addressed in the environmental document, was mailed to the individuals and entities on the Commission's mailing list. Copies of SD1 will be available at the scoping meetings, or may be viewed on the web at *http://www.ferc.gov,* using the ''eLibrary'' link. Follow the directions for accessing information in paragraph n. Based on all oral and written comments, a Scoping Document 2 (SD2) may be issued. SD2 may include a revised process plan and schedule, as well as a list of issues, identified through the scoping process.

Environmental Site Review

The potential applicant and Commission staff will conduct an environmental site review of the project on Thursday, March 19, 2015, starting at 9:00 a.m. All participants should meet at the Bear Swamp Visitors Center, located at 458 River Road, Florida, Massachusetts, 01247. Please notify Steve Murphy at (315) 598–6130 or *Steven.Murphy@brookfieldrenewable.com* on or before March 4, 2015, if you plan to attend the environmental site review. A map providing the location of the Bear Swamp Project Visitors Center can be obtained from *http://www.bearswampproject.com.* Bear Swamp Power has indicated that persons attending the environmental site review will need to comply with the following requirements: (1) Persons must be 16 years or older; (2) persons must have a current, valid, government-issued or school photo identification (*i.e.,* driver's license, etc.); (3) persons with open-toed shoes/sandals/flip flops/high heels, etc. will not be allowed on the environmental site review; (4) no photography will be allowed on-site; (5) small bags containing personal items for the site visit (*i.e.,* notebooks, maps, water, etc.) will be allowed, but are subject to search; (6) no weapons are allowed on-site; (7) no alcohol/drugs are allowed on-site (or persons exhibiting the effects thereof); (8) all persons coming on-site are subject to search; and (9) no animals (except for service animals) are allowed on the environmental site review.

Meeting Objectives

At the scoping meetings, staff will: (1) Initiate scoping of the issues; (2) review and discuss existing conditions and resource management objectives; (3) review and discuss existing information and identify preliminary information and study needs; (4) review and discuss the process plan and schedule for pre-filing activity that incorporates the time frames provided for in Part 5 of the Commission's regulations and, to the extent possible, maximizes coordination of federal, state, and tribal permitting and certification processes; and (5) discuss the appropriateness of any federal or state agency or Indian tribe acting as a cooperating agency for development of an environmental document.

Meeting participants should come prepared to discuss their issues and/or concerns. Please review the PAD in preparation for the scoping meetings. Directions on how to obtain a copy of the PAD and SD1 are included in item n. of this document.

Meeting Procedures

The meetings will be recorded by a stenographer and will be placed in the public records of the project.

Kimberly D. Bose,
Secretary.

[FR Doc. 2015–04001 Filed 2–25–15; 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: EC15–62–000*; EC15–63–000.*

Applicants: Roth Rock Wind Farm, LLC, Roth Rock North Wind Farm, LLC, TPW Petersburg, LLC.

Description: Supplement to January 21, 2015 Applications for Authorization under Section 203 of the Federal Power Act of Roth Rock Wind Farm, LLC, Roth Rock North Wind Farm, LLC and TPW Petersburg, LLC.

Filed Date: 2/13/15.

Accession Number: 20150213–5137.

Comments Due: 5 p.m. ET 2/24/15.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG15–52–000.

Applicants: Buckeye Wind Energy LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Buckeye Wind Energy LLC.

Filed Date: 2/20/15.

Accession Number: 20150220–5127.

Comments Due: 5 p.m. ET 3/13/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–5–004*; ER11–6–003; ER13–131–003; ER14–479–002; ER14–950–002; ER15–515–002.*

Applicants: Great Bay Energy I, LLC, Great Bay Energy IV, LLC, Great Bay Energy LLC, Great Bay Energy V, LLC, Great Bay Energy VI, LLC, Great Bay Energy VII, LLC.

Description: Notice of Non-Material Change in Status of the Great Bay Energy Companies.

Filed Date: 2/19/15.

Accession Number: 20150219–5214.

Comments Due: 5 p.m. ET 3/12/15.

Docket Numbers: ER12–2499–010; *ER12–2498–010; ER13–764–010; ER11–4055–004; ER12–1566–004; ER14–1548–002; ER12–1470–004; ER10–2977–004; ER11–3987–005; ER14–474–002; ER10–1290–005; ER10–3026–004.*

Applicants: Alpaugh North, LLC.

Description: Supplement to January 9, 2015 Notice of Non-Material Change in Status of the Sempra Energy Sellers.

Filed Date: 2/19/15.

Accession Number: 20150219–5215.

Comments Due: 5 p.m. ET 3/12/15.

Docket Numbers: ER13–2376–003.

Applicants: Midcontinent Independent System Operator, Inc., Northern Indiana Public Service Company.

Description: Compliance filing per 35: 2015–02–20_Att O NIPSCO Rate Formula Protocol Compliance Filing to be effective 1/1/2014.

Filed Date: 2/20/15.

Accession Number: 20150220–5100.

Comments Due: 5 p.m. ET 3/13/15.

Docket Numbers: ER13–2379–005.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing per 35: 2015–02–20_Attachment O CMMPA Rate Protocol Compliance Filing to be effective 1/1/2014.

Filed Date: 2/20/15.

Accession Number: 20150220–5135.

Comments Due: 5 p.m. ET 3/13/15.

Docket Numbers: ER15–828–001.

Applicants: Louisville Gas and Electric Company.

Description: Tariff Amendment per 35.17(b): Modifications to Attach O to be effective 2/1/2015.

Filed Date: 2/20/15.

Accession Number: 20150220–5054.

Comments Due: 5 p.m. ET 3/13/15.

Docket Numbers: ER15–1073–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–02–19_SA 2165 Ameren-Settlers Trail 3rd Rev. GIA (G931/J276) to be effective 2/20/2015.

Filed Date: 2/19/15.

Accession Number: 20150219–5168.

Comments Due: 5 p.m. ET 3/12/15.

Docket Numbers: ER15–1074–000.

Applicants: Alabama Power Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Albany Green Energy LGIA Filing to be effective 2/6/2015.

Filed Date: 2/20/15.

Accession Number: 20150220–5000.

Comments Due: 5 p.m. ET 3/13/15.

Docket Numbers: ER15–1075–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–2–20_PSC–WAPA–Rsdl–Const Agrmt–378–0.1.0-Filing to be effective 2/21/2015.

Filed Date: 2/20/15.

Accession Number: 20150220–5050.

Comments Due: 5 p.m. ET 3/13/15.

Docket Numbers: ER15–1076–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Original Service Agreement No. 4082; Queue No. Z1–015 to be effective 1/21/2015.

Filed Date: 2/20/15.

Accession Number: 20150220–5061.

Comments Due: 5 p.m. ET 3/13/15.

Docket Numbers: ER15–1077–000.

Applicants: Kansas Gas and Electric Company.

Description: Notice of Cancellation of Westar Energy, Inc. on behalf of Kansas Gas and Electric Company of Certificate of Concurrence to Rate Schedule No. 99.

Filed Date: 2/19/15.

Accession Number: 20150219–5212.

Comments Due: 5 p.m. ET 3/12/15.

Docket Numbers: ER15–1078–000.

Applicants: Midcontinent Independent System Operator, Inc., ITC Midwest LLC.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–02–20_SA 1925 ITC Midwest-Interstate Power and Light D–TIA to be effective 2/21/2015.

Filed Date: 2/20/15.

Accession Number: 20150220–5095.

Comments Due: 5 p.m. ET 3/13/15.

Docket Numbers: ER15–1079–000.

Applicants: Midcontinent Independent System Operator, Inc., South Mississippi Electric Power Association.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–02–20_SMEPA Attachment O Filing to be effective 6/1/2015.

Filed Date: 2/20/15.

Accession Number: 20150220–5125.

Comments Due: 5 p.m. ET 3/13/15.

Docket Numbers: ER15–1080–000.

Applicants: Beethoven Wind, LLC.

Description: Initial rate filing per 35.12 Market-Based Rate Application to be effective 2/27/2015.

Filed Date: 2/20/15.

Accession Number: 20150220–5126.

Comments Due: 5 p.m. ET 3/13/15.

Docket Numbers: ER15–1081–000.

Applicants: Florida Power & Light Company.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): FPL's Revised Delivery Point for Transmission Service Agreement No. 162 to be effective 4/1/2015.

Filed Date: 2/20/15.

Accession Number: 20150220–5164.

Comments Due: 5 p.m. ET 3/13/15.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH15–10–000.

Applicants: Starwood Energy Group Global, L.L.C.

Description: Starwood Energy Group Global, L.L.C. submits FERC 65–B Material Change in Facts of Waiver Notification.

Filed Date: 2/20/15.

Accession Number: 20150220–5161.

Comments Due: 5 p.m. ET 3/13/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 20, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–04019 Filed 2–25–15; 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: ER10–2302–005.
Applicants: Public Service Company of New Mexico.
Description: Response to December 19, 2014 Request for Additional Information of Public Service Company of New Mexico.
Filed Date: 2/18/15.
Accession Number: 20150218–5337.
Comments Due: 5 p.m. ET 3/11/15.

Docket Numbers: ER13–1448–002; ER13–1457–002; ER13–1463–002; ER13–1467–002; ER13–1473–003.
Applicants: Deseret Generation & Transmission Co-op., Idaho Power Company, Northwestern Corporation (Montana), Portland General Electric Company.
Description: Joint Compliance Order No. 1000 (Interregional) Filing of the Northern Tier Transmission Group.
Filed Date: 2/18/15.
Accession Number: 20150218–5349.
Comments Due: 5 p.m. ET 3/11/15.

Docket Numbers: ER13–1471–002.
Applicants: Cheyenne Light, Fuel and Power Company.
Description: Compliance filing per 35: Order No. 1000 Interregional Compliance Filing of WestConnect Parties to be effective N/A.
Filed Date: 2/18/15.
Accession Number: 20150218–5305.
Comments Due: 5 p.m. ET 3/11/15.

Docket Numbers: ER13–1472–002.
Applicants: Black Hills Power, Inc.
Description: Compliance filing per 35: Order No. 1000 Interregional Compliance Filing of WestConnect Parties to be effective N/A.
Filed Date: 2/19/15.
Accession Number: 20150219–5133.
Comments Due: 5 p.m. ET 3/12/15.

Docket Numbers: ER13–1474–002.
Applicants: Black Hills/Colorado Electric Utility Company.
Description: Compliance filing per 35: Order No. 1000 Interregional Compliance Filing of WestConnect Parties to be effective N/A.
Filed Date: 2/18/15.
Accession Number: 20150218–5307.
Comments Due: 5 p.m. ET 3/11/15.

Docket Numbers: ER13–2375–003.
Applicants: Midcontinent Independent System Operator, Inc., Southern Indiana Gas and Electric Company.
Description: Compliance filing per 35: 2015–02–19_Att O Vectren Rate Protocol Compliance Filing to be effective 1/1/2014.
Filed Date: 2/19/15.
Accession Number: 20150219–5132.
Comments Due: 5 p.m. ET 3/12/15.

Docket Numbers: ER14–804–002.
Applicants: Westar Energy, Inc.
Description: Compliance filing per 35: Compliance Filing, Kansas Electric Power Cooperative, Inc. to be effective 3/1/2014.
Filed Date: 2/19/15.
Accession Number: 20150219–5067.
Comments Due: 5 p.m. ET 3/12/15.

Docket Numbers: ER14–805–002.
Applicants: Westar Energy, Inc.
Description: Compliance filing per 35: Compliance Filing, Full Requirements Electric Service Agreements to be effective 3/1/2014.
Filed Date: 2/19/15.
Accession Number: 20150219–5072.
Comments Due: 5 p.m. ET 3/12/15.

Docket Numbers: ER15–211–000.
Applicants: Southwest Power Pool, Inc.
Description: eTariff filing per 35.19a(b): Refund Report—1977R5 Nemaha-Marshall Electric Cooperative—ER15–211 to be effective N/A.
Filed Date: 2/19/15.
Accession Number: 20150219–5149.
Comments Due: 5 p.m. ET 3/12/15.

Docket Numbers: ER15–418–001.
Applicants: New England Power Company.
Description: Tariff Amendment per 35.17(b): New England Power Response to January 15 2015 Letter to be effective 10/16/2014.
Filed Date: 2/18/15.
Accession Number: 20150218–5274.
Comments Due: 5 p.m. ET 3/11/15.

Docket Numbers: ER15–760–001.
Applicants: Western Antelope Blue Sky Ranch A LLC.
Description: Tariff Amendment per 35.17(b): Western Antelope Blue Sky Ranch A LLC Amended MBR Tariff to be effective 2/1/2015.
Filed Date: 2/19/15.
Accession Number: 20150219–5118.
Comments Due: 5 p.m. ET 3/12/15.

Docket Numbers: ER15–762–001.
Applicants: Sierra Solar Greenworks LLC.
Description: Tariff Amendment per 35.17(b): Sierra Solar Greenworks LLC Amended MBR Tariff to be effective 2/1/2015.
Filed Date: 2/19/15.
Accession Number: 20150219–5119.
Comments Due: 5 p.m. ET 3/12/15.

Docket Numbers: ER15–1008–001.
Applicants: AEP Generation Resources Inc.
Description: Tariff Amendment per 35.17(b): Wheeling Power Supply Agreement Cancellation Amendment to be effective 1/31/2015.
Filed Date: 2/19/15.
Accession Number: 20150219–5124.
Comments Due: 5 p.m. ET 3/12/15.

Docket Numbers: ER15–1069–000.
Applicants: Wisconsin Electric Power Company.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Wisconsin Electric Rate Schedule FERC No. 106 to be effective 2/1/2015.
Filed Date: 2/18/15.
Accession Number: 20150218–5302.
Comments Due: 5 p.m. ET 3/11/15.

Docket Numbers: ER15–1070–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2015–02–18_Cancel Schedule 43G Presque Isle to be effective 2/1/2015.
Filed Date: 2/18/15.
Accession Number: 20150218–5304.
Comments Due: 5 p.m. ET 3/11/15.

Docket Numbers: ER15–1071–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2015–02–18_SA 6508 Termination Presque Isle SSR Agreement to be effective 2/1/2015.
Filed Date: 2/18/15.
Accession Number: 20150218–5308.
Comments Due: 5 p.m. ET 3/11/15.

Docket Numbers: ER15–1072–000.
Applicants: Public Service Company of Colorado.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2015–2–19_PSC–WAPA-Rsdl-Const Agrmt-378–0.0.0–Filing to be effective 2/20/2015.
Filed Date: 2/19/15.
Accession Number: 20150219–5052.
Comments Due: 5 p.m. ET 3/12/15.

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 19, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–03908 Filed 2–25–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–46–000]

Champion Energy Marketing LLC v. PJM Interconnection, L.L.C., PJM Settlement, Inc.; Notice of Complaint

Take notice that on February 13, 2015 pursuant to section 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 and section 206 of the Federal Power Act, 16 U.S.C. 824(e), Champion Energy Marketing LLC (Complainants or Champion) filed a formal complaint against PJM Interconnection, LLC. and PJM Settlement, Inc. (Respondents or PJM) alleging that PJM's Tariff provisions that allowed for uplift charges to be incurred and then allocated to Champion are flawed, and perpetuate fleet-wide resource performance problems, which as a result fail to ensure reliability in a cost-effective manner, rendering the Tariff unjust and unreasonable, as more fully explained in the complaint.

Champion certifies that copies of the complaint were served on the contacts for PJM as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on March 5, 2015.

Dated: February 19, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–04002 Filed 2–25–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–47–000]

NextEra Desert Center Blythe, LLC v. California Independent System Operator Corporation; Notice of Complaint

Take notice that on February 18, 2015, pursuant to section 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 and section 206 of the Federal Power Act, 16 U.S.C. 824(e), NextEra Desert Center Blythe, LLC (Complainant) filed a formal complaint against the California Independent System Operator Corporation (Respondent) alleging that, the Respondent failed to allocate Merchant Congestion Revenue Rights to the Complainant for its investment in transmission upgrades as required by the Respondent's Market Redesign and Technology Upgrade Tariff.

The Complainant certifies that copies of the complaint were served on the contacts for the Respondent and Southern California Edison Company as listed on the Commission's list of Corporate Officials and on the California Public Utilities Commission.

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. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on March 10, 2015.

Dated: February 19, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–03909 Filed 2–25–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IN13–15–000]

BP America Inc., BP Corporation North America Inc., BP America Production Company, and BP Energy Company; Notice of Designation of Commission Staff as Non-Decisional

With respect to orders issued by the Commission on August 5, 2013 and May 15, 2014 in the above-captioned docket, with the exceptions noted below, the staff of the Office of Enforcement are designated as non-decisional in deliberations by the Commission in this docket. Accordingly, pursuant to 18 CFR 385.2202 (2014), they will not serve as advisors to the Commission or take part in the Commission's review of any

offer of settlement. Likewise, as non-decisional staff, pursuant to 18 CFR 385.2201 (2014), they are prohibited from communicating with advisory staff concerning any deliberations in this docket.

Exceptions to this designation as non-decisional are:

Larry Gasteiger
James Owens
Justin Shellaway
Timothy Helwick
Eric Ciccoretti
Shawn Bennett
Jill Davis
Sebastian Krynski

Dated: February 19, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–03995 Filed 2–25–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP13–193–000]

Aguirre Offshore GasPort, LLC; Notice of Availability of the Final Environmental Impact Statement for the Proposed Aguirre Offshore Gasport Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a final environmental impact statement (EIS) for the Aguirre Offshore GasPort Project (Project), proposed by Aguirre Offshore GasPort, LLC (Aguirre LLC), a wholly owned subsidiary of Excelerate Energy, LP in the above-referenced docket. Aguirre LLC is seeking authorization from the FERC to develop, construct, and operate a liquefied natural gas (LNG) import terminal off the southern coast of Puerto Rico.

The final EIS assesses the potential environmental effects of the construction and operation of the Aguirre Offshore GasPort Project in accordance with the requirements of the National Environmental Policy Act (NEPA). Construction and operation of the Project would result in mostly temporary and short-term environmental impacts; however, some long-term and permanent environmental impacts would occur. The FERC staff concluded that approval of the proposed Project, with the mitigation measures recommended in the EIS, would result in limited adverse environmental impacts.

The U.S. Environmental Protection Agency (EPA), U.S. Coast Guard, U.S. Department of Transportation, U.S. Department of Energy, U.S. Department of Agriculture, Puerto Rico Permits Management Office, Puerto Rico Environmental Quality Board, Puerto Rico Planning Board, Puerto Rico Department of Natural and Environmental Resources, and Puerto Rico Department of Health participated as cooperating agencies in the preparation of the EIS. Cooperating agencies have jurisdiction by law or special expertise with respect to resources potentially affected by the proposal, and participate in the NEPA analysis. In addition, other federal, state, and local agencies may use this EIS in approving or issuing permits for all or part of the proposed Project. Although the cooperating agencies provided input to the conclusions and recommendations presented in the final EIS, the agencies will present their own conclusions and recommendations in their respective Records of Decision for the Project.

The U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and National Oceanic and Atmospheric Administration, National Marine Fisheries Service also provided assistance in preparing this EIS as permitting and consulting agencies.

The Project is being developed in cooperation with the Puerto Rico Electric Power Authority (PREPA) for the purpose of receiving, storing, and regasifying the LNG to be acquired by PREPA; and delivering natural gas to PREPA's existing Aguirre Power Complex (Aguirre Plant) in Salinas, Puerto Rico. The Project will help diversify Puerto Rico's energy sources, allow the Aguirre Plant to meet the EPA's Mercury and Air Toxics Standard rule, reduce fuel oil barge traffic in Jobos Bay, and contribute to price stabilization for power in the region. The final EIS addresses the potential environmental effects of the construction and operation of the following Project facilities:

- An offshore berthing platform;
- an offshore marine LNG receiving facility;
- a Floating Storage and Regasification Unit moored at the offshore berthing platform;
- visiting LNG carriers; and
- a 4.0-mile-long (6.4 kilometer) subsea pipeline connecting the Offshore GasPort to the Aguirre Plant.

The FERC staff mailed copies of the final EIS to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; other interested individuals and groups; newspapers and libraries in the Project area; and parties to this proceeding. The final EIS was also translated in Spanish. Paper copy versions of this EIS in English were mailed to those specifically requesting them; all others received a CD version. To accommodate translation, paper copy and CD versions of this EIS in Spanish are scheduled to be mailed out about two weeks after the English version. In addition, the final EIS is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC (*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.,* CP13–193). 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; for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription that allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *http://www.ferc.gov/docs-filing/esubscription.asp.*

Dated: February 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–03999 Filed 2–25–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 7590–010]

Nashua Hydro Associates, City of Nashua, New Hampshire; Notice of Transfer of Exemption

1. By letter filed January 23, 2015, the City of Nashua, New Hampshire informed the Commission that the exemption from licensing for the Jackson Mills Project, FERC No. 7590, originally issued April 24, 1984,[1] has been transferred from Nashua Hydro Associates to the City of Nashua, New Hampshire. The project is located on the Nashua River in Hillsborough County, New Hampshire. The transfer of an exemption does not require Commission approval.

2. The City of Nashua, New Hampshire is now the exemptee for the Jackson Mills Project, FERC No. 7590. All correspondence should be forwarded to: Ms. Sarah Marchant, Division Director, City of Nashua, New Hampshire, Community Development Division, 229 Main Street, Nashua, New Hampshire 03060.

Dated: February 19, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–03998 Filed 2–25–15; 8:45 am]

BILLING CODE 6717–01–P

[1] 27 FERC ¶ 62,078, Order Granting Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF15–6–000]

Western Area Power Administration; Notice of Filing

Take notice that on February 9, 2015 the Western Area Power Administration submitted a tariff filing per 10 CFR 903.23: CRSP_PRP_165–20150209, to be effective 4/1/2015. (Formula Rate for the Provo River Project-Western Area Power Administration-Rate Order No. WAPA–165.)

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 March 11, 2015.

Dated: February 20, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–04020 Filed 2–25–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–48–000]

Twin Valley Hydroelectric; Notice of Filing

Take notice that on February 19, 2015, Twin Valley Hydroelectric, pursuant to sections 205 and 206 of the Federal Power Act, 16 U.S.C. 824d, and sections 35.7 and 35.13(a)(2)(iii) of the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 35.7 and 35.13, submits revisions to the Small Generator Interconnection Agreement, Service Agreement No. 83 (Pro Forma Sheets) under Electric Tariff Volume No. 4 with Pacific Gas and Electric Company to be effective April 17, 2015 and retroactive to January 26, 2012.

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 electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on March 12, 2015.

Dated: February 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–03994 Filed 2–25–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1065–000]

Balko Wind, 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 Balko Wind, LLC's application for market-based rate authority, with an accompanying rate tariff, 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 March 11, 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 are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 19, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–04004 Filed 2–25–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1066–000]

Red Horse Wind 2, 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 Red Horse Wind 2, LLC's application for market-based rate authority, with an accompanying rate tariff, 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 March 11, 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 are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 19, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–04005 Filed 2–25–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1064–000]

California Clean Power Corp.; 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 California Clean Power Corp.'s application for market-based rate authority, with an accompanying rate tariff, 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 March 11, 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 are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 19, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–04003 Filed 2–25–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1894–207]

South Carolina Electric & Gas Company; Notice of Intent To File License Application, Filing of Pre-Application Document, and Approving Use of the Traditional Licensing Process

a. *Type of Filing:* Notice of Intent To File License Application and Request To Use the Traditional Licensing Process.

b. *Project No.:* 1894–207.

c. *Date Filed:* January 5, 2015.

d. *Submitted By:* South Carolina Electric & Gas Company.

e. *Name of Project:* Parr Hydroelectric Project.

f. *Location:* On the Broad River, in Newberry and Fairfield Counties, South Carolina. No federal lands are occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* 18 CFR 5.3 of the Commission's regulations.

h. *Potential Applicant Contact:* Mr. William Argentieri, P.E., Manager of Civil Engineering, South Carolina Electric & Gas Company, 220 Operation Way, Mail Code A221, Cayce, SC 29033–3701; (803) 217–9162; email—*bargentieri@scana.com.*

i. *FERC Contact:* Monte TerHaar at (202) 502–6035; or email at *monte.terhaar@ferc.gov.*

j. South Carolina Electric & Gas Company filed its request to use the Traditional Licensing Process on January 5, 2015 13, 2000. South Carolina Electric & Gas Company provided public notice of its request on December 28, 2014 and January 14, 2015. In a letter dated February 20, 2015, the Director of the Division of Hydropower Licensing approved South Carolina Electric & Gas Company's request to use the Traditional Licensing Process.

k. With this notice, we are initiating informal consultation with the U.S. Fish and Wildlife Service and/or NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency regulations thereunder at 50 CFR, Part 402; and NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR 600.920. We are also initiating consultation with the South Carolina State Historic Preservation Officer, as required by section 106, National Historical Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 CFR 800.2.

l. With this notice, we are designating South Carolina Electric & Gas Company as the Commission's non-federal representative for carrying out informal consultation pursuant to section 7 of the Endangered Species Act and section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act; and consultation pursuant to section 106 of the National Historic Preservation Act.

m. South Carolina Electric & Gas Company filed a Pre-Application Document (PAD; including a proposed process plan and schedule) with the Commission, pursuant to 18 CFR 5.6 (d) of the Commission's regulations.

n. A copy of the PAD is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site (*http://www.ferc.gov*), using the ''eLibrary'' link. Enter the docket number, excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCONlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). A copy is also available for inspection and reproduction at the address in paragraph h.

o. The licensee states its unequivocal intent to submit an application for a new license for Project No. 1894. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by June 29, 2018.

p. Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filing and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Dated: February 20, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–03997 Filed 2–25–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR15–15–000]

Belle Fourche Pipeline Company, Bridger Pipeline LLC; Notice of Petition for Declaratory Order

Take notice that on February 12, 2015, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2) (2014), Belle Fourche Pipeline Company (Belle Fourche) and Bridger Pipeline LLC (Bridger), filed a petition for declaratory order seeking approval of the overall tariff and rate structure for an expansion pipeline system involving the coordinated expansions of both Belle Fourche's and Bridger's pipeline systems in Wyoming. The coordinated expansions will provide additional capacity for the transportation of crude oil for the Powder River Basin formation near Converse and Campbell Counties, Wyoming to Guernsey, Wyoming, all as more fully explained in the petition.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the

Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on March 13, 2015.

Dated: February 19, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–03910 Filed 2–25–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission or Commission Staff Attendance at Miso Meetings

The Federal Energy Regulatory Commission hereby gives notice that members of the Commission and Commission staff may attend the following MISO-related meetings:

- Advisory Committee (10:00 a.m.–3:00 p.m., Local Time)
  - February 25, 300 Bourbon St., New Orleans, LA
  - March 25
  - April 22
  - May 27
  - July 22
  - August 26, 350 Market St., St. Paul, MN
  - September 23
  - October 21, 3 Statehouse Plaza, Little Rock, AR
  - November 18
  - December 9
- Board of Directors Audit & Finance Committee
  - February 25, 300 Bourbon St., New Orleans, LA, (4:30 p.m.–6 p.m.)
  - April 16, (12:30 p.m.–2:30 p.m.)
  - August 26, 350 Market St., St. Paul, MN, (2:00 p.m.–3:30 p.m.)
  - September 24 (1:30 p.m.–3:30 p.m.)
  - October 21 (4:30 p.m.–6:00 p.m.)
- Board of Directors (8:30 a.m.–10:00 a.m., Local Time)
  - February 26, 300 Bourbon St., New Orleans, LA
  - April 23
  - June 18, 424 East Wisconsin Ave., Milwaukee, WI
  - August 27, 350 Market St., St. Paul, MN
  - October 22
  - December 10
- Board of Directors Markets Committee (8:00 a.m.–10:00 a.m., Local Time)
  - February 25, 300 Bourbon St., New Orleans, LA
  - March 25
  - April 22
  - May 20
  - June 17, 424 East Wisconsin Ave., Milwaukee, WI
  - July 29
  - August 26, 350 Market St., St. Paul, MN
  - September 23
  - October 21, 3 Statehouse Plaza, Little Rock, AR
  - November 18
  - December 9
- Board of Directors System Planning Committee
  - March 17 (2:00 p.m.–3:30 p.m.)
  - April 21 (3:00 p.m.–5:00 p.m.)
  - June 16, 424 East Wisconsin Ave., Milwaukee, WI, (9:00 a.m.–11:00 a.m.)
  - August 26, 350 Market St., St. Paul, MN, (4:00 p.m.–6:00 p.m.)
  - October 15, (12:30 p.m.–2:00 p.m.)
  - November 19 (1:00 p.m.–3:00 p.m.)
  - December 9 (3:30 p.m.–5:30 p.m.)
- MISO Informational Forum (3:00 p.m.–5:00 p.m., Local Time)
  - February 24, 300 Bourbon St., New Orleans, LA
  - March 24
  - April 21
  - May 26
  - July 21
  - August 25, 350 Market St., St. Paul, MN
  - October 20, 3 Statehouse Plaza, Little Rock, AR
  - November 17
  - December 15
- MISO Market Subcommittee (9:00 a.m.–4:00 p.m., Local Time)
  - March 3
  - March 31
  - April 28
  - June 2
  - July 7
  - August 4
  - September 1
  - September 29
  - October 27
  - December 1
- MISO Supply Adequacy Working Group (9:00 a.m.–5:00 p.m., Local Time)
  - March 5
  - April 2
  - April 30
  - June 4
  - July 9
  - August 6
  - September 3
  - October 1
  - October 29
  - December 3
- MISO Regional Expansion Criteria and Benefits Task Force (1:00 p.m.–4:00 p.m., Local Time except as noted)
  - March 19
  - April 13
  - May 14
  - June 25
  - July 30 (9:00 a.m.–12:00 p.m.)
  - October 12
- MISO Planning Advisory Committee (9:00 a.m.–5:00 p.m., Local Time)
  - March 18
  - April 15
  - May 13
  - June 24
  - July 29
  - August 19
  - September 16
  - October 14
  - November 11
  - December 16

Unless otherwise noted all of the meetings above will be held at: MISO Headquarters, 701 City Center Drive, 720 City Center Drive, and Carmel, IN 46032.

Further information may be found at *www.misoenergy.org.*

The above-referenced meetings are open to the public.

The discussions at each of the meetings described above may address matters at issue in the following proceedings:

Docket No. EL14–21, *Southwest Power Pool, Inc.* v. *Midcontinent Independent System Operator, Inc.*

Docket No. ER14–1174, *Southwest Power Pool, Inc.*

Docket No. ER14–2850, *Southwest Power Pool, Inc.*

Docket No. ER09–1431, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER11–3279, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER11–4081, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER12–678, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER12–2302, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER12–2706, *Midwest Independent Transmission System Operator, Inc.*

Docket No. EL13–13, *ITC Midwest, LLC*

Docket No. ER13–187, *Midwest Independent Transmission System Operator, Inc.*

Docket No. ER13–186, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER13–101, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER13–89, *MidAmerican Energy Company*
Docket No. ER12–1266, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–1265, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–1564, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–1194, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–971, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER08–925, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–309, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–480, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER12–2682, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER13–1924, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–1943, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–1944, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–1945, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–692, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–2375, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–2376, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–2379, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–2124, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–2295, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–2378, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–2337, *Midcontinent Independent System Operator, Inc.*
Docket No. EL13–88, *Northern Indiana Public Service Corp. v Midcontinent Independent System Operator, Inc., et al.*
Docket No. EL14–12, *ABATE et al. v Midcontinent Independent System Operator, Inc., et al.*
Docket No. AD12–16, *Capacity Deliverability across the MISO/PJM Seam*
Docket No. AD14–3, *Coordination of Energy and Capacity across the MISO/PJM Seam*
Docket No. ER13–1938, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–2468, *Midcontinent Independent System Operator, Inc.*
Docket No. ER13–2124, *Midcontinent Independent System Operator, Inc.*
Docket No. ER11–2059, *Midwest Independent Transmission System Operator, Inc.*
Docket No. ER14–1736, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–2605, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–1243, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–1725, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–2180, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–2862, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–2952, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–2599, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–2562, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–2156, *Midcontinent Independent System Operator, Inc.*
Docket No. ER14–2445, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–133, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–530, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–685, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–684, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–730, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–747, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–767, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–847, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–142, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–862, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–918, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–277, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–945, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–933, *Midcontinent Independent System Operator, Inc.*
Docket No. ER15–946, *Midcontinent Independent System Operator, Inc.*

For more information, contact Patrick Clarey, Office of Energy Markets Regulation, Federal Energy Regulatory Commission at (317) 249–5937 or *patrick.clarey@ferc.gov,* or Christopher Miller, Office of Energy Markets Regulation, Federal Energy Regulatory Commission at (317) 249–5936 or *christopher.miller@ferc.gov.*

Dated: February 19, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–03996 Filed 2–25–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. AD13–7–000–AD14–8–000]

Centralized Capacity Markets in Regional Transmission Organizations and Independent System Operators; Winter 2013–2014 Operations and Market Performance in Regional Transmission Organizations and Independent System Operators; Notice Allowing Public Comment

On November 20, 2014, the Federal Energy Regulatory Commission (Commission) issued an Order on Technical Conferences [1] to address the issue of fuel assurance, which was raised in various venues, including the Commission's September 25, 2013 technical conference on centralized capacity markets in regional transmission organizations and independent system operators (RTO/ISO) and the Commission's April 1, 2014 technical conference on winter 2013/2014 operations and market performance in RTOs/ISOs. The Order discussed fuel assurance issues and directed RTOs/ISOs to file reports on the status of their efforts to address fuel assurance issues within 90 days of the date of the order. On February 18, 2015, the RTOs/ISOs submitted their reports in compliance with the order.

In the Order, the Commission also allowed for a 30-day public comment period following the submission of the RTO/ISO reports. Pursuant to the Order, all interested persons are invited to file comments on any or all of the RTO/ISO reports filed. These comments must be filed with the Commission no later than 5:00 p.m. Eastern Standard Time (EST) on Friday, March 20, 2015.

For more information about this Notice, please contact: David Tobenkin (Technical Information), Office of Energy Policy and Innovation, Federal Energy Regulatory Commission, 888

[1] *Centralized Capacity Markets in Regional Transmission Organizations and Independent System Operators,* 149 FERC ¶ 61,145 (2014) (Order).

First Street NE., Washington, DC 20426, (202) 502–6445, *David.Tobenkin@ferc.gov*; Kate Hoke (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8404, *Katheryn.Hoke@ferc.gov*.

Dated: February 20, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–04018 Filed 2–25–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2014–0095; FRL–9923–53–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, Pipeline Facilities, and Gasoline Dispensing Facilities (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NESHAP for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, Pipeline Facilities, and Gasoline Dispensing Facilities (40 CFR part 63, Subparts BBBBBB and CCCCCC) (Renewal)'' (EPA ICR No. 2237.04, OMB Control No. 2060–0620) 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.*). This is a proposed extension of the ICR, which is currently approved through February 28, 2015. Public comments were previously requested via the **Federal Register** (79 FR 30117) on May 27, 2014 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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: Additional comments may be submitted on or before March 30, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ–OECA–2014–0095, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

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: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@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.*

Abstract: The NESHAP for Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, Pipeline Facilities, and Gasoline Dispensing Facilities applies to owners or operators of any existing or new gasoline distribution facilities that are an area source of hazardous air pollutants (HAP) emissions. In addition to the initial notification and notification of compliance status required by the General Provisions to 40 CFR Part 63, Subpart A, respondents are required to submit one-time reports of start of construction, anticipated and actual startup dates, and physical or operational changes to existing facilities. Reports of initial performance tests on control devices at gasoline distribution storage tanks, loading racks, and vapor balance systems are also required and are necessary to show that the installed control devices are meeting the emission limitations required by the NESHAP. Annual reports of storage tank inspections at all affected facilities are required. In addition, respondents must submit semiannual compliance and continuous monitoring system performance reports, and semiannual reports of equipment leaks not repaired within 15 days or loadings of cargo tanks for which vapor tightness documentation is not available.

Form Numbers: None.

Respondents/affected entities: Gasoline distribution bulk terminals, bulk plants, pipeline facilities, and gasoline dispensing facilities.

Respondent's obligation to respond: Mandatory (40 CFR Part 63, Subpart BBBBBB and CCCCCC).

Estimated number of respondents: 19,120 (total).

Frequency of response: Initially and semiannually.

Total estimated burden: 175,308 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $17,273,140 (per year), includes $110,000 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an increase of 114,791 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to an adjustment to the labor rates, mathematical corrections, and corrections to the number respondents required for each burden item. Additionally, the previous ICR did not account for the burden associated with equipment leak inspections. In this ICR, we have conducted a thorough review of the assumptions and updated all burden estimates, as appropriate.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–03919 Filed 2–25–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2006–0971; FRL–9923–72–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; National Volatile Organic Compound Emission Standards for Architectural Coatings (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''National Volatile Organic Compound Emission

Standards for Architectural Coatings'' (EPA ICR No. 1750.07, OMB Control No. 2060–0393) 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.*). This is a proposed extension of the ICR, which is currently approved through February 28, 2015. Public comments were previously requested via the **Federal Register** (79 FR 55448) on September 16, 2014, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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: Additional comments may be submitted on or before March 9, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OAR–2006–0371, to (1) EPA 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, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

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: Ms. Kim Teal, Sector Policies and Programs Division (Mail Code D243–04), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone number: 919–541–5580; fax number: 919–541–5450; email address: *teal.kim@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, EPA WJC West Building, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the EPA Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: The EPA is required under section 183(e) of the Clean Air Act to regulate volatile organic compound (VOC) emissions from the use of consumer and commercial products. Pursuant to section 183(e)(3), the EPA published a list of consumer and commercial products and a schedule for their regulation (60 FR 15264). Architectural coatings are included on the list, and the standards for such coatings are codified at 40 CFR part 59, subpart D. The information collection includes initial reports and periodic recordkeeping necessary for the EPA to ensure compliance with federal standards for VOC in architectural coatings. Respondents are manufacturers or importers that produce, package, or repackage architectural coatings. Responses to the collection are mandatory under 40 CFR part 59, subpart D—National Volatile Organic Compound Emission Standards for Architectural Coatings. All information submitted to the EPA for which a claim of confidentiality is made will be safeguarded according to the Agency policies set forth in 40 CFR part 2, subpart B—Confidentiality of Business Information.

Form Numbers: None.

Respondents/affected entities: Manufacturers or importers that produce, package, or repackage architectural coatings for sale or distribution in the United States, including the District of Columbia and all United States territories.

Respondent's obligation to respond: Mandatory under 40 CFR part 59, subpart D.

Estimated number of respondents: 500 (total).

Frequency of response: On occasion.

Total estimated burden: 14,661 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $1,261,526 per year. There are no annualized capital or operation & maintenance costs.

Changes in the estimates: There is no change in hours in the total estimated respondent burden compared with the ICR currently approved by OMB.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–04017 Filed 2–25–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R04–OAR–2014–0728; FRL–9923–71–Region–4]

Notice of Issuance of Final Air Permits to Anadarko Petroleum Corporation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final actions.

SUMMARY: This notice is to announce that the Environmental Protection Agency (EPA) issued two final Outer Continental Shelf (OCS) air quality permits numbered OCS–EPA–R4019 and OCS–EPA–R4020 to Anadarko Petroleum Corporation (Anadarko) on December 31, 2014.

ADDRESSES: The final permits, the EPA's response to public comments for these permits, and supporting information are available at *http://www.epa.gov/region4/air/permits/index.htm.* These materials are also available for review at the EPA Region 4 Office and upon request in writing. The EPA requests that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule an inspection of these materials or to submit a written request for copies of these materials. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Please contact Ms. Heather Ceron, Air Permits Section Chief, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9185. Ms. Ceron can be reached by phone at (404) 562–9185 and via electronic mail at *ceron.heather@epa.gov.*

SUPPLEMENTARY INFORMATION: On November 14, 2014, EPA requested public comments on the drafts of the two OCS air permits for the Anadarko (BlackHawk and BlackHornet) projects. The draft permit conditions and preliminary determination documents are the same for both projects; they simply reference different drilling rigs. During the public comment period, which ended on December 15, 2014, the EPA received a total of 7 comments from 1 commenter (Anadarko).

The EPA reviewed each comment received for the Anadarko projects and prepared a Response to Comments document. After consideration of the expressed view of all interested persons, the pertinent federal statutes and

regulations, the applications and supplemental information submitted by the applicant, and additional material relevant to the applications and contained in the Administrative Records, the EPA made final determinations in accordance with 40 Code of Federal Regulations (CFR) parts 55 and 71 to issue final air permits.

The EPA must follow the administrative procedures in 40 CFR part 124 used to issue Prevention of Significant Deterioration permits when processing OCS permit applications under Part 55. 40 CFR 55.6(a)(3). The EPA must also follow the administrative procedures of 40 CFR part 71 when issuing permits to OCS sources subject to Title V requirements. 40 CFR 71.4(d). Under 40 CFR 124.19(l)(3) and 40 CFR 71.11(l)(7), notice of any final Agency action regarding a subject permit must be published in the **Federal Register**. Section 307(b)(1) of the Clean Air Act (CAA) provides for review of final Agency action that is locally or regionally applicable in the United States Court of Appeals for the appropriate circuit. Such a petition for review of final Agency action must be filed on or before 11:59 p.m. on the 60th day from the date of notice of such action in the **Federal Register**. For purposes of judicial review under the CAA, final Agency action occurs when a final permit is issued or denied by the EPA and Agency review procedures are exhausted, per 40 CFR 124.19(l)(2) and 40 CFR 71.11(l)(5).

Any person who filed comments on the Anadarko draft permits was provided the opportunity to petition the Environmental Appeals Board by January 30, 2015. No petitions were submitted for these permit. Therefore, the Anadarko permits became effective on January 31, 2015.

Dated: February 17, 2015.

Beverly H. Banister,

Director, Air, Pesticides, and Toxics Management Division, Region 4.

[FR Doc. 2015–04016 Filed 2–25–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold Open Commission Meeting Thursday, February 26, 2015

February 19, 2015.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, February 26, 2015. The meeting is scheduled to commence at 9:30 a.m. in Room TW–C305, at 445 12th Street SW., Washington, DC.

Item No.	Bureau	Subject
1	WIRELINE COMPETITION AND GENERAL COUNSEL.	TITLE: City of Wilson, North Carolina Petition for Preemption of North Carolina General Statue Sections 160A–340 *et. seq.* (WC Docket No. 14–115); The Electric Power Board of Chattanooga, Tennessee Petition for Preemption of a Portion of Tennessee Code Annotated Section 7–52–601 (WC Docket No. 14–116). SUMMARY: The Commission will consider a Memorandum Opinion and Order addressing petitions filed by two municipal broadband providers asking that the Commission preempt provisions of state laws in North Carolina and Tennessee that restrict the abilities of communities to provide broadband service.
2	WIRELINE COMPETITION, WIRELESS TELECOMMUNICATIONS AND GENERAL COUNSEL.	TITLE: Protecting and Promoting the Open Internet (GN Docket No. 14–28). SUMMARY: The Commission will consider a Report and Order on Remand, Declaratory Ruling, and Order that responds to the Verizon court remand and adopts strong open Internet rules, grounded in multiple sources of the Commission's legal authority, to ensure that Americans reap the economic, social, and civic benefits of an open Internet today and into the future.

The meeting site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, and assistive listening devices will be provided on site. Other reasonable accommodations for people with disabilities are available upon request. In your request, include a description of the accommodation you will need and a way we can contact you if we need more information. Last minute requests will be accepted, but may be impossible to fill. Send an email to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Additional information concerning this meeting may be obtained from Meribeth McCarrick, Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC Live Web page at *www.fcc.gov/live.*

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. To purchase these services, call (703) 993–3100 or go to *www.capitolconnection.gmu.edu.*

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2015–03987 Filed 2–25–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE AND TIME: Tuesday March 3, 2015 at 10:00 a.m. and Its Continuation on Thursday March 5, 2015 at the Conclusion of the Open Meeting.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This Meeting Will Be Closed to the Public.

ITEMS TO BE DISCUSSED: Compliance matters pursuant to 2 U.S.C. 437g.

Internal personnel rules and internal rules and practices.

Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

Matters concerning participation in civil actions or proceedings or arbitration.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shelley E. Garr,

Deputy Secretary of the Commission.

[FR Doc. 2015–04124 Filed 2–24–15; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Notice

February 23, 2015.

TIME AND DATE: 10:00 a.m., Thursday, March 5, 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: *Pocahontas Coal Co., LLC.* v. *Secretary of Labor,* Docket No. WEVA 2014–202–R; and *Pocahontas Coal Co., LLC* v. *Secretary of Labor,* Docket Nos. WEVA 2014–642–R, et al. (Issues include whether the Administrative Law Judges erred in ruling that they lacked jurisdiction to review a Notice of Pattern of Violations and a Notice of Safeguard, respectively.)

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 Stewart,

Deputy General Counsel.

[FR Doc. 2015–04080 Filed 2–24–15; 11:15 am]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: Notice is hereby given of the final approval of proposed information collections by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve 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.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Acting Clearance Officer, Mark Tokarski, Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer, Shagufta Ahmed, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW.,Washington, DC 20503.

Final approval under OMB delegated authority of the revision, without extension, of the following reports:[1]

1. Report title: Consolidated Financial Statements for Holding Companies.

Agency form number: FR Y–9C.

OMB Control number: 7100–0128.

Frequency: Quarterly.

Reporters: Bank holding companies (BHCs), savings and loan holding companies (SLHCs), and securities holding companies (SHCs) (collectively, ''holding companies'' (HCs)).

Estimated annual reporting hours: 133,464 hours.

Estimated average hours per response: Non-advanced approaches HCs: 50.84 hours, and advanced approaches HCs: 52.09 hours.

Number of respondents: Non-advanced approaches HCs: 644, and advanced approaches HCs: 12.

General description of report: This information collection is mandatory for BHCs (12 U.S.C. 12 U.S.C. 1844(c)(1)(A)). Additionally, 12 U.S.C. 1467a(b)(2)(A) and 1850a(c)(1)(A), respectively, authorize the Federal Reserve to require that SLHCs and supervised SHCs file the FR Y–9C with the Federal Reserve. Confidential treatment is not routinely given to the financial data in this report. However, confidential treatment for the reporting information, in whole or in part, can be requested in accordance with the instructions to the form, pursuant to sections (b)(4), (b)(6), or (b)(8) of FOIA (5 U.S.C. 522(b)(4), (b)(6), and (b)(8)).

Abstract: The FR Y–9C consists of standardized financial statements similar to the Federal Financial Institutions Examination Council (FFIEC) Consolidated Reports of Condition and Income (Call Reports) (FFIEC 031 & 041; OMB No. 7100–0036) filed by commercial banks. It collects consolidated data from HCs and is filed quarterly by top-tier HCs with total consolidated assets of $1 billion or more. (Under certain circumstances defined in the General Instructions, BHCs under $1 billion may be required to file the FR Y–9C.)

Current Actions: On August 6, 2014, the Federal Reserve published a notice in the **Federal Register** (79 FR 45808) requesting public comment for 60 days on the revision, without extension, of the FR Y–9C. The comment period for this notice expired on October 6, 2014. The Federal Reserve received three comment letters regarding proposed revisions to the FR Y–9C from two banking organizations and one bankers' association. In addition, three commenters submitted comments on the proposed revisions to the Consolidated Reports of Condition and Income (Call Reports) (FFIEC 031 & 041; OMB No. 7100–0036), which parallel proposed revisions to the FR Y–9C. Because these changes to the Call Report parallel the proposed revisions to the FR Y–9C, the Federal Reserve also considered the comments on the Call Report in developing the final notice. In summary, the commenters asked that the Federal Reserve (1) clarify the applicability of the proposed reporting requirements, (2) add additional items, (3) combine two items, (4) provide additional risk-weight categories for some items, and (5) clarify the instructions for certain line items.[2]

Detailed Discussion of Public Comments and Recommended Responses

1. Proposed FR Y–9C, Schedule HC–R, Part II

In the March 2015 proposal, Schedule HC–R, Part II—the portion of the Y–9C that risk-weighted assets (RWAs)—would be modified to ensure that all banking organizations are reporting RWAs consistent with the standardized approach outlined in the 2013 revisions to the regulatory capital rules. All HCs that are subject to FR–Y9C filing requirements would submit this revised Schedule HC–R, Part II. Compared to

[1] The family of FR Y–9 reporting forms also contains three other mandatory reports, which are not being revised at this time: The Parent Company Only Financial Statements for Large Holding Companies (FR Y–9LP), The Financial Statements for Employee Stock Ownership Plan Holding Companies (FR Y–9ES), and The Supplement to the Consolidated Financial Statements for Holding Companies (FR Y–9CS).

[2] In addition, one of the commenters on the proposal requested the collection of new information unrelated to the scope of this proposal.

the current schedule, the proposed Schedule HC–R, Part II, would provide a more detailed breakdown of on-balance sheet asset and off-balance sheet item categories, remove the ratings-based approach from the calculation of risk-weighted assets, reflect reporting of alternative risk-weighting approaches not reliant on credit ratings, and include an expanded number of risk-weight categories, consistent with the revised regulatory capital rules.

The final version of Schedule HC–R, Part II, would be divided into the following sections: (A) Balance sheet asset categories; (B) on- and off-balance-sheet securitization exposures; (C) total balance sheet assets; (D) derivatives, off-balance sheet, and other items subject to risk weighting; (E) totals; and (F) memoranda. These distinct category headings would-be added in order to enhance the clarity of the reporting form and do not affect the number of line items banking organizations would be required to complete.

One commenter noted that the proposed reporting instructions refer the reader to the Federal Reserve's regulatory capital rules for additional information and requested that the Federal Reserve incorporate the information from the regulatory capital rules into the reporting instructions. The Federal Reserve will clarify the cross-references to the regulatory capital rules in the final reporting instructions. However, the Federal Reserve believes that incorporating the additional information from the Board's regulatory capital rules into the reporting instructions would unduly add significant length to the instructions, and condensing the information would likely omit significant details.

One commenter requested the addition of a separate line item for total equity exposures, while another commenter requested the addition of a three-way breakout of equity exposures to investment funds similar to that found in the Regulatory Capital Reporting for Institutions Subject to the Advanced Capital Adequacy Framework (FFIEC 101).[3] The FFIEC 101 requires institutions to report equity exposures to investment funds by the methodology used to risk weight these exposures. The Federal Reserve believes that importing the equity exposure reporting template found in the FFIEC 101 into the FR Y–9C Schedule HC–R, Part II, would add complexity and undue burden for smaller institutions required to complete the FR Y–9C. However, because of the approaches available for risk weighting investments in investment funds (including mutual funds), the Federal Reserve will add data items for reporting the exposure and risk-weighted asset amount of such investments to the appropriate balance sheet asset categories. The Federal Reserve will add detailed guidance related to equity exposure reporting in the final instructions for Schedule HC–R, Part II.

A brief description of the proposed revisions and the comments received on specific line items in Schedule HC–R, Part II, is provided below.

A. Proposed Schedule HC–R, Part II, Items 1–11: Balance Sheet Asset Categories

Proposed line items 1 through 8 reflect balance sheet asset categories (excluding those assets within each category that meet the definition of a securitization exposure), similar to the asset categories included in the current version of Schedule HC–R, Part II. However, the proposed data items would capture greater detail. The number of risk-weight categories to which the individual assets in each asset category would be allocated would be expanded consistent with the revised regulatory capital rules. On-balance sheet assets and off-balance sheet items that meet the definition of a securitization exposure would be reported in items 9 and 10, respectively.

Two commenters noted that several risk-weight categories for item 8, ''Other assets,'' on the proposed reporting form are not available for data input (*i.e.,* the categories are shaded out). However, the commenters stated the categories may be applicable, particularly to address the exposures underlying separate account bank-owned life insurance (BOLI) assets. In response to these comments, the Federal Reserve will add data items to collect the exposure amount and risk-weighted asset amount of these BOLI assets, which would be reported separately from the other risk weightings within item 8, ''Other assets.'' In addition, the Federal Reserve will clarify the instructions to allow for the reporting of 150 percent and 300 percent risk-weight categories for item 8, ''Other assets.''

One commenter requested clarification of the reporting of default fund contributions (DFCs) made by the reporting banking organization to qualifying central counterparties (QCCPs) in item 8, ''Other assets.'' The commenter noted that the proposed reporting instructions for item 8 stated that such contributions should be allocated to the risk-weight categories defined for column B through column Q. However, the commenter observed that DFCs to QCCPs are subject to two alternative methodologies (Methods 1 and 2) for calculating risk-weighted assets, one of which may result in risk-weightings not captured in column B through column Q. In response to this comment, the Federal Reserve will add data items to collect the exposure amount and risk-weighted asset amount of DFCs to QCCPs, which would be reported separately from the risk weightings otherwise captured in item 8. The Federal Reserve will clarify the instructions to describe how respondents should report DFCs under Method 1 as well as Method 2.

One commenter noted that items 2 through 8 could include securitization exposures, and when added with item 9, ''On-balance sheet securitization exposures,'' it would double count such exposures in reporting item 11, ''Total assets.'' The Federal Reserve notes that the reporting instructions for each proposed balance sheet asset category (items 1 through 8) explicitly state that the reporting banking organization must exclude securitization exposures. The Federal Reserve will clarify the proposed reporting form to explicitly state that these data items should exclude securitization exposures from items 2 through 8 and be reported in item 9.[4]

The Federal Reserve notes that, although the proposed reporting form and instructions addressed the reporting of an institution's securitization exposures and the treatment of financial collateral, a subsequent review found the proposal did not clearly articulate the risk weighting and reporting of assets and certain other items secured by financial collateral in the form of securitization exposures or mutual funds. In addition, the proposed reporting form and instructions did not fully address the two approaches for recognizing the effects of qualifying financial collateral. The approaches for risk weighting securitization exposures and investments in mutual funds also are applicable to such exposures when they serve as financial collateral. To account for the possible risk weight outcomes when exposures are secured by these types of collateral, the Federal Reserve will add data items to columns R and S for reporting the exposure amount and risk-weighted asset amount

[3] FFIEC 101—Regulatory Capital Reporting for Institutions Subject to the Advanced Capital Adequacy Framework: for the OCC, OMB No. 1557–0239; for the Board, OMB No. 7100–0319; and for the FDIC, OMB No. 3064–0159.

[4] The Federal Reserve also will add a similar clarification to the proposed reporting form regarding derivatives and off-balance sheet items that are securitization exposures by explicitly stating that institutions should exclude them from items 12 through 21 and report them in item 10.

of these collateralized exposures separately from the other risk weightings within appropriate balance sheet asset categories (and derivative and off-balance sheet item categories).

B. Schedule HC–R, Part II, Items 12 Through 22: Derivatives, Off-Balance Sheet, and Other Items Subject to Risk Weighting

Proposed line items 12 through 22 pertain to the reporting of derivatives, off-balance sheet, and other items subject to risk weighting, excluding those that meet the definition of a securitization exposure (which are reported in item 10).

One commenter noted that in accordance with section 37 of the Federal Reserve's revised regulatory capital rules, banking organizations must calculate the exposure amount and risk-weighted assets for repo-style transactions on a netting set basis. A netting set may contain transactions that are reported as assets, liabilities, and off-balance sheet items (as long as they are executed under the same master netting agreement), and the basis for the risk-weighted assets calculation is the net exposure, adjusted for volatility and foreign exchange haircuts. As proposed, Schedule HC–R, Part II, would have split the reporting of repo-style transactions between assets (reported in item 3, ''Federal funds sold and securities purchased under agreements to resell,'' *i.e.,* reverse repos) and liabilities and off-balance sheet items (reported in item 16, ''Repo-style transactions (excluding reverse repos)''). However, since risk-weighted assets for repo-style transactions are based on the net exposure at a netting set level (inclusive of volatility and foreign exchange haircuts), the method proposed for allocating repo-style transaction exposures between two reporting items and across the risk-weight categories in a way that would tie back to the amounts required to be reported in column A of Schedule RC–R, Part II (*i.e.,* for item 3, the balance sheet carrying amount, and for item 16, the notional value), does not align with the treatment of repo-style transactions under the revised regulatory capital rules. The commenter recommended that the Federal Reserve amend the reporting form to collect all repo-style transactions in a single item, and amounts attributed to risk-weighting categories for this item would tie to an ''exposure'' amount reported in Column A.

In response to this comment, the Federal Reserve will revise proposed item 16 of Schedule HC–R, Part II, to include all repo-style transactions in item 16, re-titled as ''Repo-style transactions,'' which would also include securities purchased under agreements to resell (reverse repos) in order for banking organizations to calculate their exposure based on master netting set agreements. In addition, the Federal Reserve will split proposed item 3 of Schedule HC–R, Part II, into item 3(a), ''Federal funds sold (in domestic offices),'' and item 3(b), ''Securities purchased under agreements to resell.'' However, after an institution reports the balance sheet carrying amount of its reverse repos in column A of item 3(b), it would report this same amount as an adjustment in column B of item 3(b), resulting in no allocation of the balance sheet carrying amount of reverse repos across the risk-weight categories in item 3. This reporting methodology would ensure that the sum of the balance sheet asset amounts reported in items 1 through 9, column A, of Schedule HC–R, Part II, that an institution would report in item 11 of Schedule HC–R, Part II, continues to equal the ''Total assets'' reported in item 12 of the FR Y–9C balance sheet (Schedule HC).

Another commenter noted that, under the Federal Reserve's revised regulatory capital rules, a banking organization is required to hold risk-based capital against all repo-style transactions, regardless of whether the transactions generate on-balance sheet exposures. The commenter also noted that the proposed reporting instructions for Schedule HC–R, Part II, state that ''Although securities sold under agreements to repurchase are reported on the balance sheet (Schedule HC) as liabilities, they are treated as off-balance sheet items under the regulatory capital rules.'' The commenter then questioned the intent of the Federal Reserve's proposed reporting form that would require an institution to calculate a capital charge for these ''off-balance sheet items'' despite the fact that the security pledged by the institution as collateral for the repo remains on the balance sheet for accounting purposes and would therefore require a separate on-balance sheet risk-weighting. The Federal Reserve adopted this reporting approach for consistency with the revised regulatory capital rules, which recognize that institutions face counterparty credit risk when engaging in repo-style transactions. However, under certain conditions, the Federal Reserve's revised regulatory capital rules also allow banking organizations to recognize the risk mitigating effects of financial collateral when risk weighting their repo-style exposures. The final reporting form and instructions for Schedule HC–R, Part II, will implement this treatment of repo-style transactions, which is set forth in the revised regulatory capital rules.

Although the proposed reporting form and instructions addressed the reporting of a banking organization's unsettled transactions as part of item 8, ''All other assets,'' the Federal Reserve notes that during a subsequent review of the proposal it did not clearly address the fact that a banking organization's unsettled transactions could potentially be composed of both on- and off-balance sheet exposures. In order to more clearly assess risk-based capital against delayed trades where the counterparty has failed to deliver an instrument or make a payment in a timely manner, the Federal Reserve will modify Schedule HC–R, Part II, by adding line item 22, ''Unsettled transactions (failed trades).''

C. Schedule HC–R, Part II, Items 23 Through 31: Totals

Proposed items 23 through 31 would apply the risk-weight factors to the exposure amounts reported for assets, derivatives, and off-balance sheet items in items 11 through 23 to calculate a banking organization's total risk-weighted assets. The Federal Reserve did not receive any comments on these line items and will implement as proposed.

D. Schedule HC–R, Part II, Memoranda Items 1 Through 4: Memoranda

In proposed memoranda items 1 through 3, a banking organization would report the current credit exposure and notional principal amounts of its derivative contracts. Memorandum item 4 would require those banking organizations subject to the Market Risk Rule to report the portion of their standardized market risk weighted assets (as reported in Schedule HC–R, item 27) that is attributable to specific risk.

Memorandum item 1 would continue to collect the ''Current credit exposure across all derivative contracts covered by the risk-based capital standards.'' One commenter noted that, prior to the proposed revisions, the instructions for Memorandum item 1 stated that all written option contracts (except those that are, in substance, financial guarantees) are not covered by the risk-based capital standards. The commenter asked if this was an explicit change in the reporting of written option contracts. The Federal Reserve notes that this exclusion was inadvertently omitted from the proposed instructions for Memorandum item 1 and will clarify the instructions to note that written option contracts will continue to be

excluded from reporting in Memorandum item 1, consistent with the revised regulatory capital rules.

The Federal Reserve did not receive any comments on memoranda items 2, 3 or 4, and will implement as proposed.

2. Proposed FR Y–9C, Schedule HC–L

FR Y–9C, Schedule HC–L collects regulatory data on derivatives and off-balance sheet items. The Federal Reserve proposed to revise the reporting requirements for off-balance sheet exposures related to securities lent and borrowed, consistent with the revised regulatory capital rules. Compared to the current schedule, the proposed changes to Schedule HC–L would require all banking organizations to report the amount of securities borrowed. At present, banking organizations include the amount of securities borrowed in the total amount of all other off-balance sheet liabilities reported in item 9 of Schedule HC–L if the amount of securities borrowed is more than 10 percent of total holding company equity capital and they disclose the amount of securities borrowed if that amount is more than 25 percent of total holding company equity capital. In addition, the proposed changes to Schedule HC–L would require institutions to report securities borrowed in a new item 6.b immediately after the line item for securities lent, which would be renumbered from item 6 to item 6.a.

One commenter noted that the current instructions for item 9 state to ''report all securities borrowed against collateral (other than cash)'' for such purposes as serving ''as a pledge against deposit liabilities or delivery against short sales,'' whereas the current instructions for item 6 state to report all securities owned that are ''lent against collateral or on an uncollateralized basis.'' The commenter characterizes current item 9 as inclusive of only certain types of securities borrowings such as those collateralized by ''other than cash'' and those ''for purposes as a pledge against deposit liabilities or short sales,'' whereas current item 6 covers all types of securities lending regardless of the type of collateral. The commenter suggested clarifying the scope of these two items.

The Federal Reserve will clarify the instructions for new item 6(b) to state that institutions should report all types of securities borrowing, regardless of collateral type or purpose. The phrases ''other than cash'' and ''for such purpose as a pledge against deposit liabilities or delivery against short sales'' will be deleted from the final instructions for new item 6(b).

3. Initial Reporting

For the March 31, 2015, report date, institutions may provide reasonable estimates for any new or revised FR Y–9C items initially required to be reported as of that date for which the requested information is not readily available.

2. Report Title: Parent Company Only Financial Statements for Small Holding Companies.

Agency form number: FR Y–9SP.

OMB control number: 7100–0128.

Frequency: Semiannually, as of the last calendar day of June and December.

Reporters: BHCs, SLHCs and SHCs with total consolidated assets of less than $1 billion (small BHCs, small SLHCs and small SHCs).

Estimated average hours per response: 5.40 hours.

Estimated annual reporting hours: 47,412.

Number of respondents: 4,390.

General description of report: This information collection is mandatory for BHCs [12 U.S.C. 1844(c)(1)(A).] Additionally, 12 U.S.C. 1467a(b)(2)(A) and 1850a(c)(1)(A), respectively, authorize the Federal Reserve to require that SLHCs and supervised SHCs file the FR Y–9SP with the Federal Reserve. Confidential treatment is not routinely given to the financial data in this report. However, confidential treatment for the reporting information, in whole or in part, can be requested in accordance with the instructions to the form, pursuant to sections (b)(4), (b)(6), or (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(4), (b)(6), and (b)(8)).

Abstract: The FR Y–9SP is a parent company only financial statement filed semiannually by smaller HCs. Respondents include HCs with total consolidated assets of less than $1 billion. This form is a simplified or abbreviated version of the FR Y–9LP. This report is designed to obtain basic parent company balance sheet and income data, data on intangible assets, and data on intercompany transactions.

Current Actions: On August 6, 2014, the Federal Reserve published a notice in the **Federal Register** (79 FR 45808) requesting public comment for 60 days on the revision, without extension, of the FR Y–9SP. The comment period for this notice expired on October 6, 2014. The Federal Reserve did not receive any comments. However, in light of the legislation adopted by Congress on December 11, 2014, the Federal Reserve will not finalize the proposed revisions to FR Y–9SP Schedule SC–R, Part II, for SLHCs that otherwise would have been subject to the Small BHC Policy Statement in effect as of the filing date for the FR Y–9SP.

Discussion of Recent Legislation and Rulemaking Affecting Proposed Revisions to the FR Y–9SP

In December 2014, Congress enacted and the President signed into law Public Law 113–250. Public Law 113–250 directs the Board to publish in the **Federal Register** proposed revisions to the Small Bank Holding Company Policy Statement to, in part, exempt small SLHCs from the minimum capital requirements mandated by section 171 of the Dodd-Frank Wall Street Reform and Consumer Protection Act as if they were BHCs subject to the Small BHC Policy Statement.

On January 29, 2015, the Board issued an interim final rule that would exclude SLHCs that have total consolidated assets of less than $500 million and that meet other qualitative requirements from the Board's regulatory capital requirements (Regulation Q). In light of Public Law 113–250 and the rulemaking, the Federal Reserve will not finalize the proposed revisions to the FR Y–9SP, Part II, for SLHCs with total consolidated assets of less than $500 million that meet the qualitative requirements of the Policy Statement.

Board of Governors of the Federal Reserve System, February 23, 2015.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2015–03973 Filed 2–25–15; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 13, 2015.

A. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. *HopFed Bancorp 2015 Employee Stock Ownership Plan, with John E. Peck and Billy C. Duvall, all of Hopkinsville, Kentucky, and Thomas I. Miller,* Murray, Kentucky, as trustees, to acquire voting shares of HopFed Bancorp, Inc., and thereby indirectly acquire voting shares of Heritage Bank, USA, Inc., both in Hopkinsville, Kentucky.

Board of Governors of the Federal Reserve System, February 23, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–03984 Filed 2–25–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 23, 2015.

A. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *NOA Bancorp, Inc.,* Duluth, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of NOA Bank, Duluth, Georgia.

B. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Olney Bancshares of Texas, Inc.,* Olney, Texas; to acquire 100 percent of the voting shares of Vintage Shares, Inc., and thereby indirectly acquire voting shares of Vintage Bank, both in Waxahachie, Texas.

Board of Governors of the Federal Reserve System, February 23, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–03983 Filed 2–25–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

[Docket No. OP–1511]

Privacy Act of 1974; Notice of New System of Records

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of new system of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, notice is given that the Board of Governors of the Federal Reserve System (Board) proposes the establishment of a new system of records, BGFRS–39 (General File of the Community Advisory Council).

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), the public is given a 30-day period in which to comment; and the Office of Management and Budget (OMB), which has oversight responsibility under the Privacy Act, requires a 40-day period in which to conclude its review of the system. Therefore, please submit any comments on or before March 30, 2015. The new system of records will become effective April 7, 2015, without further notice, unless comments dictate otherwise.

ADDRESSES: The public, OMB, and Congress are invited to submit comments, identified by the docket number above, by any of the following methods:

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

All public comments will be made available on the Board's Web site at *www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street (between 18th and 19th Streets NW.) Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Alye S. Foster, Senior Special Counsel, Legal Division, Board of Governors of the Federal Reserve System, 1801 K Street NW., Washington, DC 20007, or (202) 452–5289, or *alye.s.foster@frb.gov.* Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Board proposes to establish a new system of records BGFRS–39 (General File of the Community Advisory Council). The Board has established a Community Advisory Council (the ''CAC''). The CAC is scheduled to meet semi-annually with the Board to offer diverse perspectives on the economic circumstances and financial services needs of consumers and communities, with a particular focus on the concerns of low- and moderate-income populations. The Board's new system of records, BGFRS–39, maintains records relating to the appointment and selection of individuals to the CAC and, for selectees, records relating to the individual's membership on the CAC.

In accordance with 5 U.S.C. 552a(r), a report of this system of records is being filed with the Chair of the House Committee on Oversight and Government Reform, the Chair of the Senate Committee on Homeland Security and Governmental Affairs, and the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget.

Dated: February 20, 2015.

Robert deV. Frierson,

Secretary of the Board.

SYSTEM OF RECORDS

BGFRS–39

SYSTEM NAME:

FRB—General File of the Community Advisory Council

SYSTEM LOCATION:

Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system maintains information on individuals considered for membership on the CAC and individuals selected to serve on the CAC.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system include identifying information about candidates and members of the CAC relating to the selection and appointment to the CAC and records relating to service on the CAC. Individual information in the system includes, but is not limited to, name, work address, telephone number, email address, organization, and title. The system stores additional information including, but not limited to, the candidate's or CAC member's education, work experience, and qualifications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 10 and 11 of the Federal Reserve Act (12 U.S.C. 244 and 248).

PURPOSE(S):

The new system of records aids the Board in its operation and management of the CAC, including the selection and appointment of members to the CAC.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

General routine uses A, B, C, D, E, F, G, I apply to this system. Records are routinely used in the Board's operation and management of the CAC, including in the selection and appointment of members to the CAC.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Storage: Records in this system are stored securely in paper and stored on a secure server as electronic records.

Retrievability: Records may be retrieved by any one or a combination of choices by authorized users to include name, zip code, and state.

Safeguards: Access to records is limited to those whose official duties require it. Paper records are secured by lock and key and access to electronic records is password controlled.

Retention and Disposal: The retention for these records is currently under review. Until review is completed, these records will not be destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, 20th St. and Constitution Ave. NW., Washington, DC 20551.

NOTIFICATION PROCEDURE:

An individual desiring to learn of the existence of, or to gain access to, his or her record in this system of records shall submit a request in writing to the Secretary of the Board, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551. The request should contain: (1) A statement that the request is made pursuant to the Privacy Act of 1974, (2) the name of the system of records (*i.e.,* BGFRS–39, General File of the Community Advisory Council), (3) information necessary to verify the identity of the requester (*e.g.,* two forms of identification, including one photo identification or a notarized statement attesting to the requester's identity), and (4) any other information that may assist in the identification of the record for which access is being requested.

RECORD ACCESS PROCEDURES:

See ''Notification Procedure,'' above.

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedures,'' above except that the envelope should be clearly marked ''Privacy Act Amendment Request.'' The request for amendment of a record should: (1) Identify the system of records containing the record for which amendment is requested, (2) specify the portion of that record requested to be amended, and (3) describe the nature of and reasons for each requested amendment.

RECORD SOURCE CATEGORIES:

Information is provided by the individual to whom the record pertains.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2015–03878 Filed 2–25–15; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30-Day-15–0213]

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

National Vital Statistics Report Forms (OMB No. 0920–0213)—Extension—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The compilation of national vital statistics dates back to the beginning of the 20th century and has been conducted since 1960 by the Division of Vital Statistics of the National Center for Health Statistics, CDC. The collection of the data is authorized by 42 U.S.C. 242k. This submission requests approval to collect the monthly and annually summary statistics for three years.

The Monthly Vital Statistics Report forms provide counts of monthly occurrences of births, deaths, infant deaths, marriages, and divorces. Similar data have been published since 1937 and are the sole source of these data at the National level. The data are used by the Department of Health and Human Services and by other government, academic, and private research and commercial organizations in tracking changes in trends of vital events. Respondents for the Monthly Vital Statistics Reports Form are registration officials in each State and Territory, the District of Columbia, and New York City. In addition, local (county) officials in New Mexico who record marriages occurring and divorces and annulments granted in each county of New Mexico will use this form. This form is also designed to collect counts of monthly occurrences of births, deaths, infant deaths, marriages, and divorces immediately following the month of occurrence.

The Annual Vital Statistics Occurrence Report Form collects final annual counts of marriages and divorces by month for the United States and for each State. The statistical counts requested on this form differ from provisional estimates obtained on the Monthly Vital Statistics Report Form in that they represent complete counts of marriages, divorces, and annulments occurring during the months of the prior year. These final counts are usually available from State or county officials about eight months after the end of the data year. The data are widely used by government, academic, private research, and commercial organizations in tracking changes in trends of family formation and dissolution. Respondents for the Annual Vital Statistics Occurrence Report Form are registration officials in each State and Territory, the District of Columbia, and New York City.

There are no costs to respondents other than their time. The total estimate annualized burden hours are 211.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs.)
State, Territory, and New Mexico County Officials.	Monthly Vital Statistics Report	91	12	10/60
State, Territory, and other officials	Annual Vital Statistics Occurrence Report	58	1	30/60

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. 2015–03989 Filed 2–25–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–15–15CK]

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 the Impact of Laboratory Practice Guidelines (LPGs): A New Paradigm for Metrics- College of American Pathologists—NEW—Center for Surveillance, Epidemiology and Laboratory Services (CSELS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention is funding three 5-year projects collectively entitled ''Improving the Impact of Laboratory Practice Guidelines: A New Paradigm for Metrics''. An ''LPG'' is defined as written recommendations for voluntary, standardized approaches for medical laboratory testing that takes into account processes for test selection, sample procurement and processing, analytical methods, and results reporting for effective diagnosis and management of disease and health conditions. LPGs may be disseminated to, and used by, laboratorians and clinicians to assist with test selection and test result interpretation. The overall purpose of these cooperative agreements is to increase the effectiveness of LPGs by defining measures and collecting information to inform better LPG

creation, revision, dissemination, promotion, uptake, and impact on clinical testing and public health.

The project will explore how these processes and their impediments and facilitators differ among various intended users of LPGs. Through this demonstration project, CDC seeks to understand how to customize LPG creation and promotion to better serve these intended users of LPGs. An important goal is to help organizations that sponsor the development of LPGs create a sustainable approach for continuous quality improvement to evaluate and improve an LPG's impact through better collection of information.

The CDC selected three organizations that currently create and disseminate LPGs to support activities under a cooperative agreement funding mechanism to improve the impact of their LPGs. The American Society for Microbiology (ASM), the Clinical and Laboratory Standards Institute (CLSI), and the College of American Pathologists (CAP), will each use their LPGs as models to better understand how to improve uptake and impact of these and future LPGs. Only the CAP submission will be described in this notice.

The CAP project will address two LPGs that are important to clinical testing: immunohistochemistry test validation (IHC) and an algorithm for diagnosing acute leukemia (ALA). The ALA LPG is being co-developed with the American Society of Hematology (ASH). The intended users of the CAP's IHC LPGs will include pathologists, clinical laboratory directors, and laboratory managers overseeing the IHC staining department. For the CAP's ALA LPG the intended users are pathologists and hematologists overseeing testing for acute leukemia. Thus, all these professionals will be surveyed by CAP.

Prior to entering into this cooperative agreement project with the CDC, the CAP had already completed a baseline IHC LPG information collection from laboratories that used IHC testing. Subsequent to this information collection, the CAP created and disseminated an IHC LPG in a peer reviewed journal. Because of this prior baseline assessment, the CAP will only need to collect post-dissemination data. For their ALA LPG *CAP/ASH Algorithm for Initial Work-Up of Acute Leukemia,* the CAP will conduct both a baseline and a post-dissemination evaluation using a survey and/or focus group. Because there are uncertainties concerning the specific focus group probes for the IHC LPG and the ALA LPG, this notice only provides a description of our collection of post-dissemination information for the IHC LPG and the baseline ALA LPG.

The CAP hopes to achieve an 80% response rate, or 2668 out of 3335 potential respondents for the IHC LPG. This represents laboratories known to be currently performing IHC testing based upon their participation in CAP's IHC proficiency testing (PT) program and 450 additional laboratories identified by CDC using previous Centers for Medicare and Medicaid Services Part B reimbursement claims for IHC testing. The response rate for the baseline IHC survey was approximately 70% and more focused promotion is planned. We have identified a total of 3335 (2885 CAP–PT customers + 450 non-CAP–PT customers) laboratories that will be targeted by the IHC post-dissemination survey. Both populations represent laboratories that are CAP-accredited and non-CAP-accredited.

Laboratories that are enrolled in CAP IHC PT programs will receive surveys with their PT mailings. Non-CAP–PT-customer laboratories will be surveyed via the US postal system, with a fax-back mechanism. Only one response per laboratory will be accepted.

The CAP will need to collect both baseline and post-guideline dissemination information for the ALA LPG. CAP will allow only one response per computer internet protocol address. The CAP has a database of pathologists who have indicated specialization in hematopathology; these hematopathologists will be invited to participate. The CAP hopes to achieve an 80% response rate with their individual information collections, or 880 (80% x 1100 pathologists listed in the CAP database).

The baseline survey for the ALA guideline includes questions about individual practices for diagnosing various types of acute leukemia and individual and laboratory reporting practices. The link to the baseline survey for the ALA guideline will be disseminated via email to hematopathologists in CAP's database. The online survey will be hosted by Survey Monkey.

The CAP and CDC will strive to ensure a high response rate for their IHC and ALA surveys. CAP plans to advertise both surveys. Similarly, the CAP plans to maximize response rates for CAP–PT customer laboratories by sending reminders through the PT program. The CAP will also try to maximize response rates for the ALA survey by advertising it through various channels and sending an email reminder.

For burden calculation, we assume one response per laboratory for the IHC survey to include (1) pathologists, (2) laboratory directors, and (3) other laboratory managers of IHC laboratories, which may consist of graduate level scientists (Ph.D.s and Masters level), approximately in a 25%:25%:50% distribution, respectively. We assume respondents for the ALA surveys may include multiple responses within a laboratory of pathologists and hematologists that sign out cases, approximately in a 95%:5% distribution, respectively.

The IHC baseline survey, which was conducted prior to this CAP–CDC cooperative agreement, took 15 minutes to complete. The IHC post-dissemination survey is expected to take 20 minutes to complete. The ALA baseline survey is expected to take an average of 25 minutes to complete. The maximum times observed during pilot testing were 30 and 45 minutes, respectively. Results from the pilot tests were used to revise both surveys.

The total Estimated Annualized Burden Hours for this ICR is 1,570. There are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Avgerage burden per response (in hrs.)
Pathologists	IHC	834	1	20/60
	ALA	1,045	1	25/60
Laboratory Directors	IHC	834	1	20/60
Laboratory Managers	IHC	1,667	1	20/60
Hematologists	ALA	55	1	25/60

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. 2015–03985 Filed 2–25–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Comprehensive High-Impact HIV Prevention Projects for Community-Based Organizations, Funding Opportunity Announcement (FOA) PS15–1502, Initial Review.

SUMMARY: This document corrects a notice that was published in the **Federal Register** on February 9, 2015, Volume 80, Number 26, pages 6971 and 6972. The times and dates should read as follows:

DATES: *Times and Dates:*

9 a.m.–4 p.m., Panels 1–5; March 3, 2015 (Closed).

9 a.m.–4 p.m., Panels 6–12; March 6, 2015 (Closed).

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

FOR FURTHER INFORMATION CONTACT: Elizabeth Wolfe, Public Health Advisor, CDC, 1600 Clifton Road NE., Mailstop E07, Atlanta, Georgia 30333, Telephone: (404) 639–8135.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Catherine Ramadei,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–03952 Filed 2–25–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[CDC–2015–0005, Docket Number NIOSH–281]

Future Directions for the Surveillance of Agricultural Injuries; Public Meeting; Request for Comments

AGENCY: National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of public meeting and request for comment.

SUMMARY: The National Institute for Occupational Safety and Health of the Centers for Disease Control and Prevention announces a public meeting and an opportunity to comment on future directions for the surveillance of injuries within the agricultural production industry. To view the notice and related materials visit *http://www.regulations.gov* and enter CDC–2015–0005 in the search field and click ''Search.''

Public comment period: Comments must be received May 27, 2015.

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- DATE
- FOR FURTHER INFORMATION CONTACT
- SUPPLEMENTARY INFORMATION
  I. Background
  II. Public Meeting
  III. Written Comments

DATES: A public meeting will be held on March 30, 2015, 1:00 p.m.–5:00 p.m. Eastern Time, or after the last public commenter has spoken, whichever occurs first. The public meeting will be held as a web-based conference only available by remote access.

FOR FURTHER INFORMATION CONTACT: Kitty Hendricks, Division of Safety Research, 1095 Willowdale Road, MS 1808, Morgantown, West Virginia 26505–2888, (304) 285–5916 (not a toll free number) or *khendricks@cdc.gov.*

SUPPLEMENTARY INFORMATION:

I. *Background:* NIOSH began a coordinated program in 1990 to address safety and health issues for workers and families in the US agricultural production industry. In support of this program, NIOSH established an ongoing, national-level surveillance system to monitor injuries to hired farm workers, farmers, and farm family members. Data for the injury surveillance system are primarily collected through surveys funded by NIOSH and conducted by the US Department of Agriculture's National Agricultural Statistics Service (USDA–NASS) and the US Department of Labor (DOL). These surveillance data are used by NIOSH and others to estimate injuries and injury rates and identify safety hazards that increase injury risk.

Surveillance data have also been used to show that the US agricultural production industry has changed. Over the past quarter century, both the size of the workforce and the number of injuries have declined. To maintain statistically stable injury estimates with the current approach of national-level surveys, sample sizes would need to be increased. As a result, this approach has become more resource-intensive and is no longer tenable for NIOSH.

Beginning in 2015, NIOSH will not reestablish interagency agreements with USDA–NASS and DOL to collect survey data for the agricultural injury surveillance system. This change in surveillance approach presents an opportunity for NIOSH to receive stakeholder input and rigorously examine future options for agricultural injury surveillance.

To identify and assess different options, NIOSH plans the following activities: Hold the public meeting announced in this notice to initiate a national conversation regarding future agricultural injury surveillance; seek additional public comments through this docket on the most urgent priorities for injury surveillance in production agriculture; examine what NIOSH and agricultural injury stakeholders can do to meet the overall need for agricultural injury surveillance; support a comprehensive, independent assessment of recommendations resulting from a 2007 National Academy of Sciences (NAS) review and a 2012 follow-up independent panel review; continue to engage with interested parties as NIOSH plans its own future directions for agricultural injury surveillance; and seek input on the need for a follow-up public meeting in Fall 2015 to discuss NIOSH's future plans after having considered input received through the public meeting and public comment period.

NIOSH is especially interested in comments related to finding new ways of doing surveillance using smarter, more cost-effective approaches; shifting surveillance from national to regional or local approaches, in recognition of the diversity of agricultural types in different parts of the country; and examining roles that partners can take to address the need for smarter agricultural injury surveillance.

II. *Public Meeting:* NIOSH will hold a public meeting to allow for comments on future directions for surveillance of injuries within the agricultural production industry. The meeting is open to the public, limited only by the capacity of 100 connections to the Web based conference.

Confirm your attendance to this meeting by sending an email to *mgoldcamp@cdc.gov* by March 16, 2015. An email confirming registration will be sent from NIOSH and will include details needed to participate.

Requests to make presentations at the public meeting should be emailed to *mgoldcamp@cdc.gov* by March 16, 2015. All requests to present should contain the name, address, telephone number, and relevant business affiliations of the presenter. Presenters will be assigned a 10-minute slot on the agenda. Presenters who wish to use slides must email an electronic file in Microsoft PowerPoint format to *mgoldcamp@cdc.gov* by March 16, 2015. An email confirming the presentation request will be sent from NIOSH and will include details needed to present and an approximate start time for the presentation.

If a presenter is not in attendance when his/her presentation is scheduled to begin, the remaining presenters will be heard in order. After the last scheduled presenter is heard, those who missed their opportunity may be allowed to present, limited by time available.

Attendees who wish to speak, but did not submit a request for the opportunity to make a presentation, may be given this opportunity after the scheduled presenters are heard, at the discretion of the presiding officer and limited by time available.

The public meeting, including all presentations and slides, will be recorded, transcribed, and posted without change to *http://www.regulations.gov,* including any personal information provided.

III. *Written Comments:* You may submit comments, identified by CDC–2015–0005 and Docket Number NIOSH–281, by either of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov* Follow the instructions for submitting comments.
- *Mail:* National Institute for Occupational Safety and Health, NIOSH Docket Office, 1090 Tusculum Avenue MS C–34, Cincinnati, Ohio 45226–1998.

All information received in response to this notice must include the agency name and docket number [CDC–2015–0005; NIOSH–281]. All relevant comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. All electronic comments should be formatted as Microsoft Word. All information received in response to this notice will also be available for public examination and copying at the NIOSH Docket Office, 1150 Tusculum Avenue, Room 155, Cincinnati, Ohio 45226–1998.

Dated: February 18, 2015.

John Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2015–03949 Filed 2–25–15; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Title: Youth Education and Relationship Services (YEARS) Descriptive Study.

OMB No.: New Collection.

Description: Since 2006, Congress has authorized dedicated funding (currently at the level of $75 million annually) to support programs promoting healthy marriage and relationship education (HMRE). In order to better understand the services that federally-funded HMRE programs are providing to youth and the populations the programs are reaching, The Office of Planning, Research and Evaluation (OPRE), within ACF/HHS is proposing data collection activity as part of the Youth Education and Relationship Services (YEARS) Descriptive Study. The data that ACF proposes to collect includes information on funding spent serving youth, the number of youth being served, youth demographic characteristics, characteristics of the organizations or programs serving youth, information on program curricula and contents, and program implementation information. This data is to be collected through a web-based survey that is to be completed by HMRE grantee program staff. This information will be critical to informing future efforts to improve HMRE programs serving youth.

Respondents: Healthy marriage and relationship education (HMRE) grantee program staff.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Web-based survey	176	88	1	0.5	44

Estimated Total Annual Burden Hours: 44

In compliance with the requirements of Section 3506(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: OPRE Reports Clearance Officer. Email address: *OPREinfocollection@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 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.

Reference

[1] *http://www.ssa.gov/OP_Home/ssact/*

title04/0403.htm.

Karl Koerper,

Reports Clearance Officer.

[FR Doc. 2015–03924 Filed 2–25–15; 8:45 am]

BILLING CODE 4184–73–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–20115–N–0456]

Pediatric Stakeholder Meeting; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food and Drug Administration's (FDA) Office of Pediatric Therapeutics (OPT), the Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER) are announcing a public meeting seeking input from patient groups, consumer groups, regulated industry, academia and other interested parties to obtain any recommendations or information relevant to the report to Congress that FDA is required to submit concerning pediatrics, as outlined in section 508 of the Food and Drug Administration Safety and Innovation Act (FDASIA) (see the **SUPPLEMENTARY INFORMATION** section for additional background information).

DATES: The public meeting will be held on March 25, 2015, from 9 a.m. to 5 p.m. Registration to attend the meeting should be received by March 20, 2015 (see the **SUPPLEMENTARY INFORMATION** section for instructions).

ADDRESSES: The meeting will be held at FDA's White Oak Campus, 10903 New Hampshire Ave., Building 31 Conference Center, the Great Room (1503–B & C), Silver Spring, MD 20993–0002. Entrance for the public meeting participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For information on parking and security procedures, please refer to *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.*

Submit either electronic or written comments by April 24, 2015. Submit electronic comments 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. All comments should be identified with the docket number found in brackets in the heading of this document.

FDA will post the agenda approximately 5 days before the meeting at: *http://www.fda.gov/NewsEvents/MeetingsConferencesWorkshops/ucm433552.htm.*

FOR FURTHER INFORMATION CONTACT: Terrie L. Crescenzi, Office of Pediatric Therapeutics, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, *terrie.crescenzi@fda.hhs.gov* or Betsy Sanford, Office of Pediatric Therapeutics, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, *elizabeth.sanford@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On July 9, 2012, the President signed into law the Food and Drug Administration Safety and Innovation Act (FDASIA) (Pub. L. 112–144). Section 508 of FDASIA directs the Secretary of HHS to submit a report to Congress on the implementation of the Best Pharmaceuticals for Children Act (BPCA) and Pediatric Research Equity Act (PREA). The first report must be submitted to Congress by July 9, 2016, and every 5 years thereafter. FDASIA also requires FDA to obtain, at least 180 days prior to submission of the report, stakeholder input from patient groups, consumer groups, regulated industry, academia, and any other interested parties to obtain any recommendations or information relevant to the report including suggestions for modifications that would improve pediatric drug research and pediatric labeling of drugs and biological products.

The basic content of the report will include: An assessment of the effectiveness of BPCA (section 505A) and PREA (section 505B) in improving information about pediatric uses for approved drugs and biological products, including the number and type of labeling changes made since the enactment of FDASIA and the importance of such uses in the improvement of the health of children; various statistics related to both PREA and BPCA, including the Written Request referral process with the National Institutes of Health; an assessment of the timeliness and effectiveness of pediatric study plans; an assessment of studying biologics; efforts made to increase the number of studies conducted in the neonatal population; the number and importance of drugs and biologics studied in children with cancer and any recommendations for modification to the programs that would improve pediatric drug research and increase labeling of drugs and biologics; an assessment of the successes of and limitations to studying drugs for rare diseases; an assessment of the efforts to address the suggestions and options described in any prior report issued by the Comptroller General, Institute of Medicine, or the Secretary, and any stakeholder recommendations or modifications that would improve pediatric drug research and pediatric labeling of drugs and biological products.

The specific topics to be discussed at the meeting will include, but not be limited to, pediatric labeling changes, waivers and deferrals, Written Requests, pediatric study plans, programmatic activities with the NIH Written Request referral process, activities concerning neonates, pediatric cancers and rare diseases, and transparency.

II. Meeting Attendance and Participation

If you wish to attend this meeting, visit *http://stakeholderinput.eventbrite.com.* Please register by March 20, 2015. Those who are unable to attend the meeting in person can register to view a live Webcast of the meeting. You will be asked to indicate in your registration if you plan to attend in person or via the Webcast. Your registration will also contain your complete contact information, including name, title, affiliation, address, email address, and phone number. Seating will be limited so early registration is recommended. Registration is free and will be on a first-come, first-served basis. Onsite registration on the day of the meeting will be based on space availability. If you need special accommodations due to a disability, please contact Betsy Sanford (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance. Persons attending the meeting are advised that FDA is not responsible for providing access to electrical outlets.

Persons interested in presenting comments at the meeting will be asked to indicate this in their registration. FDA will try to accommodate all participant requests to speak, however the duration of comments may be limited by time constraints.

Comments: Regardless of attendance at the public meeting, you can submit electronic or written comments to the public docket (see **ADDRESSES**) by April 24, 2015. 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.*

Transcripts: As soon as a transcript is available, FDA will post it at *http://wwww.fda.gov/NewsEvents/MeetingsConferencesWorkshops/ucm433552.htm.*

Dated: February 20, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–03974 Filed 2–25–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Committee on Organ Transplantation; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following meeting:

Name: Advisory Committee on Organ Transplantation (ACOT).

Date and Time: March 12, from 8:30 a.m. to 4:30 p.m. Eastern Standard Time. March 13, from 8:30 a.m. to 12:30 p.m. Eastern Standard Time.

Place: Health Resources and Services Administration, 5600 Fishers Lane, Room 05W11, Rockville, MD 20857.

Status: The meeting will be open to the public.

Purpose: Under the authority of 42 U.S.C. Section 217a, Section 222 of the Public Health Service Act, as amended, and 42 CFR 121.12 (2000), ACOT was established to assist the Secretary in enhancing organ donation, ensuring that the system of organ transplantation is grounded in the best available medical science, and assuring the public that the system is as effective and equitable as possible, thereby increasing public confidence in the integrity and effectiveness of the transplantation system. ACOT is composed of up to 25 members including the Chair. Members serve as Special Government Employees and have diverse backgrounds in fields such as organ donation, health care public policy, transplantation medicine and surgery, critical care medicine, and other medical specialties involved in the identification and referral of donors, non-physician transplant professions, nursing, epidemiology, immunology, law and bioethics, behavioral sciences, economics and statistics, as well as representatives of transplant candidates, transplant recipients, organ donors, and family members.

Agenda: The Committee will hear presentations, including those on the following topics: Kidney Paired Donation; Vascularized Composite Allografts; Donor Management Research; Living Donation; and the Affordable Care Act and Transplantation. Agenda items are subject to change as priorities indicate.

After Committee discussions, members of the public will have an opportunity to comment. Because of the Committee's full agenda and timeframe in which to cover the agenda topics, public comment will be limited. All public comments will be included in the record of the ACOT meeting. Meeting summary notes will be posted on the Department's organ donation Web site at *http://www.organdonor.gov/legislation/advisory.html#meetings.*

The draft meeting agenda will be posted on *www.blsmeetings.net/ACOT.* Those participating on this meeting should pre-register by visiting *www.blsmeetings.net/ACOT.* The deadline to pre-register for this meeting is Wednesday, March 11, 2015. Registration will be confirmed on site. For all logistical questions and concerns, please contact Anita Allen, Seamon Corporation at 301–658–3442 or send an email to *aallen@seamoncorporation.com.*

Public Comment: It is preferred that persons interested in providing an oral presentation email a written request, along with a copy of their presentation, to Patricia Stroup, MBA, MPA, Executive Secretary, Healthcare Systems Bureau, Health Resources and Services Administration, at *pstroup@hrsa.gov.* Requests should contain the name, address, telephone number, email address, and any business or professional affiliation of the person desiring to make an oral presentation. Groups having similar interests are requested to combine their comments and present them through a single representative.

The allocation of time may be adjusted to accommodate the level of expressed interest. Persons who do not file an advance request for a presentation, but desire to make an oral statement, may request it during the public comment period. Public participation and ability to comment will be limited to time as it permits. **FOR FURTHER INFORMATION CONTACT:** Patricia Stroup, MBA, MPA, Executive Secretary, Healthcare Systems Bureau, Health Resources and Services Administration, 5600 Fishers Lane, Room 17W65, Rockville, MD 20857; telephone (301) 443–1127.

Jackie Painter,

Director, Division of the Executive Secretariat.

[FR Doc. 2015–03929 Filed 2–25–15; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Emergency Clearance Request Human Influenza Surveillance of Health Care Centers in the United States and Taiwan

SUMMARY: In accordance with Section 3507(j) of the Paperwork Reduction Act of 1995, the National Institute of Allergy and Infectious Diseases (NIAID), the National Institutes of Health (NIH), has submitted to the Office of Management and Budget (OMB) a request for emergency review and processing of this information collection by March 7, 2015. NIAID is requesting emergency processing of this information collection, pursuant to 5 CFR 1320.13, because NIAID cannot reasonably comply with the normal clearance procedures which would cause a delay and likely prevent or substantially disrupt the collection of information. A delay in starting the information collection would hinder the agency in accomplishing its mission to the detriment of the public good. Public harm could result through the loss of critically needed information to understand the causes of severity of influenza and associated morbidity and mortality during the Northern hemisphere 2014–15 influenza season. The 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. Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the

burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

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.

DATES: *Comment due date:* Comments regarding this information collection are best assured of having their full effect if received within 7 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Dr. Diane Post, Program Officer, Respiratory Diseases Branch, NIAID, NIH 5601 Fishers Lane, Bethesda, MD or call non-toll-free number at 240–627–3348 or email your request, including your address to: *postd@niaid.nih.gov*

SUPPLEMENTARY INFORMATION:

Proposed Collection: Human Influenza Surveillance of Health Care Centers in the United States and Taiwan, (NIAID), 0925—NEW, National Institute of Allergy and Infectious Diseases (NIAID), National Institutes of Health (NIH).

Need and Use of Information Collection: This study will identify individuals with influenza through focused surveillance in key regions of the United States and Taiwan, rapidly identify circulating influenza strains to identify those with pandemic potential and create an invaluable bank of human samples from patients with influenza to characterize the basis of severe disease—a critical knowledge gap impacting effectiveness of decision-making around patient care. The 2014–15 influenza season is unique because the dominant circulating strain is an H3N2 strain that is not sensitive to the immunity induced by the influenza vaccine formulation administered to the general public. Our study will provide insight into viral determinants that may be contributing to the severity of influenza and associated morbidity and mortality this season. Capturing samples from this influenza season is essential for understanding the public health implications the virus may have in the future, and discerning the reasons behind the severity of the disease it causes.

OMB approval is requested for 6 months. There are no costs to respondents other than their time. The total estimated annualized burden hours are 500.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Patients	500	2	30/60	500

Dated: February 20, 2015.

Dione Washington,

Project Clearance Liaison, NIAID, NIH, NIAID, NIH.

[FR Doc. 2015–04069 Filed 2–25–15; 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, Fellowships: Risk, Prevention, and Health Behavior Overflow.

Date: March 18, 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: Lee S. Mann, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3224, MSC 7808, Bethesda, MD 20892, 301–435–0677, *mannl@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Innate/Adaptive Immunology and Vaccine Development.

Date: March 19–20, 2015.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Patrick K. Lai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2215, MSC 7812, Bethesda, MD 20892, 301–435–1052, *laip@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowships: Risk, Prevention and Health Behavior.

Date: March 23–24, 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: Martha M. Faraday, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3110, MSC 7808, Bethesda, MD 20892, (301) 435–3575, *faradaym@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 20, 2015.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–03936 Filed 2–25–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Nursing Research Special Emphasis Panel, March 18, 2015, 3:00 p.m. to March 18, 2015, 4:00 p.m., National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892, which was published in the **Federal Register** on February 18, 2015, 80 FR 8676.

The meeting notice is amended to change the date of the meeting from March 18, 2015, 2:00 p.m. to March 12, 2015, 3:00 p.m. The meeting is closed to the public.

Dated: February 20, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–03935 Filed 2–25–15; 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, NHLBI Mentored Transition to Independence Review Committee.

Date: March 19–20, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The William F. Bolger Center, 9600 Newbridge Drive, Potomac, MD 20854.

Contact Person: Giuseppe Pintucci, Ph.D., Scientific Review Officer, Office of Scientific Review/DERA, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7192, Bethesda, MD 20892, 301–435–0287, *Pintuccig@nhlbi.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: February 20, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–03938 Filed 2–25–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel, NCDDG/NCRCRG.

Date: March 16, 2015.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Vinod Charles, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6151, MSC 9606, Bethesda, MD 20892–9606, 301–443–1606, *charlesvi@mail.nih.gov*.

Name of Committee: National Institute of Mental Health Special Emphasis Panel, Mental Health Services Conflict.

Date: March 16, 2015.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Karen Gavin-Evans, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Boulevard, Room 6153, MSC 9606, Bethesda, MD 20892, 301–451–2356, *gavinevanskm@mail.nih.gov*.

Name of Committee: National Institute of Mental Health Special Emphasis Panel, Unveiling the Genome: Genetic Architecture of Severe Mental Disorders Revealed.

Date: March 17, 2015.

Time: 2:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Vinod Charles, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6151, MSC 9606, Bethesda, MD 20892–9606, 301–443–1606, *charlesvi@mail.nih.gov*.

Name of Committee: National Institute of Mental Health Special Emphasis Panel, Mental Health Research Education Grants.

Date: March 18, 2015.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Aileen Schulte, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6140, MSC 9608, Bethesda, MD 20892–9608, 301–443–1225, *aschulte@mail.nih.gov*.

Name of Committee: National Institute of Mental Health Special Emphasis Panel, NIH Pathway to Independence Award (K99).

Date: March 19, 2015.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Megan Kinnane, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6148, MSC 9609, Rockville, MD 20852–9609, 301–402–6807, *libbeym@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants, National Institutes of Health, HHS)

Dated: February 20, 2015.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–03940 Filed 2–25–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye 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: National Eye Institute Special Emphasis Panel, NEI Secondary Data Analysis (R21) Grant Applications.

Date: March 18, 2015.

Time: 2:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Health, 5635 Fishers Lane, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Brian Hoshaw, Ph.D., Scientific Review Officer, National Eye Institute, National Institutes of Health, Division of Extramural Research, 5635 Fishers Lane, Suite 1300, Rockville, MD 20892, 301–451–2020, *hoshawb@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: February 20, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–03937 Filed 2–25–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel Large-Scale Collaborative Project Awards (R24/U54).

Date: March 26–27, 2015.

Time: 8:30 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Margaret J. Weidman, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.12N, Bethesda, MD 20892, 301–594–3663, *weidmanma@nigms.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: February 20, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–03939 Filed 2–25–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Clinical Center; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the NIH Advisory Board for Clinical Research.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(9)(B), Title 5 U.S.C., as amended because the premature disclosure of to discuss personnel matters and the discussions would likely to significantly frustrate implementation of recommendations.

Name of Committee: NIH Advisory Board for Clinical Research.

Date: March 30, 2015.

Open: 10:00 a.m. to 1:30 p.m.

Agenda: To review the FY16 Clinical Center Budget.

Place: National Institutes of Health, Building 10, CRC Medical Board Room 4–2551, 10 Center Drive, Bethesda, MD 20892.

Closed: 1:30 p.m. to 2:00 p.m.

Agenda: To discuss personnel matters and/or issues of which the premature disclosure may affect outcomes.

Place: National Institutes of Health, Building 10, CRC Medical Board Room 4–2551, 10 Center Drive, Bethesda, MD 20892.

Contact Person: Maureen E. Gormley, Executive Secretary, Mark O. Hatfield Clinical Research Center, National Institutes of Health, Building 10, Room 6–2551, Bethesda, MD 20892, (301) 496–2897.

Any interested person may file written comments with the committee by forwarding the 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.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Dated: February 20, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–03941 Filed 2–25–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2015–0031]

Missouri River Waterways Analysis and Management System (WAMS) Study; Public Listening Session

AGENCY: Coast Guard, DHS.

ACTION: Notice of meeting and request for comments.

SUMMARY: Coast Guard Sector Upper Mississippi River will hold a public listening session to present, and receive feedback on, the Missouri River Waterways Analysis and Management System (WAMS) study. The WAMS study will review and assess waterborne commerce as well as safe commercial and recreational navigation with a focus on the existing aids to navigation in

Missouri River system from Sioux City, IA to St. Louis, MO. This listening session will be open to the public.

DATES: This listening session will be held in Smithville, MO on February 25, 2015, from 10:00 a.m. to 12:00 p.m. If all interested participants have had an opportunity to comment, the session may conclude early. Written comments and related material may also be presented to Coast Guard personnel specified at that meeting. Comments and related materials submitted after the meeting must be received by the Coast Guard on or before April 10, 2015.

ADDRESSES: The listening session will be held at the Jerry Litton Visitors Center, (Smithville Lake) 16311 DD Hwy, Smithville, MO 64089.

Submit written comments identified by docket number USCG–2015–0031 using one of the listed methods, and see **SUPPLEMENTARY INFORMATION** for more information on public comments. To avoid duplication, please use only one of these methods.

- *Online—http://www.regulations.gov* following Web site instructions.
- *Fax*—202–493–2251.
- *Mail* or *hand deliver*—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. Hours for hand delivery are 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays (telephone 202–366–9329).

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Kevin Brensinger, Coast Guard; telephone 314–269–2548, email *SUMRWaterways@uscg.mil.* For information about viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826, toll free 1–800–647–5527.

SUPPLEMENTARY INFORMATION:

Public Participation and Comments

We encourage you to participate in this listening session by submitting comments (or related material) on Missouri River Waterways Analysis and Management System study.

We recommend using the user survey document under docket number USCG–2015–0031 to provide comments. You should provide personal contact information so that we can contact you if we have questions regarding your comments; but please note that all comments will be posted to the online docket without change and that any personal information you include can be searchable online (see the **Federal Register** Privacy Act notice regarding our public dockets, 73 FR 3316, Jan. 17, 2008).

Mailed or hand-delivered comments should be in an unbound 8½ x 11 inch format suitable for reproduction. The Docket Management Facility will acknowledge receipt of mailed comments if you enclose a stamped, self-addressed postcard or envelope with your submission.

Documents mentioned in this notice, and all public comments, may be found in our online docket at *http://www.regulations.gov* and can be viewed by following the Web site's instructions. You can also view the docket at the Docket Management Facility (see the mailing address under **ADDRESSES**) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For information on facilities or services for individuals with disabilities or to request special assistance at the listening session, contact Kevin Brensinger at the telephone number or email address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Basis and Purpose

The Waterways Analysis and Management System was implemented to ensure a complete and organized process for matching waterway attributes and services, most significantly the aids to navigation system, with user needs. The Missouri River study includes navigable waters from Sioux City, IA to St. Louis, MO and specifically targets the navigation channel, marking of the navigation channel, movement of commerce and navigation support for the diverse uses of the river. WAMS studies are conducted periodically to better understand users' needs and facilitate safe and effective waterways. Some of the aspects addressed by WAMS are:

- Are all the aids necessary?
- Should aids be added, changed or removed?
- Is the right aid being used for the job?
- Are the aids marked in a correct and visible manner?
- Are these aids being used properly by both the Coast Guard and the waterway users?

It is the intent of Coast Guard Sector Upper Mississippi River to collect comments and materials from this listening session, along with navigation surveys and other information, to establish and preserve the reasonable needs of navigation on this river.

This notice is issued under authority of 5 U.S.C. 552(a).

Martin Malloy,

Captain of the Port, U.S. Coast Guard Sector Upper Mississippi River.

[FR Doc. 2015–03914 Filed 2–25–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Inspectorate America Corporation, as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Inspectorate America Corporation, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Inspectorate America Corporation has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of December 12, 2014.

DATES: *Effective Dates:* The accreditation and approval of Inspectorate America Corporation, as commercial gauger and laboratory became effective on December 12, 2014. The next triennial inspection date will be scheduled for December 2017.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1331 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Inspectorate America Corporation, 151 East Lathrop Ave., Savannah, GA 31415, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Inspectorate America Corporation is approved for the following gauging procedures for petroleum and certain petroleum products per the American Petroleum Institute (API) Measurement Standards:

API Chapters	Title
3	Tank gauging.
7	Temperature determination.
8	Sampling.
9	Density Determination.
12	Calculations.
17	Maritime measurement.

Inspectorate America Corporation is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–03	ASTM D 4006	Standard test method for water in crude oil by distillation.
27–04	ASTM D 95	Standard test method for water in petroleum products and bituminous materials by distillation.
27–06	ASTM D 473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–08	ASTM D 86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27–11	ASTM D 445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (the Calculation of Dynamic Velocity).
27–13	ASTM D 4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27–48	ASTM D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27–54	ASTM D 1796	Standard test method for water and sediment in fuel oils by the centrifuge method (Laboratory procedure).
27–58	ASTM D 5191	Standard Test Method For Vapor Pressure of Petroleum Products (Mini Method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *cbp.labhq@dhs.gov.* Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: February 18, 2015.

Ira S. Reese,

Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2015–03948 Filed 2–25–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORP00000.L10200000.DF0000. 15XL1109AF.HAG15–0087]

Notice of Public Meeting for the John Day—Snake Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, and the U.S. Department of the Interior, Bureau of Land Management (BLM), the John Day—Snake Resource Advisory Council (RAC) will meet as indicated below:

DATES: The John Day—Snake RAC will hold a public meeting Wednesday March 11, and Thursday, March 12, 2015. The meeting will run from 1:00 p.m. to 5:00 p.m. on March 11th, and from 8 a.m. to 1:00 p.m. on March 12th. The meeting will be held at the Grant County Airport Conference Room, 72000 Airport Road, John Day, Oregon 97761. A public comment period will be available on the second day of the session.

FOR FURTHER INFORMATION CONTACT: Lisa Clark, Public Affairs Specialist, BLM Prineville District Office, 3050 NE. 3rd Street, Prineville, Oregon 97754, (541) 416–6864, or email *lmclark@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1 (800) 877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The John Day—Snake RAC consists of 15 members chartered and appointed by the Secretary of the Interior. Their diverse perspectives are represented in commodity, conservation, and general interests. They provide advice to BLM and Forest Service resource managers regarding management plans and proposed resource actions on public land in central and eastern Oregon. Agenda items for the March 2015 meeting include an update on the Blue Mountain Forest Plan Revision, an update on the status of the John Day Basin Resource Management Plan, a proposal for a fee increase on the Lower Deschutes River, an update on the Wallowa-Whitman National Forest Hells Canyon Recreation Program, committee and member updates, and any other matters that may reasonably come before the John Day—Snake RAC. This meeting is open to the public. Information to be distributed to the John Day—Snake RAC is requested prior to the start of each meeting. A public comment period will be available on March 12, 2015, at 9:30 a.m. Unless otherwise approved by the John Day—Snake RAC Chair, the public comment period will last no longer than 30 minutes. Each speaker may address the John Day—Snake RAC for a maximum of 5 minutes. A public call-in number is provided on the John Day—Snake RAC Web site at *http://www.blm.gov/or/rac/jdrac.php.* Meeting times and the duration scheduled for public comment periods may be extended or altered when the authorized representative considers it necessary to accommodate business and all who seek to be heard regarding matters before the John Day—Snake RAC.

Carol Benkosky,

Prineville District Manager.

[FR Doc. 2015–03981 Filed 2–25–15; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17551; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Robert S. Peabody Museum of Archaeology, Phillips Academy, Andover, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Robert S. Peabody Museum of Archaeology has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Robert S. Peabody Museum of Archaeology. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Robert S. Peabody Museum of Archaeology at the address in this notice by March 30, 2015.

ADDRESSES: Dr. Ryan J. Wheeler, Robert S. Peabody Museum of Archaeology, Phillips Academy, 180 Main Street, Andover, MA 01810, telephone (978) 749–4490, email *rwheeler@andover.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Robert S. Peabody Museum of Archaeology, Phillips Academy, Andover, MA. The human remains were removed from Betheia Farm-Touisett Point #2 site in Warren, Bristol County, Rhode Island.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Robert S. Peabody Museum of Archaeology professional staff in consultation with representatives of the Wampanoag Repatriation Confederacy, representing the Mashpee Wampanoag Tribe (previously listed as the Mashpee Wampanoag Indian Tribal Council, Inc.), the Wampanoag Tribe of Gay Head (Aquinnah), and the Assonet Band of the Wampanoag Nation (a non-federally recognized Indian group).

History and Description of the Remains

Maurice Robbins removed human remains representing, at minimum, one individual from the Betheia Farm-Touisett Point #2 site in Warren, Bristol County, RI, which were transferred to the Phillips Academy Department of Archaeology (now the Robert S. Peabody Museum of Archaeology) (Peabody Accn. 46/6437) in 1938. The human remains are cranial fragments, a humerus, and a femur. The individual is a female juvenile or subadult, aged approximately 10 to 11 years old at time of death. No known individuals were identified. No associated funerary objects are present. Cranial anatomy and teeth are consistent with Native American ancestry; physical anthropologist Michael Gibbons, in preparing an inventory of the remains, indicates that the individual died approximately 400+ years ago.

Information about the Betheia Farm-Touisett Point #2 site is found in the files of the Robert S. Peabody Museum of Archaeology and the files of the Rhode Island Historical Preservation & Heritage Commission (site numbers 1349 and 1350). Records at the former institution indicate that human remains washed out of the site during a storm and were collected by Robbins. The storm event may have been the ''Great Hurricane'' of September 1938, though a sketch map on file indicates erosion was already occurring in 1937. The site is described as a high sandy bluff facing Mount Hope Bay sitting on a very abrupt slope approximately 25 feet back from the beach. Robbins noted other artifacts from the site including points, hammerstones, fragmentary pestle, steatite bowl, and pottery fragments. Additional information may be available at the Robbins Museum of Archaeology/Massachusetts Archaeological Society in Middleborough, MA (MAS site #M–43/35), though no information was available during the preparation of this notice. Frank Speck (see his 1928 monograph ''Territorial Subdivisions and Boundaries of the Wampanoag, Massachusett, and Nauset Indians,'' Indian Notes and Monographs No. 44) places the area around Touisett Point within the traditional territory of the Wampanoag. There seems to be general agreement among scholars that this area was within the territory of the Wampanoag (for example, see Bert Salwen's entry ''Indians of Southern New England and Long Island: Early Period'' and William S. Simmons entry ''Narragansett,'' both appearing in the 1978 Handbook of North American Indians: Northeast, edited by Bruce G. Trigger, and Robert S. Grumet's 1995 book ''Historic Contact: Indian Peoples and Colonists in Today's Northeastern United States in the Sixteenth through Eighteenth Centuries,'' pages 117–121, 129–133). Linguistically this area is within the so-called n-dialect shared by Massachusett, Wampanoag, and Pokanoket speakers (see map and discussion in Kathleen J. Bragdon's 2009 book ''Native Peoples of Southern New England, 1650–1775, pages 22–23). Mount Hope, located near Touisett Point in Bristol, Rhode Island, is identified as the home of Wampanoag leaders Massasoit and his son Metacomet (also known as King Philip). Conflict with English colonists over encroachment into traditional lands and attempts to restrict Native people to small reservations ignited Metacomet's rebellion or King Philip's War (1675–1676) when the Wampanoag were unwilling or unable to relinquish their lands. Sociopolitical and economic patterns in the coastal area of Rhode Island and Massachusetts were established by the late Woodland period circa AD 1000 and the coastal groups in this area are likely the ancestors of the Wampanoag people encountered by the English in the seventeenth century (for example, see discussion in Bragdon [2009:35–36]). Archaeology, ethnohistory, linguistics, and oral history provide multiple lines of evidence that demonstrate longstanding ties between the Wampanoag and the area around Touisett Point and affirm affiliation with the burial at the Betheia Farm-Touisett Point #2 site.

Determinations Made by the Robert S. Peabody Museum of Archaeology

Officials of the Robert S. Peabody Museum of Archaeology have determined that:

• Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Wampanoag Repatriation Confederacy, representing the Mashpee Wampanoag Tribe (previously listed as the Mashpee Wampanoag Indian Tribal Council, Inc.), the Wampanoag Tribe of Gay Head (Aquinnah), and, if joined, the Assonet Band of the Wampanoag Nation, a non-federally recognized Indian group).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Ryan J. Wheeler, Robert S. Peabody Museum of Archaeology, Phillips Academy, 180 Main Street, Andover, MA 01810, telephone (978) 749–4490, email *rwheeler@andover.edu,* by March 30, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Wampanoag Repatriation Confederacy, representing the Mashpee Wampanoag Tribe (previously listed as the Mashpee Wampanoag Indian Tribal Council, Inc.), the Wampanoag Tribe of Gay Head (Aquinnah), and, if joined, the Assonet Band of the Wampanoag Nation, a non-federally recognized Indian group, may proceed.

The Robert S. Peabody Museum of Archaeology is responsible for notifying the Wampanoag Repatriation Confederacy, representing the Mashpee Wampanoag Tribe (previously listed as the Mashpee Wampanoag Indian Tribal Council, Inc.), the Wampanoag Tribe of Gay Head (Aquinnah), and the Assonet Band of the Wampanoag Nation, a non-federally recognized Indian group, that this notice has been published.

Dated: January 23, 2015.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–04045 Filed 2–25–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17550; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Robert S. Peabody Museum of Archaeology, Phillips Academy, Andover, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Robert S. Peabody Museum of Archaeology has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Robert S. Peabody Museum of Archaeology. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Robert S. Peabody Museum of Archaeology at the address in this notice by March 30, 2015.

ADDRESSES: Dr. Ryan J. Wheeler, Robert S. Peabody Museum of Archaeology, Phillips Academy, 180 Main Street, Andover, MA 01810, telephone (978) 749–4490, email *rwheeler@andover.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Robert S. Peabody Museum of Archaeology, Phillips Academy, Andover, MA. The human remains and associated funerary objects were removed from ten sites in Massachusetts described here according to site location, county, and town, when available.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by the Robert S. Peabody Museum of Archaeology professional staff in consultation with representatives of the Wampanoag Repatriation Confederacy, representing the Wampanoag Tribe of Gay Head (Aquinnah), Mashpee Wampanoag Tribe (previously listed as the Mashpee Wampanoag Indian Tribal Council, Inc.), and the Assonet Band of the Wampanoag Nation (a non-federally recognized Indian group). Inventories of human remains and associated funerary objects from Wakefield, Georgetown, Shattuck Farm, Lowell Textile School, Poznick, Call, and Indian Rock sites were shared with the Abenaki Nation of New Hampshire (a non-federally recognized Indian group) and the Abenaki Nation of Missisquoi St. Francis/Sokoki Band (a non-federally recognized Indian group) in 1999, but consultation was not conducted with these groups.

History and Description of the Remains

Cape Cod-Southeastern Massachusetts

South Dennis

William W. Taylor removed human remains representing, at minimum, one individual at an unknown site in South Dennis, Barnstable County, MA, which were acquired by the Phillips Academy Department of Archaeology (now the Robert S. Peabody Museum of Archaeology) in 1913 (Peabody Accn. 54612). The human remains are one sternum fragment. The individual is a female juvenile to subadult. No known individuals were identified. No associated funerary objects are present.

No documentation exists for this site, other than the entries for the human remains in the museum catalog. Records indicate that two other lots of artifacts were accessioned from the same site, also acquired from William W. Taylor, including broken stone implements; most of these stone implements were deaccessioned, though one rough preform (Peabody Accn. 54613) is still at the museum. The presence of stone implements at the site corroborates the

identification of the remains as Native American. Temporal association is not possible. Research by anthropologist Frank Speck (see his 1928 monograph ''Territorial Subdivisions and Boundaries of the Wampanoag, Massachusett, and Nauset Indians,'' Indian Notes and Monographs No. 44) places the area around South Dennis within the homeland of the Nauset, a group historically affiliated with the Wampanoag and Narragansett. Speck documents the Mashpee Wampanoag as the descendant community of Nauset and other Native American communities of the Cape Cod area after 1675. Bert Salwen's 1978 entry ''Indians of Southern New England and Long Island: Early Period,'' appearing in the Handbook of North American Indians: Northeast, edited by Bruce G. Trigger states that the indigenous groups in the region extending ''from Saco Bay, Maine, to the vicinity of the Housatonic River, in Connecticut, and from Long Island inland to southern New Hampshire and Vermont'' shared a cultural pattern (page 160–161). Elaborating on the work of Frank T. Siebert, Jr., linguist Jessie Little Doe Baird demonstrates linguistic unity among Wampanoag, Massachusett, and Pennacook peoples in adjacent parts of Rhode Island and Massachusetts, including the area on Cape Cod.

Wareham

William L. Greene removed human remains representing, at minimum, one individual at an unknown site in Wareham, Plymouth County, MA, at some time in the 1940s which were acquired by the Robert S. Peabody Museum of Archaeology prior to 2000 (Peabody Accn. 204.1). The human remains are cranial fragments. The teeth present exhibit wear on the deciduous molars and evidence of crowding with the eruption of the permanent teeth. The individual is a female juvenile, aged approximately 9–10 years old at time of death. No known individuals were identified. No associated funerary objects are present. Cranial anatomy and teeth are consistent with Native American ancestry.

Kathryn Fairbanks and David DeMello of the Robbins Museum of Archaeology in Middleborough, MA suggested that Greene was digging in the 1940s at a site located in Wareham near the Weweantic River called Horseshoe or Conant's Hill. Craig S. Chartier, Director of the Plymouth Archaeological Discovery Project, had not heard of Greene digging in Wareham, but confirmed that Conant's Hill was the focus of burial excavations in Wareham in the 1940s. Notes dated 1982 by Maurice Robbins confirms that William Greene excavated at that part of Conant's Hill known as ''Site 13'' during the period 1940–1946 along with members of the Middleboro Archaeology Club (see Massachusetts Historical Commission site file for Conant's Hill #19–PL–189). A Notice of Inventory Completion published by the Harvard University Peabody Museum of Archaeology and Ethnology in 2003 reported that according to museum records a lead ring was found in association with human remains at the Conant's Hill site, indicating that at least some of the burials at the site date to the Historic/Contact period (post-A.D. 1500). The National Register of Historic Places nomination for Conant's Hill indicates occupation from 4,500 years ago through A.D. 1650. Frank Speck (see his 1928 monograph ''Territorial Subdivisions and Boundaries of the Wampanoag, Massachusett, and Nauset Indians,'' Indian Notes and Monographs No. 44) places the area around Wareham within the homeland of the Wampanoag.

Merrimack River Valley-Northeastern Massachusetts

Wakefield

Between 1890 and 1901, Charles Perkins removed human remains representing, at minimum, one individual at an unknown site in Wakefield, Essex County, MA, which were acquired by the Phillips Academy Department of Archaeology (now the Robert S. Peabody Museum of Archaeology) in 1912 (Peabody Accn. 58335). The human remains are three fragmentary teeth. The individual is an adult of indeterminate sex. No known individuals were identified. No associated funerary objects are present.

No documentation exists for this site, other than the entries for the human remains in the museum catalog. Perkins collected other Native American artifacts from this site (Peabody Accn. 21201 through 21550 and 22644 through 22925), corroborating the identification of the human remains as Native American. Physical examination indicates that the remains are likely Native American. Temporal association is not possible. Frank Speck (see his 1928 monograph ''Territorial Subdivisions and Boundaries of the Wampanoag, Massachusett, and Nauset Indians,'' Indian Notes and Monographs No. 44) places the area around Wakefield within the homeland of the Massachusett. Speck notes that in the early seventeenth century the area north of the Charles River extending to the region of Lynn and Marblehead was controlled by the Massachusett sachem Nanepashemet. This branch of the Massachusetts had close relationships with both the Pennacook and Nipmuc. Bert Salwen's 1978 entry ''Indians of Southern New England and Long Island: Early Period,'' appearing in the Handbook of North American Indians: Northeast, edited by Bruce G. Trigger states that the indigenous groups in the region extending ''from Saco Bay, Maine, to the vicinity of the Housatonic River, in Connecticut, and from Long Island inland to southern New Hampshire and Vermont'' shared a cultural pattern (page 160–161). Elaborating on the work of Frank T. Siebert, Jr., linguist Jessie Little Doe Baird demonstrates linguistic unity among Wampanoag, Massachusett, and Pennacook peoples in adjacent parts of Rhode Island and Massachusetts, including the area around Wakefield.

Georgetown

Mrs. William J. Dow removed human remains representing, at minimum, one individual at an unknown site near Georgetown, Essex County, MA, which were acquired by the Phillips Academy Department of Archaeology (now the Robert S. Peabody Museum of Archaeology) in 1924 (Peabody Accn. 57205, 57206, and 57207). The human remains are fragments of a tibia, fibula, and crania. The individual is a female juvenile to subadult. No known individuals were identified. No associated funerary objects are present.

No documentation exists for this site, other than the entries for the human remains in the museum catalog. Physical examination indicates that the remains are likely Native American. Temporal association is not possible.

Shattuck Farm

In May 1914 and October 1921, human remains representing, at minimum, 6 individuals were removed from the Shattuck Farm site, Andover, Essex County, MA. The Shattuck Farm site is located on the second fluvial terrace at the ''Great Bend'' area on the south side of the Merrimack River. Investigations of this site were made by Warren K. Moorehead (1914) and Alfred V. Kidder (1921) on behalf of the Phillips Academy Department of Archaeology (now the Robert S. Peabody Museum of Archaeology) (Peabody Accn. 55996, 55997, 55998, 59240, 59241, and 90.121.1 through 90.121.16, and 90.122.1 through 90.122.3 and 90.124.1). Grave 1 includes two cremation burials: Burial 1 includes three fragmentary rib and other calcined bone fragments. The individual is an infant of indeterminate sex. Some of the calcined bone fragments appear to be

copper stained. Burial 2 includes a variety of bone fragments from all parts of the body, but the fragmentary condition prohibits a detailed inventory. The individual represented is a juvenile, possibly a subadult of indeterminate sex. Ten associated funerary objects from Grave 1 are soil sample (1), pottery sherds (2), fire-cracked stone gorget (1), ceramic fragment (1), ochre (2), and unmodified pebbles (3). Grave 2 includes two burials: Burial 1 is fragmentary remains tentatively identified as a female, 30 years of age; Burial 2 consists of fragmentary teeth of a juvenile of indeterminate age. Six associated funerary objects are soil sample (1) and pottery sherds (5). Grave 3 contained a tooth of one sub-adult individual of indeterminate sex. Sixty associated funerary objects are bone tool or flint knapping tool kit (5), bone harpoon (1), pottery sherds (23), chipped stone biface fragment (1), chipped stone flake (1), charcoal sample (1), ochre sample (1), felsite and quartz flakes (17), burnt rock fragments (9), and soil matrix sample (1). Grave 4 contained the fragmentary remains of one adult individual, 30–35 years of age, of indeterminate sex. No associated funerary objects are present. No known individuals were identified.

Information about the Shattuck Farm site is found in Barbara E. Luedtke's report ''The Camp at the Bend in the River: Prehistory at the Shattuck Farm Site,'' published by the Massachusetts Historical Commission in 1985, the files of the Robert S. Peabody Museum of Archaeology, and the files of the Massachusetts Historical Commission, (site #19–ES–196). The burials excavated by Alfred Kidder in 1921 were located on a sandy knoll near the river, and the notes on file suggest he was working on the kame terrace, probably toward the eastern edge of the site. Much of this kame terrace has been lost to bulldozing and construction and testing at the site by Luedtke in the early 1980s indicates considerable horizontal temporal variation across the site, including on remaining portions of the kame terrace. For example, Luedtke's Locus C and H sampled remaining portions of the kame terrace, but found evidence of occupation from Early through Late Woodland times (from 2,500 to 350 years ago). Artifacts found with some burials excavated by others at Shattuck Farm from the kame terrace dated to the period of European Contact, though others may have been much earlier. For example, Fred Luce, who excavated in the kame terrace burial area about the same time that Warren Moorehead was at the site described one burial as a ''red paint grave,'' alluding to the Moorehead Burial Tradition known from the Late Archaic. Overall, Shattuck Farm exhibits continuous use from the Late Archaic around 6,000 years ago well into the seventeenth century.

Lowell Textile School

At an unknown date, unknown persons removed human remains representing, at minimum, one individual at a site located at the Lowell Textile School in Lowell, Middlesex County, MA (now the location of the North Campus of the University of Massachusetts, Lowell), which were acquired by the Phillips Academy Department of Archaeology (now the Robert S. Peabody Museum of Archaeology) in 1900 from George Sawtelle (Peabody Accn. 90.115.1 and 90.120.1). The human remains are fragmentary. The individual is an adult female, 30–35 years of age at death. The morphology of the palate and the teeth indicate Native American ancestry. No known individuals were identified. Associated funerary objects are 1 pottery sherd.

Information about the Lowell Textile School site is found in the files of the Robert S. Peabody Museum of Archaeology, records maintained by Eugene C. Winter, and the files of the Massachusetts Historical Commission, (site #19–MD–46). The Lowell Textile School site is located on a high bluff overlooking Pawtucket Falls on the western side of the Merrimack River. The site files of the Massachusetts Historical Commission describe the site here ''as a large Native American village,'' and numerous collections from the site are noted in the records. Warren Moorehead, in his 1931 report ''The Merrimack Archaeological Survey: A Preliminary Paper'' notes that at the Lowell Textile School burials had been found when the boiler house was erected and that numerous artifacts could still be located in the area (page 25). Research by Eugene Winter indicates that the site was likely a fishing station to take advantage of the falls and that Passaconaway, sachem of the Pawtucket, used this site as his southernmost headquarters.

Poznick Site

In 1978, Eugene C. Winter and Richard ''Scotty'' MacNeish removed human remains representing, at minimum, one individual from the Poznick site in Lowell, Middlesex County, MA, under the auspices of the Robert S. Peabody Foundation for Archaeology (now the Robert S. Peabody Museum of Archaeology) (Peabody Accn. 90.111.1). The individual is an adult male, 40–45 years old at time of death. The human remains are fragmentary, but nearly complete. No known individuals were identified. No associated funerary objects are present.

Information about the Poznick site, or Trull Farm site, is found in Susan I. Thorstensen's 1977 article ''The Poznick Site: A Preliminary Report'' published in The New Hampshire Archeologist (No. 19, paes 9–16), the files of the Robert S. Peabody Museum of Archaeology, records maintained by Eugene C. Winter, who was involved in some excavations at the Poznick site, and the files of the Massachusetts Historical Commission, (site #19–MD–47). The Poznick site is located downstream and on the opposite bank (eastern side) of the Merrimack River from the Lowell Textile School site (see above), which has been described as the location of a Pawtucket or Pennacook village. Thorstensen's excavations, conducted prior to the discovery of the burial, revealed a long history of occupation dating back to the Middle Archaic and continuing through the Late Archaic and Early and Middle Woodland periods as well. Eugene Winter's research indicates that the Poznick site may have been on land that was reserved by English law for the Native Americans of the village of Wamesit. According to Winter, the land at the Poznick site was demarcated by a ditch dug around it (see Wilson Waters 1917 book ''History of Chelmsford, Massachusetts,'' page 78, which mentions a ditch constructed at Wamesit after 1660 and the merger of two or more towns, and Charles Cowley's 1868 book ''A History of Lowell,'' 2nd revised edition, page 12, which describes the boundary ditch that demarcated about 2,500 acres of the Wamesit Indian Reservation, still visible in the 1860s).

Call Site, Billerica

In 1957, Douglas Jordan and Eugene Winter removed human remains representing, at minimum, two individuals from the Call site in Billerica, Middlesex County, MA, which were transferred to the Robert S. Peabody Foundation for Archaeology (now the Robert S. Peabody Museum of Archaeology) (Peabody Accn. 90.112.1, 90.112.2 and 90.119.1 through 90.119.8). The Call site is located at a sharp bend four miles upstream on the Concord River from its confluence with the Merrimack River. Fragmentary remains uncovered during road construction represent an adult male and one adult female, 35–40 years of

age. No known individuals were identified. Sixty-six associated funerary objects accompanied the adult male, including chipped stone projectile points (2), pottery sherds (2), burned animal bone fragments (6), small flat pebbles (2), charcoal sample (1), chipped stone flakes (43), and unmodified rocks (10).

Information about the Call site is found in Walter A. Vossberg and J. Alfred Mansfield's 1955 article ''A Preliminary Report on the Concord River Site at Billerica, Massachusetts M–11SE9'' and Eugene C. Winter's 2006 article, ''An Atlantic Phase Mortuary Feature at the Call Site, Billerica, MA,'' both published in the Bulletin of the Massachusetts Archaeological Society, from the files of the Robert S. Peabody Museum of Archaeology, in notes by Eugene Winter dated August 23, 1992, undated field notes, and the files of the Massachusetts Historical Commission (site #19–MD–37). The Call site is described as ''a large area 18 inches higher that surrounding plain above swamp to north and west which leads to river and brook.'' The site is located on the east side of the Concord River. It is important to note that the remains and associated funerary objects reported here are not those described in Winter's 2006 article; those remains were excavated from the same site in 1954. Winter's 1992 notes describe the burials found initially by a Mr. Harley McCauley who was digging at the site in an area where boulders were exposed above the ground surface. Mr. McCauley's digging around the boulders exposed human remains and obscured evidence of the original burial pit, which appears to have been about 33 inches deep and may have been lined with stone cobbles. Unlike the cremation burial reported from the site in Winter's 2006 article, the two burials reported here appear to have been bundle burials; Winter suggests in his 1992 notes that the associated funerary objects reported here may have been accidental inclusions in the burial pit fill. One of the chipped stone projectile points is identified as a Levanna, dating to 1,300 to 600 years ago.

Indian Rock Site, North Billerica

In the 1880s, James Haulton removed human remains representing, at minimum, one individual from the vicinity of Indian Rock in North Billerica, Middlesex County, MA, which were acquired by Mrs. Luther W. Faulkner and subsequently donated by her to the Billerica Historical Society; the dates of Mrs. Faulkner's acquisition and donation are unknown. The Billerica Historical Society transferred the remains to the Robert S. Peabody Museum of Archaeology in 1993 (Peabody Accn. 90.114). Indian Rock is described as a small island just north of a major bend in the Concord River in the vicinity of present-day Hampstead Avenue. The individual is an adult male, approximately 50 years old at time of death. The human remains are a cranium with anterior dentition lost during life and evidence of considerable periodontal disease. Archival material identifies the remains as those of a Native American known as Punjoe or Ponjo who was murdered by white settlers near the end of the eighteenth century. No associated funerary objects are present.

Information about the archeological sites recorded in this area are found in the files of the Massachusetts Historical Commission (site #19–MD–35) and the files of the Robert S. Peabody Museum of Archaeology. Warren Moorehead, in his 1931 report ''The Merrimack Archaeological Survey: A Preliminary Paper'' describes this area as ''a long sand ridge flanking the Concord River, and where the dam is located were originally falls, also noting that two poorly preserved burials were found in the sand ridge, each covered with a thin layer of charcoal (page 24). Additional information about Punjoe and the Indian Rock site are found in the records of the Billerica Historical Society, including an undated transcript of a letter from Mrs. Faulkner (circa late nineteenth century), and in the transcript of an address by Charles H. Kohlrausch Jr.to the Billerica Historical Society delivered June 13, 1903 titled ''A Paper on the Early History of North Billerica.'' A similar account is found in the February 1915 edition of the monthly leaflet ''Billerica'' (Volume 3, No. 9). Matthew Harvey Kohlrausch (son of Charles H. Kohlrausch Jr.) provides a slightly different version of the story in his ''Billerica Recollections,'' transcribed and on file with the Billerica Historical Society. Each version of the story provides a few details and all vary slightly, but agree that Punjoe was the last of the Wamesit Indians living in the Billerica area who was pursued and murdered by white settlers led by members of the Rogers family, down the Concord River after some unidentified conflict. The account published in 1915 explains that he hid on Indian Rock in order to evade his pursuers, but was discovered, shot, and buried on ''a sandy knoll on the east side of the river.'' The 1915 account and the 1903 paper by Charles Kohlrausch concur that Punjoe's skull and some long bones were removed from his grave and were in the possession of the Billerica Historical Society. The 1915 account states that other American Indian graves were located in the same vicinity. The society no longer had long bones in 1993 when the remains were transferred to the Robert S. Peabody Museum of Archaeology. The undated account (probably written between 1912 and 1929) by Matthew H. Kohlrausch asserts that this American Indian individual was pursued and killed by Anglo-American settlers after murdering the wife of John Rogers; he also notes that his father had the remains for some time, but that they were ultimately incinerated. It is worth noting that all of these accounts date to sometime in the nineteenth or early twentieth centuries after the remains had been excavated and are not contemporary with the pursuit and murder being described.

Wamesit was established in the area now known as Chelmsford as a ''Praying Indian'' town in 1653 in response to a petition filed by John Eliot. Kathleen J. Bragdon, writing in her 2009 book *Native People of Southern New England, 1650–1775* (page 201) indicates that these Praying Indian communities were often comprised of indigenous people of a variety of ethnic and linguistic groups. By 1675 the tensions of King Philip's War forced native people to abandon towns like Wamesit; in 1686 tribal leader Wonalancet deeded the remaining Wamesit lands to Anglo-American settlers from Chelmsford. The 1695 massacre of John Rogers and members of his family while living on the fringes of Billerica may likely be the origin of part of the story related by Matthew Harvey Kohlrausch, though it would appear there are considerable misunderstandings of chronology and events. American Indians did, however, continue to live in their historical homelands after the demise of the praying communities, though often were portrayed as the last of their kind in the literature of the nineteenth century. David Steward-Smith notes in his dissertation, cited above, that there are at least three stories that describe the persistence of Pennacook people in the area along the Merrimack River well into the eighteenth century, often recounted as ''lastings'' that describe the last of a particular indigenous community (pages 287–288). One individual who figures into these stories is Pehaugan or Pehaungun, described as ''the last of the Pennacooks,'' who is noted in an encounter with Captain Ebenezer Eastman in 1726 on the lands historically occupied by Passaconaway and his people. According to Nathaniel

Bouton in his 1856 book ''The History of Concord from its First Grant in 1725, to the Organization of the City Government in 1853, with a History of the Ancient Pennacooks,'' Pehaungun is described as being 120 years old; he died in 1732 and was buried by other American Indians in the area. Bouton also mentions that Pehaungun and Tahanto, another Pennacook leader, provided testimony during the trial of one of an Indian accused of the murder of Thomas Dickinson in 1668. Stewart-Smith notes the obviously problematical nature of accounts like Bouton's. It is possible, however, that accounts of Pehaugan and Tahanto, coupled with the discovery of a burial site, may have provided source material for the late nineteenth and early twentieth century accounts of ''Punjoe.''

The Georgetown, Shattuck Farm, Lowell Textile School, Poznick, Call, and Indian Rock sites are within the homeland historically occupied by the Pennacook or Pawtucket, who lived in the Merrimack River valley and adjacent areas of northeastern Massachusetts and New Hampshire. David Steward-Smith, in his 1998 Union Institute dissertation ''The Pennacook Indians and the New England Frontier, circa 1606–1733'' discusses the coalescence of indigenous groups following King Philip's War (1675–1678), including the Nipmuc, Wampanoag, Pocumtuck, and Narragansett who sought refuge among the Pennacook (p. 339). The historical accounts compiled by Stewart-Smith indicate consistent alliances with Abenaki peoples to the north. Bert Salwen's 1978 entry ''Indians of Southern New England and Long Island: Early Period,'' appearing in the Handbook of North American Indians: Northeast, edited by Bruce G. Trigger states that the indigenous groups in the region extending ''from Saco Bay, Maine, to the vicinity of the Housatonic River, in Connecticut, and from Long Island inland to southern New Hampshire and Vermont'' shared a cultural pattern (page 160–161). Elaborating on the work of Frank T. Siebert, Jr., linguist Jessie Little Doe Baird demonstrates linguistic unity among Wampanoag, Massachusett, and Pennacook peoples in adjacent parts of Rhode Island and Massachusetts, including the area around the Georgetown, Shattuck Farm, Lowell Textile School, Poznick, Call, and Indian Rock sites.

Determinations Made by the Robert S. Peabody Museum of Archaeology

Officials of the Robert S. Peabody Museum of Archaeology have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 15 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 143 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Wampanoag Repatriation Confederacy, representing the Mashpee Wampanoag Tribe (previously listed as the Mashpee Wampanoag Indian Tribal Council, Inc.), the Wampanoag Tribe of Gay Head (Aquinnah), and, if joined, the Assonet Band of the Wampaog Nation, a non-federally recognized Indian group.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Ryan J. Wheeler, Robert S. Peabody Museum of Archaeology, Phillips Academy, 180 Main Street, Andover, MA 01810, telephone (978) 749–4490, email *rwheeler@andover.edu,* by March 30, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Wampanoag Repatriation Confederacy, representing the Mashpee Wampanoag Tribe (previously listed as the Mashpee Wampanoag Indian Tribal Council, Inc.), the Wampanoag Tribe of Gay Head (Aquinnah), and, if joined, the Assonet Band of the Wampaog Nation, a non-federally recognized Indian group.

The Robert S. Peabody Museum of Archaeology is responsible for notifying the Wampanoag Repatriation Confederacy, representing the Mashpee Wampanoag Tribe (previously listed as the Mashpee Wampanoag Indian Tribal Council, Inc.), the Wampanoag Tribe of Gay Head (Aquinnah), and the Assonet Band of the Wampaog Nation, a non-federally recognized Indian group, that this notice has been published.

Dated: January 23, 2015.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–04062 Filed 2–25–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17549; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Kerr County Attorney's Office, Kerr County, TX

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Kerr County Attorney's Office has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Kerr County Attorney's Office. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, or Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Kerr County Attorney's Office at the address in this notice by March 30, 2015.

ADDRESSES: Heather Stebbins, Kerr County Attorney, 700 Main Street, Suite BA–103, Kerrville, TX 78028, telephone (830) 792–2220, email *cmc@co.kerr.tx.us.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the County of Kerr, Kerr County Attorney's Office, Kerrville, TX. The human remains were removed from Kerr County, TX.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Kerr County Sheriff's Department Evidence Submission professional staff. Kerr County Justice of the Peace Precinct #4, Justice William Ragsdale has consulted with representatives of the Comanche Nation, Oklahoma, the Mescalero Apache Tribe of the Mescalero Reservation, New Mexico, and the Lipan Apache Band of Texas, a non-Federally recognized Indian group.

History and Description of the Remains

In May 2009, human remains representing, at minimum, one individual were removed from private property along a river bank in Kerr County, TX. Individuals clearing land along a dry river bank on private property discovered some fragmented bones in a niche. Believing the bones to possibly be human remains, the fragments were reported to the ranch manager, who advised that there had been other fragments removed from the same area in 2005. The Kerr County Sheriff's Department was notified, took photos, and removed additional fragments from the river bank in Kerr County, TX. The remains were then taken to the Kerr County Sheriff's Department secure evidence storage. The University of North Texas Center for Human Identification, Laboratory of Forensic Anthropology evaluated the bone fragments and prepared a report. The report concluded that the remains are historical/archeological in origin and are at least 100–200 years old. The remains were from one male individual, approximately 24 years of age, and most importantly, the remains are of Amerindian ancestry. No known individuals or specific tribal affiliation were identified. No associated funerary objects were present.

According to anthropologist Harrell Gill-King, Ph.D., D–ABFA, the Lipan Apache inhabited the entire length of the Guadalupe River basin 100 to 200 years ago. According to Daniel Castro Romero, Jr., General Council Chairman, Lipan Apache Band of Texas, the Lipan Apache have historically used this geographical area for traditional hunting and burial. Mr. Romero believes that the Apache affiliation has been verified through previous scholarship. NAGPRA affiliate, Randy Barnes, has advised Kerr County that the area in question is traditional hunting and burial area of the Lipan Apache. This particular area in the Texas Hill Country has had several known tribal groups that were in the area within the estimated time period. The Lipan Apache, the Payaya Indians, the Carrizo Indians, and possibly the Comanche utilized the niche methods of burial. The last tribe with historical affiliation in the area was the Lipan Apache Band under Chief Castro, whose sons were scouts for the Texas Rangers.

Determinations Made by the Kerr County Attorney's Office

Officials of the Kerr County Attorney's Office have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Comanche Nation, Oklahoma, and the Mescalero Apache Tribe of the Mescalero Reservation, New Mexico.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Heather Stebbins, Kerr County Attorney, 700 Main Street, Suite BA–103, Kerrville, TX 78028, telephone (830) 792–2220, email *cmc@co.kerr.tx.us,* by March 30, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Comanche Nation, Oklahoma, and the Mescalero Apache Tribe of the Mescalero Reservation, New Mexico, may proceed.

The Kerr County Attorney's office is responsible for notifying the Comanche Nation, Oklahoma, the Mescalero Apache Tribe of the Mescalero Reservation, New Mexico, and the Lipan Apache Band of Texas, a non-Federally recognized Indian group, that this notice has been published.

Dated: January 23, 2015.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–04058 Filed 2–25–15; 8:45 am]

BILLING CODE 4312–50–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17616; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of Defense, Department of the Navy, Washington, DC

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Defense, Department of the Navy has completed an inventory of human remains and associated funerary, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Department of the Navy. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Department of the Navy at the address in this notice by March 30, 2015.

ADDRESSES: Mr. Joseph Montoya, Environmental Planning and Conservation Branch Manager, Naval Base Ventura County, Naval Base Ventura County, 311 Main Road, Building 1, Code N45V, Point Mugu, CA 93042, telephone (805) 989–3804, email *joseph.l.montoya@navy.mil.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Department of the Navy, Naval Base Ventura County, and in the physical custody of its partner repositories, which include the Fowler Museum at UCLA, Natural History Museum of Los

Angeles County, San Diego Museum of Man, Santa Barbara Museum of Natural History, Southwest Museum of the Autry National Center of the American West, and U.C. Berkeley Phoebe A. Hearst Museum of Anthropology. The human remains and associated funerary artifacts were removed from San Nicolas Island (SNI), Naval Base Ventura County, Ventura County, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the Department of the Navy. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by the Department of the Navy officials in consultation with representatives of the Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California.

History and Description of the Remains

The human remains representing, at minimum, 469 individuals and the 436 associated funerary objects listed in this notice are in seven different locations in California. These are the Fowler Museum at UCLA, the Natural History Museum of Los Angeles County, the Naval Base Ventura County (NBVC) San Nicolas Island Curation Facility, the San Diego Museum of Man, the Santa Barbara Museum of Natural History, Southwest Museum of the Autry National Center of the American West, and the U.C. Berkeley Phoebe A. Hearst Museum of Anthropology. These human remains and associated funerary objects are listed below, grouped under their respective repositories.

(i) Navy-Controlled SNI Human Remains and Associated Funerary Objects at the Fowler Museum at UCLA

In May 1929, human remains representing, at minimum, 4 individuals were collected by H. H. Sheldon and donated to UCLA. No primary documentation or specific provenience information beyond their SNI origin exists for these human remains. No known individuals were identified. No associated funerary objects are present.

In 1951, human remains representing, at minimum, 5 individuals were collected by Stewart L. Peck from site CA–SNI–18 and donated to UCLA. No known individuals were identified. No associated funerary objects are present.

In 1951, human remains representing, at minimum, 2 individuals were collected by Stewart L. Peck and donated to UCLA. No primary documentation or specific provenience information beyond their SNI origin exists for these human remains. No known individuals were identified. No associated funerary objects are present.

In 1952, human remains representing, at minimum, 2 individuals were collected by an unknown party and donated to UCLA. No primary documentation or specific provenience information beyond their SNI origin exists for these human remains. No known individuals were identified. The 10 associated funerary objects are 2 abalone shell fishhook blanks; 1 abalone shell fishhook fragment; 1 biface fragment; 2 modified shells; 1 stone bowl fragment; 1 stone pestle fragment; 1 lot of tarring pebbles; and 1 unmodified shell.

Prior to 1958, human remains representing, at minimum, 3 individuals, were removed from site CA–SNI–15 by H.B. Allen and donated to UCLA. No known individuals were identified. No associated funerary objects are present.

In 1959, human remains representing, at minimum, 33 individuals were collected during excavations conducted by Sam-Joe Townsend, Fred Reinman, Marshall McKusick, Dr. Clement Meighan and others from the UCLA Archaeological Survey. These human remains were collected from 7 SNI sites—CA–SNI–14, CA–SNI–15, CA–SNI–15W, CA–SNI–16, CA–SNI–18, CA–SNI–40, and CA–SNI–41. No known individuals were identified. The 90 associated funerary objects are 1 abalone shell ''Magic Box'' (made of 4 abalone shells, 2 smaller shells enclosed in 2 larger ones, forming a box containing a piece of incised green stone); 1 lot of abalone shell beads; 6 abalone shell dishes; 1 lot of abalone shell fishhook blanks; 2 abalone shell fishhooks; 1 abalone shell ornament; 1 lot of abalone shell pearls and fragments; 8 abalone shell pendants; 5 lots of abalone shell pendants; 1 lot of abalone shells with asphaltum; 1 animal tooth pendant; 1 lot of asphaltum fragments; 2 lots of asphaltum fragments with basketry impressions; 2 bone awls; 1 bone fishhook; 1 lot of burned bone and wood fragments; 1 burned and modified faunal bone; 1 ground stone object; 1 hammer stone; 1 incomplete red stone pipe with a bird bone stem; 1 large unmodified shell; 1 fragment modified abalone shell; 1 lot of modified abalone shells; 1 modified bone with asphaltum; 1 modified faunal bone; 1 modified faunal bone fragment; 5 modified faunal bones; 7 modified stones; 1 mussel shell pendant; 1 piece of ochre; 10 lots of Olivella shell beads; 1 Pismo clam shell pendant; 1 projectile point fragment; 1 sea lion tooth pendant; 2 shell beads; 3 shell pendants; 1 stone biface; 1 stone biface with asphaltum; 3 stone rings; 1 tarring pebble; 1 unmodified abalone shell; 1 unmodified Pismo clam shell fragment; 1 lot of unmodified shell and fragments; 1 lot of unmodified shells; 1 unmodified stone; 1 lot of wood fragments; and 1 fragment of yellow ochre.

Navy-controlled NAGPRA items at the Fowler Museum also include human remains representing, at minimum, 1 individual that lack specific information on the date of collection/donation, the name of the collector, or the site provenience beyond their SNI origin. No known individual was identified. No associated funerary objects are present.

One additional group of human remains representing, at minimum, 9 individuals, that also lack specific information on the date of collection/donation or a collector, does have accompanying documentation indicating it was collected from site CA–SNI–18. No known individuals were identified. No associated funerary objects are present.

(ii) Navy-Controlled SNI Human Remains and Associated Funerary Objects at the Natural History Museum of Los Angeles County

In 1926, human remains representing, at minimum, 49 individuals were collected from an indeterminate number of site locations during a Los Angeles Museum expedition there by Charles W. Hatton, Arthur R. Sanger, and Bruce Bryan. No primary documentation or specific provenience information beyond their SNI origin exists for these human remains. No known individuals were identified. No associated funerary objects are present.

In August 1933, human remains representing, at minimum, 7 individuals were collected by an individual named Rose and donated to the Natural History Museum of Los Angeles County. No primary documentation or specific provenience information beyond their SNI origin exists for these human remains. No known individuals were identified. No associated funerary objects are present.

In July 1939, human remains representing, at minimum, 1 individual were excavated from site CA–SNI–150 (Woodward's N–13E) by Arthur Woodward during the Los Angeles Museum's Channel Islands Biological Survey of SNI. No known individual was identified. The 33 associated funerary objects are 1 faunal bone bead; 1 faunal bone harpoon fragment; 2 ground stone objects; 11 ground stone

fragments; 1 ground stone pendant; 1 ground stone pipe bowl; 7 modified faunal bone objects; 1 lot of modified shells; 1 modified stone; 1 shell fish hook fragment; 1 stone biface fragment; 1 stone biface in two pieces; 1 stone projectile point fragment; and 3 stone ring fragments.

In 1950, human remains representing, at minimum, 1 individual were collected by Mel Lincoln and donated to the Natural History Museum of Los Angeles County. No primary documentation or specific provenience information beyond their SNI origin exists for these human remains. No known individual was identified. No associated funerary objects are present.

In 1959, human remains representing, at minimum, 2 individuals were collected by Ed Mitchell and Sam-Joe Townsend and donated to the Natural History Museum of Los Angeles County. No specific provenience information beyond their SNI origin exists for these human remains. No known individuals were identified. No associated funerary objects are present.

In 1959, human remains representing, at minimum, 1 individual were collected by Ed Mitchell from site CA–SNI–18 and donated to the Natural History Museum of Los Angeles County. No known individual was identified. No associated funerary objects are present.

In 1966, human remains representing, at minimum, 1 individual were collected by S. Ray Harmon and donated to the Natural History Museum of Los Angeles County. No specific provenience information beyond their SNI origin exists for these human remains. No known individual was identified. No associated funerary objects are present.

In 1976, human remains representing, at minimum, 3 individuals were collected by George Kritzman and Fred Reinman from sites CA–SNI–12 and CA–SNI–124 and donated to the Natural History Museum of Los Angeles County. No known individuals were identified. The associated funerary objects are 3 cataloged lots of asphaltum fragments and unmodified shells.

Navy-controlled NAGPRA items at the Natural History Museum of Los Angeles County also include human remains representing, at minimum, 13 individuals that lack specific information on the date of collection/donation, the name of the collector, or the site provenience beyond their SNI origin. No known individuals were identified. No associated funerary objects are present.

(iii) Human Remains and Associated Funerary Objects in the Possession of the Naval Base Ventura County (NBVC) San Nicolas Island Curation Facility

In 1928, human remains representing, at minimum, 8 individuals were collected by Arthur Sanger. At an unknown date, the human remains came into the custody of the California Department of Parks and Recreation. The human remains were returned to SNI holdings in 1995. Beyond their general SNI origin, these human remains lack specific information on site provenience other than Sanger's catalogue numbers, which cannot be correlated to later site numbering protocols. No known individuals were identified. No associated funerary objects are present.

In 1938, human remains representing, at minimum, 5 individuals were collected from SNI sites by UCLA. These human remains were later donated to Loyola Marymount University in 1962, which returned them to SNI holdings in 2006. The human remains were collected from 5 SNI sites—SN–9, SN–12, SN–17, SN–18, and SN–171. No known individuals were identified. The 37 associated funerary objects are 1 awl, broken; 1 shell fishhook; 2 shell fishhook blanks; 13 shell fishhook fragments; 1 flake; 1 end-battered hammer stone; 1 pendant; 1 broken pipe; 1 projectile point base; 11 unmodified fish bones; 1 unmodified mammal bone; 2 pieces unmodified shell; and 1 worked abalone shell fragment.

In 1959, human remains representing, at minimum, 2 individuals were collected during excavations conducted by Sam-Joe Townsend and Fred Reinman from the UCLA Archaeological Survey. These human remains were collected from 2 SNI sites—CA–SNI–14 and CA–SNI–15. These two individuals belong to the same collection from the 1959 excavations located in the Fowler Museum at UCLA and reported under subparagraph (i) of this notice. No known individuals were identified. No associated funerary objects are present.

In the 1960s, a comingled set of human remains representing, at minimum, 1 individual was collected by an island Public Works employee, Mr. Graham. These human remains lack specific information for site provenience beyond their SNI origin. No known individuals were identified. No associated funerary objects are present.

In 1976, human remains representing, at minimum, 1 individual were collected during excavations conducted by George Kritzman and Fred Reinman. These human remains were collected from site CA–SNI–74. No known individuals were identified. The 24 associated funerary objects are 2 pieces of hematite; 2 pieces of unmodified abalone shell; 3 stone projectile points; 1 bone awl; 1 bone tool fragment; 1 large stone with red ochre; 2 modified abalone shells; 1 modified abalone shell fragment; 2 modified faunal bone; 1 modified Olivella shell; 1 modified shell fragment; 1 lot of modified shells; 1 shell fishhook; 1 shell fishhook blank; 1 shell fishhook fragment; 1 unmodified abalone shell; 1 unmodified marine mammal tooth; and 1 lot of multiple unmodified shell fragments.

In 1977, human remains representing, at minimum, 7 individuals were collected during excavations conducted by George Kritzman and others. These human remains were collected from 5 SNI sites—CA–SNI–5, CA–SNI–11, CA–SNI–55, CA–SNI–117, and CA–SNI–146. No known individuals were identified. The 12 associated funerary objects are 1 abalone shell fishhook blank, 1 abalone shell fragment, 2 lots of asphaltum fragments with basketry impressions, 1 bone bead, 1 bone pin, 1 chunk of charcoal, 2 lots of modified shell and fragments, 1 stone projectile point, 1 lot of unmodified shells and fragments, and 1 unmodified stone.

In 1978, human remains representing, at minimum, 1 individual were collected during excavations conducted by Fred Reinman and George Kritzman. These human remains were collected from site CA–SNI–16. No known individual was identified. The 8 associated funerary objects are 1 clam shell ring with a bi-conical perforation, 1 grey slate pendant, 1 incised canine tooth ornament, 1 semi-circular ground shell object, 1 side-notched projectile point fragment, 1 stone pendant with a bi-conical perforation, 1 stone pendant with two perforations, and 1 stone sea elephant effigy fragment.

In 1979, human remains representing, at minimum, 1 individual were collected during excavations conducted by Fred Reinman and George Kritzman. These human remains were collected from site CA–SNI–1. No known individual was identified. The 5 associated funerary objects are 1 asphaltum fragments with basketry impressions, 1 modified shell, 1 fragment of red ochre, 1 lot of unmodified shell fragments, and 1 unmodified stone.

In 1986, human remains representing, at minimum, 5 individuals were collected during excavations conducted by Crowe and Johnson. These human remains were collected from site CA–SNI–56. No known individuals were

identified. No associated funerary objects are present.

In 1989, human remains representing, at minimum, 6 individuals were collected during excavations conducted by Steven Schwartz, George Kritzman, Audrey Schwartz, and others from the Department of the Navy's Cultural Resources management program. These human remains were collected from 3 SNI sites—CA–SNI–168, CA–SNI–214, and CA–SNI–221. No known individuals were identified. The 90 associated funerary objects are 1 lot of abalone shell fishhook blanks; 3 lots of asphaltum fragments; 2 lots of faunal bone fragments; 1 faunal bone pry; 5 lots of faunal bone pry fragments; 5 faunal bone tools; 8 faunal bone tool fragments; 1 faunal bone tool with asphaltum; 1 lot of faunal bone tools with asphaltum; 1 ground stone bowl; 3 lots of ground stone fragments; 5 ground stone pestles; 3 lots of ground stone pestle fragments; 1 ground stone tool fragment; 1 ground stone artifact with asphaltum; 1 incised stone pendant; 1 modified abalone shell with asphaltum; 2 lots of modified stone fragments; 1 stone pendant; 1 lot of stone pendant fragments; 1 quartz projectile point; 1 fragment of red ochre; 3 pieces of sandstone; 1 shell bead; 1 shell fishhook; 1 shell fishhook fragment; 1 stone adze fragment; 4 stone biface fragments; 1 lot of stone biface fragments with asphaltum; 1 lot of stone fragments; 2 stone projectile points; 6 stone projectile point fragment; 2 lots of stone projectile point fragments; 1 stone projectile point with asphaltum; 1 stone scraper; 1 lot of stone tool fragments; 2 stones with asphaltum; 1 lot of tarring pebbles; 1 unmodified abalone shell; 3 unmodified faunal bone; 1 unmodified shell; 2 unmodified stone; 1 lot of unmodified stone fragments; 3 whale bone prys; and 1 fragment of wood.

In 1994, human remains representing, at minimum, 1 individual were collected during excavations conducted by Moorpark Jr. College. These human remains were collected from site CA–SNI–73. No known individuals were identified. No associated funerary objects are present.

In 2000, human remains representing, at minimum, 1 individual were collected by Steve Schwartz and Lisa Thomas because of their exposure due to erosion. These human remains were collected from site CA–SNI–168. No known individuals were identified. No associated funerary objects are present.

In 2006, human remains representing, at minimum, 2 individuals were collected by California State University Humboldt. These human remains were collected from the West Locus and East Locus of site CA–SNI–25. No known individuals were identified. No associated funerary objects are present.

NAGPRA items in collections at the SNI Curation Facility further include human remains representing, at minimum, 13 individuals that lack specific information on the date of collection/donation, the name of the collector, or the site provenience beyond their SNI origin. No known individuals were identified. No associated funerary objects are present.

An additional set of human remains representing, at minimum, 1 individual, that also lacks specific information on the date of collection/donation or a collector, does have accompanying documentation indicating it was collected from site CA–SNI–171. No known individual was identified. No associated funerary objects are present.

Another set of human remains representing, at minimum, 1 individual, that also lacks specific information on the date of collection/donation or a collector, does have accompanying documentation indicating it was collected from site CA–SNI–238. No known individual was identified. No associated funerary objects are present.

NAGPRA items in collections at the SNI Curation Facility also include 2 funerary objects associated with the human remains located at the Southwest Museum/Autry National Center and reported under subparagraph (vi) of this notice. The first of these associated funerary objects is an unmodified abalone shell from a burial excavated in 1960 by Dr. Charles Rozaire at site CA–SNI–41. The second associated funerary object is a fragment of sea grass matting that was collected by an unknown party in 1984 at site CA–SNI–325 and donated to the Southwest Museum.

(iv) Navy-Controlled SNI Human Remains and Associated Funerary Objects at the San Diego Museum of Man

In 1899, human remains representing, at minimum, 1 individual were collected by Mrs. L. H. Sherman and donated to the San Diego Museum of Man. No primary documentation or specific provenience information beyond their SNI origin exists for these human remains. No known individual was identified. No associated funerary objects are present.

In 1915, human remains representing, at minimum, 1 individual were gifted to the San Diego Museum of Man by Charles Lummis. No collection date, primary documentation, or specific provenience information beyond their SNI origin exists for these human remains. No known individual was identified. The associated funerary object is 1 lot of modified cowry shells.

In 1930, human remains representing, at minimum, 128 individuals were collected by Malcolm J. Rogers during an expedition for the San Diego Museum of Man. These human remains were excavated or surface collected from 26 SNI sites—CA–SNI–1 (Rogers' SN–7); CA–SNI–7 (Rogers' SN–1/1A); CA–SNI–11 (Rogers' SN–13); CA–SNI–12 (Rogers' SN–16); CA–SNI–15 or CA–SNI–16 (Rogers' SN–18); CA–SNI–15 or CA–SNI–16 (Rogers' SN–19); CA–SNI–25 (Rogers' SN–14); CA–SNI–55 or CA–SNI–56 (Rogers' SN–20); CA–SNI–139 (Rogers' SN–21C); and 17 areas without a known concordance to modern state trinomial site numbers (Rogers' field numbers SN–3, SN–4, SN–5, SN–6, SN–7A, SN–11, SN–12, SN–15, SN–17, SN–21, SN–21A, SN–21B, SN–22, SN–23, SN–24, SN–27, and SN–31). No known individuals were identified. The 63 associated funerary objects catalogued are 1 lot of asphaltum fragments with basketry impressions, 2 lots of burned faunal bone fragments, 1 lot of burned faunal bone tool fragments, 1 deer antler pressure flaker, 2 lots of faunal bone fragments, 1 incised stone, 4 modified faunal bones, 2 lots of modified faunal bone fragments, 1 lot of modified faunal bone tools, 1 modified keyhole limpet shell, 1 modified shell, 2 modified stones, 1 lot of stone bowl fragments, 1 stone canoe effigy, 3 lots of modified stone fragments, 1 stone pestle, 1 necklace (consisting of bone beads, one alabaster bead, and one incised steatite pendant), 1 necklace of stone and shell beads, 1 obsidian projectile point, 1 obsidian projectile point fragment, 1 lot of Olivella and keyhole limpet shell beads, 5 lots of Olivella shell beads, 2 projectile points, 1 projectile point fragment, 1 lot of root castings, 1 sandstone fishhook reamer, 5 lots of shell beads, 1 lot of unmodified shell beads, 1 shell fishhook fragment, 1 lot of square Olivella shell beads, 1 steatite bead, 3 lots of stone beads, 1 stone effigy, 1 quartzite stone for melting asphaltum, 1 stone pendant fragment, 2 stone ring fragments, 1 lot of stone spindles, 1 tufa bead, 1 lot of unmodified abalone shells, 1 lot of unmodified faunal bone fragments, 1 lot of unmodified shells, and 1 piece of yellow ochre.

In 1937, human remains representing, at minimum, 23 individuals were transferred to the San Diego Museum of Man from the San Diego Museum of Natural History. These human remains had been included with a large collection of primarily natural history specimens made by Mr. Herbert Lowe and bequeathed to the San Diego

Museum of Natural History in 1936. No primary documentation or specific provenience information beyond their SNI origin exists for these human remains. No known individuals were identified. No associated funerary objects are present.

During the summer of 1960, a cranium and mandible representing, at minimum, 1 individual were collected by Scott G. Shaw, and donated to the San Diego Museum of Man by Mrs. G. V. Shaw in 1961. No primary documentation or specific provenience information beyond their SNI origin exists for these human remains. No known individual was identified. No associated funerary objects are present.

In 1977, human remains representing, at minimum, 1 individual were collected and donated to the San Diego Museum of Man by T. J. Die. No primary documentation or specific provenience information beyond their SNI origin exists for these human remains. No known individuals were identified. The 4 associated funerary objects are 1 abalone shell with asphaltum, 1 piece of charcoal, 1 faunal bone tool, and 1 lot of unmodified shells.

Navy-controlled NAGPRA items at the San Diego Museum of Man also include human remains representing, at minimum, 4 individuals that lack specific information on the date of collection/donation, name of the collector or site provenience beyond their SNI origin. No known individuals were identified. No associated funerary objects are present.

(v) Navy-Controlled SNI Human Remains and Associated Funerary Objects at the Santa Barbara Museum of Natural History

In 1945, human remains representing, at minimum, 16 individuals were collected by Phil Orr during excavations on SNI for the Santa Barbara Museum of Natural History. These human remains were excavated or surface collected from 6 SNI sites—Orr's site number 133.17, CA–SNI–5 (Orr's 133.5), CA–SNI–7 (Orr's 133.7), CA–SNI–10 (Orr's 133.10), CA–SNI–17 (Orr's 133.15), and CA–SNI–21 (Orr's 133.21). No known individuals were identified. The 10 associated funerary objects catalogued are 1 lot of asphaltum fragments with basketry impressions, 1 lot of bone points; 2 groundstone artifacts, 1 lot of ground stone beads, 1 ground stone pendant, 1 lot of Olivella shell beads, 2 lots of shell beads, and 1 unmodified faunal bone.

In 1948, human remains representing, at minimum, 2 individuals were collected by Phil Orr during excavations at Orr's site number 133.18 (associated state trinomial site number unknown) for the Santa Barbara Museum of Natural History. No known individuals were identified. The associated funerary object is 1 lot of shell beads.

In 1959 or 1960, human remains representing, at minimum, 1 individual were collected by Thomas Bird and donated to the Santa Barbara Museum of Natural History. No primary documentation or specific provenience information beyond their SNI origin exists for these human remains. No known individual was identified. No associated funerary objects are present.

In 1959 and 1961, human remains representing, at minimum, 3 individuals were collected by David Roy Wiser on a construction site near the Department of the Navy's island airstrip and donated to the Santa Barbara Museum of Natural History. No specific provenience information beyond their SNI origin exists for these human remains. No known individual was identified. No associated funerary objects are present.

In 1967, human remains representing, at minimum, 1 individual were collected by Lt. Commander A. L. Bently from Santa Barbara Museum of Natural History site number 133.54 (associated state trinomial site number unknown) and donated to the Santa Barbara Museum of Natural History. No known individual was identified. No associated funerary objects are present.

In 1970, human remains representing, at minimum, 1 individual were collected by Art McHarg and donated to the Santa Barbara Museum of Natural History. No specific provenience information beyond their SNI origin exists for these human remains. No known individual was identified. No associated funerary objects are present.

In 1976, human remains representing, at minimum, 1 individual were collected by D. T. Hudson and J. Timbrook and donated to the Santa Barbara Museum of Natural History. No specific provenience information beyond their SNI origin exists for these human remains. No known individual was identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, 2 individuals were surface collected by Frank Van Den Burgh and donated to the Santa Barbara Museum of Natural History. No specific provenience information beyond their SNI origin exists for these human remains. No known individual was identified. No associated funerary objects are present.

(vi) Navy-Controlled SNI Human Remains and Associated Funerary Objects at the Southwest Museum of the Autry National Center of the American West

Circa 1900, human remains representing, at minimum, 1 individual were collected by Margaret Nix and donated to the Southwest Museum. No specific provenience information beyond their SNI origin exists for these human remains. No known individual was identified. No associated funerary objects are present.

Circa 1926, human remains representing, at minimum, 1 individual were collected by Norman Murdoch and donated to the Southwest Museum. No specific provenience information beyond their SNI origin exists for these human remains. No known individual was identified. No associated funerary objects are present.

In 1960, human remains representing, at minimum, 34 individuals were collected by Dr. Charles Rozaire, George Kritzman, and others during Southwest Museum expeditions to SNI. These human remains were excavated or surface collected from 9 SNI sites—CA–SNI–12, CA–SNI–16, CA–SNI–38, CA–SNI–41, CA–SNI–47, CA–SNI–51, CA–SNI–55, CA–SNI–97, and a location east of CA–SNI–11. No known individuals were identified. The 39 associated funerary objects catalogued are 1 lot of abalone shell pendant fragments, 2 lots of asphaltum fragments, 1 lot of bone beads, 1 lot of cordage fragments, 1 lot of faunal bone tools, 1 lot of ground stone fragments, 1 piece of hematite, 1 large unmodified shell, 1 modified bone, 1 piece of modified sandstone, 1 lot of modified shell pieces, 1 lot of modified shells and fragments, 1 lot of modified stone fragments, 4 lots of Olivella shell beads, 1 quartz crystal, 1 piece of red ochre, 1 lot of sea grass fiber fragments, 1 piece of sea grass matting, 1 lot of sea grass matting, cordage, and fibers, 1 piece of sea grass matting with an attached shell or bone fragment, 2 lots of shell beads, 2 lots of square shell beads, 1 lot of tarring pebbles, 7 unmodified abalone shells, 1 lot of unmodified abalone shells and fragments, 1 lot of unmodified shells and fragments, and 1 piece of unmodified stone.

In 1977, human remains representing, at minimum, 1 individual were collected from site CA–SNI–16 by George Kritzman, Jim Rasey, Fred Reinman, and others during California State University Los Angeles research on SNI. No known individual was identified. No associated funerary objects are present.

In 1984, human remains representing, at minimum, 1 individual were collected from site CA–SNI–325 by an unknown party and donated to the Southwest Museum. No known individual was identified. The 4 associated funerary objects are catalogued as 1 fossil bead, 1 lot of sea grass matting with an attached shell or bone fragment, 1 lot of sea grass matting, cordage, and fibers, and 1 lot of unmodified shells.

Navy-controlled NAGPRA items at the Southwest Museum also include human remains representing, at minimum, 5 individuals that lack specific information on the date of collection/donation, the name of the collector, or the site provenience beyond their SNI origin. No known individuals were identified. No associated funerary objects are present.

One additional set of human remains representing, at minimum, 1 individual, that also has no specific information on date of collection/donation or a collector, does have accompanying documentation indicating it was collected from site CA–SNI–11. No known individual was identified. No associated funerary objects are present.

(vii) Navy-Controlled SNI Human Remains and Associated Funerary Objects at the U.C. Berkeley Phoebe A. Hearst Museum of Anthropology

In 1901, human remains representing, at minimum, 2 individuals were collected by P. M. Jones and donated to the Lowie Museum of Anthropology (the predecessor of the U.C. Berkeley Phoebe A. Hearst Museum of Anthropology). No primary documentation or specific provenience information beyond their SNI origin exists for these human remains. No known individuals were identified. No associated funerary objects are present.

In 1902, human remains representing, at minimum, 24 individuals were collected by Mrs. Blanche Trask during her botanical survey of SNI and donated to the then Lowie Museum of Anthropology. No primary documentation or specific provenience information beyond their SNI origin exists for these human remains. No known individuals were identified. The 1 associated funerary object is a large abalone shell lying atop the cranium of the individual human remains cataloged as 382–12–2187.

In 1938, human remains representing, at minimum, 1 individual were collected by Bruce Monroe Macleod and donated to the then Lowie Museum of Anthropology in 1949. No primary documentation or specific provenience information beyond their SNI origin exists for these human remains. No known individual was identified. No associated funerary objects are present.

In 1939, human remains representing, at minimum, 17 individuals were collected by Richard and Winthrop Coxe and donated to the then Lowie Museum of Anthropology. No primary documentation or specific provenience information beyond their SNI origin exists for these human remains. No known individuals were identified. No associated funerary objects are present.

Navy-controlled NAGPRA items at the U.C. Berkeley Phoebe A. Hearst Museum of Anthropology also include human remains representing, at minimum, 2 individuals that lack specific information on the date of collection/donation, the name of the collector, or the site provenience beyond their SNI origin. No known individuals were identified. No associated funerary objects are present.

Determinations Made by the U.S. Department of Defense, Department of the Navy

Officials of the U.S. Department of Defense, Department of the Navy have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 469 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 436 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Mr. Joseph Montoya, Environmental Planning and Conservation Branch Manager, Naval Base Ventura County, Naval Base Ventura County, 311 Main Road, Building 1, Code N45V, Point Mugu, CA 93042, telephone (805) 989–3804, email *joseph.l.montoya@navy.mil* by March 30, 2015. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California, may proceed.

The U.S. Department of Defense, Department of the Navy, is responsible for notifying the Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California, that this notice has been published.

Dated: February 3, 2015.

Melanie O'Brien,

Acting Manager, National NAGPRA Program.

[FR Doc. 2015–04060 Filed 2–25–15; 8:45 am]

BILLING CODE 4312–50–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1269 (Preliminary)]

Silicomanganese From Australia; Institution of Antidumping Duty Investigation and Scheduling of Preliminary Phase Investigation

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of an investigation and commencement of preliminary phase antidumping duty investigation No. 731–TA–1269 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act) to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Australia of silicomanganese, provided for in subheading 7202.30.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to section 732(c)(1)(B) of the Act (19 U.S.C. 1673a(c)(1)(B)), the Commission must reach a preliminary determination in antidumping duty investigations in 45 days, or in this case by Monday, April 6, 2015. The Commission's views must be transmitted to Commerce within five business days thereafter, or by Monday, April 13, 2015.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and

Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

DATES: *Effective Date:* Thursday, February 19, 2015.

FOR FURTHER INFORMATION CONTACT: Michael Szustakowski ((202) 205–3169) or Keysha Martinez ((202) 205–2136), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted in response to a petition filed on Thursday, February 19, 2015, by Felman Production, LLC, Letart, West Virginia.

Participation in the investigation and public service list.—Persons (other than petitioners) wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this investigation available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigation under the APO issued in the investigation, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Investigations has scheduled a conference in connection with this investigation for 9:30 a.m. on Thursday, March 12, 2015, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the conference should be emailed to *William.bishop@usitc.gov* and *Sharon.bellamy@usitc.gov* (DO NOT FILE ON EDIS) on or before Tuesday, March 10, 2015. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before Tuesday, March 17, 2015, a written brief containing information and arguments pertinent to the subject matter of the investigation. Parties may file written testimony in connection with their presentation at the conference no later than three days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. Please consult the Commission's rules, as amended, 76 FR 61937 (Oct. 6, 2011) and the Commission's Handbook on Filing Procedures, 76 FR 62092 (Oct. 6, 2011), available on the Commission's Web site at *http://edis.usitc.gov.*

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: February 20, 2015.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2015–03971 Filed 2–25–15; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–899]

Certain Vision-Based Driver Assistance System Cameras and Components Thereof; Notice of a Commission Determination Not To Review an Initial Determination Granting Complainant's Motion To Terminate the Investigation Based on a Withdrawal of Complaint

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 20) of the presiding administrative law judge (''ALJ'') granting complainant's motion to terminate the investigation in its entirety based on a withdrawal of complaint.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–3115. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on November 14, 2013, based on a complaint filed by TRW Automotive U.S. LLC of Livonia, Michigan. 78 *FR* 68475 (Nov. 14, 2013). The notice of investigation named Magna Electronics, Inc. of East Lansing, Michigan as a

respondent. The Commission Office of Unfair Import Investigations is a party to this investigation. The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain vision-based driver assistance system cameras and components thereof by reason of infringement of certain claims of U.S. Patent No. 6,807,287.

On January 26, 2015, complainant TRW moved to terminate the investigation in its entirety based on a withdrawal of the complaint. On January 27, 2015, respondent Magna Electronics Inc. (''Magna'') submitted a response to the motion, indicating that it ''does not oppose TRW's motion to withdraw its complaint and to terminate this investigation.'' Magna Resp. at 1. On January 28, 2015, the Commission investigative staff filed a response supporting the motion.

On February 3, 2015, the ALJ issued the subject ID (Order No. 20) granting complainant's motion to terminate. No party petitioned for review of the subject ID. The Commission has determined not to review the subject ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: February 23, 2015.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2015–03980 Filed 2–25–15; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–550]

Trade and Investment Policies in India, 2014–2015

AGENCY: United States International Trade Commission.

ACTION: Rescheduling of public hearing.

SUMMARY: The Commission has rescheduled the public hearing in this investigation from April 7, 2015 to May 5, 2015, in order to allow interested parties to access more recent information in preparing their testimony and pre-hearing briefs and statements.

DATES:

April 21, 2015: Deadline for filing requests to appear at the public hearing.

April 23, 2015: Deadline for filing pre-hearing briefs and statements.

May 5, 2015: Public hearing.

May 12, 2015: Deadline for filing post-hearing briefs and statements.

June 2, 2015: Deadline for filing all other written submissions.

September 24, 2015: Transmittal of Commission report to the Committees.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://www.usitc.gov/secretary/edis.htm.*

FOR FURTHER INFORMATION CONTACT: Project Leaders James Stamps (202–205–3227 or *james.stamps@usitc.gov*) or Deputy Project Leader Jeff Okun-Kozlowicki (202–205–5991 or *jeff.okun.kozlowicki@usitc.gov*) for information specific to this investigation. For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Public Hearing: As announced in the notice of institution of the investigation published in the **Federal Register** on October 31, 2014 (79 FR 64834), the hearing will be held at the U.S. International Trade Commission building, 500 E Street SW., Washington, DC; it will begin at 9:30 a.m. In addition to the hearing date, the deadline dates for filing of requests to appear and pre-hearing and post-hearing briefs and statements have been changed: The deadline for filing requests to appear at the hearing has been changed to April 21, 2015; the deadline for filing pre-hearing briefs and statements has been changed to April 23, 2015; and the deadline for filing post-hearing briefs and statements has been changed to May 12, 2015. All other requirements and procedures set out in the October 31, 2014, notice continue to apply. In the event that, as of the close of business on April 21, 2015, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or nonparticipant may call the Secretary to the Commission (202–205–2000) after April 21, 2015 for information concerning whether the hearing will be held.

By order of the Commission.

Issued: February 19, 2015.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2015–03853 Filed 2–25–15; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1190–0009]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension With Change, of a Previously Approved Collection Americans With Disabilities Act Discrimination Complaint Form

AGENCY: Civil Rights Division, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice (DOJ), Civil Rights Division, Disability Rights Section, 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.

DATES: Comments are encouraged and will be accepted for 60 days until April 27, 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 Rebecca Bond, Chief, Disability Rights Section, Civil Rights Division, by calling (800) 514–0301 or (800) 514–0383 (TTY) (the Division's Information Line), or write her at the Department of Justice, Civil Rights Division, Disability Rights Section—NYA, 950 Pennsylvania Avenue NW., Washington, DC 20530.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the function 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;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Americans with Disabilities Act Discrimination Complaint Form.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* No form number. The applicable component within the Department of Justice is the Disability Rights Section in the Civil Rights Division.

4. *Affected public who will be asked to respond, as well as a brief abstract:* Primary: Individuals alleging discrimination by public entities based on disability. Under title II of the Americans with Disabilities Act, an individual who believes that he or she has been subjected to discrimination on the basis of disability by a public entity may, by himself or herself or by an authorized representative, file a complaint. Any Federal agency that receives a complaint of discrimination by a public entity is required to review the complaint to determine whether it has jurisdiction under section 504 of the Rehabilitation Act. If the agency does not have jurisdiction, it must determine whether it is the designated agency responsible for complaints filed against that public entity. If the agency does not have jurisdiction under section 504 of the Rehabilitation Act and is not the designated agency, it must refer the complaint to the Department of Justice. The Department of Justice then must refer the complaint to the appropriate agency.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 9,100 respondents per year at 0.50 hours per complaint form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 4550 hours. It is estimated that respondents will take 0.50 hour to complete the questionnaire. The burden hours for collecting respondent data sum to 4550 hours (9100 respondents × 0.50 hours = 4550 hours).

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: February 23, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–03975 Filed 2–25–15; 8:45 am]

BILLING CODE 4410–13–P

DEPARTMENT OF JUSTICE

[OMB Number 1140–0050]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Identification Markings Placed on Firearms

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until April 27, 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 Helen Koppe, Firearms Industry Programs Branch, at *fipb-informationcollection@atf.gov*.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection 1140–0050

1. *Type of Information Collection:* Extension without change of an existing collection.

2. *The Title of the Form/Collection:* Identification Markings Placed on Firearms.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: None.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: None.

Abstract: Each licensed firearms manufacturer or licensed firearms importer must legibly identify each firearm by engraving, casting, stamping (impressing), or otherwise conspicuously placing on the frame or receiver an individual serial number.

Also, ATF requires minimum height and depth requirements for identification markings placed on firearms.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 11,214 respondents will take 1 minute to transport, load, mark, and unload firearm in machinery.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 92,326 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3E.405B, Washington, DC 20530.

Dated: February 23, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–03976 Filed 2–25–15; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Evaluation of Round 4 of the Trade Adjustment Assistance Community College Career Training (TAACCCT) Grants Program

AGENCY: Office of the Assistant Secretary for Policy, Chief Evaluation Office, Department of Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance 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 required 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.

A copy of the proposed Information Collection Request can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSEE** section below on or before April 27, 2015.

ADDRESSES: You may submit comments by either one of the following methods: *Email: ChiefEvaluationOffice@dol.gov; Mail or Courier:* Molly Irwin, Chief Evaluation Office, U.S. Department of Labor, Room S–2312, 200 Constitution Avenue NW., Washington, DC 20210.

Instructions: Please submit one copy of your comments by only one method. All submissions received must include the agency name and OMB Control Number identified above for this information collection. Because we continue to experience delays in receiving mail in the Washington, DC area, commenters are strongly encouraged to transmit their comments electronically via email or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for OMB approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Contact Molly Irwin by email at *ChiefEvaluationOffice@dol.gov*.

SUPPLEMENTARY INFORMATION:

I. *Background:* The fourth round of the Trade Adjustment Assistance Community College Career Training (TAACCCT) grants program continues to provide community colleges and other eligible institutions of higher education with funds to expand and improve their ability to deliver education and career training programs that can be completed in two years or less and are suited for workers who are eligible for training under the Trade Adjustment Assistance for Workers program.

The evaluation of Round 4 funded by the Department of Labor will include an impact study involving random assignment and an implementation analysis. This package requests clearance for (1) collecting baseline information on participants of interventions in the Round 4 grantees selected for the impact study and (2) semi-structured fieldwork in the form of site visits to up to nine Round 4 grantees to learn from college administrators, program coordinators, faculty and instructional staff, industry and community partners, and employers.

II. *Desired Focus of Comments:* Currently, the Department of Labor is soliciting comments concerning the above data collection for the national evaluation of the TAACCCT grants program. Comments are requested to:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* enhance the quality, utility, and clarity of the information to be collected; and

* minimize the burden of the information collection on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. *Current Actions:* At this time, the Department of Labor is requesting clearance for data collection for the evaluation of Round 4 of the TAACCCT grants program via collection of baseline data elements and fieldwork efforts.

Type of review: New information collection request.

OMB Control Number: 1205–0NEW.

Affected Public: Students enrolled in selected TAACCCT grant programs and control group members; staff and partners associated with implementing TAACCCT grant programs.

ESTIMATED BURDEN HOURS

Form/activity	Estimated total respondents	Frequency	Total responses	Average time per response (hours)	Estimated total burden hours
Participant Baseline Data Collection	5,000	Once	5,000	.5	2,500
Structured Fieldwork	270	Once	270	1.25	338
Totals	5,270		5,270		2,838

Comments submitted in response to this request will be summarized and/or included in the request for Office of Management and Budget approval; they will also become a matter of public record.

Signed: at Washington, DC, this 13th day of February, 2015.

MaryBeth Maxwell,

Principal Deputy Assistant Secretary for Policy, U.S. Department of Labor.

[FR Doc. 2015–04048 Filed 2–25–15; 8:45 am]

BILLING CODE 4510–23–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Coke Oven Emissions

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Coke Oven Emissions,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 30, 2015.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201411-1218-002* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Coke Oven Emissions information collection. The purpose of Coke Oven Emissions Standard and its information collection requirements, codified at 29 CFR 1910.1029, are to provide protection for workers from the adverse health effects associated with occupational exposure to coke oven emissions. Employers must monitor worker exposure, reduce worker exposure to within permissible exposure limits, and provide workers with medical examinations and training. Occupational Safety and Health of 1970 sections 2(b)(9), 6, and 8(c) authorize this information collection. *See* 29 U.S.C. 651(b)(9), 655, and 657.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0128.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on February 28, 2015. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on September 9, 2014 (79 FR 53450).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0128. The OMB 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; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Coke Oven Emissions.

OMB Control Number: 1218–0128.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 19.

Total Estimated Number of Responses: 41,263.

Total Estimated Annual Time Burden: 51.792 hours.

Total Estimated Annual Other Costs Burden: $884,787.

Dated: February 23, 2015.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2015–04035 Filed 2–25–15; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Proposed Information Collection Request (ICR) for the Survey of Working Women; Comment Request

AGENCY: Women's Bureau, Department of Labor.

ACTION: Notice of information collection.

SUMMARY: The Department of Labor (DOL or the Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a

preclearance 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 (PRA) [44 U.S.C. 3505(c)(2)(A)]. This program helps to ensure that required 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 Department notes that a Federal agency cannot conduct or sponsor a collection of information unless it is approved by the Office of Management and Budget (OMB) under the PRA and the related materials display a currently valid OMB control number. Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information if the related materials do not display a currently valid OMB control number. See 5 CFR 1320.5(a) and 1320.6. A copy of the proposed ICR can be obtained by contacting the office listed below in the **ADDRESSES** section.

DATES: Written comments must be received by the office listed in the **ADDRESSES** section below on or before April 27, 2015.

ADDRESSES: Send comments to Angela Adams, U.S. Department of Labor, Women's Bureau, 200 Constitution Avenue NW., Frances Perkins Bldg., Washington, DC 20210, telephone number (202) 693–6730 (this is not a toll-free number). Email address is *Adams.Angela@dol.gov* and fax number is (202) 693–6725.

SUPPLEMENTARY INFORMATION:

1. *Background:* The labor force, employment opportunities, work environments, and the American family have changed substantially since the Women's Bureau (WB) published the results of the *Working Women Count!* survey in 1994. Specifically, in the last twenty years, there have been significant changes in technology, wealth distribution, family composition and individual debt levels. There have also been changes in educational attainment, wage disparity, health benefits, the number of single mothers in the work force, and marriage, divorce and birth rates. Additionally the emergence of a more global economy, telecommuting, and continuing significant changes in the racial, ethnic, and cultural demographics of the United States labor force have all shifted.

As a result of these major changes in the economic and employment landscapes, the WB is interested in conducting a Survey of Working Women (Survey) in order to identify women's current employment issues and challenges and how these issues and challenges relate to job and career decisions, particularly reasons for exiting the workforce. Understanding women's perceptions about the workplace and their participation in the workforce, as well as decision points made at the intersection of work and family obligations, will allow the WB to share valuable information and data with employers, advocates and other stakeholders in an effort to foster greater collaboration and inform policies and practices that meet women's changing needs; and also foster greater public dialogue on these key issues impacting women in today's workforce.

As part of this study of working women, the WB commissioned a thorough review of the literature and an environmental scan to examine existing research related to the realities of working women's experience to identify and highlight the research gaps. Key research gaps identified, through this extensive review, included the need for more research among specific populations of working women (*i.e.* low-wage earning workers and women who opted out of the workforce) and around specific topics (*i.e.* factors impacting working women's career decisions and perceptions, off-ramping, and workplace challenges).

The WB is proposing to conduct a quantitative survey, which would collect information in order to identify employment issues and challenges currently facing women, including their perceptions on career choice and overall equity in the workplace, and also to explore the factors that contribute to women leaving and/or staying out of the workforce.

The Survey will address the current information needs of the WB and DOL. This research will help the WB support and meet its objectives of:

1. Expanding knowledge
2. Informing policy and practice
3. Fostering collaboration with key stakeholders and
4. Fostering public dialogue on key issues affecting women in today's workforce.

2. *Desired Focus of Comments:* Currently, the Department of Labor is soliciting comments concerning the above data collection. Comments are requested 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; and
* Minimize the burden of the information collection on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

3. *Current Actions:* Pursuant to the PRA implementing regulations at 5 CFR § 1320.8(d)(1), this notice requests comments on the proposed information collection request discussed above in the Background section of this notice. Interested parties are encouraged to provide comments to the individual list in the **ADDRESSES** section above.

Agency: Women's Bureau.

Type of Review: New Collection.

Title of Collection: Survey of Working Women.

OMB Control Number: 1291—0NEW.

Affected Public: Individuals or households.

The Survey will be conducted with 2700 respondents. Outlined below are estimates of the total burden hours associated with the data collection.

Type of respondent	Form name	Number of respondents	Number responses per respondent	Average burden per response (in hours)	Total burden hours
General Working Population	Survey of Working Women	2700	1	.25	675

Comments submitted in response to this request will be summarized and/or included in the request for OMB approval; they will also become a matter of public record.

Dated: February 18, 2015.

Latifa Lyles,

Director of the Women's Bureau.

[FR Doc. 2015–04047 Filed 2–25–15; 8:45 am]

BILLING CODE 4510–23–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Unemployment Insurance Supplemental Budget Request Activities

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Employment and Training Administration (ETA) sponsored information collection request (ICR) proposal titled, ''Unemployment Insurance Supplemental Budget Request Activities,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 30, 2015.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201406-1205-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–ETA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks PRA authority for the Unemployment Insurance Supplemental Budget Request Activities information collection. To monitor the progress of each State Workforce Agency in successfully implementing projects funded through Supplemental Budget Requests, this collection will request information including the funded project's title and purpose, timeline and milestones, and project implementation status narrative description. Social Security Act section 303(a)(6) authorizes this information collection. *See* 42 U.S.C. 503(a)(6).

This proposed information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. For additional information, see the related notice published in the **Federal Register** on April 29, 2014 (79 FR 24012).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB ICR Reference Number 201406–1205–001. The OMB 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; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–ETA.

Title of Collection: Unemployment Insurance Supplemental Budget Request Activities.

OMB ICR Reference Number: 201406–1205–001.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 53.

Total Estimated Number of Responses: 212.

Total Estimated Annual Time Burden: 1,237 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: February 20, 2015.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2015–03991 Filed 2–25–15; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Vertical Tandem Lifts for Marine Terminals

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Vertical Tandem Lifts for Marine Terminals,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before March 30, 2015.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden

may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201411-1218-005* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Vertical Tandem Lifts for Marine Terminals information collection. The Vertical Tandem Lifts (VTLs) standards of regulations 29 CFR part 1917 require employers to develop, implement, and maintain a written plan for transporting vertically connected containers in the longshoring and marine terminal industries. The written plan is necessary for the safe transport of VTLs in the marine terminal where factors affect the stability of a VTL that has a higher center of gravity than a single container. Occupational Safety and Health of 1970 sections 2(b)(9), 6, and 8(c) authorize this information collection. *See* 29 U.S.C. 651(b)(9), 655, and 657.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0260.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on February 28, 2015. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 9, 2014 (79 FR 61101).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0260. The OMB 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; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Vertical Tandem Lifts for Marine Terminals.

OMB Control Number: 1218–0260.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 140.

Total Estimated Number of Responses: 140.

Total Estimated Annual Time Burden: 560 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: February 23, 2015.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2015–04034 Filed 2–25–15; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Employment and Training Administration

[[TA–W–83,358A]

Leased Workers From Aerospace Logistic Services, Butler Service, Global Contract Professionals, Iqnavigator, PDS Technical Services, S.M.A.R.T., Volt Services Group, Comforce Technical Services, Donatech Corp., Five Star Technical Services, Johnson Service Group, Strom Aviation and STS Services Working On-Site at Textron, Inc., Formerly Known as Beechcraft Corporation Wichita, Kansas; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on May 6, 2014, applicable to leased workers from Aerospace Logistic Services, Butler Service, Global Contract Professionals, Iqnavigator, PDS Technical Services, S.M.A.R.T., Volt Services Group, Comforce Technical Services, Donatech Corp., Five Star Technical Services, Johnson Service Group, Strom Aviation and STS Services, working on-site at Textron, Inc., formerly known as Beechcraft Corporation, Wichita, Kansas. The Departmnet's Notice of Determination was published in the **Federal Register** on June 6, 2014 (79 FR 32328).

At the request of a State Workforce Official, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of aircraft.

The investigation confirmed that workers leased from Aerospace Logistic Services were employed on-site at Textron, Inc., formerly known as Beechcraft Corporation, Wichita, Kansas. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers leased

from Aerospace Logistic Services, working on-site at the Wichita, Kansas location of Textron, Inc.

The amended notice applicable to TA–W–83,358 is hereby issued as follows:

''All workers of Textron, Inc., formerly known as Beechcraft Corporation, Wichita, Kansas, (TA–W–83,358) who became totally or partially separated from employment on or after February 15, 2013, through May 6, 2016, and all workers in the group threatened with total or partial separation from the date of certification through May 6, 2016, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended,

AND

All on-site leased workers from Aerospace Logistic Services, Butler Service, Global Contract Professionals, IQnavigator, PDS Technical Services, S.M.A.R.T., Volt Services Group, Comforce Technical Services, Donatech Corp., Five Star Technical Services, Johnson Service Group, Strom Aviation, STS Services, working on-site at Textron, Inc., formerly known as Beechcraft Corporation, Wichita, Kansas, (TA–W–83,358A) who became totally or partially separated from employment on or after December 31, 2012 through May 6, 2016, and all workers in the group threatened with total or partial separation from the date of certification through May 6, 2016, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.''

Signed in Washington, DC, this 6th day of February, 2015.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2015–04007 Filed 2–25–15; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 9, 2015.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 9, 2015.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC, this 13th day of February 2015.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

APPENDIX

[21 TAA Petitions instituted between 2/2/15 and 2/6/15]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
85801	CareFusion (Workers)	Ontario, CA	02/02/15	01/30/15
85802	Philippine Airlines (State/One-Stop)	Burlingame, CA	02/02/15	01/29/15
85803	Hemlock Semiconductor (Company)	Clarksville, TN	02/02/15	01/28/15
85804	Convergys (Company)	Jacksonville, TX	02/03/15	02/02/15
85805	XO Group Inc. (Company)	New York, NY	02/03/15	02/02/15
85806	Von Gal Corporation (State/One-Stop)	Montgomery, AL	02/03/15	02/02/15
85807	TE Connectivity Ltd (State/One-Stop)	Menlo Park, CA	02/03/15	02/02/15
85808	Jones Apparel US LLC (Prior to 01/01/15 Jones Distribution Corporation) (Company).	Lawrenceburg, TN	02/04/15	02/03/15
85809	Pfizer Inc. (Union)	Pearl River, NY	02/04/15	02/03/15
85810	Innopad Technology Inc. (State/One-Stop)	Wilmington, MA	02/04/15	02/03/15
85811	Cambridge University Press (aka University of Cambridge) (State/One-Stop).	West Nyack, NY	02/04/15	01/29/15
85812	Deluxe 3D LLC (dba Stereo D) (State/One-Stop)	Burbank, CA	02/04/15	02/03/15
85813	Tyson Prepared Food (Workers)	Santa Teresa, NM	02/04/15	02/03/15
85814	Grape Solar (State/One-Stop)	Eugene, OR	02/05/15	02/04/15
85815	Peak Oilfield Services Company (State/One-Stop)	Nikiski, AK	02/05/15	02/04/15
85816	Weir Slurry Group Inc (Union)	Hazleton, PA	02/06/15	02/06/15
85817	Schneider Electric USA, Inc. (Workers)	Salt Lake City, UT	02/06/15	02/05/15
85818	System Sensor (Honeywell) (Union)	St. Charles, IL	02/06/15	02/05/15
85819	Carwild Corporation (State/One-Stop)	New London, CT	02/06/15	02/05/15
85820	Kyees Aluminum/Manitowoc (State/One-Stop)	La Mirada, CA	02/06/15	02/03/15
85821	Tenaris (Maverick Tube) (Workers)	Houston, TX	02/06/15	02/02/15

[FR Doc. 2015–04008 Filed 2–25–15; 8:45 am]
BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) number and alternative trade adjustment assistance (ATAA) by (TA–W) number issued during the period of *February 2, 2015 through February 16, 2015.*

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. the sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. increased imports of articles like or directly competitive with articles produced by such firm or subdivision have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. A significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. there has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. The country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. the country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. there has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) a loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (*i.e.,* conditions within the industry are adverse).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

None.

Affirmative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

85,629, Amgen Inc., Seattle, Washington, November 3, 2013.
85,629A, Amgen Inc., Bothell, Washington, November 3, 2013.
85,718, Osram Sylvania, Danvers, Massachusetts, December 10, 2013.
85,751, DST Technologies, Inc., Jefferson City, Missouri. January 1, 2014.
85,753, U.S. Steel Tubular Products, Inc., Houston, Texas. January 6, 2014.
85,785, Trim Masters, Inc., Nicholasville, Kentucky, February 26, 2015.

Negative Determinations for Alternative Trade Adjustment Assistance

In the following cases, it has been determined that the requirements of 246(a)(3)(A)(ii) have not been met for the

None.

Negative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Because the workers of the firm are not eligible to apply for TAA, the workers cannot be certified eligible for ATAA.

The investigation revealed that criteria (a)(2)(A)(I.C.) (increased imports) and (a)(2)(B)(II.B.) (shift in production to a foreign country) have not been met.

85,752, Lear Corporation, Southfield, Michigan.

The workers' firm does not produce an article as required for certification

under Section 222 of the Trade Act of 1974.

85,656, Sprint/United Management Company, Overland Park, Kansas.

85,744, Kroll Factual Data, Inc., Loveland, Colorado.

85,758, Oxane Materials, Inc., Van Buren, Arkansas.

85,775, Laredo Petroleum, Inc., Farmers Branch, Texas.

Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioning groups of workers are covered by active certifications. Consequently, further investigation in these cases would serve no purpose since the petitioning group of workers cannot be covered by more than one certification at a time.

85,688, Aerospace Logistics Service, Wichita, Kansas.

I hereby certify that the aforementioned determinations were issued during the period of *February 2, 2015 through February 16, 2015.* These determinations are available on the Department's Web site *www.tradeact/taa/taa_search_form.cfm* under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 13th day of February 2015.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2015–04009 Filed 2–25–15; 8:45 am]

BILLING CODE 4510–FN–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting Notice

DATE AND TIME: The Legal Services Corporation's Institutional Advancement Committee (IAC) will meet telephonically on March 6, 2015. The meeting will commence at 4:00 p.m., Eastern Standard Time (EST), and will continue until the conclusion of the Committee's agenda.

LOCATION: John N. Erlenborn Conference Room, Legal Services Corporation Headquarters, 3333 K Street NW., 4th Floor, Washington, DC 20007.

STATUS OF MEETING: Closed. Upon a vote of the Board of Directors, the meeting may be closed to the public to consider and act on Leaders Council Prospective Members, ongoing grant possibilities, and fundraising updates.

A verbatim written transcript will be made of the closed session of the Board and Institutional Advancement Committee meetings. The transcript of any portions of the closed session falling within the relevant provisions of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(9) will not be available for public inspection. A copy of the General Counsel's Certification that, in his opinion, the closing is authorized by law will be available upon request.

MATTERS TO BE CONSIDERED:

1. Consider and act on agenda
2. Approval of minutes of the Committee's open session meeting on January 22, 2015
3. Approval of minutes of the Committee's closed session meeting on January 22, 2015
4. Consider and act on Leaders Council Prospective Members
5. Ongoing grant possibilities
6. Fundraising update
7. Consider and act on adjournment of meeting

CONTACT PERSON FOR INFORMATION: Katherine Ward, Executive Assistant to the Vice President & General Counsel, at (202) 295–1500. Questions may be sent by electronic mail to *FR_NOTICE_QUESTIONS@lsc.gov.*

ACCESSIBILITY: LSC complies with the Americans with Disabilities Act and Section 504 of the 1973 Rehabilitation Act. Upon request, meeting notices and materials will be made available in alternative formats to accommodate individuals with disabilities. Individuals who need other accommodations due to disability in order to attend the meeting in person or telephonically should contact Katherine Ward, at (202) 295–1500 or *FR_NOTICE_QUESTIONS@lsc.gov,* at least 2 business days in advance of the meeting. If a request is made without advance notice, LSC will make every effort to accommodate the request but cannot guarantee that all requests can be fulfilled.

Dated: February 24, 2015.

Stefanie K. Davis,

Assistant General Counsel.

[FR Doc. 2015–04129 Filed 2–24–15; 4:15 pm]

BILLING CODE 7050–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

[OPIC–129; OMB–3420–0018]

Submission for OMB Review; Comments Request

AGENCY: Overseas Private Investment Corporation (OPIC).

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the agency is modifying and renewing an existing previously approved information collection for OMB review and approval and requests public review and comment on the submission. Comments are being solicited on the need for the information; the accuracy of OPIC's burden estimate; the quality, practical utility, and clarity of the information to be collected; and ways to minimize reporting the burden, including automated collected techniques and uses of other forms of technology.

DATES: Comments must be received within sixty (60) calendar days of publication of this Notice.

ADDRESSES: Mail all comments and requests for copies of the subject form to OPIC's Agency Submitting Officer: James Bobbitt, Overseas Private Investment Corporation, 1100 New York Avenue NW., Washington, DC 20527. See **SUPPLEMENTARY INFORMATION** for other information about filing.

FOR FURTHER INFORMATION CONTACT: OPIC Agency Submitting Officer: James Bobbitt, (202)336–8558.

SUPPLEMENTARY INFORMATION: All mailed comments and requests for copies of the subject form should include form number OPIC–129 on both the envelope and in the subject line of the letter. Electronic comments and requests for copies of the subject form may be sent to *James.Bobbitt@opic.gov,* subject line OPIC–129.

Summary Form Under Review

Type of Request: Revision of currently approved information collection.

Title: Sponsor Disclosure Report.

Form Number: OPIC–129.

Frequency of Use: One per investor per project.

Type of Respondents: Business or other institution (except farms); individuals.

Standard Industrial Classification Codes: All.

Description of Affected Public: U.S. companies or citizens investing overseas.

Reporting Hours: 1890 (3 hours per response).

Number of Responses: 630 per year.

Federal Cost: $64,801.80 ($51.43 × 630 × 2).

Authority for Information Collection: Sections 231, 234(a), 239(d), and 240A of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): The information provided in the OPIC–129 is used by OPIC as a part of the Character Risk Due Diligence/background check procedure (similar to a commercial bank's Know Your Customer procedure) that it performs on each party that has a significant relationship (10% or more beneficial ownership, provision of significant credit support, significant managerial relationship) to the projects that OPIC finances. The only change being made is to adjust the threshold from 5% to 10% in order to make OPIC's due diligence process more efficient and less resource intensive without significantly increasing the reputational and project risks associated with OPIC transactions.

Dated: February 23, 2015.

Nichole Cadiente,

Administrative Counsel, Department of Legal Affairs.

[FR Doc. 2015–04026 Filed 2–25–15; 8:45 am]

BILLING CODE 3210–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

[OMB–3420–00015; OPIC–115]

Submission for OMB Review; Comments Request

AGENCY: Overseas Private Investment Corporation (OPIC).

ACTION: Notice and request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the agency is modifying an existing information collection for OMB review and approval and has requested public review and comment on the submission. OPIC received no comments in response to the sixty (60) day notice published in **Federal Register** volume 79, page 77052 on December 23, 2014. The purpose of this notice is to allow an additional thirty (30) days for public comments to be submitted. Comments are being solicited on the need for the information; the accuracy of the Agency's burden estimate; the quality, practical utility, and clarity of the information to be collected; and ways to minimize reporting the burden, including automated collected techniques and uses of other forms of technology.

ADDRESSES: Mail all comments and requests for copies of the subject form to OPIC's Agency Submitting Officer: James Bobbitt, Overseas Private Investment Corporation, 1100 New York Avenue NW., Washington, DC 20527. See **SUPPLEMENTARY INFORMATION** for other information about filing.

FOR FURTHER INFORMATION CONTACT: OPIC Agency Submitting Officer: James Bobbitt, (202)336–8558.

SUPPLEMENTARY INFORMATION: All mailed comments and requests for copies of the subject form should include form number [OPIC–115] on both the envelope and in the subject line of the letter. Electronic comments and requests for copies of the subject form may be sent to *James.Bobbitt@opic.gov,* subject line [OPIC–115].

Summary Form Under Review

Type of Request: Revision of a currently approved information collection.

Title: Application for Project Finance.

Form Number: OPIC–115.

Frequency of Use: Once per investor per project.

Type of Respondents: Business or other institution (except farms); individuals.

Standard Industrial Classification Codes: All.

Description of Affected Public: U.S. companies or citizens investing overseas.

Reporting Hours: 150 hours (0.75 hours per response).

Number of Responses: 200 per year.

Federal Cost: $7638.00

Authority for Information Collection: Sections 231, 234(b)–(c), 239(d), and 240A of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): The application is the principal document used by OPIC to determine the investor's and the project's eligibility for project financing and collect information for financial underwriting analysis.

Dated: February 23, 2015.

Nichole Cadiente,

Administrative Counsel, Department of Legal Affairs.

[FR Doc. 2015–04030 Filed 2–25–15; 8:45 am]

BILLING CODE 3210–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–9713A; 34–74158A, File No. 265–27]

Advisory Committee on Small and Emerging Companies; Notice of Meeting

AGENCY: Securities and Exchange Commission.

ACTION: Amended Notice of Meeting.

SUMMARY: Notice is hereby given of a change in a meeting of the Securities and Exchange Commission Advisory Committee on Small and Emerging Companies. The meeting was originally noticed for February 17, 2015 at 2:00 p.m. EST, as published in the **Federal Register** on February 2, 2015, 80 FR 5592. The agenda item for the meeting was consideration of recommendations to the Commission regarding the definition of ''accredited investor.'' However, due to snow, the Federal government in Washington, DC was closed on February 17, 2015, and therefore the meeting was postponed. The ''accredited investor'' recommendations will now be considered at the Advisory Committee's March 4, 2015 meeting, 9:30 a.m. EST, in Multi-Purpose Room LL–006 at the Commission's headquarters, 100 F Street NE., Washington, DC, which was previously published in the **Federal Register** on February 17, 2015, 80 FR 8374.

FOR FURTHER INFORMATION CONTACT: Julie Z. Davis, Senior Special Counsel, at (202) 551–3460, Office of Small Business Policy, Division of Corporation Finance, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–3628.

Dated: February 20, 2015.

Brent J. Fields,

Committee Management Officer.

[FR Doc. 2015–03946 Filed 2–25–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74348; File No. TP 14–02]

Order Granting Limited Exemptions From Exchange Act Rule 10b–17 and Rules 101 and 102 of Regulation M to AccuShares S&P GSCI Spot Fund, AccuShares S&P GSCI Agriculture and Livestock Spot Fund, AccuShares S&P GSCI Industrial Metals Spot Fund, AccuShares S&P GSCI Crude Oil Spot Fund, AccuShares S&P GSCI Brent Oil Spot Fund, AccuShares S&P GSCI Natural Gas Spot Fund, and AccuShares Spot CBOE VIX Fund, Pursuant to Exchange Act Rule 10b–17(b)(2) and Rules 101(d) and 102(e) of Regulation M

February 20, 2015.

On February 18, 2015, the Commission approved a proposed rule change by NASDAQ Stock Market LLC to adopt new listing standards for ''Paired Class Shares'' as new NASDAQ Rule 5713, as well as to permit the listing and trading of ''Paired Class Shares'' issued by AccuShares Commodity Trust I (the ''Trust'').[1] By letter dated February 20, 2015 (the ''Letter''), as supplemented by conversations with the staff of the Division of Trading and Markets, counsel for AccuShares Investment Management LLC (the ''Sponsor''), the Trust, AccuShares S&P GSCI Spot Fund, AccuShares S&P GSCI Agriculture and Livestock Spot Fund, AccuShares S&P GSCI Industrial Metals Spot Fund, AccuShares S&P GSCI Crude Oil Spot Fund, AccuShares S&P GSCI Brent Oil Spot Fund, AccuShares S&P GSCI Natural Gas Spot Fund, and AccuShares Spot CBOE VIX Fund (the ''Funds''), the listing exchange, any national securities exchange on or through which shares issued by the Funds (''Shares'') may subsequently trade, and persons or entities engaging in transactions in Shares (collectively, the ''Requestors'') requested exemptions, or interpretive or no-action relief, from Rule 10b–17 under the Securities Exchange Act of 1934, as amended (''Exchange Act''), and Rules 101 and 102 of Regulation M, in connection with secondary market transactions in Shares and the creation or redemption of aggregations of Shares of at least 50,000 shares (''Creation Units'').[2]

As the Requestors explain in the Letter, the Trust is a Delaware statutory trust that is organized into separate Funds. Each Fund will have a distinctive objective to track the movements in a specified spot commodity, commodity futures contract, or measures of price volatility of a broad-based equity index as measured by such Fund's underlying index (''Underlying Index'') during each Fund's ''Measuring Period.''[3] Each Fund will engage in issuing, offering, and redeeming ''paired'' ''Up'' and ''Down'' Shares, two types of Shares that reflect different views on the future direction of the Underlying Index. Entitlements of a Fund's Up Shares to distributions are related to any increases of such Fund's Underlying Index, and entitlements of a Fund's Down Shares to distributions from such Fund are related to any decreases of the same Underlying Index, during each Measuring Period. The Funds will not hold commodities, futures, or other assets that are referenced by the Underlying Index but will instead hold cash, certain U.S. Treasury securities, and certain overnight repurchase agreements. Creations and redemptions are permitted only in Creation Units.

The Requestors also represent, among other things, the following:

- Shares of the Funds will be listed and traded on a national securities exchange that has obtained approval of a rule change from the Commission pursuant to Rule 19b–4;
- Neither the Trust nor any of its Funds will be an investment company registered under the Investment Company Act of 1940, as amended (''1940 Act''), and will not be required to register under the 1940 Act;
- Each Fund will continuously issue and redeem Shares in aggregations of at least 50,000 Shares (25,000 Up Shares and 25,000 Down Shares) in exchange for specified amounts of cash, with the objective of tracking the performance of a specified commodity or volatility index;
- Throughout the trading day, the listing exchange will publicly disseminate intra-day prices of Fund Shares and their respective Underlying Indexes;
- The market value of Shares should be in close alignment with the increases and decreases in the value of each Fund's Underlying Index which tracks one or more physical commodities, a basket of particular commodities, commodity futures contracts, other commodity derivatives, or measures of price volatility of a broad-based equity index;
- Like other exchange-traded products, the secondary market price of Shares should not vary substantially from their respective Class Values (as defined in the Letter) per Share because the redeemability and the continuous offering features of the Funds provide opportunities for arbitrage activity that should eliminate any significant disparity between the market price of Shares and their respective Class Values per Share.
- Significant disparities between the market price of each Fund's Shares and the liquidation value of the Shares and between the market price of each Fund's Shares and the value of the Underlying Index should be eliminated by the arbitrage mechanism afforded by the open-ended character of the Funds and the redeemability of their Shares;
- The ''Corrective Distribution'' mechanism (as described in the Letter) is designed to supplement the aforementioned arbitrage mechanism in those rare situations where the arbitrage mechanism fails;
- The presence of each Fund's pre-established Corrective Distribution Thresholds (as defined in the Letter) is also intended to aid in driving the alignment of market prices with Class Value per Share;
- Special Distributions (as defined in the Letter) will be triggered only if a Fund's Underlying Index experiences an unexpected level of volatility and exceeds a fixed rate of change (for example, 75% for the AccuShares S&P GSCI Spot and AccuShares S&P GSCI Natural Gas Spot Funds) since the beginning of the Measuring Period (as defined in the Letter);
- Special Distributions are not expected to occur regularly and will occur, if at all, only under the limited circumstances and according to the fixed formula stated in each Fund's prospectus;
- Each Fund will alert shareholders in a prominent manner on its Web site at the close of the business day during any Measuring Period when such Fund's Underlying Index first experiences a 50% increase or decrease in its level since the beginning of that Measuring Period and, if and when a Fund's Underlying Index exceeds its threshold for issuing a Special Distribution during such Measuring Period, at the close of business on such day the relevant Fund will immediately notify the listing exchange, and will thereafter issue a press release and post a notice of such event and its details on

[1] Exchange Act Release No. 74299 (Feb. 18, 2015) (SR–NASDAQ–2014–065).

[2] Creation Units of shares are composed of 25,000 ''Up'' Shares and 25,000 ''Down'' Shares, as explained *infra.*

[3] The Underlying Indexes for the Funds are (1) S&P GSCI Spot Index, (2) S&P GSCI Agricultural and Livestock Spot Index, (3) S&P GSCI Industrial Metals Spot Index, (4) S&P GSCI Crude Oil Spot Index, (5) S&P GSCI Brent Crude Oil Spot Index, (6) S&P GSCI Natural Gas Spot Index, and (7) CBOE Volatility Index (also known as the ''VIX'').

its Web site, including notice of any other distributions to be made therewith;[4]

• The Funds will provide at least three business days' notice to the listing exchange in advance of the related record date for Special Distributions and any Exempted Accompanying Distribution;

• The listing exchange has confirmed that publication of a Special Distribution Notice (as defined in the Letter) three business days in advance of a Special Distribution Record Date (as defined in the Letter) can be made in the normal course, and will not require any system changes, technology alterations or other type of reconfigurations by the exchange and that it will be able to adequately disseminate the distribution information contained in the Special Distribution Notice to its members and the investing public within the three-day time period and, as a result, the Sponsor believes that the parties transacting in Fund Shares, as well as their broker-dealers, will be able to timely reflect Special Distributions and Exempted Accompanying Distributions in the price ultimately paid; and

• The Sponsor has agreed to compile the following data and provide it to the Commission staff on a quarterly basis for each Fund during the first year of operation:

○ Daily Class Values and daily Class Values per Share;

○ Daily end of day secondary market price per Class (as defined in the Letter) per Share;

○ Per Share, the date, form (*i.e.,* shares, dollars, etc.), and size of any distributions including any stock split; and

○ Per Share, with respect to any stock split, whether it was a reverse or forward split.

Regulation M

While redeemable securities issued by an open-end management investment company are excepted from the provisions of Rule 101 and 102 of Regulation M, the Requestors may not rely upon that exception for the Shares as they are not issued by an open-end management investment company. However, we find that it is appropriate in the public interest and is consistent with the protection of investors to grant limited exemptions from Rules 101 and 102 to persons who may be deemed to be participating in a distribution of Shares of the Funds as well as the Funds, as described in more detail below.

Rules 101 and 102 of Regulation M

Generally, Rule 101 of Regulation M is an anti-manipulation rule that, subject to certain exceptions, prohibits any ''distribution participant'' and its ''affiliated purchasers'' from bidding for, purchasing, or attempting to induce any person to bid for or purchase any security which is the subject of a distribution until after the applicable restricted period, except as specifically permitted in the rule. Rule 100 of Regulation M defines ''distribution'' to mean any offering of securities that is distinguished from ordinary trading transactions by the magnitude of the offering and the presence of special selling efforts and selling methods. The provisions of Rule 101 of Regulation M apply to underwriters, prospective underwriters, brokers, dealers, or other persons who have agreed to participate or are participating in a distribution of securities. The Shares are in a continuous distribution and, as such, the restricted period in which distribution participants and their affiliated purchasers are prohibited from bidding for, purchasing, or attempting to induce others to bid for or purchase extends indefinitely.

Similarly, Rule 102 of Regulation M prohibits issuers, selling security holders, and any affiliated purchaser of such person from bidding for, purchasing, or attempting to induce any person to bid for or purchase a covered security during the applicable restricted period in connection with a distribution of securities effected by or on behalf of an issuer or selling security holder.

Based on the representations and facts presented in the Letter, particularly that the market value of Shares should be in close alignment with the increases and decreases in the value of each Fund's Underlying Index, that significant disparities between the market price of each Fund's Shares and the liquidation value of the Shares and between the market price of each Fund's Shares and the value of the Underlying Index should be eliminated by the arbitrage mechanism, and that the Corrective Distribution mechanism is designed to supplement the arbitrage mechanism in those rare situations where the arbitrage mechanism fails (which will be infrequent and, for most Funds, a Corrective Distribution may never occur), the concerns that the Commission raised in adopting Rules 101 and 102 of Regulation M should not be implicated because these mechanisms should reduce the potential that the purchases effected during the restricted period by these distribution participants and the Funds may artificially affect the secondary market price of the Shares.[5] As a result, the Commission finds that it is appropriate in the public interest and consistent with the protection of investors to grant the Trust an exemption (1) under paragraph (d) of Rule 101 of Regulation M with respect to the Funds, thus permitting persons participating in a distribution of Shares of the Funds to bid for or purchase such Shares during the applicable restricted period and (2) under paragraph (e) of Rule 102 of Regulation M with respect to the Funds, thus permitting the Funds to redeem Shares of the Funds during the applicable restricted period.

Rule 10b–17

Rule 10b–17, with certain exceptions, requires an issuer of a class of publicly traded securities to give notice of certain specified actions (for example, a dividend distribution) relating to such class of securities in accordance with Rule 10b–17(b). Based on the representations from the Fund, Sponsor, and listing exchange that timely notification of the existence and timing of such Special Distributions and Exempted Accompanying Distributions will be provided to market participants and that Special Distributions and Exempted Accompanying Distributions are not expected to occur frequently and only under the limited circumstances, if at all, according to a pre-determined formula published in each Fund's prospectus, the concerns that the Commission raised in adopting Rule 10b–17 should not be implicated. As a result, the Commission finds that it is appropriate in the public interest and consistent with the protection of investors to grant the Trust a conditional exemption from Rule 10b–17 with respect to the Special Distributions and Exempted Accompanying Distributions.

[4] Other distributions, specifically previously announced distributions of a Fund's net income or a Corrective Distribution, may occasionally simultaneously accompany a Special Distribution (''Accompanying Distributions''). In some cases, these Accompanying Distributions may be triggered without sufficient time to make the notice required by Rule 10b–17 in the time frame mandated in the rule. The exemption contained herein only extends to those Accompanying Distributions that cannot be disclosed ten days prior to the record date because the Accompanying Distribution was triggered within that ten-day time frame (''Exempted Accompanying Distributions'').

[5] *See* Securities Exchange Act Release No. 33924 (Apr. 19, 1994); 59 FR 21681 (Apr. 26, 1994) (stating that the purpose of the prohibitions of Rules 101 and 102 are to ''prevent those persons participating in a distribution of securities . . . from artificially conditioning the market for the securities in order to facilitate the distribution'' as well as ''to protect the integrity of the securities trading market as an independent pricing mechanism.'').

Conclusion

It is hereby ordered, pursuant to Rule 101(d) of Regulation M, that the Trust, based on the representations and facts presented in the Letter, is exempt from the requirements of Rule 101 with respect to the Funds, thus permitting persons who may be deemed to be participating in a distribution of Shares of the Funds to bid for or purchase such Shares during their participation in such distribution.

It is further ordered, pursuant to Rule 102(e) of Regulation M, that the Trust, based on the representations and the facts presented in the Letter, is exempt from the requirements of Rule 102 with respect to the Funds, thus permitting the Funds to redeem Shares of the Funds during the continuous offering of such Shares.

It is further ordered, pursuant to Rule 10b–17(b)(2), that the Trust, based on the representations and the facts presented in the Letter, subject to the conditions that the Funds will provide at least three business days' notice in advance of the related record date for Special Distributions and any Exempted Accompanying Distribution and that the Funds will otherwise comply with Rule 10b–17 with regard to any distributions except Special Distributions and Exempted Accompanying Distributions as described above and in the Letter, is exempt from the requirements of Rule 10b–17 with respect to Special Distributions and any Exempted Accompanying Distribution.

This exemptive relief is subject to modification or revocation at any time the Commission determines that such action is necessary or appropriate in furtherance of the purposes of the Exchange Act. This exemption is based on the facts presented and the representations made in the Letter. Any different facts or representations may require a different response. In the event that any material change occurs in the facts or representations in the Letter, transactions in Shares of the Funds must be discontinued, pending presentation of the facts for our consideration. In addition, persons relying on this exemption are directed to the anti-fraud and anti-manipulation provisions of the Exchange Act, particularly Sections 9(a) and 10(b), and Rule 10b–5 thereunder. Responsibility for compliance with these and any other applicable provisions of the federal securities laws must rest with the persons relying on this exemption. This order should not be considered a view with respect to any other question that the proposed transactions may raise, including, but not limited to the adequacy of the disclosure concerning, and the applicability of other federal or state laws to, the proposed transactions.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–03967 Filed 2–25–15; 8:45 am]

BILLING CODE 8011–01–P

[6] 17 CFR 200.30–3(a)(6) and (9).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74334; File No. SR–BX–2015–012]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the BX Options Rules To Extend the Pilot Program Under Chapter V, Section 3(d)(iv)

February 20, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 19, 2015, NASDAQ OMX BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend the BX Options Rules to extend the pilot program under Chapter V, Section 3(d)(iv), which provides for how the Exchange treats obvious and catastrophic options errors in response to the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS under the Act (the ''Limit Up-Limit Down Plan'' or the ''Plan'').[3] The Exchange proposes to extend the pilot period until October 23, 2015.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxbx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.] [sic]

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

In April 2013,[4] the Commission approved a proposal, on a one year pilot basis, to adopt Chapter V, Section 3(d)(iv) to provide for how the Exchange will treat obvious and catastrophic options errors in response to the Plan, which is applicable to all NMS stocks, as defined in Regulation NMS Rule 600(b)(47).[5] The Plan is designed to prevent trades in individual NMS stocks from occurring outside of specified Price Bands.[6] The requirements of the Plan are coupled with Trading Pauses to accommodate more fundamental price moves (as opposed to erroneous trades or momentary gaps in liquidity).

The Exchange extended the operation of Chapter V, Section 3(d)(iv), which provides that trades are not subject to an obvious error or catastrophic error review pursuant to Chapter V, Sections 6(b) or 6(f) during a Limit State or Straddle State in 2014.[7] The Exchange now proposes to extend the pilot program for an additional pilot period ending October 23, 2015. The Exchange believes conducting an obvious error or catastrophic error review is impracticable given the lack of a reliable National Best Bid/Offer (''NBBO'') in the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release Nos. 69140 (March 15, 2013), 78 FR 17255 (March 20, 2013); and 69343 (April 8, 2013), 78 FR 21982 (April 2, 2013) (SR–BX–2013–026).

[4] Securities Exchange Act Release No. 69343 (April 8, 2013), 78 FR 21982 (April 12, 2013) (SR–BX–2013–026).

[5] The Plan was extended until February 20, 2015. The Plan was initially approved for a one-year pilot period, which began on April 8, 2013. Securities Exchange Act Release No. 71649 (March 5, 2014), 79 FR 13696 (March 11, 2014).

[6] Unless otherwise specified, capitalized terms used in this rule filing are based on the defined terms of the Plan.

[7] Securities Exchange Act Release No. 71900 (April 8, 2014), 79 FR 20951 (April 14, 2014) (SR–BX–2014–017).

options market during Limit States and Straddle States, and that the resulting actions (*i.e.,* nullified trades or adjusted prices) may not be appropriate given market conditions. Under the pilot, limit orders that are filled during a Limit State or Straddle State have certainty of execution in a manner that promotes just and equitable principles of trade, and removes impediments to, and perfects the mechanism of a free and open market and a national market system. Moreover, given that options prices during brief Limit States or Straddle States may deviate substantially from those available shortly following the Limit State or Straddle State, the Exchange believes giving market participants time to re-evaluate a transaction would create an unreasonable adverse selection opportunity that would discourage participants from providing liquidity during Limit States or Straddle States. On balance, the Exchange believes that removing the potential inequity of nullifying or adjusting executions occurring during Limit States or Straddle States outweighs any potential benefits from applying those provisions during such unusual market conditions.

The Exchange believes the benefits to market participants from the pilot program should continue on a pilot basis to coincide with the operation of the Limit Up-Limit Down Plan. The Exchange believes that continuing the pilot will protect against any unanticipated consequences and permit the industry to gain further experience operating the Plan.

The Exchange will conduct an analysis concerning the elimination of obvious and catastrophic error provisions during Limit States and Straddle States and agrees to provide the Commission with relevant data to assess the impact of this proposed rule change. As part of its analysis, the Exchange will: (1) Evaluate the options market quality during Limit States and Straddle States; (2) assess the character of incoming order flow and transactions during Limit States and Straddle States; and (3) review any complaints from members and their customers concerning executions during Limit States and Straddle States. Additionally, the Exchange agrees to provide to the Commission data requested to evaluate the impact of the elimination of the obvious and catastrophic error provisions, including data relevant to assessing the various analyses noted above. By May 29, 2015, the Exchange shall provide to the Commission and the public assessments relating to the impact of the operation of the obvious error rules during Limit and Straddle States as follows: [8]

1. Evaluate the statistical and economic impact of Limit and Straddle States on liquidity and market quality in the options markets.

2. Assess whether the lack of obvious error rules in effect during the Straddle and Limit States are problematic.

Each month the Exchange shall provide to the Commission and the public a dataset containing the data for each Straddle and Limit State in optionable stocks that had at least one trade on the Exchange during a Straddle or Limit State. For each of those options affected, each data record should contain the following information:

- Stock symbol, option symbol, time at the start of the Straddle or Limit State, an indicator for whether it is a Straddle or Limit State,
- For activity on the Exchange:
- Executed volume, time-weighted quoted bid-ask spread, time-weighted average quoted depth at the bid, time-weighted average quoted depth at the offer,
- high execution price, low execution price,
- number of trades for which a request for review for error was received during Straddle and Limit States,
- an indicator variable for whether those options outlined above have a price change exceeding 30% during the underlying stock's Limit or Straddle State compared to the last available option price as reported by OPRA before the start of the Limit or Straddle State (1 if observe 30% and 0 otherwise). Another indicator variable for whether the option price within five minutes of the underlying stock leaving the Limit or Straddle State (or halt if applicable) is 30% away from the price before the start of the Limit or Straddle State.[9]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the provisions of Section 6 of the Act,[10] in general, and with Section 6(b)(5) of the Act,[11] in particular, which requires that the rules of an exchange be designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest, because it should continue to provide certainty about how errors involving options orders and trades will be handled during periods of extraordinary volatility in the underlying security. The Exchange believes that it continues to be necessary and appropriate in the interest of promoting fair and orderly markets to exclude transactions executed during a Limit State or Straddle State from certain aspects of Chapter V, Section 6.

Although the Limit Up-Limit Down Plan is operational, the Exchange believes that maintaining the pilot will help the industry gain further experience operating the Plan as well as the pilot provisions.

Based on the foregoing, the Exchange believes the benefits to market participants should continue on a pilot basis to coincide with the operation of the Limit Up-Limit Down Plan.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. Specifically, the proposal does not impose an intra-market burden on competition, because it will apply to all members. Nor will the proposal impose a burden on competition among the options exchanges, because, in addition to the vigorous competition for order flow among the options exchanges, the proposal addresses a regulatory situation common to all options exchanges. To the extent that market participants disagree with the particular approach taken by the Exchange herein, market participants can easily and readily direct order flow to competing venues. The Exchange believes this proposal will not impose a burden on competition and will help provide certainty during periods of extraordinary volatility in an NMS stock.

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.

[8] The Exchange submitted a pilot report on September 30, 2014.

[9] The Exchange agreed to provide similar data in the original proposal. *See* Securities Exchange Act Release No. 69343 (April 8, 2013), 78 FR 21982 (April 12, 2013) (SR–BX–2013–026) at notes 4 and 11. However, that data included two additional filters pertaining to the top 10 options and an in-the-money amount, which no longer apply. The Exchange provided historical data in the new form pursuant to this proposed rule change, going back to the beginning of the original pilot period.

[10] 15 U.S.C. 78f.

[11] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and Rule 19b–4(f)(6)(iii) thereunder.[13]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the obvious error pilot program to continue uninterrupted while the industry gains further experience operating under the Plan, and avoid any investor confusion that could result from a temporary interruption in the pilot program. For this reason, the Commission designates the proposed rule change to be operative upon filing.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is 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.

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6)(iii). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[14] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–BX–2015–012 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–BX–2015–012. 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–BX–2015–012, and should be submitted on or before March 19, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Jill M. Peterson,

Assistant Secretary.

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[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74339; File No. SR–FINRA–2014–047]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Adopt FINRA Rule 2241 (Research Analysts and Research Reports) in the Consolidated FINRA Rulebook

February 20, 2015.

I. Introduction

On November 14, 2014, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule to adopt NASD Rule 2711 (Research Analysts and Research Reports) as a FINRA rule, with several modifications, amend NASD Rule 1050 (Registration of Research Analysts) and Incorporated NYSE Rule 344 to create an exception from the research analyst qualification requirement, and renumber NASD Rule 2711 as FINRA Rule 2241 in the consolidated FINRA rulebook. The proposal was published for comment in the **Federal Register** on November 24, 2014.[3] The Commission received four comments on the proposal.[4] This order institutes proceedings under Section 19(b)(2)(B) of the Act [5] to determine whether to approve or disapprove the proposed rule change.

II. Description of the Proposed Rule Change

As described more fully in the Notice, FINRA proposed to adopt in the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Exchange Act Release No. 73622 (Nov. 18, 2014); 79 FR 69939 (Nov. 24, 2014) (''Notice''). On January 6, 2015, FINRA consented to extending the time period for the Commission to either approve or disapprove the proposed rule change, or to institute proceedings to determine whether to approve or disapprove the proposed rule change, to February 20, 2015.

[4] *See* Letter from Kevin Zambrowicz, Associate General Counsel & Managing Director and Sean Davy, Managing Director, SIFMA, dated Dec. 15, 2014 (''SIFMA''), Letter from Hugh D. Berkson, President-Elect, Public Investors Arbitration Bar Association, dated Dec. 15, 2014 (''PIABA Equity''), Letter from Stephanie R. Nicholas, WilmerHale, dated Dec. 16, 2014 (''WilmerHale Equity''), and Letter from William Beatty, President and Washington (State) Securities Administrator, North American Securities Administrators Association, Inc., dated Dec. 19, 2014 (''NASAA Equity'').

[5] 15 U.S.C. 78s(b)(2)(B).

Consolidated FINRA Rulebook NASD Rule 2711 (Research Analysts and Research Reports) with several modifications as FINRA Rule 2241. The proposed rule change also would amend NASD Rule 1050 (Registration of Research Analysts) and Incorporated NYSE Rule 344 (Research Analysts and Supervisory Analysts) to create an exception from the research analyst qualification requirements.

FINRA believes that the proposed rule change would retain the core provisions of the current rules, broaden the obligations on members to identify and manage research-related conflicts of interest, restructure the rules to provide some flexibility in compliance without diminishing investor protection, extend protections where gaps have been identified, and provide clarity to the applicability of existing rules. Where consistent with protection of users of research, FINRA believes that the proposed rule change reduces burdens where appropriate.

As stated above, the Commission received four comments on the proposal. Of these, three expressed general support for the proposal,[6] but one objected to the general formulation of the proposal as a principles-based rule.[7]

A. Definitions

FINRA proposed to generally maintain the definitions in current NASD Rule 2711, with a few modifications. These modifications included (1) minor changes to the definition of ''investment banking services'' to clarify that such services include all acts in furtherance of a public or private offering on behalf of an issuer;[8] (2) clarification in the definition of ''research analyst account'' that the definition does not apply to a registered investment company over which a research analyst or member of the research analyst's household has discretion or control, provided that the research analyst or member of the research analyst's household has no financial interest in the investment company, other than a performance or management fee,[9] (3) exclusion from the definition of ''research report'' of communications concerning open-end registered investment companies that are not listed or traded on an exchange (mutual funds);[10] and (4) moving into the definitional section the definitions of ''third-party research report'' and ''independent third-party research report'' that are now in a separate provision of the rule.[11]

One commenter requested that the proposal define the term ''sales and trading personnel'' as ''persons who are primarily responsible for performing sales and trading activities, or exercising direct supervisory authority over such persons.''[12] The commenter's proposed definition is intended to clarify that the proposed restrictions on sales and trading personnel activities should not extend to: (1) Senior management who do not directly supervise those activities but have a reporting line from such personnel (*e.g.,* the head of equity capital markets); or (2) persons who occasionally function in a sales and trading capacity.

This commenter also asked FINRA to include an exclusion from the definition of ''research report'' for private placement memoranda and similar offering-related documents prepared in connection with investment banking services transactions.[13] The commenter noted that such offering-related documents typically are prepared by investment banking personnel or non-research personnel on behalf of investment banking personnel. The commenter asserted that absent an express exception, the proposals could turn investment banking personnel into research analysts and make the rule unworkable. The commenter noted that NASD Rule 2711(a) excludes communications that constitute statutory prospectuses that are filed as part of a registration statement and contended that the basis for that exception should apply equally to private placement memoranda and similar offering-related documents.

B. Identifying and Managing Conflicts of Interest

FINRA proposed to create a new section entitled ''Identifying and Managing Conflicts of Interest.'' This section contains an overarching provision that requires members to establish, maintain and enforce written policies and procedures reasonably designed to identify and effectively manage conflicts of interest related to the preparation, content and distribution of research reports and public appearances by research analysts and the interaction between research analysts and persons outside of the research department, including investment banking and sales and trading personnel, the subject companies and customers.[14] The written policies and procedures must be reasonably designed to promote objective and reliable research that reflects the truly held opinions of research analysts and to prevent the use of research or research analysts to manipulate or condition the market or favor the interests of the member or a current or prospective customer or class of customers.[15] These provisions, FINRA asserted, set out the fundamental obligation for a member to establish and maintain a system to identify and mitigate conflicts to foster integrity and fairness in its research products and services. The proposed rule change then set forth minimum requirements for those written policies and procedures. According to FINRA, this approach would allow for some flexibility to manage identified conflicts, with some specified prohibitions and restrictions where disclosure does not adequately mitigate them. FINRA asserted that most of the minimum requirements have been experience tested and found effective.

The rule proposal thus would adopt a policies and procedures approach to identification and management of research-related conflicts of interest and require those policies and procedures to prohibit or restrict particular conduct. Commenters expressed several concerns with this approach.

Two commenters asserted that the mix of a principles-based approach with prescriptive requirements was confusing in places and posed operational challenges. In particular, the commenters recommended eliminating the minimum standards for the policies and procedures.[16] One of those commenters had previously expressed support for the proposed policies-based approach with minimum requirements,[17] but asserted that the proposed rule text requiring procedures to ''at a minimum, be reasonably designed to prohibit'' specified conduct is either superfluous or confusing. Another commenter opposed a shift to a policies and procedures scheme ''without also maintaining the

[6] SIFMA, PIABA Equity, and WilmerHale Equity.

[7] NASAA Equity.

[8] *See* proposed FINRA Rule 2241(a)(5). The current definition includes, without limitation, many common types of investment banking services. FINRA proposed to add the language ''or otherwise acting in furtherance of'' either a public or private offering to further emphasize that the term ''investment banking services'' is meant to be construed broadly.

[9] *See* proposed FINRA Rule 2241(a)(9).

[10] *See* proposed FINRA Rule 2241(a)(11).

[11] *See* proposed FINRA Rules 2241(a)(3) and (14). FINRA believes it creates a more streamlined and user friendly rule to combine defined terms in a single definitional section.

[12] WilmerHale Equity.

[13] WilmerHale Equity.

[14] *See* proposed FINRA Rule 2241(b)(1).

[15] *See* proposed FINRA Rule 2241(b)(2).

[16] SIFMA and WilmerHale Equity.

[17] Letter from Amal Aly, Managing Director and Associate General Counsel, SIFMA, to Marcia E. Asquith, Corporate Secretary, FINRA, dated November 14, 2008 regarding *Regulatory Notice* 08–55 (Research Analysts and Research Reports).

proscriptive nature of the current rules.'' The commenter therefore favored retaining the proscriptive approach in the current rules and also requiring that firms maintain policies and procedures designed to ensure compliance.[18] One commenter questioned the necessity of the ''preamble'' requiring policies and procedures that ''restrict or limit activities by research analysts that can reasonably be expected to compromise their objectivity'' that precedes specific prohibited activities related to investment banking transactions.[19]

One commenter asked FINRA to refrain from using the concept of ''reliable'' research in the proposals as it may inappropriately connote accuracy in the context of a research analyst's opinions.[20] However, another commenter supported the requirement to have policies and procedures reasonably designed to ensure that research reports are based on reliable information.[21]

1. Prepublication Review

As proposed, the first of these minimum requirements would require that the policies and procedures prohibit prepublication review, clearance or approval of research reports by persons engaged in investment banking services activities and restrict or prohibit such review, clearance or approval by other persons not directly responsible for the preparation, content and distribution of research reports, other than legal and compliance personnel.[22] No specific comments were received on this provision.

2. Coverage Decisions

The proposed rule change would require that the policies and procedures restrict or limit input by the investment banking department into research coverage decisions to ensure that research management independently makes all final decisions regarding the research coverage plan.[23]

One commenter asked FINRA to eliminate as redundant the term ''independently'' from the provisions permitting non-research personnel to have input into research coverage, so long as research management ''independently makes all final decisions regarding the research coverage plan.'' [24] The commenter asserted that inclusion of ''independently'' is confusing since the proposal would permit input from non-research personnel into coverage decisions.

3. Supervision and Control of Research Analysts

The proposed rule change would require that the policies and procedures prohibit persons engaged in investment banking activities from supervision or control of research analysts, including influence or control over research analyst compensation evaluation and determination.[25] No specific comments were received on this provision.

4. Research Budget Determinations

The proposed rule change would require that the policies and procedures limit determination of the research department budget to senior management, excluding senior management engaged in investment banking services activities.[26] No specific comments were received on this provision.

5. Compensation

The proposed rule change would require that the policies and procedures prohibit compensation based upon specific investment banking services transactions or contributions to a member's investment banking services activities.[27] The policies and procedures further would require a committee that reports to the member's board of directors—or if none exists, a senior executive officer—to review and approve at least annually the compensation of any research analyst who is primarily responsible for preparation of the substance of a research report. The committee would not be permitted to have representation from a member's investment banking department. The committee would be required to consider, among other things, the productivity of the research analyst and the quality of his or her research and must document the basis for each research analyst's compensation.[28] FINRA stated that these provisions are consistent with the requirements in current Rule 2711(d). No specific comments were received on this provision.

6. Information Barriers

The proposed rule change would require that the policies and procedures establish information barriers or other institutional safeguards to ensure that research analysts are insulated from the review, pressure or oversight by persons engaged in investment banking services activities or other persons, including sales and trading personnel, who might be biased in their judgment or supervision.[29]

Some commenters suggested that ''review'' was unnecessary in this provision because the review of research analysts was addressed sufficiently in other parts of the proposed rule.[30] One commenter further suggested that the terms ''review'' and ''oversight'' are redundant.[31] One commenter asked FINRA to clarify that the information barriers or other institutional safeguards required by the proposed rule are not intended to prohibit or limit activities that would otherwise be permitted under other provisions of the rule.[32] The commenter also asserted that the terms ''bias'' and ''pressure'' are broad and ambiguous on their face and requested that FINRA clarify that for purposes of the information barriers requirement that they are intended to address persons who may try to improperly influence research.[33] As an example, the commenter asked whether a bias would be present if an analyst was pressured to change the format of a research report to comply with the research department's standard procedures or the firm's technology specifications. One commenter asked FINRA to modify the information barriers or other institutional safeguards requirement to conform the provision to FINRA's ''reasonably designed'' standard for policies and procedures that members must adopt.[34]

7. Retaliation

The proposed rule change would require that the policies and procedures prohibit direct or indirect retaliation or threat of retaliation against research analysts employed by the member or its affiliates by persons engaged in investment banking services activities or other employees as the result of an adverse, negative, or otherwise unfavorable research report or public appearance written or made by the research analyst that may adversely affect the member's present or prospective business interests.[35] No specific comments were received on this provision.

[18] NASAA Equity.
[19] WilmerHale Equity.
[20] SIFMA.
[21] NASAA Equity.
[22] *See* proposed FINRA Rule 2241(b)(2)(A).
[23] *See* proposed FINRA Rule 2241(b)(2)(B).
[24] WilmerHale Equity.
[25] *See* proposed FINRA Rule 2241(b)(2)(C).
[26] *See* proposed FINRA Rule 2241(b)(2)(D).
[27] *See* proposed FINRA Rule 2241(b)(2)(E).
[28] *See* proposed FINRA Rule 2241(b)(2)(F).
[29] *See* proposed FINRA Rule 2241(b)(2)(G).
[30] SIFMA and WilmerHale Equity.
[31] WilmerHale Equity.
[32] WilmerHale Equity.
[33] WilmerHale Equity.
[34] WilmerHale Equity.
[35] *See* proposed FINRA Rule 2241(b)(2)(H).

8. Quiet Periods

The proposed rule change would require that the policies and procedures define quiet periods of a minimum of 10 days after an initial public offering (''IPO''), and a minimum of three days after a secondary offering, during which the member must not publish or otherwise distribute research reports, and research analysts must not make public appearances, relating to the issuer if the member has participated as an underwriter or dealer in the IPO or, with respect to the quiet periods after a secondary offering, acted as a manager or co-manager of that offering.[36]

With respect to these quiet-period provisions, the proposed rule change would reduce the current 40-day quiet period for IPOs to a minimum of 10 days after the completion of the offering for any member that participated as an underwriter or dealer, and reduces the 10-day secondary offering quiet period to a minimum of three days after the completion of the offering for any member that has acted as a manager or co-manager in the secondary offering. The proposed rule change also eliminates the current quiet periods 15 days before and after the expiration, waiver or termination of a lock-up agreement.

Citing recent enforcement actions in the research area, one commenter did not support elimination or reduction of the quiet periods.[37] Other commenters requested that FINRA retain the exceptions in NASD Rule 2711(f) that permits: (i) The publication and distribution of research or a public appearance concerning the effects of significant news or a significant event on the subject company during the quiet period; and (ii) the publication of distribution of research pursuant to Rule 139 under the Securities Act of 1933.[38]

9. Solicitation and Marketing

In addition, the proposed rule change would require firms to adopt written policies and procedures to restrict or limit activities by research analysts that can reasonably be expected to compromise their objectivity.[39] This would include the existing prohibitions on participation in pitches and other solicitations of investment banking services transactions and road shows and other marketing on behalf of issuers related to such transactions. FINRA noted that consistent with existing guidance analysts may listen to or view a live webcast of a transaction-related road show or other widely attended presentation by investment banking to investors or the sales force from a remote location, or another room if they are in the same location.[40]

The proposed rule change also would add Supplementary Material .01, which would codify FINRA's existing interpretation that the solicitation provision prohibits members from including in pitch materials any information about a member's research capacity in a manner that suggests, directly or indirectly, that the member might provide favorable research coverage.[41]

No specific comments were received on this provision.

10. Joint Due Diligence and Other Interactions With Investment Banking

The proposed rule would establish a new proscription with respect to joint due diligence activities—*i.e.,* due diligence by the research analyst in the presence of investment banking department personnel—during a specified time period. Specifically, proposed Supplementary Material .02 states that FINRA interprets the overarching principle requiring members to, among other things, establish, maintain and enforce written policies and procedures that address the interaction between research analysts and those outside of the research department, including investment banking and sales and trading personnel, subject companies and customers, to prohibit the performance of joint due diligence prior to the selection of underwriters for the investment banking services transaction.

The proposed rule would continue to prohibit investment banking department personnel from directly or indirectly directing a research analyst to engage in sales or marketing efforts related to an investment banking services transaction, and directing a research analyst to engage in any communication with a current or prospective customer about an investment banking services transaction.[42] Supplementary Material .03 clarifies that three-way meetings between research analysts and a current or prospective customer in the presence of investment banking department personnel or company management about an investment banking services transaction would be prohibited by this provision.[43] FINRA believes that the presence of investment bankers or issuer management could compromise a research analyst's candor when talking to a current or prospective customer about a deal. Supplementary Material .03 would also retain the current requirement that any written or oral communication by a research analyst with a current or prospective customer or internal personnel related to an investment banking services transaction must be fair, balanced and not misleading, taking into consideration the overall context in which the communication is made.

No specific comments were received on this provision.

11. Promises of Favorable Research and Prepublication Review by Subject Company

FINRA proposed to maintain the current prohibition against promises of favorable research, a particular research recommendation, rating or specific content as inducement for receipt of business or compensation.[44] The proposed rule would further require policies and procedures to prohibit prepublication review of a research report by a subject company for purposes other than verification of facts.[45] Supplementary Material .05 would maintain the current guidance applicable to the prepublication submission of a research report to a subject company. Specifically, sections of a draft research report would be permitted to be provided to non-investment banking personnel or the subject company for factual review, provided that: (1) The draft sections do not contain the research summary, research rating or price target; (2) a complete draft of the report is provided to legal or compliance personnel before sections are submitted to non-investment banking personnel or the subject company; and (3) any subsequent proposed changes to the rating or price target are accompanied by a written justification to legal or compliance and receive written authorization for the change. The member also would be required to retain copies of any draft and the final version of the report for three years.[46] No specific comments were received on this provision.

[36] *See* proposed FINRA Rule 2241(b)(2)(I). Consistent with the Jumpstart Our Business Startups Act (''JOBS Act''), those quiet periods do not apply following the IPO or secondary offering of an Emerging Growth Company, as that term is defined in Section 3(a)(80) of the Act.

[37] NASAA Equity.

[38] SIFMA, WilmerHale Equity.

[39] *See* proposed FINRA Rule 2241(b)(2)(L).

[40] *See* NASD *Notice to Members* 07–04 (January 2007) and NYSE *Information Memo* 07–11 (January 2007).

[41] *See* proposed FINRA Rule 2241.01 and *Notice to Members* 07–04 (January 2007).

[42] *See* proposed FINRA Rule 2241(b)(2)(M).

[43] *See* proposed FINRA Rule 2241.03.

[44] *See* proposed FINRA Rule 2241(b)(2)(K).

[45] *See* proposed FINRA Rule 2241(b)(2)(N).

[46] *See* proposed FINRA Rule 2241.05.

12. Personal Trading Restrictions

FINRA proposed to require that firms establish written policies and procedures that restrict or limit research analyst account trading in securities, any derivatives of such securities and funds whose performance is materially dependent upon the performance of securities covered by the research analyst.[47] Such policies and procedures would be required to ensure that research analyst accounts, supervisors of research analysts and associated persons with the ability to influence the content of research reports do not benefit in their trading from knowledge of the content or timing of a research report before the intended recipients of such research have had a reasonable opportunity to act on the information in the research report.[48] The proposal would maintain the current prohibitions on research analysts receiving pre-IPO shares in the sector they cover and trading against their most recent recommendations. However, members would be permitted to define financial hardship circumstances, if any, in which a research analyst would be permitted to trade against his or her most recent recommendation.[49] The proposed rule change includes Supplementary Material .10, which would provide that FINRA would not consider a research analyst account to have traded in a manner inconsistent with a research analyst's recommendation where a member has instituted a policy that prohibits any research analyst from holding securities, or options on or derivatives of such securities, of the companies in the research analyst's coverage universe, provided that the member establishes a reasonable plan to liquidate such holdings consistent with the principles in paragraph (b)(2)(J)(i) and such plan is approved by the member's legal or compliance department.[50] No specific comments were received on this provision.

C. Content and Disclosure in Research Reports

With a couple of modifications, the proposed rule change would maintain the current disclosure requirements. The proposed rule change would add a requirement that a member must establish, maintain and enforce written policies and procedures reasonably designed to ensure that purported facts in its research reports are based on reliable information.[51] FINRA stated that it has included this provision because it believes members should have policies and procedures to foster verification of facts and trustworthy research on which investors may rely. The policies and procedures also must be reasonably designed to ensure that any recommendation, rating or price target has a reasonable basis and is accompanied by a clear explanation of any valuation method used and a fair presentation of the risks that may impede achievement of the recommendation, rating or price target.[52]

In addition, the proposed rule change would require a member to disclose in any research report at the time of publication or distribution of the report:[53]

- If the research analyst or a member of the research analyst's household has a financial interest in the debt or equity securities of the subject company (including, without limitation, whether it consists of any option, right, warrant, future, long or short position), and the nature of such interest;[54]
- If the research analyst has received compensation based upon (among other factors) the member's investment banking revenues;[55]
- If the member or any of its affiliates: (i) Managed or co-managed a public offering of securities for the subject company in the past 12 months; (ii) received compensation for investment banking services from the subject company in the past 12 months; or (iii) expects to receive or intends to seek compensation for investment banking services from the subject company in the next three months;[56]
- If, as of the end of the month immediately preceding the date of publication or distribution of a research report (or the end of the second most recent month if the publication or distribution date is less than 30 calendar days after the end of the most recent month), the member or its affiliates have received from the subject company any compensation for products or services other than investment banking services in the previous 12 months;[57]
- If the subject company is, or over the 12-month period preceding the date of publication or distribution of the research report has been, a client of the member, and if so, the types of services provided to the issuer. Such services, if applicable, must be identified as either investment banking services, non-investment banking services, non-investment banking securities-related services or non-securities services;[58]
- If the member or its affiliates maintain a significant financial interest in the debt or equity securities of the subject company including, at a minimum, if the member or its affiliates beneficially own 1% or more of any class of common equity securities of the subject company;[59]
- If the member was making a market in the securities of the subject company at the time of publication or distribution of the research report;[60] and
- If the research analyst received any compensation from the subject company in the previous 12 months.[61]

The proposed rule change would also expand upon the current ''catch-all'' disclosure, which mandates disclosure of any other material conflict of interest of the research analyst or member that the research analyst knows or has reason to know of at the time of the publication or distribution of a research report. The proposed rule change would go beyond the existing provision by requiring disclosure of material conflicts known not only by the research analyst, but also by any ''associated person of the member with the ability to influence the content of a research report.''[62] The proposed rule change defines a person with the ''ability to influence the content of a research report'' as an associated person who, in the ordinary course of that person's duties, has the authority to review the research report and change that research report prior to publication or distribution.[63] FINRA stated that the ''reason to know'' standard in this provision would not impose a duty of inquiry on the research analyst or others who can influence the content of a research report. Rather, it would cover disclosure of those conflicts that should reasonably be discovered by those persons in the ordinary course of discharging their functions.

The proposal would retain the general exception for disclosure that would reveal material non-public information regarding specific potential future investment banking transactions of the

[47] *See* proposed FINRA Rule 2241(b)(2)(J).

[48] *See* proposed FINRA Rule 2241(b)(2)(J)(i).

[49] *See* proposed FINRA Rule 2241(b)(2)(J)(ii).

[50] *See* proposed FINRA Rule 2241.10.

[51] *See* proposed FINRA Rule 2241(c)(1)(A).

[52] *See* proposed FINRA Rule 2241(c)(1)(B).

[53] *See* proposed FINRA Rule 2241(c)(4).

[54] *See* proposed FINRA Rule 2241(c)(4)(A).

[55] *See* proposed FINRA Rule 2241(c)(4)(B).

[56] *See* proposed FINRA Rule 2241(c)(4)(C).

[57] *See* proposed FINRA Rule 2241(c)(4)(D).

[58] *See* proposed FINRA Rule 2241(c)(4)(E).

[59] *See* proposed FINRA Rule 2241(c)(4)(F). FINRA stated that the requirement to disclose beneficial ownership of 1% or more of any class of common equity securities of the subject company is the same as NASD Rule 2711(h)(1)(B).

[60] *See* proposed FINRA Rule 2241(c)(4)(G).

[61] *See* proposed FINRA Rule 2241(c)(4)(H).

[62] *See* proposed FINRA Rule 2241(c)(4)(I).

[63] *See* proposed FINRA Rule 2241.08.

subject company.[64] The proposal also continues to permit a member that distributes a research report covering six or more companies (compendium report) to direct the reader in a clear manner as to where the applicable disclosures can be found. An electronic compendium research report may hyperlink to the disclosures. A paper compendium report may include a toll-free number or a postal address where the reader may request the disclosures. In addition, paper compendium reports may include a web address where the disclosures can be found.[65]

One commenter opposed as overbroad the proposed expansion of the current ''catch-all'' disclosure requirement to include ''any other material conflict of interest of the research analyst or member that a research analyst *or an associated person of the member with the ability to influence* the content of a research report knows or has reason to know'' at the time of publication or distribution of research report.[66] (emphasis added) The commenter expressed concern about the emphasized language. Another commenter supported the proposed expansion of the current ''catch-all'' disclosure requirement.[67]

Two commenters opposed the requirement in the equity proposal that members disclose, in an equity research report, if they or their affiliates maintain a significant financial interest in the debt of the research company.[68] The commenters noted that the debt research analyst proposal does not contain a dedicated requirement to disclose significant debt holdings; rather, it relies on the ''catch-all'' provision, which would require disclosure of a firm's debt holdings of a subject company only where it rises to an actual material conflict of interest. The commenters asserted that the reasoning in the debt proposal—*e.g.,* that firms do not have systems to track ownership of debt securities and that the number and complexity of bonds and the fact that a firm may be both long and short different bonds of the same issuer makes real-time disclosure of credit exposure difficult—applies equally to equity research. Another commenter supported the requirement in the equity proposal that members disclose, in an equity research report, if they or their affiliates maintain a significant financial interest in the debt of the research company.[69]

One commenter also stated that while FINRA correctly noted that the United Kingdom's Financial Conduct Authority rules require disclosure of debt holdings in equity research reports, that requirement is more akin to the ''catch-all'' provision because the disclosure is limited to circumstances where the holdings ''may reasonably be expected to impair the objectivity of research recommendations'' or ''are significant in relation to the research recommendations.''

One commenter also requested confirmation that members may rely on hyperlinked disclosures for research reports that are delivered electronically, even if these reports are subsequently printed out by customers.[70]

D. Disclosures in Public Appearances

The proposal groups in a separate provision the disclosures required when a research analyst makes a public appearance.[71] The required disclosures would remain substantively the same as under the current rules,[72] with one exception: consistent with the modification referenced above with respect to disclosure in research reports, a research analyst is similarly required to disclose in a public appearance if a member or its affiliates maintain a ''significant financial interest in the debt or equity of the subject company,'' including, at a minimum, if the member or its affiliates beneficially own 1% or more of any class of common equity securities of the subject company, as computed in accordance with Section 13(d) of the Exchange Act. Unlike in research reports, the ''catch all'' disclosure requirement in public appearances applies only to a conflict of interest of the research analyst or member that the research analyst knows or has reason to know at the time of the public appearance. The proposal also retains the current requirement in NASD Rule 2711(h)(12) to maintain records of public appearances sufficient to demonstrate compliance by research analysts with the applicable disclosure requirements.[73] No specific comments were received on this provision not already discussed in connection with the disclosures that would be required in research reports.

E. Disclosure Required by Other Provisions

With respect to both research reports and public appearances, members and research analysts would continue to be required to comply with applicable disclosure provisions of FINRA Rule 2210 and the federal securities laws.[74] No specific comments were received on this provision.

F. Termination of Coverage

The proposed rule change retains with non-substantive modifications the provision in the current rules that requires a member to notify its customers if it intends to terminate coverage of a subject company.[75] Such notification would need to be made promptly [76] using the member's ordinary means to disseminate research reports on the subject company to its various customers. Unless impracticable, the notice would be required to be accompanied by a final research report, comparable in scope and detail to prior research reports, and include a final recommendation or rating. If impracticable to provide a final research report, recommendation or rating, a firm would be required to disclose to its customers the reason for terminating coverage. No specific comments were received on this provision.

G. Distribution of Member Research Reports

The proposal would require firms to establish, maintain and enforce written policies and procedures reasonably designed to ensure that a research report is not distributed selectively to internal trading personnel or a particular customer or class of customers in advance of other customers that the firm has previously determined are entitled to receive the research report.[77] The proposal includes further guidance to explain that firms would be permitted to provide different research products and services to different classes of customers, provided the products are not differentiated based on the timing of receipt of potentially market moving information and the firm discloses its research dissemination practices to all customers that receive a research product.[78]

One commenter supported the provisions regarding different research products and services as proposed with general disclosure,[79] while another

[64] *See* proposed FINRA Rule 2241(c)(5).

[65] *See* proposed FINRA Rule 2241(c)(7).

[66] WilmerHale Equity.

[67] NASAA Equity.

[68] SIFMA, WilmerHale Equity.

[69] NASAA Equity.

[70] WilmerHale Equity.

[71] *See* proposed FINRA Rule 2241(d).

[72] *See* NASD Rules 2711(h)(1), (h)(2)(B) and (C), (h)(3), and (h)(9).

[73] *See* proposed FINRA Rule 2241(d)(3).

[74] *See* proposed FINRA Rule 2241(e).

[75] *See* proposed FINRA Rule 2241(f).

[76] While current Rule 2711(f)(6) does not contain the word ''promptly,'' FINRA has interpreted the provision to require prompt notification of termination of coverage of a subject company.

[77] *See* proposed FINRA Rule 2241(g).

[78] *See* proposed FINRA Rule 2241.07.

[79] WilmerHale Equity.

contended that FINRA should require members to disclose when their research products and services do, in fact, contain a recommendation contrary to the research product or service received by other customers.[80] The commenter favoring general disclosure asserted that disclosure of specific instances of contrary recommendations would impose significant burdens unjustified by the investor protection benefits. The commenter stated that a specific disclosure requirement would require close tracking and analysis of every research product or service to determine if a contrary recommendation exists. The commenters further stated that the difficulty of complying with such a requirement would be exacerbated in large firms by the number of research reports published and research analysts employed and the differing audiences for research products and services.[81] They asserted that some firms may publish tens of thousands of research reports each year and employ hundreds of analysts across various disciplines and that a given research analyst or supervisor could not reasonably be expected to know of all other research products and services that may contain differing views.

H. Distribution of Third-Party Research Reports

The proposal would maintain the existing third-party disclosure requirements,[82] incorporating the change to the ''catch-all'' provision to include material conflicts of interest that an associated person of the member with the ability to influence the content of a research report knows or has reason to know at the time of the distribution of the third-party research report. In addition, the proposed rule change would require members to disclose any other material conflict of interest that can reasonably be expected to have influenced the member's choice of a third-party research provider or the subject company of a third-party research report.[83]

FINRA stated that the proposal would continue to address qualitative aspects of third-party research reports. For example, the proposal would maintain, but in the form of policies and procedures, the existing requirement that a registered principal or supervisory analyst review and approve third-party research reports distributed by a member. To that end, the proposed rule change would require a member to establish, maintain and enforce written policies and procedures reasonably designed to ensure that any third-party research it distributes contains no untrue statement of material fact and is otherwise not false or misleading. For the purpose of this requirement, a member's obligation to review a third-party research report would extend to any untrue statement of material fact or any false or misleading information that should be known from reading the research report or is known based on information otherwise possessed by the member.[84] The proposal further would prohibit a member from distributing third-party research if it knows or has reason to know that such research is not objective or reliable.[85]

The proposal would maintain the existing exceptions for ''independent third-party research reports.'' Specifically, such research would not require principal pre-approval or, where the third-party research is not ''pushed out,'' the third-party disclosures.[86] As to the latter, a member would not be considered to have distributed independent third-party research where the research is made available by the member: (a) Upon request; (b) through a member-maintained Web site; or (c) to a customer in connection with a solicited order in which the registered representative has informed the customer, during the solicitation, of the availability of independent research on the solicited equity security and the customer requests such independent research.

Finally, under the proposed rule change, members would be required to ensure that a third-party research report is clearly labeled as such and that there is no confusion on the part of the recipient as to the person or entity that prepared the research report.[87]

No specific comments were received on this provision.

I. Exemption for Firms With Limited Investment Banking Activity

The current rule exempts firms with limited investment banking activity—those that over the previous three years, on average per year, have managed or co-managed 10 or fewer investment banking transactions and generated $5 million or less in gross revenues from those transactions—from the provisions that prohibit a research analyst from being subject to the supervision or control of an investment banking department employee because the potential conflicts with investment banking are minimal.[88] However, those firms remain subject to the provision that requires the compensation of a research analyst to be reviewed and approved annually by a committee that reports to a member's board of directors, or a senior executive officer if the member has no board of directors.[89] That provision further prohibits representation on the committee by investment banking department personnel and requires the committee to consider the following factors when reviewing a research analyst's compensation: (1) The research analyst's individual performance, including the research analyst's productivity and the quality of research; (2) the correlation between the research analyst's recommendations and the performance of the recommended securities; and (3) the overall ratings received from clients, the sales force and peers independent of investment banking, and other independent ratings services.[90] The proposed rule change would extend the exemption for firms with limited investment banking activity so that such firms would not be subject to the compensation committee provision. The proposal would still prohibit these firms from compensating a research analyst based upon specific investment banking services transactions or contributions to a member's investment banking services activities.[91]

The proposed rule change would further exempt firms with limited investment banking activity from the provisions restricting or limiting research coverage decisions and budget determination. In addition, the proposal would exempt eligible firms from the requirement to establish information barriers or other institutional safeguards to insulate research analysts from the review or oversight by investment banking personnel or other persons,

[80] PIABA Equity.

[81] WilmerHale Equity.

[82] NASD Rule 2711(h)(13)(A) currently requires the distributing member firm to disclose the following, if applicable: (1) If the member owns 1% or more of any class of equity securities of the subject company; (2) if the member or any affiliate has managed or co-managed a public offering of securities of the subject company or received compensation for investment banking services from the subject company in the past 12 months, or expects to receive or intends to seek compensation for such services in the next three months; (3) if the member makes a market in the subject company's securities; and (4) any other actual, material conflict of interest of the research analyst or member of which the research analyst knows or has reason to know at the time the research report is distributed or made available.

[83] *See* proposed FINRA Rule 2241(h)(4).

[84] *See* proposed FINRA Rules 2241(h)(1) and (h)(3).

[85] *See* proposed FINRA Rule 2241(h)(2).

[86] *See* proposed FINRA Rule 2241(h)(5) and (6).

[87] *See* proposed FINRA Rule 2241(h)(7).

[88] *See* NASD Rule 2711(k).

[89] *See* NASD Rule 2711(d)(2).

[90] *See* NASD Rule 2711(d) and (k).

[91] *See* proposed FINRA Rules 2241(b)(2)(E) and (i).

including sales and trading personnel, who may be biased in their judgment or supervision. However, those firms would still be required to establish information barriers or other institutional safeguards reasonably designed to ensure that research analysts are insulated from *pressure* by investment banking and other non-research personnel who might be biased in their judgment or supervision.

No specific comments were received on this provision.

J. Exemption From Registration Requirements for Certain ''Research Analysts''

The proposed rule change would amend the definition of ''research analyst'' for the purposes of the registration and qualification requirements to limit the scope to persons who produce ''research reports'' and whose primary job function is to provide investment research (*e.g.*, registered representatives or traders generally would not be included).[92] FINRA stated that the revised definition is not intended to carve out anyone for whom the preparation of research is a significant component of their job. Rather, it is intended to provide relief for those who produce research reports on an occasional basis. The existing research rules, in accordance with the mandates of the Sarbanes-Oxley Act of 2002 (''Sarbanes-Oxley''), are constructed such that the author of a communication that meets the definition of a ''research report'' is a ''research analyst,'' irrespective of his or her title or primary job.

No specific comments were received on this provision.

K. Attestation Requirement

The proposed rule change would delete the requirement to attest annually that the firm has in place written supervisory policies and procedures reasonably designed to achieve compliance with the applicable provisions of the rules, including the compensation committee review provision. No specific comments were received on this provision.

L. Obligations of Persons Associated With a Member

Supplementary Material .09 clarifies the obligations of each associated person under those provisions of the proposed rule change that require a member to restrict or prohibit certain conduct by establishing, maintaining and enforcing particular written policies and procedures. Specifically, the rule provides that, consistent with FINRA Rule 0140, persons associated with a member would be required to comply with such member's policies and procedures as established pursuant to proposed FINRA Rule 2241.[93] Failure of an associated person to comply with such policies and procedures would constitute a violation of the rule itself. In addition, consistent with Rule 0140, the rule states that it would be a rule violation for an associated person to engage in the restricted or prohibited conduct to be addressed through the establishment, maintenance and enforcement of policies and procedures required by provisions of Rule 2241, including applicable Supplementary Material, that embed in the policies and procedures specific obligations on individuals.

Some commenters suggested FINRA eliminate language in the supplementary material that provides that the failure of an associated person to comply with the firm's policies and procedures constitutes a violation of the proposed rule itself.[94] These commenters argued that because members may establish policies and procedures that go beyond the requirements set forth in the rule, the provision may have the unintended consequence of discouraging firms from creating standards in their policies and procedures that extend beyond the rule. One of those commenters suggested that the remaining language in the supplementary material adequately holds individuals responsible for engaging in restricted or prohibited conduct covered by the proposals.[95]

M. General Exemptive Authority

The proposed rule change would provide FINRA, pursuant to the Rule 9600 Series, with authority to conditionally or unconditionally grant, in exceptional and unusual circumstances, an exemption from any requirement of the proposed rule for good cause shown, after taking into account all relevant factors and provided that such exemption is consistent with the purposes of the rule, the protection of investors, and the public interest.[96]

One commenter opposed this provision.[97] The commenter stated that the provision had not been sufficiently justified by, among other things, providing examples of where an exemption would be justified.

N. Other General Comments

One commenter asked FINRA to confirm in any Regulatory Notice announcing adoption of the proposed rule change that provisions relating to research coverage and budget decisions and joint due diligence are intended to supersede the corresponding terms of the Global Research Analyst Settlement (''Global Settlement'').[98]

Also, one commenter requested that the implementation date be at least 12 months after Commission approval of the proposed rule change.[99] Another commenter similarly requested that FINRA provide a ''grace period'' of one year or the maximum time permissible, if that is less than one year, between the adoption of the proposed rule and the implementation date.[100]

III. Proceedings To Determine Whether To Approve or Disapprove SR–FINRA–2014–047

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act to determine whether the proposals should be approved or disapproved.[101] Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposal. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to comment on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[102] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 15A(b)(9) of the Act,[103] which requires that FINRA's rules be designed to, among other things, promote just and

[92] *See* proposed NASD Rule 1050(b) and proposed Incorporated NYSE Rule 344.10.

[93] *See* proposed FINRA Rule 2241.09. FINRA Rule 0140(a), among other things, provides that persons associated with a member shall have the same duties and obligations as a member under the Rules.

[94] SIFMA and WilmerHale Equity.

[95] WilmerHale Equity.

[96] *See* proposed FINRA Rule 2241(j).

[97] NASAA Equity.

[98] WilmerHale Equity.

[99] SIFMA.

[100] WilmerHale Equity.

[101] 15 U.S.C. 78s(b)(2). Section 19(b)(2)(B) of the Act provides that proceedings to determine whether to disapprove a proposed rule change must be concluded within 180 days of the date of publication of notice of the filing of the proposed rule change. The time for conclusion of the proceedings may be extended for up to an additional 60 days if the Commission finds good cause for such extension and publishes its reasons for so finding or if the self-regulatory organization consents to the extension.

[102] 15 U.S.C. 78s(b)(2).

[103] 15 U.S.C. 78o–3(b)(6).

equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest, and Section 15D of the Act,[104] which requires rules reasonably designed to address conflicts of interest that can arise when research analysts recommend equity securities in research reports and public appearances.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the concerns identified above, as well as any others they may have with the proposed rule change. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change is inconsistent with Sections 15A(b)(9) and 15D, or any other provision of the Act, or the rules and regulation thereunder. Although there do not appear to be any issues relevant to approval or disapproval which would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b-4, any request for an opportunity to make an oral presentation.[105]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule changes should be approved or disapproved by March 19, 2015. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by April 2, 2015.

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–FINRA–2014–047 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2014–047. 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 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. 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–FINRA–2014–047 and should be submitted on or before March 19, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[106]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–03962 Filed 2–25–15; 8:45 am]

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[104] 15 U.S.C. 78o–6.

[105] Section 19(b)(2) of the Act, as amended by the Securities Act Amendments of 1975, Pub. L. 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

[106] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74337; File No. SR–Phlx–2015–19]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Extend the Pilot Program Regarding Exchange Rule 1047(f)(v)

February 20, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1], and Rule 19b–4 thereunder,[2] notice is hereby given that, on February 19, 2015, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to extend the pilot program regarding Exchange Rule 1047(f)(v), which provides for how the Exchange treats obvious and catastrophic options errors in response to the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS under the Act (the ''Limit Up-Limit Down Plan'' or the ''Plan'').[3] The Exchange proposes to extend the pilot period until October 23, 2015.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In April 2013,[4] the Commission approved a proposal, on a one year pilot basis, to adopt Exchange Rule 1047(f)(v)

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release Nos. 69141 (March 15, 2013), 78 FR 17262 (March 20, 2013); and 69344 (April 8, 2013), 78 FR 22001 (April 12, 2013) (SR–Phlx–2013–29).

[4] Securities Exchange Act Release No. 69344 (April 8, 2013), 78 FR 22001 (April 12, 2013) (SR–Phlx–2013–29).

to provide for how the Exchange will treat obvious and catastrophic options errors in response to the Plan, which is applicable to all NMS stocks, as defined in Regulation NMS Rule 600(b)(47).[5] The Plan is designed to prevent trades in individual NMS stocks from occurring outside of specified Price Bands.[6] The requirements of the Plan are coupled with Trading Pauses to accommodate more fundamental price moves (as opposed to erroneous trades or momentary gaps in liquidity).

The Exchange extended the operation of Rule 1047(f)(v), which provides that trades are not subject to an obvious error or catastrophic error review pursuant to Rule 1092(a)(i) or (ii) during a Limit State or Straddle State in 2014.[7] The Exchange now proposes to extend the pilot program for an additional pilot period ending October 23, 2015. The Exchange believes conducting an obvious error or catastrophic error review is impracticable given the lack of a reliable National Best Bid/Offer (''NBBO'') in the options market during Limit States and Straddle States, and that the resulting actions (*i.e.,* nullified trades or adjusted prices) may not be appropriate given market conditions. Under the pilot, limit orders that are filled during a Limit State or Straddle State have certainty of execution in a manner that promotes just and equitable principles of trade, removes impediments to, and perfects the mechanism of a free and open market and a national market system. Moreover, given that options prices during brief Limit States or Straddle States may deviate substantially from those available shortly following the Limit State or Straddle State, the Exchange believes giving market participants time to re-evaluate a transaction would create an unreasonable adverse selection opportunity that would discourage participants from providing liquidity during Limit States or Straddle States. On balance, the Exchange believes that removing the potential inequity of nullifying or adjusting executions occurring during Limit States or Straddle States outweighs any potential benefits from applying those provisions during such unusual market conditions.

The Exchange believes the benefits to market participants from the pilot program should continue on a pilot basis to coincide with the operation of the Limit Up-Limit Down Plan. The Exchange believes that continuing the pilot will protect against any unanticipated consequences and permit the industry to gain further experience operating the Plan.

The Exchange will conduct an analysis concerning the elimination of obvious and catastrophic error provisions during Limit States and Straddle States and agrees to provide the Commission with relevant data to assess the impact of this proposed rule change. As part of its analysis, the Exchange will: (1) Evaluate the options market quality during Limit States and Straddle States; (2) assess the character of incoming order flow and transactions during Limit States and Straddle States; and (3) review any complaints from members and their customers concerning executions during Limit States and Straddle States. Additionally, the Exchange agrees to provide to the Commission data requested to evaluate the impact of the elimination of the obvious and catastrophic error provisions, including data relevant to assessing the various analyses noted above. By May 29, 2015, the Exchange shall provide to the Commission and the public assessments relating to the impact of the operation of the obvious error rules during Limit and Straddle States as follows:[8]

1. Evaluate the statistical and economic impact of Limit and Straddle States on liquidity and market quality in the options markets.

2. Assess whether the lack of obvious error rules in effect during the Straddle and Limit States are problematic.

Each month the Exchange shall provide to the Commission and the public a dataset containing the data for each Straddle and Limit State in optionable stocks that had at least one trade on the Exchange during a Straddle or Limit State. For each of those options affected, each data record should contain the following information:

- Stock symbol, option symbol, time at the start of the Straddle or Limit State, an indicator for whether it is a Straddle or Limit State,
- For activity on the Exchange:
- executed volume, time-weighted quoted bid-ask spread, time-weighted average quoted depth at the bid, time-weighted average quoted depth at the offer,
- high execution price, low execution price,
- number of trades for which a request for review for error was received during Straddle and Limit States,
- an indicator variable for whether those options outlined above have a price change exceeding 30% during the underlying stock's Limit or Straddle State compared to the last available option price as reported by OPRA before the start of the Limit or Straddle State (1 if observe 30% and 0 otherwise). Another indicator variable for whether the option price within five minutes of the underlying stock leaving the Limit or Straddle State (or halt if applicable) is 30% away from the price before the start of the Limit or Straddle State.[9]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the provisions of Section 6 of the Act,[10] in general, and with Section 6(b)(5) of the Act,[11] in particular, which requires that the rules of an exchange be designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest, because it should continue to provide certainty about how errors involving options orders and trades will be handled during periods of extraordinary volatility in the underlying security. The Exchange believes that it continues to be necessary and appropriate in the interest of promoting fair and orderly markets to exclude transactions executed during a Limit State or Straddle State from certain aspects of Rule 1092.

Although the Limit Up-Limit Down Plan is operational, the Exchange believes that maintaining the pilot will help the industry gain further experience operating the Plan as well as the pilot provisions.

Based on the foregoing, the Exchange believes the benefits to market participants should continue on a pilot basis to coincide with the operation of the Limit Up-Limit Down Plan.

[5] The Plan was extended until February 20, 2015. The Plan was initially approved for a one-year pilot period, which began on April 8, 2013. Securities Exchange Act Release No. 71649 (March 5, 2014), 79 FR 13696 (March 11, 2014).

[6] Unless otherwise specified, capitalized terms used in this rule filing are based on the defined terms of the Plan.

[7] Securities Exchange Act Release No. 71901 (April 8, 2014), 79 FR 20955 (April 14, 2014) (SR–Phlx–2014–21).

[8] The Exchange submitted a pilot report on September 30, 2014.

[9] The Exchange agreed to provide similar data in the original proposal. *See* Securities Exchange Act Release No. 69344 (April 8, 2013), 78 FR 22001 (April 12, 2013) (SR–Phlx–2013–29) at notes 4 and 12. However, that data included two additional filters pertaining to the top 10 options and an in-the-money amount, which no longer apply. The Exchange provided historical data in the new form pursuant to this proposed rule change, going back to the beginning of the original pilot period.

[10] 15 U.S.C. 78f.

[11] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. Specifically, the proposal does not impose an intra-market burden on competition, because it will apply to all members. Nor will the proposal impose a burden on competition among the options exchanges, because, in addition to the vigorous competition for order flow among the options exchanges, the proposal addresses a regulatory situation common to all options exchanges. To the extent that market participants disagree with the particular approach taken by the Exchange herein, market participants can easily and readily direct order flow to competing venues. The Exchange believes this proposal will not impose a burden on competition and will help provide certainty during periods of extraordinary volatility in an NMS stock.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and Rule 19b–4(f)(6)(iii) thereunder.[13]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the obvious error pilot program to continue uninterrupted while the industry gains further experience operating under the Plan, and avoid any investor confusion that could result from a temporary interruption in the pilot program. For this reason, the Commission designates the proposed rule change to be operative upon filing.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is 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–Phlx–2015–19 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–Phlx–2015–19. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2015–19, and should be submitted on or before March 19, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–03960 Filed 2–25–15; 8:45 am]

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[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6)(iii). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[14] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74340; File No. SR–FINRA–2014–048]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change To Adopt FINRA Rule 2242; Debt Research Analysts and Debt Research Reports

February 20, 2015.

I. Introduction

On November 14, 2014, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule to adopt new FINRA Rule 2242 (Debt Research Analysts and Debt Research Reports) to address conflicts of interest relating to the publication and distribution of debt research reports. The proposal was published for comment in the **Federal Register** on November 24, 2014.[3] The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Exchange Act Release No. 73623 (Nov. 18, 2014); 79 FR 69905 (Nov. 24, 2014) (''Notice''). On

Commission received five comments on the proposal.[4] This order institutes proceedings under Section 19(b)(2)(B) of the Act[5] to determine whether to approve or disapprove the proposed rule change.

II. Description of the Proposed Rule Change

As described more fully in the Notice, FINRA proposed to adopt FINRA Rule 2242 to address conflicts of interest relating to the publication and distribution of debt research reports. Proposed FINRA Rule 2242 would adopt a tiered approach that FINRA believed, in general, would provide retail debt research recipients with extensive protections similar to those provided to recipients of equity research under current and proposed FINRA rules,[6] with modifications to reflect differences in the trading of debt securities.

As stated above, the Commission received five comments on the proposal. All of these commenters expressed general support for the proposal.

A. Definitions

The proposed rule change would adopt defined terms for purposes of proposed FINRA Rule 2242.[7] Most of the defined terms closely follow the defined terms for equity research in NASD Rule 2711, as amended by the equity research filing, with minor changes to reflect their application to debt research. A summary of selected proposed definitions are set forth below.[8]

The proposed rule change would define the term ''debt research report'' as any written (including electronic) communication that includes an analysis of a debt security or an issuer of a debt security and that provides information reasonably sufficient upon which to base an investment decision, excluding communications that solely constitute an equity research report as defined in proposed Rule 2241(a)(11).[9] The proposed definition and exceptions noted below would generally align with the definition of ''research report'' in NASD Rule 2711, while incorporating aspects of the Regulation AC definition of ''research report''.[10]

Communications that constitute statutory prospectuses that are filed as part of the registration statement would not be included in the definition of a debt research report. In general, the term debt research report also would not include a number of communications, similar to the equity proposal, if they do not include an analysis of, or recommend or rate, individual debt securities or issuers.[11] The term debt research report also, in general, would not include a number of communications, similar to the equity proposal, even if they include an analysis of an individual debt security or issuer and information reasonably sufficient upon which to base an investment decision.[12]

The proposed rule change would define the term ''debt security'' as any ''security'' as defined in Section 3(a)(10) of the Exchange Act, except for any ''equity security'' as defined in Section 3(a)(11) of the Exchange Act, any ''municipal security'' as defined in Section 3(a)(29) of the Exchange Act, any ''security-based swap'' as defined in Section 3(a)(68) of the Exchange Act, and any ''U.S. Treasury Security'' as defined in paragraph (p) of FINRA Rule 6710.[13] The proposed definition excludes municipal securities, in part because of FINRA's jurisdictional limitations with respect to such securities. The proposed definition excludes security-based swaps given the nascent and evolving nature of security-based swap regulation.[14] However, FINRA stated it intends to monitor regulatory developments with respect to security-based swaps and may determine to later include such securities in the definition of debt security.

The proposed rule change would define the term ''investment banking department'' as any department or division, whether or not identified as such, that performs any investment banking service on behalf of a member.[15] The term ''investment banking services'' would include, without limitation, acting as an underwriter, participating in a selling group in an offering for the issuer or otherwise acting in furtherance of a public offering of the issuer; acting as a financial adviser in a merger or acquisition; providing venture capital or

January 6, 2015, FINRA consented to extending the time period for the Commission to either approve or disapprove the proposed rule change, or to institute proceedings to determine whether to approve or disapprove the proposed rule change, to February 20, 2015.

[4] *See* Letter from Kevin Zambrowicz, Associate General Counsel & Managing Director and Sean Davy, Managing Director, SIFMA, dated Dec. 15, 2014 (''SIFMA''), Letter from Hugh D. Berkson, President-Elect, Public Investors Arbitration Bar Association, dated Dec. 15, 2014 (''PIABA Debt''), Letter from Yoon-Young Lee, WilmerHale, dated Dec. 16, 2014 (''WilmerHale Debt''), Letter from William Beatty, President and Washington (State) Securities Administrator, North American Securities Administrators Association, Inc., dated Dec. 19, 2014 (''NASAA Debt''), and Letter from Kurt N. Schacht, CFA, Managing Director, Standards and Financial Market Integrity and Linda L. Rittenhouse, Director, Capital Markets Policy, CFA Institute, dated Feb. 9, 2015 (''CFA Institute'').

[5] 15 U.S.C. 78s(b)(2)(B).

[6] *See* Exchange Act Release No. 73622 (Nov. 18, 2014); 79 FR 69939 (Nov. 24, 2014) (SR–FINRA–2014–047) (proposing amendments to current SRO rules relating to equity research).

[7] *See* proposed FINRA Rule 2242(a) for all of the proposed defined terms.

[8] *See* Notice for a full description of all definitions. FINRA stated that the proposed rule change also would adopt defined terms to implement the tiered structure of proposed FINRA Rule 2242, including the terms ''qualified institutional buyer'' or ''QIB,'' which is part of the description of an institutional investor for purposes of the Rule, and ''retail investor.''

[9] *See* proposed FINRA Rule 2242(a)(3). The proposed rule change does not incorporate a proposed exclusion from the equity research rule's definition of ''research report'' of communications concerning open-end registered investment companies that are not listed or traded on an exchange (''mutual funds'') because it is not necessary since mutual fund securities are equity securities under Section 3(a)(11) of the Exchange Act and therefore would not be captured by the proposed definition of ''debt research report'' in the proposed rule change.

[10] In aligning the proposed definition with the Regulation AC definition of research report, the proposed definition differs in minor respects from the definition of ''research report'' in NASD Rule 2711. For example, the proposed definition of ''debt research report'' would apply to a communication that includes an analysis of a debt security or an issuer of a debt security, while the definition of ''research report'' in NASD Rule 2711 applies to an analysis of equity securities of individual companies or industries.

[11] These include, for example, discussions of broad-based indices and commentaries on economic, political, or market conditions. *See* Notice.

[12] These include statistical summaries of multiple companies' financial data, including listings of current ratings that do not include an analysis of individual companies' data and an analysis prepared for a specific person or a limited group of fewer than 15 persons. *See* Notice.

[13] *See* proposed FINRA Rule 2242(a)(4).

[14] The Commission's rulemaking in the area of security-based swaps, pursuant to Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the ''Dodd-Frank Act''), is ongoing. In June 2011, the Commission proposed rules addressing policies and procedures with respect to research and analysis for security-based swaps as part of its proposal governing business conduct standards for security-based swap dealers and major security-based swap participants. *See* Securities Exchange Act Release No. 64766 (June 29, 2011), 76 FR 42396 (July 18, 2011) (Business Conduct Standards for Security-Based Swap Dealers and Major Security-Based Swap Participants). In June 2012, the Commission staff sought comment on a statement of general policy for the sequencing of compliance dates for rules applicable to security-based swaps. *See* Securities Exchange Act Release No. 67177 (June 11, 2012), 77 FR 35625 (June 14, 2012) (Statement of General Policy on the Sequencing of the Compliance Dates for Final Rules Applicable to Security-Based Swaps Adopted Pursuant to the Securities Exchange Act of 1934 and the Dodd-Frank Wall Street Reform and Consumer Protection Act). In May 2013, the Commission re-opened comment on the statement of general policy and on the outstanding rulemaking releases. The comment period was reopened until July 22, 2013. *See* Securities Exchange Act Release No. 69491 (May 1, 2013), 78 FR 30800 (May 23, 2013) (Reopening of Comment Periods for Certain Proposed Rulemaking Releases and Policy Statements Applicable to Security-Based Swaps).

[15] *See* proposed FINRA Rule 2242(a)(8).

equity lines of credit or serving as placement agent for the issuer or otherwise acting in furtherance of a private offering of the issuer.[16]

Under the proposed rule change the term ''qualified institutional buyer'' would have the same meaning as under Rule 144A of the Securities Act.[17]

The proposed rule change would define ''research department'' as any department or division, whether or not identified as such, that is principally responsible for preparing the substance of a debt research report on behalf of a member.[18] The proposed rule change would define the term ''subject company'' as the company whose debt securities are the subject of a debt research report or a public appearance.[19] Finally, the proposed rule change would define the term ''third-party debt research report'' as a debt research report that is produced by a person or entity other than the member.[20]

One commenter requested that the proposal define the term ''sales and trading personnel'' as ''persons who are primarily responsible for performing sales and trading activities, or exercising direct supervisory authority over such persons.''[21] The commenter's proposed definition is intended to clarify that the proposed restrictions on sales and trading personnel activities should not extend to: (1) Senior management who do not directly supervise those activities but have a reporting line from such personnel; or (2) persons who occasionally function in a sales and trading capacity.

One commenter asked FINRA to include an exclusion from the definition of ''debt research report'' for private placement memoranda and similar offering-related documents prepared in connection with investment banking services transactions.[22] The commenter noted that such offering-related documents typically are prepared by investment banking personnel or non-research personnel on behalf of investment banking personnel. The commenter asserted that absent an express exception, the proposals could turn investment banking personnel into research analysts and make the rule unworkable. The commenter noted that NASD Rule 2711(a) excludes communications that constitute statutory prospectuses that are filed as part of a registration statement and contended that the basis for that exception should apply equally to private placement memoranda and similar offering-related documents.

One commenter suggested that FINRA revise the definition of ''subject company'' to specify that the term means the ''*issuer* (rather than the ''company'') whose debt securities are the subject of a debt research report or a public appearance.''[23] The commenter noted that, among other things, the proposal would cover debt issued by persons other than corporate entities, such as foreign sovereigns or special purpose vehicles.

B. Identifying and Managing Conflicts of Interest

Similar to the proposed equity research rules, the proposed rule change contains an overarching provision that would require members to establish, maintain and enforce written policies and procedures reasonably designed to identify and effectively manage conflicts of interest related to the preparation, content and distribution of debt research reports, public appearances by debt research analysts, and the interaction between debt research analysts and persons outside of the research department, including investment banking, sales and trading and principal trading personnel, subject companies and customers.[24] Specifically, members must implement written policies and procedures reasonably designed to promote objective and reliable debt research that reflects the truly held opinions of debt research analysts and to prevent the use of debt research reports or debt research analysts to manipulate or condition the market or favor the interests of the firm or current or prospective customers or class of customers.[25] The proposed rule change then sets forth minimum requirements for those written policies and procedures.

According to FINRA, these provisions set out the fundamental obligation for a member to establish and maintain a system to identify and mitigate conflicts to foster integrity and fairness in its debt research products and services. FINRA stated that these provisions are also intended to require firms to be more proactive in identifying and managing conflicts as new research products, affiliations and distribution methods emerge. FINRA believes this approach allows for some flexibility to manage identified conflicts, with some specified prohibitions and restrictions where disclosure does not adequately mitigate them. According to FINRA, most of the minimum requirements have been experience tested and found effective in the equity research rules.

The rule proposal thus would adopt a policies and procedures approach to identification and management of research-related conflicts of interest and require those policies and procedures to, at a minimum, prohibit or restrict particular conduct. Commenters expressed several concerns with the approach.

Two commenters asserted that the mix of a principles-based approach with prescriptive requirements was confusing in places and posed operational challenges. In particular, the commenters recommended eliminating the minimum standards for the policies and procedures.[26] One of those commenters had previously expressed support for the proposed policies-based approach with minimum requirements,[27] but asserted that the proposed rule text requiring procedures to ''at a minimum, be reasonably designed to prohibit'' specified conduct is either superfluous or confusing. Another commenter favored retaining the proscriptive approach in the current equity rules and also requiring that firms maintain policies and procedures designed to ensure compliance.[28] Another commenter supported the types of communications between debt research analysts and other persons that may be permitted by a firm's policies and procedures.[29] One commenter questioned the necessity of the ''preamble'' requiring policies and procedures that ''restrict or limit activities by research analysts that can reasonably be expected to compromise their objectivity'' that precedes specific prohibited activities related to investment banking transactions.[30]

One commenter asked FINRA to refrain from using the concept of ''reliable'' research in the proposal as it may inappropriately connote accuracy

[16] *See* proposed FINRA Rule 2242(a)(9). The current definition in NASD Rule 2711 includes, without limitation, many common types of investment banking services. The proposed rule change and the equity research filing propose to add the language ''or otherwise acting in furtherance of'' either a public or private offering to further emphasize that the term ''investment banking services'' is meant to be construed broadly.

[17] *See* proposed FINRA Rule 2242(a)(12).

[18] *See* proposed FINRA Rule 2242(a)(14).

[19] *See* proposed FINRA Rule 2242(a)(15).

[20] *See* proposed FINRA Rule 2242(a)(16).

[21] WilmerHale Debt.

[22] WilmerHale Debt.

[23] WilmerHale Debt.

[24] *See* proposed FINRA Rule 2242(b)(1).

[25] *See* proposed FINRA Rule 2242(b)(2).

[26] SIFMA and WilmerHale Debt.

[27] Letter from Amal Aly, Managing Director and Associate General Counsel, SIFMA, to Marcia E. Asquith, Corporate Secretary, FINRA, dated November 14, 2008 regarding *Regulatory Notice* 08–55 (Research Analysts and Research Reports).

[28] NASAA Debt.

[29] CFA Institute.

[30] WilmerHale Debt.

in the context of a research analyst's opinions.[31]

1. Prepublication Review

As proposed, the first of these minimum requirements would require that the policies and procedures must, at a minimum, be reasonably designed to prohibit prepublication review, clearance or approval of debt research by persons involved in investment banking, sales and trading or principal trading, and either restrict or prohibit such review, clearance and approval by other non-research personnel other than legal and compliance.[32] The policies and procedures also must prohibit prepublication review of a debt research report by a subject company, other than for verification of facts.[33] No specific comments were received on this provision.

2. Coverage Decisions

The proposed rule change would require that policies and procedures must restrict or limit input by investment banking, sales and trading and principal trading personnel to ensure that research management independently makes all final decisions regarding the research coverage plan.[34] However, the provision does not preclude personnel from these or any other department from conveying customer interests and coverage needs, so long as final decisions regarding the coverage plan are made by research management.

One commenter asked FINRA to eliminate as redundant the term ''independently'' from the provisions permitting non-research personnel to have input into research coverage, so long as research management ''independently makes all final decisions regarding the research coverage plan.''[35] The commenter asserted that inclusion of ''independently'' is confusing since the proposal would permit input from non-research personnel into coverage decisions.

3. Solicitation and Marketing of Investment Banking Transactions

A member's written policies and procedures would also be required, at a minimum, restrict or limit activities by debt research analysts that can reasonably be expected to compromise their objectivity.[36] This would include prohibiting participation in pitches and other solicitations of investment banking services transactions and road shows and other marketing on behalf of issuers related to such transactions. The proposed rule change proposes a Supplementary Material that incorporates an existing FINRA interpretation for the equity research rules that prohibits in pitch materials any information about a member's debt research capacity in a manner that suggests, directly or indirectly, that the member might provide favorable debt research coverage.[37]

The proposed rule change also would prohibit investment banking personnel from directing debt research analysts to engage in sales or marketing efforts related to an investment banking services transaction or any communication with a current or prospective customer about an investment banking services transaction.[38] In addition, the proposed rule change proposes a Supplementary Material to provide that, consistent with this requirement, no debt research analyst may engage in any communication with a current or prospective customer in the presence of investment banking department personnel or company management about an investment banking services transaction.[39]

One commenter asked that FINRA modify the prohibition on debt analyst attendance at road shows to permit passive participation since there is less opportunity to meet and assess issuer management than in the equity context.[40]

4. Supervision

The proposed rule change would require that the policies and procedures prohibit persons engaged in investment banking activities sales and trading or principal trading activities from supervision of debt research analysts.[41] No specific comments were received on this provision.

5. Information Barriers

The proposed rule change would require that the policies and procedures establish information barriers or other institutional safeguards to ensure that debt research analysts are insulated from the review, pressure or oversight by persons engaged in investment banking services, principal trading or sales and trading activities or others who might be biased in their judgment or supervision.[42]

Some commenters suggested that ''review'' was unnecessary in this provision because the review of debt research analysts was addressed sufficiently in other parts of the proposed rule.[43] One commenter further suggested that the terms ''review'' and ''oversight'' are redundant.[44] One commenter asked FINRA to clarify that the information barriers or other institutional safeguards required by the proposed rule are not intended to prohibit or limit activities that would otherwise be permitted under other provisions of the rule.[45] The commenter also asserted that the terms ''bias'' and ''pressure'' are broad and ambiguous on their face and requested that FINRA clarify that for purposes of the information barriers requirement that they are intended to address persons who may try to improperly influence research.[46] As an example, the commenter asked whether a bias would be present if an analyst was pressured to change the format of a research report to comply with the research department's standard procedures or the firm's technology specifications. One commenter asked FINRA to modify the information barriers or other institutional safeguards requirement to conform the provision to FINRA's ''reasonably designed'' standard for related policies and procedures.[47]

6. Budget and Compensation

A member's written policies and procedures would also be required to limit the determination of a firm's debt research department budget to senior

[31] SIFMA.

[32] *See* proposed FINRA Rule 2242(b)(2)(A) and (B). FINRA clarified that a firm would be required to specify in its policies and procedures the circumstances, if any, where prepublication review would be permitted as necessary and appropriate pursuant to proposed FINRA Rule 2242(b)(2)(B), for example, where non-research personnel are best situated to verify select facts or where administrative personnel review for formatting. FINRA noted that members still would be subject to the overarching requirement to have policies and procedures reasonably designed to effectively manage conflicts of interest between research analysts and those outside of the research department. *See also* proposed FINRA Rule 2242.05 (Submission of Sections of a Draft Research Report for Factual Review).

[33] *See* proposed FINRA Rule 2242(b)(2)(N).

[34] *See* proposed FINRA Rule 2242(b)(2)(C).

[35] WilmerHale Debt.

[36] *See* proposed FINRA Rule 2242(b)(2)(L).

[37] *See* proposed FINRA Rule 2242.01 (Efforts to Solicit Investment Banking Business).

[38] *See* proposed FINRA Rule 2242(b)(2)(M).

[39] *See* proposed FINRA Rule 2242.02(a) (Restrictions on Communications with Customers and Internal Personnel).

[40] WilmerHale Debt.

[41] *See* proposed FINRA Rule 2242(b)(2)(D). FINRA stated that the provision is substantively the same as current NASD Rule 2711(b)(1), which they characterized as a core structural separation requirement in the equity research rules they believe is essential to safeguarding analyst objectivity.

[42] *See* proposed FINRA Rule 2242(b)(2)(H).

[43] SIFMA and WilmerHale Debt.

[44] WilmerHale Debt.

[45] WilmerHale Debt.

[46] WilmerHale Debt.

[47] WilmerHale Debt.

management, excluding senior management engaged in investment banking or principal trading activities, and without regard to specific revenues or results derived from investment banking.[48] However, the proposed rule change would expressly permit all persons to provide input to senior management regarding the demand for and quality of debt research, including product trends and customer interests. It further would allow consideration by senior management of a firm's overall revenues and results in determining the debt research budget and allocation of expenses.

With respect to compensation determinations, a member's written policies and procedures would be required to prohibit compensation based on specific investment banking services or trading transactions or contributions to a firm's investment banking or principal trading activities and prohibit investment banking and principal trading personnel from input into the compensation of debt research analysts.[49] Further, the firm's written policies and procedures would be required to establish that the compensation of a debt research analyst who is primarily responsible for the substance of a research report be reviewed and approved at least annually by a committee that reports to a member's board of directors or, if the member has no board of directors, a senior executive officer of the member.[50] This committee may not have representation from investment banking personnel or persons engaged in principal trading activities and must consider the enumerated factors when reviewing a debt research analyst's compensation, if applicable.[51]

Neither investment banking personnel nor persons engaged in principal trading activities may give input with respect to the compensation determination for debt research analysts. However, sales and trading personnel may give input to debt research management as part of the evaluation process in order to convey customer feedback, provided that final compensation determinations are made by research management, subject to review and approval by the compensation committee.[52] The committee, which may not have representation from investment banking or persons engaged in principal trading activities, must document the basis for each debt research analyst's compensation, including any input from sales and trading personnel.

One commenter requested that the proposal define the terms ''principal trading activities,'' ''principal trading personnel,'' and ''persons engaged in principal trading activities'' to exclude traders who are primarily involved in customer accommodation or customer facilitation trading, such as market makers that trade on a principal basis.[53] The commenter stated that the exclusion is necessary to allow those traders to provide feedback from clients for the purposes of evaluating debt research analysts for compensation determination. More directly to that point, the same commenter and an additional commenter asserted that the proposal should not prohibit those engaged in principal trading activities from providing customer feedback as part of the evaluation and compensation process for a debt research analyst.[54] They contended that the fixed income markets operate primarily on a principal basis and prohibiting such input would have a broad impact on research management's ability to appropriately evaluate and compensate debt research analysts. Another commenter asked for clarification of the term ''principal trading'' because it believes the term ''sales and trading'' already encompasses all agency, principal and proprietary trading activities.[55] The debt proposal imposes greater restrictions on interaction between debt research analysts and principal trading personnel than between debt research analysts and sales and trading personnel because the magnitude of the conflict is greater with respect to the former.

7. Personal Trading Restrictions

Under the proposed rule change, a member's written policies and procedures would be required to restrict or limit trading by a ''debt research analyst account'' in securities, derivatives and funds whose performance is materially dependent upon the performance of securities covered by the debt research analyst.[56] The procedures would be required to ensure that those accounts, supervisors of debt research analysts and associated persons with the ability to influence the content of debt research reports do not benefit in their trading from knowledge of the content or timing of debt research reports before the intended recipients of such research have had a reasonable opportunity to act on the information in the report.[57] Furthermore, the procedures would also be required to generally prohibit a debt research analyst account from purchasing or selling any security or any option or derivative of such security in a manner inconsistent with the debt research analyst's most recently published recommendation, except that they may define circumstances of financial hardship (*e.g.,* unanticipated significant change in the personal financial circumstances of the beneficial owner of the research analyst account) in which the firm will permit trading contrary to that recommendation. In determining whether a particular trade is contrary to an existing recommendation, FINRA stated that firms would be permitted to take into account the context of a given trade, including the extent of coverage of the subject security. While the proposed rule change does not include a recordkeeping requirement, FINRA stated it expects members to evidence compliance with their policies and procedures and retain any related documentation in accordance with FINRA Rule 4511.

The proposed rule change includes Supplementary Material .10, which would provide that FINRA would not consider a research analyst account to have traded in a manner inconsistent with a research analyst's recommendation where a member has instituted a policy that prohibits any research analyst from holding securities, or options on or derivatives of such securities, of the companies in the research analyst's coverage universe, provided that the member establishes a reasonable plan to liquidate such holdings consistent with the principles in paragraph (b)(2)(J)(i) and such plan is approved by the member's legal or compliance department.[58]

No specific comments were received on this provision.

8. Retaliation and Promises of Favorable Research

The proposed rule change would require that the policies and procedures must prohibit direct or indirect

[48] *See* proposed FINRA Rule 2242(b)(2)(E).

[49] *See* proposed FINRA Rule 2242(b)(2)(D) and (F).

[50] *See* proposed FINRA Rule 2242(b)(2)(G).

[51] These include, for example, the debt research analyst's individual performance, including the analyst's productivity and the quality of the debt research analyst's research. *See* Notice.

[52] *See* proposed FINRA Rule 2242(b)(2)(D) and (G).

[53] WilmerHale Debt.

[54] SIFMA and WilmerHale Debt.

[55] SIFMA.

[56] *See* proposed FINRA Rule 2242(b)(2)(J). *See* Notice for a description of the term ''debt research analyst account.''

[57] *See* proposed FINRA Rule 2242.07 (Ability to Influence the Content of a Research Report) which would provide that for the purposes of the rule, an associated person with the ability to influence the content of a debt research report is an associated person who, in the ordinary course of that person's duties, has the authority to review the debt research report and change that debt research report prior to publication or distribution.

[58] *See* proposed FINRA Rule 2242.10.

retaliation or threat of retaliation against debt research analysts by any employee of the firm for publishing research or making a public appearance that may adversely affect the member's current or prospective business interests.[59] The policies and procedures would also be required to prohibit explicit or implicit promises of favorable debt research, specific research content or a specific rating or recommendation as inducement for the receipt of business or compensation.[60] No specific comments were received on these provisions.

9. Joint Due Diligence With Investment Banking Personnel

The proposed rule change would establish a proscription with respect to joint due diligence activities—*i.e.,* due diligence by the debt research analyst in the presence of investment banking department personnel—during a specified time period. Specifically, the proposed rule change states that FINRA would interpret the overarching principle requiring members to, among other things, establish, maintain and enforce written policies and procedures that address the interaction between debt research analysts, banking and subject companies,[61] to prohibit the performance of joint due diligence prior to the selection of underwriters for the investment banking services transaction.[62] No specific comments were received on this provision.

10. Communications Between Debt Research Analysts and Trading Personnel

The proposed rule change would delineate the prohibited and permissible interactions between debt research analysts and sales and trading and principal trading personnel. The proposed rule change would require members to establish, maintain and enforce written policies and procedures reasonably designed to prohibit sales and trading and principal trading personnel from attempting to influence a debt research analyst's opinions or views for the purpose of benefiting the trading position of the firm, a customer or a class of customers.[63] It would further prohibit debt research analysts from identifying or recommending specific potential trading transactions to sales and trading or principal trading personnel that are inconsistent with such debt research analyst's currently published debt research reports or from disclosing the timing of, or material investment conclusions in, a pending debt research report.[64]

The proposed rule change would permit sales and trading and principal trading personnel to communicate customers' interests to a debt research analyst, so long as the debt research analyst does not respond by publishing debt research for the purpose of benefiting the trading position of the firm, a customer or a class of customers.[65] The proposed rule change also would permit sales and trading and principal trading personnel to seek the views of debt research analysts regarding the creditworthiness of the issuer of a debt security and other information regarding an issuer of a debt security that is reasonably related to the price or performance of the debt security, so long as, with respect to any covered issuer, such information is consistent with the debt research analyst's published debt research report and consistent in nature with the types of communications that a debt research analyst might have with customers. In determining what is consistent with the debt research analyst's published debt research, a member would be permitted to consider the context, including that the investment objectives or time horizons being discussed differ from those underlying the debt research analyst's published views.[66] Finally, debt research analysts would be permitted to seek information from sales and trading and principal trading personnel regarding a particular debt instrument, current prices, spreads, liquidity and similar market information relevant to the debt research analyst's valuation of a particular debt security.[67]

The proposed rule change clarifies that communications between debt research analysts and sales and trading or principal trading personnel that are not related to sales and trading, principal trading or debt research activities would be permitted to take place without restriction, unless otherwise prohibited.[68]

One commenter asked that FINRA clarify that members that have developed policies and procedures consistent with FINRA Rule 5280 (Trading Ahead of Research Reports) would also be in compliance with the debt proposal's expectation of structural separation between investment banking and debt research, and between sales and trading and principal trading and debt research.[69]

The commenter also asked FINRA to delete the term ''attempting'' in the proposed Supplementary Material .03(a)(1), the provision which would require members to have policies and procedures reasonably designed to prohibit sales and trading and principal trading personnel from ''attempting to influence a debt research analyst's opinion or views for the purpose of benefitting the trading position of the firm, a customer, or a class of customers.'' [70] The commenter stated that it is unclear how a firm should enforce a prohibition on attempts to influence.

The commenter further expressed concern that the term ''pending'' is vague in the above-cited provision.[71] The commenter suggested that FINRA delete the term or confirm that ''pending'' means ''imminent publication of a debt research report.''

As explained above, Supplementary Material .03(b)(3) provides that in determining what is consistent with a debt research analyst's published debt research for purposes of sharing certain views with sales and trading and principal trading personnel, members would be permitted to consider the context, including that the investment objectives or time horizons being discussed may differ from those underlying the debt analyst's published views. One commenter asked FINRA to clarify that the standard may be applied

[59] *See* proposed FINRA Rule 2242(b)(2)(I). This provision is not intended to limit a member's authority to discipline or terminate a debt research analyst, in accordance with the member's written policies and procedures, for any cause other than writing an adverse, negative, or otherwise unfavorable research report or for making similar comments during a public appearance.

[60] *See* proposed FINRA Rule 2242(b)(2)(K).

[61] *See* proposed FINRA Rule 2242(b)(1)(C).

[62] *See* proposed FINRA Rule 2242.09 (Joint Due Diligence).

[63] *See* proposed FINRA Rule 2242.03(a)(1) (Information Barriers between Research Analysts and Trading Desk Personnel).

[64] *See* proposed FINRA Rule 2242.03(a)(2) (Information Barriers between Research Analysts and Trading Desk Personnel).

[65] *See* proposed FINRA Rule 2242.03(b)(1) (Information Barriers between Research Analysts and Trading Desk Personnel).

[66] *See* proposed FINRA Rule 2242.03(b)(3) (Information Barriers between Research Analysts and Trading Desk Personnel).

[67] *See* proposed FINRA Rule 2242.03(b)(4) (Information Barriers between Research Analysts and Trading Desk Personnel).

[68] *See* proposed FINRA Rule 2242.03(c) (Information Barriers between Research Analysts and Trading Desk Personnel).

[69] WilmerHale Debt. Among other things, Rule 5280 requires members to establish, maintain and enforce policies and procedures reasonably designed to restrict or limit the information flow between research department personnel, or other persons with knowledge of the content or timing of a research report, and trading department personnel, so as to prevent trading department personnel from utilizing non-public advance knowledge of the issuance or content of a research report for the benefit of the member or any other person. *See* FINRA Rule 5280.

[70] WilmerHale Debt.

[71] WilmerHale Debt.

wherever consistency with a debt research analyst's views may be assessed under the proposed debt rule, such as with respect to debt research analyst account trading or providing customized analysis, recommendations, or trade ideas to sales and trading, principal trading, and customers.[72]

11. Restrictions on Communications With Customers and Internal Sales Personnel

The proposed rule change would apply standards to communications with customers and internal sales personnel. Any written or oral communication by a debt research analyst with a current or prospective customer or internal personnel related to an investment banking services transaction would be required to be fair, balanced and not misleading, taking into consideration the overall context in which the communication is made.[73] Consistent with the prohibition on investment banking department personnel directly or indirectly directing a debt research analyst to engage in sales or marketing efforts related to an investment banking services transaction or directing a debt research analyst to engage in any communication with a current or prospective customer about an investment banking services transaction, no debt research analyst would be permitted to engage in any communication with a current or prospective customer in the presence of investment banking department personnel or company management about an investment banking services transaction. No specific comments were received on this provision.

C. Content and Disclosure in Research Reports

The proposed rule change would, in general, adopt the disclosures in the equity research rule for debt research, with modifications to reflect the different characteristics of the debt market. The proposed rule change would require members to establish, maintain and enforce written policies and procedures reasonably designed to ensure that purported facts in their debt research reports are based on reliable information.[74] While there is no obligation to employ a rating system under the proposed rule, members that choose to employ a rating system would be required to clearly define in each debt research report the meaning of each rating in the system, including the time horizon and any benchmarks on which a rating is based. In addition, the definition of each rating would be required to be consistent with its plain meaning.[75]

Consistent with the equity rules, irrespective of the rating system a member employs, a member would be required to disclose, in each debt research report that includes a rating, the percentage of all debt securities rated by the member to which the member would assign a ''buy,'' ''hold'' or ''sell'' rating.[76] In addition, a member would be required to disclose in each debt research report the percentage of subject companies within each of the ''buy,'' ''hold'' and ''sell'' categories for which the member has provided investment banking services within the previous 12 months.[77] All such information would be required to be current as of the end of the most recent calendar quarter or the second most recent calendar quarter if the publication date of the debt research report is less than 15 calendar days after the most recent calendar quarter.[78]

If a debt research report contains a rating for a subject company's debt security and the member has assigned a rating to such debt security for at least one year, the debt research report would be required to show each date on which a member has assigned a rating to the debt security and the rating assigned on such date. This information would be required for the period that the member has assigned any rating to the debt security or for a three-year period, whichever is shorter.[79] Unlike the equity research rules, the proposed rule change would not require those ratings to be plotted on a price chart because of limits on price transparency, including daily closing price information, with respect to many debt securities.

The proposed rule change would require[80] a member to disclose in any debt research report at the time of publication or distribution of the report:

- If the debt research analyst or a member of the debt research analyst's household has a financial interest in the debt or equity securities of the subject company (including, without limitation, any option, right, warrant, future, long or short position), and the nature of such interest;
- if the debt research analyst has received compensation based upon (among other factors) the member's investment banking, sales and trading or principal trading revenues;
- if the member or any of its affiliates: managed or co-managed a public offering of securities for the subject company in the past 12 months; received compensation for investment banking services from the subject company in the past 12 months; or expects to receive or intends to seek compensation for investment banking services from the subject company in the next three months;
- if, as of the end of the month immediately preceding the date of publication or distribution of a debt research report (or the end of the second most recent month if the publication date is less than 30 calendar days after the end of the most recent month), the member or its affiliates have received from the subject company any compensation for products or services other than investment banking services in the previous 12 months;[81]
- if the subject company is, or over the 12-month period preceding the date of publication or distribution of the debt research report has been, a client of the member, and if so, the types of services provided to the issuer. Such services, if applicable, shall be identified as either investment banking services, non-investment banking securities-related services or non-securities services;
- if the member trades or may trade as principal in the debt securities (or in related derivatives) that are the subject of the debt research report;[82]
- if the debt research analyst received any compensation from the subject company in the previous 12 months; and
- any other material conflict of interest of the debt research analyst or member that the debt research analyst or an associated person of the member with the ability to influence the content of a debt research report knows or has reason to know at the time of the publication or distribution of a debt research report.[83]

The proposed rule change would incorporate a proposed amendment to the corresponding provision in the equity research rules that expands the existing ''catch all'' disclosure to require disclosure of material conflicts known

[72] WilmerHale Debt.

[73] *See* proposed FINRA Rule 2242.02(b) (Restrictions on Communications with Customers and Internal Personnel).

[74] *See* proposed FINRA Rule 2242(c)(1)(A).

[75] *See* proposed FINRA Rule 2242(c)(2).

[76] *See* proposed FINRA Rule 2242(c)(2)(A).

[77] *See* proposed FINRA Rule 2242(c)(2)(B).

[78] *See* proposed FINRA Rule 2242(c)(2)(C).

[79] *See* proposed FINRA Rule 2242(c)(3).

[80] *See* proposed FINRA Rule 2242(c)(4).

[81] *See also* discussion of proposed FINRA Rule 2242.04 (Disclosure of Compensation Received by Affiliates) below.

[82] This provision is analogous to the equity research rule requirement to disclose market making activity.

[83] For example, FINRA would consider it to be a material conflict of interest if the debt research analyst or a member of the debt research analyst's household serves as an officer, director or advisory board member of the subject company.

not only by the research analyst, but also by any ''associated person of the member with the ability to influence the content of a research report.'' In so doing, the proposed rule change would capture material conflicts of interest that, for example, only a supervisor or the head of research may be aware of. The ''reason to know'' standard would not impose a duty of inquiry on the debt research analyst or others who can influence the content of a debt research report. Rather, it would cover disclosure of those conflicts that should reasonably be discovered by those persons in the ordinary course of discharging their functions.

The proposed equity research rules include an additional disclosure if the member or its affiliates maintain a significant financial interest in the debt or equity of the subject company, including, at a minimum, if the member or its affiliates beneficially own 1% or more of any class of common equity securities of the subject company. FINRA did not include this provision in the proposed debt research rule because, unlike equity holdings, firms do not typically have systems to track ownership of debt securities.

The proposed rule change would provide that a member would be permitted to satisfy the disclosure requirement with respect to receipt of non-investment banking services compensation by an affiliate by implementing written policies and procedures reasonably designed to prevent the debt research analyst and associated persons of the member with the ability to influence the content of debt research reports from directly or indirectly receiving information from the affiliate as to whether the affiliate received such compensation.[84] In addition, a member would be permitted to satisfy the disclosure requirement with respect to the receipt of investment banking compensation from a foreign sovereign by a non-U.S. affiliate of the member by implementing written policies and procedures reasonably designed to prevent the debt research analyst and associated persons of the member with the ability to influence the content of debt research reports from directly or indirectly receiving information from the non-U.S. affiliate as to whether such non-U.S. affiliate received or expects to receive such compensation from the foreign sovereign. However, a member would be required to disclose receipt of compensation by its affiliates from the subject company (including any foreign sovereign) in the past 12 months when the debt research analyst or an associated person with the ability to influence the content of a debt research report has actual knowledge that an affiliate received such compensation during that time period.

The proposed rule change would adopt from the equity research rules the general exception for disclosure that would reveal material non-public information regarding specific potential future investment banking transactions of the subject company.[85] Similar to the equity research rules, the proposed rule change would require that disclosures be presented on the front page of debt research reports or the front page must refer to the page on which the disclosures are found. Electronic debt research reports, however, may provide a hyperlink directly to the required disclosures. All disclosures and references to disclosures required by the proposed rule must be clear, comprehensive and prominent.[86]

Like the equity research rule, the proposed rule change would permit a member that distributes a debt research report covering six or more companies (compendium report) to direct the reader in a clear manner to the applicable disclosures. Electronic compendium reports must include a hyperlink to the required disclosures. Paper-based compendium reports must provide either a toll-free number or a postal address to request the required disclosures and also may include a Web address of the member where the disclosures can be found.[87]

One commenter opposed as overbroad the proposed expansion of the current ''catch-all'' disclosure requirement to include ''any other material conflict of interest of the research analyst or member that a research analyst *or an associated person of the member with the ability to influence* the content of a research report knows or has reason to know'' at the time of publication or distribution of research report.[88] (emphasis added) The commenter expressed concern about the emphasized language.

One commenter requested confirmation that members may rely on hyperlinked disclosures for research reports that are delivered electronically, even if these reports are subsequently printed out by customers.[89]

One commenter expressed concern about the requirements that a member disclose in retail debt research reports its distribution of all debt security ratings (and the percentage of subject companies in each buy/hold/sell category for which the member has provided investment banking services within the previous 12 months) and historical ratings information on the debt securities that are the subject of the debt research report for a period of three years or the time during which the member has assigned a rating, whichever is shorter.[90] The commenter asked FINRA to eliminate these provisions because they are impractical and provide minimal benefit to investors in the context of debt research, even though they may be very useful in the equity context.[91] The commenter stated that the large number of bond issues followed by analysts make the provisions especially burdensome and do not allow for helpful comparisons for investors across debt securities or issuers. With respect to the ratings distribution requirements, the commenter asserted that in some cases, a debt analyst may assign a rating to the issuer that applies to all of that issuer's bonds, thereby skewing the distribution because those issuers will be overrepresented in the distribution. The commenter also stated that the tracking requirements for these provisions would be particularly burdensome, given the numerous bonds issued by the same subject company and the fact that bonds are constantly being replaced with newer ones. Finally, the commenter stated that the three-year look back period is too long and suggested instead a one-year period if FINRA retains the historical rating table requirement.

The same commenter also requested that FINRA allow members to provide a hyperlink or Web address to Web-based disclosures in all debt research reports, rather than requiring the disclosures within a printed report.[92] The commenter noted that while the Commission has interpreted Section 15D(b) of the Act[93] to require disclosure in each equity report, the law does not apply to debt research.

D. Disclosures in Public Appearances

The proposed rule change closely parallels the equity research rules with respect to disclosure in public appearances. Under the proposed rule, a debt research analyst would be required to disclose in public appearances:[94]

[84] *See* proposed FINRA Rule 2242.04 (Disclosure of Compensation Received by Affiliates).

[85] *See* proposed FINRA Rule 2242(c)(5).

[86] *See* proposed FINRA Rule 2242(c)(6).

[87] *See* proposed FINRA Rule 2242(c)(7).

[88] WilmerHale Debt.

[89] WilmerHale Debt.

[90] WilmerHale Debt.

[91] WilmerHale Debt.

[92] WilmerHale Debt.

[93] 15 U.S.C. 78o–6(b).

[94] *See* proposed FINRA Rule 2242(d)(1).

• If the debt research analyst or a member of the debt research analyst's household has a financial interest in the debt or equity securities of the subject company (including, without limitation, whether it consists of any option, right, warrant, future, long or short position), and the nature of such interest;

• if, to the extent the debt research analyst knows or has reason to know, the member or any affiliate received any compensation from the subject company in the previous 12 months;

• if the debt research analyst received any compensation from the subject company in the previous 12 months;

• if, to the extent the debt research analyst knows or has reason to know, the subject company currently is, or during the 12-month period preceding the date of publication or distribution of the debt research report, was, a client of the member. In such cases, the debt research analyst also must disclose the types of services provided to the subject company, if known by the debt research analyst; or

• any other material conflict of interest of the debt research analyst or member that the debt research analyst knows or has reason to know at the time of the public appearance.

However, a member or debt research analyst would not be required to make any such disclosure to the extent it would reveal material non-public information regarding specific potential future investment banking transactions of the subject company.[95] Unlike in debt research reports, the ''catch all'' disclosure requirement in public appearances would apply only to a conflict of interest of the debt research analyst or member that the analyst knows or has reason to know at the time of the public appearance and does not extend to conflicts that an associated person with the ability to influence the content of a research report or public appearance knows or has reason to know.

The proposed rule change would require members to maintain records of public appearances by debt research analysts sufficient to demonstrate compliance by those debt research analysts with the applicable disclosure requirements for public appearances. Such records would be required to be maintained for at least three years from the date of the public appearance.[96]

No specific comments were received on this provision not already discussed in connection with the disclosures that would be required in research reports.

E. Disclosure Required by Other Provisions

With respect to both research reports and public appearances, the proposed rule change would require that, in addition to the disclosures required under the proposed rule, members and debt research analysts must comply with all applicable disclosure provisions of FINRA Rule 2210 (Communications with the Public) and the federal securities laws.[97] No specific comments were received on this provision.

F. Distribution of Member Research Reports

The proposed rule change, like the proposed amendments to the equity research rules, would codify an existing interpretation of FINRA Rule 2010 (Standards of Commercial Honor and Principles of Trade) and provides additional guidance regarding selective—or tiered—dissemination of a firm's debt research reports. The proposed rule change would require firms to establish, maintain and enforce written policies and procedures reasonably designed to ensure that a debt research report is not distributed selectively to internal trading personnel or a particular customer or class of customers in advance of other customers that the member has previously determined are entitled to receive the debt research report.[98] The proposed rule change includes further guidance to explain that firms may provide different debt research products and services to different classes of customers, provided the products are not differentiated based on the timing of receipt of potentially market moving information and the firm discloses its research dissemination practices to all customers that receive a research product.[99]

One commenter supported the provisions as proposed with general disclosure,[100] while another contended that FINRA should require members to disclose when its research products and services do, in fact, contain a recommendation contrary to the research product or service received by other customers.[101] The commenter favoring general disclosure asserted that disclosure of specific instances of contrary recommendations would impose significant burdens unjustified by the investor protection benefits. The commenter stated that a specific disclosure requirement would require close tracking and analysis of every research product or service to determine if a contrary recommendation exists. The commenter further stated that the difficulty of complying with such a requirement would be exacerbated in large firms by the number of research reports published and research analysts employed and the differing audiences for research products and services.[102] The commenter asserted that some firms may publish tens of thousands of research reports each year and employ hundreds of analysts across various disciplines and that a given research analyst or supervisor could not reasonably be expected to know of all other research products and services that may contain differing views.

Another commenter expressed concern that the proposal raises issues about the parity of information received by retail and institutional investors, and whether research provided to institutional investors could contain views that differ from those in research to retail investors.[103]

G. Distribution of Third-Party Debt Research Reports

The proposed rule change would incorporate the current standards for third-party equity research, including the distinction between independent and non-independent third-party research with respect to the review and disclosure requirements. In addition, the proposed rule change would adopt an expanded requirement in the proposed equity research rules that requires members to disclose any other material conflict of interest that can reasonably be expected to have influenced the member's choice of a third-party research provider or the subject company of a third-party research report.[104]

No specific comments were received on this provision.

H. Obligations of Persons Associated With a Member

The proposed rule change would clarify the obligations of each associated person under those provisions of the proposed rule that require a member to restrict or prohibit certain conduct by establishing, maintaining and enforcing particular policies and procedures. Specifically, the proposed rule change provides that, consistent with FINRA Rule 0140, persons associated with a

[95] *See* proposed FINRA Rule 2242(d)(2).

[96] *See* proposed FINRA Rule 2242(d)(3).

[97] *See* proposed FINRA Rule 2242(e).

[98] *See* proposed FINRA Rule 2242(f).

[99] *See* proposed FINRA Rule 2242.06 (Distribution of Member Research Products).

[100] WilmerHale Debt.

[101] PIABA Debt.

[102] WilmerHale Debt.

[103] CFA Institute.

[104] *See* Notice for a full explanation of the treatment of third-party and independent third-party debt research reports.

member would be required to comply with such member's written policies and procedures as established pursuant to the proposed rule. Failure of an associated person to comply with such policies and procedures would constitute a violation of the proposed rule.[105] In addition, consistent with Rule 0140, the proposed rule states in Supplementary Material .08 that it would be a rule violation for an associated person to engage in the restricted or prohibited conduct to be addressed through the establishment, maintenance and enforcement of written policies and procedures required by provisions of FINRA Rule 2242, including applicable Supplementary Material, that embed in the policies and procedures specific obligations on individuals.

Some commenters suggested FINRA eliminate this language in the supplementary material that provides that the failure of an associated person to comply with the firm's policies and procedures constitutes a violation of the proposed rule itself.[106] These commenters argued that because members may establish policies and procedures that go beyond the requirements set forth in the rule, the provision may have the unintended consequence of discouraging firms from creating standards in their policies and procedures that extend beyond the rule. One of those commenters suggested that the remaining language in the supplementary material adequately holds individuals responsible for engaging in restricted or prohibited conduct covered by the proposals.[107]

I. Exemption for Members With Limited Principal Trading Activity or Investment Banking Activity

The proposed rule change would exempt members with limited principal trading activity or limited investment banking activity from the review, supervision, budget, and compensation provisions in the proposed rule related to principal trading and investment banking personnel, respectively.[108] The limited principal trading exemption would apply to firms that engage in principal trading activity where, in absolute value on an annual basis, the member's trading gains or losses on principal trades in debt securities are $15 million or less over the previous three years, on average per year, and the member employs fewer than 10 debt traders. The limited investment banking exemption would apply, as it does in the equity rules, to firms that have managed or co-managed 10 or fewer investment banking services transactions on average per year, over the previous three years and generated $5 million or less in gross investment banking revenues from those transactions.

One commenter questioned whether the exemptions could compromise the independence and accuracy of the analysis and opinions provided.[109] The commenter further expressed concern that the exemption might allow traders to act on debt research prior to publication and distribution of that research. The commenter noted FINRA's commitment to monitor firms that avail themselves of the exemptions to evaluate whether the thresholds for the exemptions are appropriate and asked FINRA to publish findings that could help properly weigh the burdens on small firms while ensuring the independence of investment research. The commenter also encouraged FINRA to provide additional guidance as to what specific measures should be taken to ensure that debt research analysts are insulated from pressure by persons engaged in principal trading or sales and trading activities or other persons who might be biased in their judgment or supervision.

J. Exemption for Debt Research Reports Provided to Institutional Investors

The proposed rule change would exempt debt research provided solely to certain eligible institutional investors from many of the proposed rule's provisions, provided that a member obtains consent from the institutional investor to receive that research and the research reports contain specified disclosure to alert recipients that the reports do not carry the same protections as retail debt research.[110] The proposal distinguishes between larger and smaller institutions in the manner in which the consent must be obtained. Firms may use negative consent where the customer meets the definition of QIB and satisfies the institutional suitability standards of FINRA Rule 2111 with respect to debt transactions and strategies. Institutional accounts that meet the definition of FINRA Rule 4512(c), but do not satisfy the higher tier standard required for negative consent, may affirmatively elect in writing to receive institutional debt research.

One commenter opposed providing any exemption for debt research distributed solely to eligible institutional investors, contending that it would deprive the market's largest participants of the important protections of the proposed rules for retail debt research.[111] Another commenter reiterated concerns expressed in response to an earlier iteration of the debt research proposal that the proposed standard for negative consent would be difficult to implement and would disadvantage institutional investors who are capable of, and in fact, make independent investment decisions about debt transactions and strategies. The commenter suggested as an alternative that the institutional investor standard should be based on only on the institutional suitability standard in Rule 2111.[112]

Another commenter supported the proposed tiered approach for how institutional investors may receive research reports.[113] The commenter stated that a QIB presumably has the sophistication and human and financial resources to evaluate debt research without the disclosures and other protections that accompany reports provided to retail investors. The commenter also supported permitting an institutional investor that does not fall within the higher tier category to receive the debt research without the retail investor protections if it notifies the firm in writing of its election.

Another commenter asked that FINRA confirm that, in distributing debt research reports under the institutional debt research framework to certain non-U.S. institutional investors who are customers of a member's non-U.S. broker-dealer affiliate, the member may rely on similar classifications in the non-U.S. institutional investors' home jurisdictions.[114] The commenter contended that this is necessary because some global firm distribute their debt research reports to non-U.S. institutional investors who may not have been vetted as QIBs for a variety of reasons.

The same commenter asked FINRA to clarify the application of the institutional debt research framework to desk analysts or other personnel who are part of the trading desk and are not ''research department'' personnel. In particular, the commenter suggested that proposed Rules 2242(b)(2)(H) (with respect to pressuring) and (b)(2)(L) should not apply when sales and

[105] *See* proposed FINRA Rule 2242.08 (Obligations of Persons Associated with a Member).

[106] SIFMA and WilmerHale Debt.

[107] WilmerHale Debt.

[108] *See* proposed FINRA Rule 2242(h) and (i).

[109] CFA Institute.

[110] *See* proposed FINRA Rule 2242(j).

[111] PIABA Debt.

[112] SIFMA.

[113] CFA Institute.

[114] WilmerHale Debt.

trading personnel or principal trading personnel publish debt research reports in reliance on the institutional research exemption because the requirements of those provisions cannot be reconciled with the inherent nature of conflicts present. [115] Those provisions would require firms to have policies and procedures to: (i) Establish information barrier or other institutional safeguards reasonably designed to insulate debt research analysts from pressure by, among others, principal trading or sales and trading personnel; and (ii) restrict or limit activities by debt research analyst that can reasonably be expected to compromise their objectivity.

K. General Exemptive Authority

The proposed rule change would provide FINRA, pursuant to the FINRA Rule 9600 Series, with authority to conditionally or unconditionally grant, in exceptional and unusual circumstances, an exemption from any requirement of the proposed rule for good cause shown, after taking into account all relevant factors and provided that such exemption is consistent with the purposes of the rule, the protection of investors, and the public interest.[116] No specific comments were received on this provision.

L. Other General Comments

One commenter asked FINRA to consider amending FINRA Rule 2210 to exclude debt research reports from that rule's filing requirements, since there is an exception from the filing requirements for equity research reports that concern only equity securities that trade on an exchange.[117]

Also, one commenter requested that the implementation date be at least 12 months after SEC approval of the proposed rule change and that FINRA sequence the compliance dates of the equity research filing and the proposed rule change in that order.[118] Another commenter requested that FINRA provide a ''grace period'' of one year or the maximum time permissible, if that is less than one year, between the adoption of the proposed rule and the implementation date.[119]

III. Proceedings to Determine Whether to Approve or Disapprove SR–FINRA–2014–048

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Act to determine whether the proposals should be approved or disapproved.[120] Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposal. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to comment on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Act,[121] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposed rule change's consistency with Section 15A(b)(9) of the Act,[122] which requires that FINRA's rules be designed to, among other things, promote just and equitable principles of trade, 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.

IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the concerns identified above, as well as any others they may have with the proposed rule change. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change is inconsistent with Section 15A(b)(9) or any other provision of the Act, or the rules and regulation thereunder. Although there do not appear to be any issues relevant to approval or disapproval which would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[123]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule changes should be approved or disapproved by March 19, 2015. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by April 2, 2015.

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–FINRA–2014–048 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2014–048. 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 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. 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–FINRA–2014–048 and should be submitted on or before March 19, 2015.

[115] WilmerHale Debt.

[116] *See* proposed FINRA Rule 2242(k).

[117] WilmerHale Debt.

[118] SIFMA.

[119] WilmerHale Debt.

[120] 15 U.S.C. 78s(b)(2). Section 19(b)(2)(B) of the Act provides that proceedings to determine whether to disapprove a proposed rule change must be concluded within 180 days of the date of publication of notice of the filing of the proposed rule change. The time for conclusion of the proceedings may be extended for up to an additional 60 days if the Commission finds good cause for such extension and publishes its reasons for so finding or if the self-regulatory organization consents to the extension.

[121] 15 U.S.C. 78s(b)(2).

[122] 15 U.S.C. 78o–3(b)(6).

[123] Section 19(b)(2) of the Act, as amended by the Securities Act Amendments of 1975, Pub. L. 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Act Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[124]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–03963 Filed 2–25–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74335; File No. SR–ISE–2015–07]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Limit Up-Limit Down Obvious Error Pilot

February 20, 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 February 19, 2015, the International Securities Exchange, LLC (the ''Exchange'' or the ''ISE'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The ISE proposes to extend a pilot program under Rule 703A(d) that suspends Rule 720 regarding obvious errors during Limit and Straddle States in securities that underlie options traded on the Exchange. The text of the proposed rule change is available on the Exchange's Web site (*http://www.ise.com*), at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of 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

On April 5, 2013,[3] the Commission approved a proposed rule change designed to address certain issues related to the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS under the Act (the ''Limit Up-Limit Down Plan'' or the ''Plan'').[4] The rules adopted in that filing established a one year pilot program to exclude transactions executed during a Limit State[5] or Straddle State[6] from the obvious error provisions of Rule 720. On April 4, 2014 the Exchange filed to extend this pilot program to its current end date of February 20, 2015.[7] The purpose of this filing is to extend the effectiveness of the pilot program to coincide with the proposed extension of the Limit Up-Limit Down Plan to October 23, 2015.[8]

The Exchange believes the benefits to market participants from this provision should continue on a pilot basis. The Exchange continues to believe that adding certainty to the execution of orders in Limit or Straddle States will encourage market participants to continue to provide liquidity to the Exchange, and, thus, promote a fair and orderly market during these periods. Barring this provision, the obvious error provisions of Rule 720 would likely apply in many instances during Limit and Straddle States. The Exchange believes that continuing the pilot will protect against any unanticipated consequences in the options markets during a Limit or Straddle State. Thus, the Exchange believes that the protections of current rule should continue while the industry gains further experience operating the Plan.

In connection with this proposed extension, each month the Exchange shall provide to the Commission, and the public, a dataset containing the data for each Straddle and Limit State in optionable stocks that had at least one trade on the Exchange. For each trade on the Exchange, the Exchange will provide (a) the stock symbol, option symbol, time at the start of the Straddle or Limit State, an indicator for whether it is a Straddle or Limit State, and (b) for the trades on the Exchange, the executed volume, time-weighted quoted bid-ask spread, time-weighted average quoted depth at the bid, time-weighted average quoted depth at the offer, high execution price, low execution price, number of trades for which a request for review for error was received during Straddle and Limit States, an indicator variable for whether those options outlined above have a price change exceeding 30% during the underlying stock's Limit or Straddle State compared to the last available option price as reported by OPRA before the start of the Limit or Straddle State (1 if observe 30% and 0 otherwise), and another indicator variable for whether the option price within five minutes of the underlying stock leaving the Limit or Straddle State (or halt if applicable) is 30% away from the price before the start of the Limit or Straddle State.

In addition, the Exchange will provide to the Commission, and the public, no later than May 29, 2015, assessments relating to the impact of the operation of the obvious error rules during Limit and Straddle States including: (1) An evaluation of the statistical and economic impact of Limit and Straddle States on liquidity and market quality in the options markets, and (2) an assessment of whether the lack of obvious error rules in effect during the Straddle and Limit States are problematic.

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[9] In particular, the proposal is consistent

[124] 17 CFR 200.30–3(a)(57).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 69329 (April 5, 2013), 78 FR 21657 (April 11, 2014) (SR–ISE–2013–22) (Approval Order); 69110 (March 11, 2013) 78 FR 16726 (March 18, 2013) (SR–ISE–2013–22) (Notice of Filing).

[4] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (the ''Limit Up-Limit Down Release'').

[5] The term ''Limit State'' means the condition when the national best bid or national best offer for an underlying security equals an applicable price band, as determined by the primary listing exchange for the underlying security. *See* Rule 703A.

[6] The term ''Straddle State'' means the condition when the national best bid or national best offer for an underlying security is non-executable, as determined by the primary listing exchange for the underlying security, but the security is not in a Limit State. *See* Rule 703A.

[7] *See* Securities Exchange Act Release No. 71884 (April 7, 2014), 79 FR 20269 (April 11, 2014) (SR–ISE–2014–22).

[8] *See* Exchange Act Release No. 74110 (January 21, 2015), 80 FR 4321 (January 27, 2015) (Eighth Amendment to the Limit-Up Limit-Down Plan).

[9] 15 U.S.C. 78f(b).

with Section 6(b)(5) of the Act,[10] because it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[11] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange further believes that it is necessary and appropriate in the interest of promoting fair and orderly markets to exclude transactions executed during a Limit or Straddle State from certain aspects of Rule 720. The Exchange believes the application of the current rule will be impracticable given the lack of a reliable national best bid or offer in the options market during Limit and Straddle States, and that the resulting actions (*i.e.,* nullified trades or adjusted prices) may not be appropriate given market conditions. Extension of this pilot would ensure that limit orders that are filled during a Limit or Straddle State would have certainty of execution in a manner that promotes just and equitable principles of trade, removes impediments to, and perfects the mechanism of a free and open market and a national market system. Thus, the Exchange believes that the protections of the pilot should continue while the industry gains further experience operating the Plan.

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. Specifically, the Exchange believes that, by extending the expiration of the pilot, the proposed rule change will allow for further analysis of the pilot and a determination of how the pilot shall be structured in the future. In doing so, the proposed rule change will also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

[10] 15 U.S.C. 78f(b)(5).

[11] *Id.*

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

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[12] and Rule 19b–4(f)(6)(iii) thereunder.[13]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the obvious error pilot program to continue uninterrupted while the industry gains further experience operating under the Plan, and avoid any investor confusion that could result from a temporary interruption in the pilot program. For this reason, the Commission designates the proposed rule change to be operative upon filing.[14]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is 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.

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6)(iii). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[14] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–2015–07 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2015–07. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal 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–2015–07, and should be submitted on or before March 19, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–03958 Filed 2–25–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74341; File No. SR–ICC–2014–24]

Self-Regulatory Organizations; ICE Clear Credit, LLC; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change To Revise the ICC Risk Management Framework

February 20, 2015.

On December 22, 2014, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to make revisions to the ICC Risk Management Framework (SR–ICC–2014–24). The proposed rule change was published for comment in the **Federal Register** on January 9, 2015.[3] To date, the Commission has not received comments on the proposal.

Section 19(b)(2) of the Act [4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day from the publication of notice of filing of this proposed rule change is February 23, 2015. The Commission is extending this 45-day time period.

ICC's proposed rule change would revise the ICC Risk Management Framework to, among other things, incorporate risk model changes related to Recovery Rate Sensitivity Requirements, anti-procyclicality, and ICC's Guaranty Fund allocation methodology. In order to provide the Commission with sufficient time to consider the proposed rule change, the Commission finds it is appropriate to designate a longer period within which to take action on the proposed rule change.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates April 9, 2015, as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–ICC–2014–24).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–03964 Filed 2–25–15; 8:45 am]

BILLING CODE 8011–01–P

[15] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–73980 (Jan. 5, 2015), 80 FR 1466 (Jan. 9, 2015) (SR–ICC–2014–24).

[4] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2).

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74336; File No. SR–NASDAQ–2015–016]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Chapter V, Regulation of Trading on NOM, To Extend the Pilot Program Under Section 3(d)(iv)

February 20, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on February 19, 2015, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend Chapter V, Regulation of Trading on NOM, to extend the pilot program under Section 3(d)(iv), which provides for how the Exchange treats obvious and catastrophic options errors in response to the Plan to Address Extraordinary Market Volatility Pursuant to Rule 608 of Regulation NMS under the Act (the ''Limit Up-Limit Down Plan'' or the ''Plan'').[3] The Exchange proposes to extend the pilot period until October 23, 2015.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In April 2013, the Commission approved a proposal, on a one year pilot basis, to adopt Chapter V, Section 3(d)(iv) to provide for how the Exchange will treat obvious and catastrophic options errors in response to the Plan, which is applicable to all NMS stocks, as defined in Regulation NMS Rule 600(b)(47).[4] The Plan is designed to prevent trades in individual NMS stocks from occurring outside of specified Price Bands.[5] The requirements of the Plan are coupled with Trading Pauses to accommodate more fundamental price moves (as opposed to erroneous trades or momentary gaps in liquidity).

The Exchange extended the operation of Chapter V, Section 3(d)(iv), which provides that trades are not subject to an obvious error or catastrophic error review pursuant to Chapter V, Sections 6(b) or 6(f) during a Limit State or

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 69341 (April 8, 2013), 78 FR 21996 (April 12, 2013) (SR–NASDAQ–2013–048).

[4] The Plan was extended until February 20, 2015. The Plan was initially approved for a one-year pilot period, which began on April 8, 2013. Securities Exchange Act Release No. 71649 (March 5, 2014), 79 FR 13696 (March 11, 2014).

[5] Unless otherwise specified, capitalized terms used in this rule filing are based on the defined terms of the Plan.

Straddle State in 2014.[6] The Exchange now proposes to extend the pilot program for an additional pilot period ending October 23, 2015. The Exchange believes conducting an obvious error or catastrophic error review is impracticable given the lack of a reliable National Best Bid/Offer (''NBBO'') in the options market during Limit States and Straddle States, and that the resulting actions (*i.e.,* nullified trades or adjusted prices) may not be appropriate given market conditions. Under the pilot, limit orders that are filled during a Limit State or Straddle State have certainty of execution in a manner that promotes just and equitable principles of trade, and removes impediments to, and perfects the mechanism of a free and open market and a national market system. Moreover, given that options prices during brief Limit States or Straddle States may deviate substantially from those available shortly following the Limit State or Straddle State, the Exchange believes giving market participants time to re-evaluate a transaction would create an unreasonable adverse selection opportunity that would discourage participants from providing liquidity during Limit States or Straddle States. On balance, the Exchange believes that removing the potential inequity of nullifying or adjusting executions occurring during Limit States or Straddle States outweighs any potential benefits from applying those provisions during such unusual market conditions.

The Exchange believes the benefits to market participants from the pilot program should continue on a pilot basis to coincide with the operation of the Limit Up-Limit Down Plan. The Exchange believes that continuing the pilot will protect against any unanticipated consequences and permit the industry to gain further experience operating the Plan.

The Exchange will conduct an analysis concerning the elimination of obvious and catastrophic error provisions during Limit States and Straddle States and agrees to provide the Commission with relevant data to assess the impact of this proposed rule change. As part of its analysis, the Exchange will: (1) Evaluate the options market quality during Limit States and Straddle States; (2) assess the character of incoming order flow and transactions during Limit States and Straddle States; and (3) review any complaints from members and their customers concerning executions during Limit States and Straddle States. Additionally, the Exchange agrees to provide to the Commission data requested to evaluate the impact of the elimination of the obvious and catastrophic error provisions, including data relevant to assessing the various analyses noted above. By May 29, 2015, the Exchange shall provide to the Commission and the public assessments relating to the impact of the operation of the obvious error rules during Limit and Straddle States as follows:[7]

1. Evaluate the statistical and economic impact of Limit and Straddle States on liquidity and market quality in the options markets.

2. Assess whether the lack of obvious error rules in effect during the Straddle and Limit States are problematic.

Each month the Exchange shall provide to the Commission and the public a dataset containing the data for each Straddle and Limit State in optionable stocks that had at least one trade on the Exchange during a Straddle or Limit State. For each of those options affected, each data record should contain the following information:

- Stock symbol, option symbol, time at the start of the Straddle or Limit State, an indicator for whether it is a Straddle or Limit State,
- For activity on the Exchange:
- Executed volume, time-weighted quoted bid-ask spread, time-weighted average quoted depth at the bid, time-weighted average quoted depth at the offer,
- high execution price, low execution price,
- number of trades for which a request for review for error was received during Straddle and Limit States,
- an indicator variable for whether those options outlined above have a price change exceeding 30% during the underlying stock's Limit or Straddle State compared to the last available option price as reported by OPRA before the start of the Limit or Straddle State (1 if observe 30% and 0 otherwise). Another indicator variable for whether the option price within five minutes of the underlying stock leaving the Limit or Straddle State (or halt if applicable) is 30% away from the price before the start of the Limit or Straddle State.[8]

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the provisions of Section 6 of the Act,[9] in general, and with Section 6(b)(5) of the Act,[10] in particular, which requires that the rules of an exchange be designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest, because it should continue to provide certainty about how errors involving options orders and trades will be handled during periods of extraordinary volatility in the underlying security. The Exchange believes that it continues to be necessary and appropriate in the interest of promoting fair and orderly markets to exclude transactions executed during a Limit State or Straddle State from certain aspects of Chapter V, Section 6.

Although the Limit Up-Limit Down Plan is operational, the Exchange believes that maintaining the pilot will help the industry gain further experience operating the Plan as well as the pilot provisions.

Based on the foregoing, the Exchange believes the benefits to market participants should continue on a pilot basis to coincide with the operation of the Limit Up-Limit Down Plan.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. Specifically, the proposal does not impose an intra-market burden on competition, because it will apply to all members. Nor will the proposal impose a burden on competition among the options exchanges, because, in addition to the vigorous competition for order flow among the options exchanges, the proposal addresses a regulatory situation common to all options exchanges. To the extent that market participants disagree with the particular approach taken by the Exchange herein, market participants can easily and readily direct order flow to competing venues. The Exchange believes this proposal will not impose a burden on competition and will help provide certainty during periods of extraordinary volatility in an NMS stock.

[6] Securities Exchange Act Release No. 71902 (April 8, 2014), 79 FR 20946 (April 14, 2014) (SR–NASDAQ–2014–033).

[7] The Exchange submitted a pilot report on September 30, 2014.

[8] The Exchange agreed to provide similar data in the original proposal. *See* Securities Exchange Act Release No. 69341 (April 8, 2013), 78 FR 21996 (April 12, 2013) (SR–NASDAQ–2013–048) at notes 4 and 11. However, that data included two additional filters pertaining to the top 10 options and an in-the-money amount, which no longer apply. The Exchange provided historical data in the new form pursuant to this proposed rule change, going back to the beginning of the original pilot period.

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [11] and Rule 19b–4(f)(6)(iii) thereunder.[12]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the obvious error pilot program to continue uninterrupted while the industry gains further experience operating under the Plan, and avoid any investor confusion that could result from a temporary interruption in the pilot program. For this reason, the Commission designates the proposed rule change to be operative upon filing.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6)(iii). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[13] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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–NASDAQ–2015–016 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–NASDAQ–2015–016. 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–NASDAQ–2015–016, and should be submitted on or before March 19, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–03959 Filed 2–25–15; 8:45 am]

BILLING CODE 8011–01–P

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74343; File No. SR–BX–2015–011]

Self-Regulatory Organizations; NASDAQ OMX BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Fee Schedule Under Exchange Rule 7018(a) With Respect to Transactions in Securities Priced at $1 or More per Share

February 20, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 9, 2015, NASDAQ OMX BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the fee schedule under Exchange Rule 7018(a) with respect to transactions in securities priced at $1 or more per share.

The text of the proposed rule change is also available on the Exchange's Web site at *http://nasdaqomxbx.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 is proposing to amend BX Rule 7018(a) to provide an additional means by which a member firm may qualify for Tier 1 of the Qualified Market Maker (''QMM'') program. The QMM program provides incentives to Exchange members to improve the market by quoting at certain levels for a minimum time. A QMM is a member firm that makes a significant contribution to market quality by providing liquidity at the national best bid and offer (''NBBO'') in a large number of stocks for a significant portion of the day. The designation reflects the QMM's commitment to provide meaningful and consistent support to market quality and price discovery by extensive quoting at the NBBO in a large number of securities. In return, qualifying members receive a reduced charge for displayed liquidity provided. There are two QMM tiers under Rule 7018(a), which provide different levels of reduced charges for providing displayed liquidity based on the contribution the QMM makes to market quality.[3]

Currently, to qualify for Tier 1 of the QMM program, a member firm must have (i) shares of liquidity provided and (ii) total shares of liquidity accessed and provided in all securities through one or more of its NASDAQ OMX BX Equities System MPIDs that represent more than 0.40% and 0.50%, respectively, of Consolidated Volume.[4] For a member qualifying under this method, the member must have at least one Qualified MPID that is an MPID through which, for at least 150 securities, the QMM quotes at the NBBO an average of at least 25% of the time during regular market hours (9:30 a.m. through 4:00 p.m.) during the month. Alternatively, a member firm may qualify for Tier 1 if it has (i) shares of liquidity provided and (ii) total shares of liquidity accessed and provided in all securities through one or more of its NASDAQ OMX BX Equities System MPIDs that represent more than 0.30% and 0.45%, respectively, of Consolidated Volume during the month. For a member qualifying under this method, the member must have at least one Qualified MPID that is an MPID through which, for at least 400 securities, the Qualified Market Maker quotes at the NBBO an average of at least 25% of the time during regular market hours (9:30 a.m. through 4:00 p.m.) during the month. To qualify under Tier 2 of the QMM program, a member firm must have at least one Qualified MPID, that is, an MPID through which, for at least 300 securities, the QMM quotes at the NBBO an average of at least 75% of the time during the regular market hours (9:30 a.m. through 4:00 p.m.) during the month. BX is proposing to add a new alternative means to qualifying for Tier 1 of the QMM program.

Under the new Tier 1 qualification standard, a member firm must have (i) shares of liquidity provided and (ii) total shares of liquidity accessed and provided in all securities through one or more of its NASDAQ OMX BX Equities System MPIDs that represent more than 0.20% and 0.30%, respectively, of Consolidated Volume during the month. For a member qualifying under this method, the member must have at least one Qualified MPID, that is, an MPID through which, for at least 200 securities, the QMM quotes at the NBBO an average of at least 50% of the time during regular market hours (9:30 a.m. through 4:00 p.m.) during the month. The member must also provide an average daily volume of 1.5 million shares or more using orders with midpoint pegging during the month. The Exchange notes that the percentages of total shares of liquidity accessed and provided in all securities through its MPIDs is lower than both of the other two Tier 1 standards, and is higher than the related Tier 2 standard, which has no such requirement. In addition, the number of securities that the QMM must quote at the NBBO is lower than one of the Tier 1 standards and the Tier 2 standard, although it is higher than the other Tier 1 standard. Lastly, the amount of time that a member firm must quote at the NBBO in those securities is higher in the proposed new Tier 1 standard, but lower than Tier 2 standard. Unlike all of the current Tier 1 and Tier 2 standards, the new proposed Tier 1 standard requires a member firm to also provide an average daily volume of 1.5 million shares or more using orders with midpoint pegging during the month. The Exchange notes that although displayed orders are generally preferred to non-displayed orders because they assist in price discovery, the use of midpoint orders should also be encouraged through pricing incentives because they provide price improvement. Accordingly, adding an additional requirement that provides an incentive to provide midpoint pegging orders is consistent with the QMM program's goal of improving the market on BX.[5]

The Exchange is implementing the proposed change on February 9, 2015. The calculations of the rule, however, are based on a full month's trading. As such, for the abbreviated first month that the new rule is effective, the Exchange is basing the calculations of the criteria of the new standard on the trading that occurs during the effective date through the end of the month. Otherwise, all member firms would be penalized by the shorter timeframe in which to meet the standard.

2. Statutory Basis

BX believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[6] in general, and with Sections 6(b)(4) and 6(b)(5) of the Act,[7] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls, and is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

[3] Tier 1 has more stringent qualification requirements than Tier 2. Consequently, QMMs qualifying for Tier 1 are assessed a charge of $0.0014 per share executed whereas those qualifying for Tier 2 are assessed a charge of $0.0017 per share executed for providing displayed liquidity.

[4] Consolidated Volume is defined as the total consolidated volume reported to all consolidated transaction reporting plans by all exchanges and trade reporting facilities during a month in equity securities, excluding executed orders with a size of less than one round lot. For purposes of calculating Consolidated Volume and the extent of a member's trading activity, expressed as a percentage of or ratio to Consolidated Volume, the date of the annual reconstitution of the Russell Investments Indexes shall be excluded from both total Consolidated Volume and the member's trading activity. *See* Rule 7018(a).

[5] The Exchange notes that it provides reduced fees for providing midpoint liquidity through Midpoint Peg orders. *See* Rule 7018(a).

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(4) and (5).

The Exchange believes that the proposed change is reasonable because it provides a further incentive to BX member firms to enhance the quality of the market by providing meaningful improvement, to the benefit of all market participants. The Exchange also believes that the proposed criteria of the new qualification standard are both reasonable and an equitable allocation because they are comparable to the other two means of qualifying for Tier 1. Although some requirements are lower than those of the current standards, the Exchange has added an additional mid-point pegging requirement, which the Exchange believes makes the new standard as stringent as the existing standards, and more so than the Tier 2 standard. As a consequence, all member firms that qualify under the new standard will receive the benefits of the Tier and those that do qualify under the new standard have provided comparable market improvement as other member firms that qualify under the other standards of Tier 1. The Exchange also believes that it is reasonable and an equitable allocation of the fee to consider only Consolidated Volume that accrued during the time that the new Tier 1 standard is effective for the month of February 2015. As noted, the Exchange is implementing the new standard on February 9, 2015. Various criteria under the new standard compare the trading that the member firm does during the month against monthly totals of Consolidated Volume for the full month. Solely for the purpose of calculating eligibility for the abbreviated month of February 2015, the Exchange is only considering the member's activity and Consolidated Volume for the time that the rule is effective on February 9th through the end of the month. The exchange believes that by doing so, all member firms will have the opportunity to qualify under the new standard without penalty for the abbreviated time to reach the levels of trading required by the rule.

Lastly, the Exchange believes that the proposed change further perfects the mechanism of a free and open market by increasing the means by which a member firm may qualify for this beneficial, market improving program. The new standard is based on an alternative mix of market-improving order activity. Accordingly, to the extent that the new standard increases the number of member firms that qualify under the tier, market quality will increase.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule changes will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.[8] BX notes that it operates in a highly competitive market in which market participants can readily favor over 40 different competing exchanges and alternative trading systems if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, BX must continually adjust its fees to remain competitive with other exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, BX believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

In this instance, the addition of the new Tier 1 QMM standard provides an additional means for member firms to improve the market to gain the benefit of the reduced charge for adding displayed liquidity. Member firms are not compelled to participate in the program if they deem the requirements too burdensome to justify the reduced charge. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of member firms or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing change has become effective pursuant to Section 19(b)(3)(A) of the Act[9] and paragraph (f) of Rule 19b–4[10] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

[8] 15 U.S.C. 78f(b)(8).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f).

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–BX–2015–011 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2015–011. This file number should be included on the subject line if email is used.

To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of 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–BX–2015–011, and should be submitted on or before March 19, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–03966 Filed 2–25–15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74338; File No. SR–NYSEArca–2014–143]

Self-Regulatory Organizations; NYSE Arca, Inc.; Order Granting Approval of Proposed Rule Change Relating to the Listing and Trading of Shares of the SPDR® DoubleLine Total Return Tactical ETF Under NYSE Arca Equities Rule 8.600

February 20, 2015.

I. Introduction

On December 30, 2014, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares (''Shares'') of the SPDR® DoubleLine Total Return Tactical ETF (''Fund'') under NYSE Arca Equities Rule 8.600. The proposed rule change was published for comment in the **Federal Register** on January 6, 2015.[3] The Commission received no comments on the proposal. This order grants approval of the proposed rule change.

II. Description of the Proposal

A. In General

NYSE Arca proposes to list and trade Shares of the Fund under NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares on the Exchange. The Shares will be offered by SSgA Active ETF Trust (''Trust''), which is organized as a Massachusetts business trust and is registered with the Commission as an open-end management investment company.[4] SSgA Funds Management, Inc. will serve as the investment adviser to the Fund (''Adviser''), and DoubleLine Capital L.P. will be the Fund's sub-adviser (''Sub-Adviser'').[5] State Street Global Markets, LLC will serve as the principal underwriter and distributor of the Fund's Shares. State Street Bank and Trust Company will serve as the administrator, custodian, and transfer agent for the Fund.

B. The Exchange's Description of the Fund

The Exchange has made the following representations and statements in describing the Fund and its investment strategy, including the Fund's portfolio holdings and investment restrictions.[6]

1. Principal Investments of the Fund

The investment objective of the Fund will be to maximize total return. Under normal circumstances,[7] the Fund will invest all of its assets in the SSgA DoubleLine Total Return Tactical Portfolio (''Portfolio''), a separate series of the SSgA Master Trust with an identical investment objective as the Fund. As a result, the Fund will invest indirectly in all of the securities and assets owned by the Portfolio.[8]

Under normal circumstances, the Portfolio will invest at least 80% of its net assets in a diversified portfolio of fixed income securities of any credit quality. Fixed income securities in which the Portfolio principally will invest include the following: Securities issued or guaranteed by the U.S. government or its agencies, instrumentalities or sponsored corporations; inflation protected public obligations of the U.S. Treasury (commonly known as ''TIPS''); agency and non-agency residential mortgage-backed securities (''RMBS''); agency and non-agency commercial mortgage-backed securities (''CMBS''); agency and non-agency asset-backed securities (''ABS'');[9] domestic corporate bonds; fixed income securities issued by foreign corporations and foreign governments including emerging markets; bank loans (primarily senior loans, including loan participations or assignments whose loan syndication exceeds $300 million); municipal bonds; and other securities (such as perpetual bonds) bearing fixed interest rates of any maturity.

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 73958 (Dec. 30, 2014), 80 FR 572 (''Notice'').

[4] The Trust is registered under the Investment Company Act of 1940 (''1940 Act''). The Exchange represents that, on May 30, 2014, the Trust filed an amendment to its registration statement on Form N–1A under the Securities Act of 1933 (''Securities Act'') and under the 1940 Act relating to the Fund (File Nos. 333–173276 and 811–22542) (''Registration Statement''). In addition, the Exchange represents that the Trust has obtained from the Commission certain exemptive relief under the 1940 Act. *See* Investment Company Act Release No. 29524 (Dec. 13, 2010) (File No. 812–13487).

[5] The Exchange represents that the Adviser and Sub-Adviser are not registered as broker-dealers. The Exchange further represents that, while the Sub-Adviser is not affiliated with a broker-dealer, the Adviser is affiliated with a broker-dealer and that the Adviser has implemented a ''fire wall'' with respect to its broker-dealer affiliate regarding access to information concerning the composition of or changes to the Fund's portfolio. In addition, in the event (a) the Adviser or Sub-Adviser becomes registered as a broker-dealer or newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, the Adviser or Sub-Adviser or any new adviser or sub-adviser, as the case may be, will implement a fire wall with respect to its relevant personnel or broker-dealer affiliate, as applicable, regarding access to information concerning the composition of or changes to the portfolio and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the portfolio.

[6] The Commission notes that additional information regarding the Fund, the Trust, and the Shares, including investment strategies, risks, creation and redemption procedures, fees, portfolio holdings disclosure policies, calculation of net asset value (''NAV''), distributions, and taxes, among other things, can be found in the Notice and the Registration Statement, as applicable. *See* Notice and Registration Statement, *supra* notes 3 and 4, respectively.

[7] With respect to the Fund, the term ''under normal circumstances'' includes, but is not limited to, the absence of extreme volatility or trading halts in the fixed income markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption, or any similar intervening circumstance.

[8] According to the Exchange, the Fund is intended to be managed in a ''master-feeder'' structure, under which the Fund invests substantially all of its assets in a corresponding Portfolio (*i.e.,* a ''master fund''), which is a separate mutual fund registered under the 1940 Act that has an identical investment objective. As a result, the Fund (*i.e.,* a ''feeder fund'') has an indirect interest in all of the securities and assets owned by the Portfolio. Because of this indirect interest, the Fund's investment returns should be the same as those of the Portfolio, adjusted for the expenses of the Fund. In extraordinary instances, the Fund reserves the right to make direct investments in securities and other assets. The Adviser and Sub-Adviser will manage the investments of the Portfolio. Under the master-feeder arrangement, and pursuant to the Investment Advisory Agreement between the Adviser and the Trust, investment advisory fees charged at the Portfolio level are deducted from the advisory fees charged at the Fund level. This arrangement avoids a ''layering'' of fees, *i.e.,* the Fund's total annual operating expenses would be no higher as a result of investing in a master-feeder arrangement than they would be if the Fund pursued its investment objective directly. In addition, the Fund may discontinue investing through the master-feeder arrangement and pursue its investment objective directly if the Fund's Board of Trustees (''Board'') determines that doing so would be in the best interests of shareholders.

[9] According to the Exchange, the term asset-backed securities is used by the Fund to describe securities backed by installment contracts, credit-card receivables, or other assets, but does not include either residential or commercial mortgage-backed securities. Both asset-backed and commercial mortgage-backed securities represent interests in ''pools'' of assets in which payments of both interest and principal on the securities are made on a regular basis. Asset-backed securities also include institutionally traded senior floating rate debt obligations issued by asset-backed pools and other issues, and interests therein.

According to the Exchange, the Portfolio intends to invest at least 20% of its net assets in mortgage-backed securities of any maturity or type guaranteed by, or secured by collateral that is guaranteed by, the U.S. government, its agencies, instrumentalities or sponsored corporations, or in privately issued mortgage-backed securities rated at the time of investment Aa3 or higher by Moody's Investor Service, Inc. (''Moody's'') or AA- or higher by Standard & Poor's Rating Service (''S&P'') or the equivalent by any other nationally recognized statistical rating organization (''NRSRO'') or in unrated securities that are determined by the Adviser to be of comparable quality.[10]

The Portfolio may invest in corporate bonds,[11] which may be investment grade or below investment grade. The Portfolio may also invest in sovereign debt,[12] which may be either investment grade or below investment grade. The Portfolio may invest up to 25% of its net assets in corporate high yield securities (commonly known as ''junk bonds''). Under normal circumstances, the combined total of corporate, sovereign, non-agency, and all other debt rated below investment grade will not exceed 40% of the Fund's net assets. The Exchange represents that the Sub-Adviser will strive to allocate below investment grade securities broadly by industry and issuer in an attempt to reduce the impact of negative events on an industry or issuer. Below investment grade securities are instruments that are rated BB+ or lower by S&P or Fitch Inc. or Ba1 or lower by Moody's or, if unrated by a NRSRO, of comparable quality in the opinion of the Sub-Adviser.

The Portfolio may invest up to 15% of its net assets in securities denominated in foreign currencies, and may invest beyond this limit in U.S. dollar-denominated securities of foreign issuers. The Portfolio may invest up to 25% of its net assets in securities and instruments that are economically tied to emerging market countries.

The Portfolio may invest in U.S. government obligations.[13] The Portfolio may also invest in TIPS of the U.S. Treasury, as well as TIPS of major governments and emerging market countries, excluding the United States.[14]

The Portfolio may invest a substantial portion of its assets in U.S. agency mortgage pass-through securities.[15] The Portfolio will seek to obtain exposure to U.S. agency mortgage pass-through securities primarily through the use of ''to-be-announced'' or ''TBA transactions.''[16]

The Portfolio may invest in bank loans,[17] which include floating rate loans. Bank loan interests may be acquired from U.S. or foreign commercial banks, insurance companies, finance companies, or other financial institutions that have made loans or are members of a lending syndicate or from other holders of loan interests. The Portfolio may also invest in both secured and unsecured loans.

The Portfolio may invest in collateralized loan obligations (''CLOs'').[18] When investing in CLOs, the Portfolio will not invest in equity tranches, which are the lowest tranche. However, the Portfolio may invest in lower debt tranches of CLOs, which typically experience a lower recovery, greater risk of loss, or greater deferral or non-payment of interest than more senior debt tranches of the CLO. In addition, the Portfolio intends to invest in CLOs consisting primarily of individual bank loans of borrowers and not repackaged CLO obligations from other high risk pools. The underlying bank loans purchased by CLOs are generally performing at the time of purchase but may become non-performing, distressed, or defaulted. CLOs with underlying assets of non-performing, distressed, or defaulted loans are not contemplated to comprise a significant portion of the Portfolio's investments in CLOs.

The Sub-Adviser will actively manage the Portfolio's asset class exposure using a top-down approach based on analysis of sector fundamentals. The Sub-Adviser will rotate Portfolio assets among sectors in various markets to attempt to maximize return. Individual securities within asset classes will be selected using a bottom up approach. Under normal circumstances, the Sub-Adviser will use a controlled risk approach in managing the Portfolio's investments. The techniques of this approach attempt to control the principal risk components of the fixed income markets and include consideration of security selection within a given sector; relative performance of the various market sectors; the shape of the yield curve; and fluctuations in the overall level of interest rates.

The Sub-Adviser also will monitor the duration of the securities held by the Portfolio to seek to mitigate exposure to interest rate risk.[19] Under normal circumstances, the Sub-Adviser will seek to maintain an investment portfolio with a weighted average effective duration of no less than 1 year and no more than 8 years. The duration of the portfolio may vary materially from its target, from time to time.

2. Non-Principal Investments

The Exchange represents that while the Adviser and Sub-Adviser, under normal circumstances, will invest at

[10] The Exchange represents that investments in non-agency RMBS, CMBS, and ABS (including CLOs, as defined herein) in the aggregate will not exceed 20% of the net assets of the Portfolio. *See infra* note 18 and accompanying text (describing CLOs).

[11] The investment return of corporate bonds reflects interest on the bond and changes in the market value of the bond. The market value of a corporate bond may be affected by the credit rating of the corporation, the corporation's performance, and perceptions of the corporation in the market place. The Exchange represents that the Adviser expects that, under normal circumstances, the Fund will generally seek to invest in corporate bond issuances that have at least $100,000,000 par amount outstanding in developed countries and at least $200,000,000 par amount outstanding in emerging market countries.

[12] Sovereign debt obligations are issued or guaranteed by foreign governments or their agencies. Sovereign debt may be in the form of conventional securities or other types of debt instruments, such as loans or loan participations.

[13] U.S. government obligations are a type of bond. U.S. government obligations include securities issued or guaranteed as to principal and interest by the U.S. government, its agencies or instrumentalities.

[14] TIPS are a type of security that are issued by a government and that are designed to provide inflation protection to investors.

[15] The term ''U.S. agency mortgage pass-through security'' refers to a category of pass-through securities backed by pools of mortgages and issued by one of several U.S. government-sponsored enterprises: Ginnie Mae, Fannie Mae, or Freddie Mac.

[16] ''TBA'' refers to a commonly used mechanism for the forward settlement of U.S. agency mortgage pass-through securities, and not to a separate type of mortgage-backed security. Most transactions in mortgage pass-through securities occur through the use of TBA transactions. TBA transactions generally are conducted in accordance with widely-accepted guidelines which establish commonly observed terms and conditions for execution, settlement and delivery. In a TBA transaction, the buyer and seller decide on general trade parameters, such as agency, settlement date, par amount, and price. The actual pools delivered generally are determined two days prior to settlement date.

[17] Bank loans typically pay interest at rates which are re-determined periodically on the basis of a floating base lending rate (such as the London Inter-Bank Offered Rate) plus a premium. Bank loans are typically of below investment grade quality. Bank loans generally (but not always) hold the most senior position in the capital structure of a borrower and are often secured with collateral.

[18] A CLO is a financing company (generally called a Special Purpose Vehicle or ''SPV''), created to reapportion the risk and return characteristics of a pool of assets. While the assets underlying CLOs are typically bank loans, the assets may also include: (i) Unsecured loans; (ii) other debt securities that are rated below investment grade; (iii) debt tranches of other CLOs; and (iv) equity securities that are incidental to investments in bank loans.

[19] Duration is a measure used to determine the sensitivity of a security's price to changes in interest rates. The longer a security's duration, the more sensitive it will be to changes in interest rates.

least 80% of the Portfolio's net assets in fixed income securities, the Adviser and Sub-Adviser may invest up to 20% of the Portfolio's net assets in other securities and financial instruments, as described below.

The Fund may (either directly or through its investments in its corresponding Portfolio) invest in money market instruments,[20] cash, and cash equivalents, on an ongoing basis to provide liquidity or for other reasons. Any of these instruments may be purchased on a current or a forward-settled basis.

The Portfolio may invest in preferred securities traded on an exchange or over-the-counter (''OTC'').[21] The Portfolio may purchase exchange-traded common stocks and exchange-traded preferred securities of foreign corporations. The Fund's investments in common stock of foreign corporations may also be in the form of American Depositary Receipts (''ADRs''), Global Depositary Receipts (''GDRs''), and European Depositary Receipts (''EDRs'') (collectively ''Depositary Receipts'').[22] The Portfolio may invest in exchange-traded or OTC convertible securities.[23]

The Portfolio may invest in exchange-traded products (''ETPs''), which include exchange-traded funds (''ETFs'') registered under the 1940 Act; exchange-traded commodity trusts; and exchange-traded notes (''ETNs'').[24]

The Portfolio may invest up to 20% of its net assets in one or more ETPs that are qualified publicly traded partnerships (''QPTPs'') and whose principal activities are the buying and selling of commodities or options, futures, or forwards with respect to commodities.[25]

The Portfolio may invest up to 20% of its assets in derivatives, including exchange-traded futures on Treasuries or Eurodollars; U.S. exchange-traded or OTC put and call options contracts and OTC or exchange-traded swap agreements (including interest rate swaps, total return swaps, excess return swaps, and credit default swaps).[26] The Portfolio will segregate cash and appropriate liquid assets if required to do so by Commission or Commodity Futures Trading Commission (''CFTC'') regulation or interpretation. The Portfolio will segregate assets necessary to meet any accrued payment obligations when it is the buyer of CDS.[27] In cases where the Portfolio is a seller of CDS, the Portfolio will be required to segregate the full notional amount of the CDS. According to the Exchange, segregating the full notional amount of the CDS will not limit the Portfolio's exposure to loss.

The Portfolio may invest in the securities of other investment companies, including affiliated funds, money market funds, and closed-end funds, subject to applicable limitations under Section 12(d)(1) of the 1940 Act.

The Portfolio may invest in variable and floating rate securities.[28] The Portfolio may also purchase floating rate securities.[29]

The Portfolio may conduct foreign currency transactions on a spot (*i.e.,* cash) or forward basis (*i.e.,* by entering into forward contracts to purchase or sell foreign currencies).

The Portfolio may invest in foreign corporate and sovereign bonds originating from issuers in emerging market countries.[30]

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[20] Money market instruments are generally short-term investments that may include but are not limited to: (i) Shares of money market funds (including those advised by the Adviser); (ii) obligations issued or guaranteed by the U.S. government, its agencies, or instrumentalities (including government-sponsored enterprises); (iii) negotiable certificates of deposit, bankers' acceptances, fixed time deposits, and other obligations of U.S. and foreign banks (including foreign branches) and similar institutions; (iv) commercial paper rated at the date of purchase ''Prime-1'' by Moody's or ''A–1'' by S&P, or, if unrated, of comparable quality as determined by the Adviser; (v) non-convertible corporate debt securities (*e.g.,* bonds and debentures) that have remaining maturities at the date of purchase of not more than 397 days and that satisfy the rating requirements set forth in Rule 2a–7 under the 1940 Act; and (vi) short-term U.S. dollar-denominated obligations of foreign banks (including U.S. branches) that, in the opinion of the Adviser, are of comparable quality to obligations of U.S. banks which may be purchased by the Portfolio.

[21] Preferred securities pay fixed or adjustable rate dividends to investors and have ''preference'' over common stock in the payment of dividends and the liquidation of a company's assets.

[22] Depositary Receipts are receipts, typically issued by a bank or trust company, which evidence ownership of underlying securities issued by a foreign corporation. For ADRs, the depository is typically a U.S. financial institution, and the underlying securities are issued by a foreign issuer. For other Depositary Receipts, the depository may be a foreign or a U.S. entity, and the underlying securities may have a foreign or a U.S. issuer. Depositary Receipts will not necessarily be denominated in the same currency as their underlying securities. Generally, ADRs, in registered form, are designed for use in the U.S. securities market, and EDRs, in bearer form, are designated for use in European securities markets. GDRs are tradable both in the United States and in Europe and are designed for use throughout the world. The Fund may invest in sponsored or unsponsored ADRs; however, not more than 10% of the net assets of the Fund will be invested in unsponsored ADRs. With the exception of unsponsored ADRs, all equity securities (*i.e.,* common stocks, Depositary Receipts, certain preferred securities, ETPs, and certain other exchange-traded investment company securities) in which the Portfolio or Fund may invest will trade on markets that are members of the Intermarket Surveillance Group (''ISG'') or that have entered into a comprehensive surveillance agreement with the Exchange.

[23] Convertible securities are bonds, debentures, notes, preferred stocks, or other securities that may be converted or exchanged (by the holder or by the issuer) into shares of the underlying common stock (or cash or securities of equivalent value) at a stated exchange ratio.

[24] For purposes of this filing, ETPs include Investment Company Units (as described in NYSE Arca Equities Rule 5.2(j)(3)); Index-Linked Securities (as described in NYSE Arca Equities Rule 5.2(j)(6)); Portfolio Depositary Receipts (as described in NYSE Arca Equities Rule 8.100); Trust Issued Receipts (as described in NYSE Arca Equities Rule 8.200); Commodity-Based Trust Shares (as described in NYSE Arca Equities Rule 8.201); Currency Trust Shares (as described in NYSE Arca Equities Rule 8.202); Commodity Index Trust Shares (as described in NYSE Arca Equities Rule 8.203); and Managed Fund Shares (as described in NYSE Arca Equities Rule 8.600). The Portfolio may invest in certain ETPs that pay fees to the Adviser and its affiliates for management, marketing, or other services. The ETPs all will be listed and traded in the U.S. on national securities exchanges. While the Fund may invest in inverse ETPs, the Fund will not invest in leveraged or inverse leveraged ETPs.

[25] Income from QPTPs is generally qualifying income. A QPTP is an entity that is treated as a partnership for federal income tax purposes, subject to certain requirements. If such an ETP fails to qualify as a QPTP, the income generated from the Portfolio's investment in the QPTP may not be qualifying income. Examples of such entities are the PowerShares DB Energy Fund, PowerShares DB Oil Fund, PowerShares DB Precious Metals Fund, PowerShares DB Gold Fund, PowerShares DB Silver Fund, PowerShares DB Base Metals Fund, and PowerShares DB Agriculture Fund, which are listed and traded on the Exchange pursuant to NYSE Arca Equities Rule 8.200.

[26] Swap agreements are contracts between parties in which one party agrees to make periodic payments to the other party based on the change in market value or level of a specified rate, index, or asset. In return, the other party agrees to make payments to the first party based on the return of a different specified rate, index, or asset. In the case of a credit default swap (''CDS''), the contract gives one party (the buyer) the right to recoup the economic value of a decline in the value of debt securities of the reference issuer if the credit event (a downgrade or default) occurs. CDS may require initial premium (discount) payments, as well as periodic payments (receipts) related to the interest leg of the swap or to the default of a reference obligation.

[27] The Exchange represents that the Portfolio will enter into CDS agreements only with counterparties that meet certain standards of creditworthiness.

[28] Variable rate securities are instruments issued or guaranteed by entities such as (1) the U.S. government, or an agency or instrumentality thereof, (2) corporations, (3) financial institutions, (4) insurance companies, or (5) trusts that have a rate of interest subject to adjustment at regular intervals but less frequently than annually. A variable rate security provides for the automatic establishment of a new interest rate on set dates. Variable rate obligations, whose interest is readjusted no less frequently than annually, will be deemed to have a maturity equal to the period remaining until the next readjustment of the interest rate.

[29] A floating rate security provides for the automatic adjustment of its interest rate whenever a specified interest rate changes. Interest rates on these securities are ordinarily tied to, and are a percentage of, a widely recognized interest rate, such as the yield on 90-day U.S. Treasury bills or the prime rate of a specified bank. These rates may change as often as twice daily.

[30] An ''emerging market country'' is a country that, at the time the Fund invests in the related fixed income instruments, is classified as an

The Portfolio may invest in municipal securities,[31] including general obligation bonds [32] and limited obligation bonds [33] (or revenue bonds), including industrial development bonds issued pursuant to former federal tax law and municipal leases, certificates of participation in such lease obligations, and installment purchase contract obligations.

The Portfolio may invest in repurchase agreements with commercial banks, brokers, or dealers to generate income from its excess cash balances and to invest securities lending cash collateral.[34] The Portfolio may also enter into reverse repurchase agreements.[35] The Portfolio's exposure to reverse repurchase agreements will be covered by securities having a value equal to or greater than such commitments. Under the 1940 Act, reverse repurchase agreements are considered borrowings. Although there is no limit on the percentage of Fund assets that can be used in connection with reverse repurchase agreements, the Portfolio does not expect to engage, under normal circumstances, in reverse repurchase agreements with respect to more than 33⅓% of its net assets.

The Portfolio may invest in ''Restricted Securities.'' [36]

According to the Exchange, in certain situations or market conditions, the Fund may (either directly or through the corresponding Portfolio) temporarily depart from its normal investment policies and strategies, provided that the alternative is consistent with the Fund's investment objective and is in the best interest of the Fund. For example, the Fund may hold a higher than normal proportion of its assets in cash in times of extreme market stress.

3. Investment Restrictions

The Exchange represents that the Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A Restricted Securities deemed illiquid by the Adviser, consistent with Commission guidance, and repurchase agreements having maturities longer than seven days.[37] The Exchange represents that the Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

According to the Exchange, the Portfolio and Fund will each be classified as a non-diversified investment company under the 1940 Act. A ''non-diversified'' classification means that the Portfolio or Fund is not limited by the 1940 Act with regard to the percentage of its assets that may be invested in the securities of a single issuer. This means that the Portfolio or Fund may invest a greater portion of its assets in the securities of a single issuer than a diversified fund. The Portfolio and Fund intend to maintain the required level of diversification and otherwise conduct their operations so as to qualify as a ''regulated investment company'' for purposes of the Internal Revenue Code of 1986. The Portfolio and Fund do not intend to concentrate their investments in any particular industry. The Portfolio and Fund look to the Global Industry Classification Standard Level 3 (Industries) in making industry determinations.

The Exchange represents that the Fund's investments will be consistent with its investment objective and will not be used to enhance leverage.

III. Discussion and Commission Findings

After careful review, the Commission finds that the Exchange's proposal to list and trade the Shares is consistent with the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange.[38] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Exchange Act,[39] which requires, among other things, that the Exchange's rules be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Commission finds that the proposal to list and trade the Shares on the Exchange is consistent with Section 11A(a)(1)(C)(iii) of the Exchange Act,[40] which sets forth the finding of Congress that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Quotation and last-sale information for the Shares will be available via the Consolidated Tape Association (''CTA'') high-speed line. In addition, the Indicative Optimized Portfolio Value (''IOPV''),[41] which is the Portfolio Indicative Value, as defined in NYSE Arca Equities Rule 8.600(c)(3), will be widely disseminated at least every 15 seconds during the Exchange's Core Trading Session by one or more major market data vendors.[42] On each business day, before commencement of

emerging or developing economy by any supranational organization, such as the International Bank of Reconstruction and Development or any affiliate thereof or the United Nations, or related entities, or is considered an emerging market country for purposes of constructing a major emerging market securities index.

[31] Municipal securities are securities issued by states, municipalities, and other political subdivisions, agencies, authorities, and instrumentalities of states and multi-state agencies or authorities.

[32] General obligation bonds are obligations involving the credit of an issuer possessing taxing power, and are payable from such issuer's general revenues and not from any particular source.

[33] Limited obligation bonds are payable only from the revenues derived from a particular facility or class of facilities or, in some cases, from the proceeds of a special excise or other specific revenue source.

[34] A repurchase agreement is an agreement under which a fund acquires a financial instrument (*e.g.,* a security issued by the U.S. government or an agency thereof, a banker's acceptance or a certificate of deposit) from a seller, subject to resale to the seller at an agreed upon price and date (normally, the next business day).

[35] Reverse repurchase agreements involve the sale of securities with an agreement to repurchase the securities at an agreed-upon price, date, and interest payment, and have the characteristics of borrowing.

[36] Restricted Securities are securities that are not registered under the Securities Act, but which can be offered and sold to ''qualified institutional buyers'' under Rule 144A under the Securities Act. *See infra* note 37 and accompanying text.

[37] According to the Exchange, the Board has delegated the responsibility for determining the liquidity of Rule 144A Restricted Securities that the Portfolio may invest in to the Adviser. In reaching liquidity decisions, the Adviser may consider the following factors: The frequency of trades and quotes for the security; the number of dealers wishing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; and the nature of the security and the nature of the marketplace in which it trades (*e.g.,* the time needed to dispose of the security, the method of soliciting offers and the mechanics of transfer).

[38] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[39] 15 U.S.C. 78f(b)(5).

[40] 15 U.S.C. 78k–1(a)(1)(C)(iii).

[41] Premiums and discounts between the IOPV and the market price may occur. This should not be viewed as a ''real-time'' update of the NAV per Share of the Fund, which will be calculated only once a day.

[42] The Exchange represents that several major market data vendors display and/or make widely available Portfolio Indicative Values taken from CTA or other data feeds.

trading in Shares in the Core Trading Session on the Exchange, the Fund will disclose on its Web site the Disclosed Portfolio, as defined in NYSE Arca Equities Rule 8.600(c)(2), that will form the basis for the Fund's calculation of NAV at the end of the business day.[43] In addition, a basket composition file, which includes the security names and quantities required to be delivered in exchange for the Fund's Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of the New York Stock Exchange (''NYSE'') via the National Securities Clearing Corporation. The NAV will be determined as of the close of the regular trading session on the NYSE (ordinarily 4:00 p.m. Eastern time) on each day that the NYSE is open.[44] Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers.

The Exchange represents that the intra-day, closing and settlement prices of common stocks and other exchange-traded equity securities (including shares of Depositary Receipts, preferred securities, convertible securities, ETPs, and QPTPs) will be readily available from the national securities exchanges trading such securities as well as automated quotation systems, published or other public sources, or on-line information services such as Bloomberg or Reuters. Intra-day and closing price information for exchange-traded options and futures will be available from the applicable exchange and from major market data vendors. In addition, price information for U.S. exchange-traded options is available from the Options Price Reporting Authority. Quotation information from brokers and dealers or pricing services will be available for fixed income securities, including U.S. government obligations; TIPS; U.S. registered, dollar-denominated bonds of foreign corporations, governments, agencies and supra-national entities; sovereign debt; corporate bonds; asset-backed and commercial mortgage-backed securities; residential mortgage backed securities (either agency or non-agency); CLOs; TBA transactions; municipal securities; inverse floaters and bank loans; and short-term instruments. Price information regarding OTC-traded derivative instruments, including, options, swaps, and spot and forward currency transactions, as well as equity securities traded in the OTC market, including Rule 144A Restricted Securities, OTC-traded preferred securities and OTC-traded convertible securities, is available from major market data vendors. Pricing information regarding each asset class in which the Fund or Portfolio will invest, including investment company securities, Rule 144A Restricted Securities, repurchase agreements, and reverse repurchase agreements will generally be available through nationally recognized data service providers through subscription arrangements. The Fund's Web site will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information.

The Commission further believes that the proposal to list and trade the Shares is reasonably designed to promote fair disclosure of information that may be necessary to price the Shares appropriately and to prevent trading when a reasonable degree of transparency cannot be assured. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached or because of market conditions or other reasons that, in the view of the Exchange, make trading in the Shares inadvisable. In addition, trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted.

The Exchange represents that it has a general policy prohibiting the distribution of material, non-public information by its employees. The Exchange represents that the Adviser and Sub-Adviser are not registered as broker-dealers and that the Sub-Adviser is not affiliated with a broker-dealer. The Exchange represents, however, that the Adviser is affiliated with a broker-

[43] On a daily basis, the Fund will disclose on the Fund's Web site the following information regarding each portfolio holding, as applicable to the type of holding: Ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding, such as the type of swap); the identity of the security, commodity, index, or other asset or instrument underlying the holding, if any; for options, the option strike price; quantity held (as measured by, for example, par value, notional value, or number of shares, contracts, or units); maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding; and the percentage weighting of the holding in the Fund's portfolio. The Web site information will be publicly available at no charge.

[44] The NAV per Share for the Fund will be computed by dividing the value of the net assets of the Portfolio (*i.e.,* the value of its total assets less total liabilities) by the total number of Shares outstanding. According to the Exchange, common stocks and other exchange-traded equity securities (including shares of preferred securities, convertible securities, ETPs, and QPTPs) generally will be valued at the last reported sale price or the official closing price on that exchange where the stock is primarily traded on the day that the valuation is made. Foreign equities and exchange-listed Depositary Receipts will be valued at the last sale or official closing price on the relevant exchange on the valuation date. If, however, neither the last sales price nor the official closing price is available, each of these securities will be valued at either the last reported sale price or official closing price as of the close of regular trading of the principal market on which the security is listed. According to the Exchange, the Trust will generally value listed futures and options at the settlement price determined by the applicable exchange. Non-exchange-traded derivatives, including OTC-traded options, swaps and forwards, will normally be valued on the basis of quotations or equivalent indication of value supplied by a third- party pricing service or major market makers or dealers. The Fund's OTC-traded derivative instruments will generally be valued at bid prices. Certain OTC-traded derivative instruments, such as interest rate swaps and credit default swaps, will be valued at the mean price. Unsponsored ADRs will be valued at the last reported sale price from the OTC Bulletin Board or OTC Link LLC on the valuation date. OTC-traded preferred securities and OTC-traded convertible securities will be valued based on price quotations obtained from a broker-dealer who makes markets in such securities or other equivalent indications of value provided by a third-party pricing service. Fixed income securities, including U.S. government obligations; TIPS; U.S.-registered, dollar-denominated bonds of foreign corporations, governments, agencies and supra-national entities; sovereign debt; corporate bonds; ABS, RMBS, and CMBS (either agency or non-agency); CLOs; TBA transactions; municipal securities; inverse floaters and bank loans; and short-term instruments will generally be valued at bid prices received from independent pricing services as of the announced closing time for trading in fixed-income instruments in the respective market or exchange. In determining the value of a fixed income investment, pricing services determine valuations for normal institutional-size trading units of such securities using valuation models or matrix pricing, which incorporates yield and/or price with respect to bonds that are considered comparable in characteristics such as rating, interest rate, and maturity date and quotations from securities dealers to determine current value. Securities of investment companies (other than ETFs registered under the 1940 Act), including affiliated funds, money market funds and closed-end funds, will be valued at NAV. Rule 144A Restricted Securities, repurchase agreements, and reverse repurchase agreements will generally be valued at bid prices received from independent pricing services as of the announced closing time for trading in such instruments. Spot currency transactions will generally be valued at mid prices received from an independent pricing service converted into U.S. dollars at current market rates on the date of valuation. Foreign currency forwards normally will be valued on the basis of quotes obtained from broker-dealers or third party pricing services. In the event that current market valuations are not readily available or such valuations do not reflect current market value, the SSgA Master Trust's procedures require the Pricing and Investment Committee to determine a security's fair value if a market price is not readily available, in accordance with the 1940 Act.

dealer and that the Adviser has implemented a ''fire wall'' with respect to its broker-dealer affiliate regarding access to information concerning the composition of or changes to the Fund's portfolio.[45] Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares. The Exchange further represents that trading in the Shares will be subject to the existing trading surveillances, administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[46]

The Exchange represents that it deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. In support of this proposal, the Exchange has also made the following representations:

(1) The Shares will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.600.

(2) The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions.

(3) Trading in the Shares will be subject to the existing trading surveillances, administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws, and these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and federal securities laws applicable to trading on the Exchange.

(4) FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares, exchange-traded options, common stocks, and other exchange-traded equity securities (including shares of preferred securities, convertible securities, ETPs, certain exchange-traded Depositary Receipts, and QPTPs), and futures, with other markets and other entities that are members of the ISG, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares and such exchange-traded instruments underlying the Shares from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and such exchange-traded instruments underlying the Shares from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[47] The Exchange states that FINRA, on behalf of the Exchange, is able to access, as needed, trade information for certain fixed income securities held by the Fund reported to FINRA's Trade Reporting and Compliance Engine and that FINRA also can access data obtained from the Municipal Securities Rulemaking Board relating to municipal bond trading activity for surveillance purposes in connection with trading in the Shares.

(5) Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit Holders in a Bulletin of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss the following: (i) The procedures for purchases and redemptions of Shares in Creation Unit aggregations (and that Shares are not individually redeemable); (ii) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its Equity Trading Permit Holders to learn the essential facts relating to every customer prior to trading the Shares; (iii) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated Portfolio Indicative Value will not be calculated or publicly disseminated; (iv) how information regarding the Portfolio Indicative Value and the Disclosed Portfolio is disseminated; (v) the requirement that Equity Trading Permit Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (vi) trading information.

(6) For initial and continued listing, the Fund will be in compliance with Rule 10A–3 under the Act,[48] as provided by NYSE Arca Equities Rule 5.3.

(7) The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A Restricted Securities deemed illiquid by the Adviser, consistent with Commission guidance, and repurchase agreements having maturities longer than seven days.[49]

(8) The Fund will generally seek to invest in corporate bond issuances that have at least $100,000,000 par amount outstanding in developed countries and at least $200,000,000 par amount outstanding in emerging market countries. The Fund will invest in bank loans that are primarily senior loans, including loan participations or assignments whose loan syndication exceeds $300 million.

(9) The Portfolio: (a) May invest up to 20% of its assets in derivatives, including exchange-traded futures on Treasuries or Eurodollars; U.S. exchange-traded or OTC put and call options contracts and OTC or exchange-traded swap agreements (including interest rate swaps, total return swaps, excess return swaps, and credit default swaps); (b) will enter into CDS agreements only with counterparties that meet certain standards of creditworthiness; (c) may invest up to 20% of its net assets in the aggregate in non-agency RMBS, CMBS, and ABS (including CLOs); (d) may invest up to 25% of its net assets in corporate high yield securities; (e) may invest up to 15% of its net assets in securities denominated in foreign currencies, and may invest beyond this limit in U.S. dollar-denominated securities of foreign issuers; (f) may invest up to 25% of its net assets in securities and instruments that are economically tied to emerging market countries; and (g) may invest up to 20% of its net assets in one or more ETPs that are QPTPs and whose principal activities are the buying and selling of commodities or options,

[45] *See supra* note 5. The Exchange states that an investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (''Advisers Act''). As a result, the Adviser and Sub-Adviser and their related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[46] The Exchange states that FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[47] For a list of the current members of ISG, *see www.isgportal.org*. The Exchange notes that not all components of the Disclosed Portfolio for the Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

[48] 17 CFR 240.10A–3.

[49] *See supra* note 37.

futures, or forwards with respect to commodities.

(10) Under normal circumstances, the combined total of corporate, sovereign, non-agency and all other debt rated below investment grade will not exceed 40% of the Fund's net assets. The Sub-Adviser will strive to allocate below investment grade securities broadly by industry and issuer in an attempt to reduce the impact of negative events on an industry or issuer.

(11) Although there is no limit on the percentage of Fund assets that can be used in connection with reverse repurchase agreements, the Portfolio does not expect to engage, under normal circumstances, in reverse repurchase agreements with respect to more than 33⅓% of its net assets.

(12) Not more than 10% of the net assets of the Fund will be invested in unsponsored ADRs. With the exception of unsponsored ADRs, all equity securities (*i.e.,* common stocks, Depositary Receipts, certain preferred securities, ETPs, and certain other exchange-traded investment company securities) in which the Portfolio or Fund may invest will trade on markets that are members of ISG or that have entered into a comprehensive surveillance agreement with the Exchange.

(13) A minimum of 100,000 Shares for the Fund will be outstanding at the commencement of trading on the Exchange.

This approval order is based on all of the Exchange's representations, including those set forth above and in the Notice, and the Exchange's description of the Fund. The Commission notes that the Fund and the Shares must comply with the requirements of NYSE Arca Equities Rule 8.600 to be initially and continuously listed and traded on the Exchange.

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act [50] and the rules and regulations thereunder applicable to a national securities exchange.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[51] that the proposed rule change (SR–NYSEArca–2014–143) be, and it hereby is, approved.

[50] 15 U.S.C. 78f(b)(5).

[51] 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[52]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–03961 Filed 2–25–15; 8:45 am]

BILLING CODE 8011–01–P

[52] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74342; File No. SR–NASDAQ–2015–014]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Postpone Implementation of Changes to Rules 4751(h) and 4754(b) Relating to the Closing Process

February 20, 2015.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 11, 2015, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to postpone implementation of changes to Rules 4751(h) and 4754(b) relating to the closing process.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NASDAQ is proposing to delay implementation of changes to Rules 4751(h) and 4754(b) relating to the closing process, which are effective but not yet implemented. On December 16, 2014, the Exchange filed an immediately effective filing [3] to amend the processing of the Closing Cross under Rule 4754(b) to adopt a ''Lockdown Period,'' the point at which NASDAQ will close the order book for participation in the Closing Cross. The Exchange also amended Rule 4751(h) to harmonize the processing of Market Hours Day orders [4] and Good-til-market close orders [5] upon initiation of the Lockdown Period.

The Exchange had originally anticipated implementing the changes in mid-February 2015, after the expiration of the 30 day operative delay provided by Rule 19b–4(f)(6)(iii) under the Act.[6] The Exchange, however, has experienced unanticipated delay in the development of the changes to its systems, which has made the original implementation date unachievable. The Exchange believes it will be able to implement the changes on April 13, 2015, and is providing notice of the delay and new implementation date.

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of section 6 of the Act, in general, and with section 6(b)(5) of the Act, in particular, because 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 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; and is not designed to permit unfair discrimination between customers,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 73943 (December 24, 2014), 80 FR 69 (January 2, 2015) (SR–NASDAQ–2014–123).

[4] *See* Rule 4751(h)(6).

[5] *See* Rule 4751(h)(8).

[6] 17 CFR 240.19b–4(f)(6)(iii).

issuers, brokers, or dealers. The Exchange believes that the changes NASDAQ is making to Rules 4751(h) and 4754(b) promote consistency and transparency in the process for handling orders in the closing process. Delaying implementation of the changes for brief period so that NASDAQ may implement the changes to its systems necessary to ensure that the Lockdown Period and processing of Market Hours Day and Good-til-market close orders are handled in the Closing Cross operate as planned promotes fair and orderly markets, the protection of investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.[7] The Exchange believes that the proposal is irrelevant to competition because it is not driven by, and will have no impact on, competition. Specifically, the proposal is representative of the Exchange's efforts to harmonize and simplify the processing of orders during the closing process.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to section 19(b)(3)(A)(iii) of the Act[8] and subparagraph (f)(6) of Rule 19b–4 thereunder.[9]

A proposed rule change filed under Rule 19b–4(f)(6)[10] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[11] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so the Exchange may provide immediate notice of its intent to delay implementation of the closing process due to unanticipated system development issues. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because it will allow the Exchange to provide immediate notice of this delay. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposed rule change to be operative upon filing with the Commission.[12]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) 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–NASDAQ–2015–014 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549.

All submissions should refer to File Number SR–NASDAQ–2015–014. 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–NASDAQ–2015–014 and should be submitted on or before *March 19, 2015.*

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–03965 Filed 2–25–15; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78f(b)(8).

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[10] 17 CFR 240.19b–4(f)(6).

[11] 17 CFR 240.19b–4(f)(6)(iii).

[12] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[13] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 9046]

Determination by the Secretary of State Relating to Iran Sanctions

This notice is to inform the public that the Secretary of State determined on February 19, 2015, pursuant to Section 1245(d)(4)(D) of the National Defense Authorization Act for Fiscal Year 2012 (NDAA), (Pub. L. 112–81), as amended, that as of February 19, 2015, each of the following countries: Belgium, the Czech Republic, France, Germany, Greece, Italy, the Netherlands, Poland, Spain, Sri Lanka, and the United Kingdom have significantly reduced their crude oil purchases from Iran, or have maintained their crude oil purchases from Iran at zero, over the preceding 180-day period.

Dated: February 19, 2015.

Mary Burce Warlick,

Principal Deputy Assistant Secretary, Bureau of Energy Resources, U.S. Department of State.

[FR Doc. 2015–04033 Filed 2–25–15; 8:45 am]

BILLING CODE 4710–07–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Aviation Rulemaking Advisory Committee (ARAC) meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the ARAC.

DATES: The meeting will be held on March 19, 2015, starting at 1:00 p.m. Eastern Standard Time. Arrange oral presentations by March 12, 2015.

ADDRESSES: The meeting will take place at the Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, 10th floor, MacCracken Conference Room.

FOR FURTHER INFORMATION CONTACT: Renee Pocius, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267- 5093; fax (202) 267–5075; email *Renee.Pocius@faa.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), we are giving notice of a meeting of the ARAC taking place on March 19, 2014, at the Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

The Agenda includes:

1. Request for Clarification
   a. Avionics Systems Harmonization Working Group (TAE)—Phase 2 Low Airspeed Alerting
2. Recommendation Reports
   a. AC 120–17A Maintenance Control by Reliability Methods (ARAC)
   b. Engine Harmonization Working Group (TAE)—Engine Bird Ingestion
3. Status Reports From Active Working Groups
   a. Airman Certification Systems Working Group (ARAC)
   b. Aircraft Systems Information Security/Protection (ASIS/P) Working Group
   c. Airworthiness Assurance Working Group (TAE)
   d. Engine Harmonization Working Group (TAE)—Engine Endurance Testing Requirements—Revision of Section 33.87
   e. Flight Test Harmonization Working Group (TAE)—Phase 2 Tasking
   f. Materials Flammability Working Group (TAE)—
   g. Transport Airplane Metallic and Composite Structures Working Group (TAE)—Transport Airplane Damage-Tolerance and Fatigue Evaluation
4. New Tasks
   a. Transport Airplane Crashworthiness and Ditching Evaluation (TAE)
5. Status Report from the FAA

Attendance is open to the interested public but limited to the space available. Please confirm your attendance with the person listed in the **FOR FURTHER INFORMATION CONTACT** section no later than March 12, 2015. Please provide the following information: full legal name, country of citizenship, and name of your industry association, or applicable affiliation. If you are attending as a public citizen, please indicate so.

For persons participating by telephone, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section by email or phone for the teleconference call-in number and passcode. Callers outside the Washington metropolitan area are responsible for paying long-distance charges.

The public must arrange by March 12, 2015 to present oral statements at the meeting. The public may present written statements to the Aviation Rulemaking Advisory Committee by providing 25 copies to the Designated Federal Officer, or by bringing the copies to the meeting.

If you are in need of assistance or require a reasonable accommodation for this meeting, please contact the person listed under the heading **FOR FURTHER INFORMATION CONTACT**. Sign and oral interpretation, as well as a listening device, can be made available if requested 10 calendar days before the meeting.

Issued in Washington, DC, on February 13, 2015.

Lirio Liu,

Designated Federal Officer, Aviation Rulemaking Advisory Committee.

[FR Doc. 2015–03977 Filed 2–25–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration (FHWA)

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327 and other Federal agencies.

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, that are final within the meaning of 23 U.S.C. 139(*l*)(1). The actions relate to a proposed highway project, Interstate 5 from the cities of San Clemente to San Juan Capistrano in Orange County, California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before July 27, 2015. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Smita Deshpande, Branch Chief, California Department of Transportation District 12, Division of Environmental Analysis, 3347 Michelson Drive, Suite 100, Irvine, CA 92612, during normal business hours from 9:00 a.m. to 5:00 p.m., telephone (949) 724–2245, email *smita.deshpande@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans has taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California. The project proposes to add one high-occupancy vehicle (HOV) lane in each direction on Interstate 5, reestablish existing auxiliary lanes and construct new auxiliary lanes, and improve several existing on- and off-ramps. The project limits extend from 0.4 miles (mi) south of the Avenida Pico Undercrossing (UC) (Post Mile [PM] 3.0) to 0.1 mi south of the San Juan Creek

Road UC (PM 8.7). The total length of the project is 5.7 mi. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment/Finding of No Significant Impacts (EA/FONSI) for the project, approved on October 26, 2011 and in other documents in the FHWA project records. Due to the length of time since the approval of the environmental document, the document was revisited. It was concluded that the EA/FONSI was still valid and no new issues were identified. The EA/FONSI and other project records are available by contacting Caltrans at the address provided above. The FONSI can be viewed from the project Web site at *http://www.dot.ca.gov/dist12/*.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) (42 U.S.C. 4321–4351)
2. Clean Air Act (42 U.S.C. 7401–7671 (q))
3. Migratory Bird Treaty Act (16 U.S.C. 703–712)
4. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470(f) *et seq.*)
5. Clean Water Act (Section 401) (33 U.S.C. 1251–1377)
6. Federal Endangered Species Act of 1973 (16 U.S.C. 1531–1543)
7. Executive Order 11990—Protection of Wetlands
8. Executive Order 11988—Floodplain Management
9. Executive Order 12898—Environmental Justice
10. Department of Transportation Act of 1966, Section 4(f) (49 U.S.C. 303)
11. Executive Order 13112—Invasive Species

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(*l*)(1).

Gary Sweeten,

North Team Leader, Project Delivery, Federal Highway Administration, Sacramento, California.

[FR Doc. 2015–03953 Filed 2–25–15; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327, and other Federal agencies.

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans that are final within the meaning of 23 U.S.C. 139(*l*)(1). The actions relate to a proposed highway project, Interstate 5 from the cities of Mission Viejo and Lake Forest in the County of Orange, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(*l*)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before July 27, 2015. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Smita Deshpande, Branch Chief, California Department of Transportation District 12, Division of Environmental Analysis, 3347 Michelson Drive, Suite 100, Irvine, CA 92612, during normal business hours from 9:00 a.m. to 5:00 p.m., telephone (949) 724–2245, email *smita.deshpande@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the FHWA assigned, and the Caltrans assumed environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans has taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: the Interstate 5 Widening Project includes the addition of general-purpose lanes in each direction on Interstate 5 between Avery Parkway and Alicia Parkway and extend the second high-occupancy vehicle (HOV) lane from Alicia Parkway to El Toro Road. The project limits on I–5 extend from 0.5 mile (mi) south of the SR–73 interchange (Post Mile [PM] 12.4) to 0.2 mi north of the El Toro Road Undercrossing (UC) (PM 18.9). The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment/Finding of No Significant Impact (EA/FONSI) for the project, approved on May 6, 2014 and in other documents in Caltrans' project records. The EA/FONSI and other project records are available by contacting Caltrans at the address provided above. The Caltrans FONSI can be viewed and downloaded from the project Web site at *http://www.dot.ca.gov/dist12/files/5widening.*

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to

1. General: National Environmental Policy Act (NEPA) (42 U.S.C. 4321–4351).
2. Clean Air Act (42 U.S.C. 7401–7671 (q)).
3. Migratory Bird Treaty Act (16 U.S.C. 703–712).
4. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470(f) *et seq.*).
5. Clean Water Act (Section 401) (33 U.S.C. 1251–1377).
6. Federal Endangered Species Act of 1973 (16 U.S.C. 1531–1543).
7. Executive Order 11990—Protection of Wetlands.
8. Executive Order 11988—Floodplain Management.
9. Executive Order 12898—Environmental Justice.
10. Department of Transportation Act of 1966, Section 4(f) (49 U.S.C. 303).
11. Executive Order 13112—Invasive Species.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. 139(*l*)(1)

Gary Sweeten,

North Team Leader, Project Delivery, Federal Highway Administration, Sacramento, California.

[FR Doc. 2015–03951 Filed 2–25–15; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 32 (Sub-No. 106X)]

Boston and Maine Corporation—Discontinuance of Service Exemption—in Essex County, Mass

Boston and Maine Corporation (B&M) filed a verified notice of exemption under 49 CFR part 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* to discontinue service over approximately 1.4 miles of railroad line in Essex County, Mass. (the Line). The Line, known as the Manchester and Lawrence Branch, extends between mileposts 0.00 and 1.4 and traverses United States Postal Service Zip Code 01840.

B&M has certified that: (1) No local traffic has moved over the Line for at least two years; (2) there is no overhead traffic on the Line; (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending before the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period; and (4) the requirements at 49 CFR 1105.7(c) (environmental report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the discontinuance shall be protected under *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) to subsidize continued rail service has been received, this exemption will become effective on March 28, 2015 (50 days after the filing of the exemption), unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues and formal expressions of intent to file an OFA to subsidize continued rail service under 49 CFR 1152.27(c)(2)[1] must be filed by March 9, 2015.[2] Petitions to reopen must be filed by March 18, 2015, with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001.

A copy of any petition filed with the Board should be sent to B&M's representative: Robert B. Burns, Esq., Pan Am Railways, 1700 Iron Horse Park, Billerica, MA 01862.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: February 23, 2015.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2015–04106 Filed 2–25–15; 8:45 am]

BILLING CODE 4915–01–P

[1] Each OFA must be accompanied by the filing fee, which is currently set at $1,600. *See* 49 CFR 1002.2(f)(25).

[2] Because this is a discontinuance proceeding and not an abandonment, interim trail use/rail banking and public use conditions are not appropriate.

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

February 23, 2015.

The Department of the Treasury will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, on or after the date of publication of this notice.

DATES: Comments should be received on or before March 30, 2015 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8140, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission(s) may be obtained by calling (202) 927–5331, email at *PRA@treasury.gov,* or the entire information collection request may be found at *www.reginfo.gov.*

Internal Revenue Service (IRS)

OMB Number: 1545–2229.

Type of Review: Extension without change of a currently approved collection.

Title: TD 9575—Summary of Benefits and Coverage and the Uniform Glossary.

Abstract: This document contains regulations regarding disclosure of the summary of benefits and coverage and the uniform glossary for group health plans and health insurance coverage in the group and individual markets under the Patient Protection and Affordable Care Act and implements the disclosure requirements to help plans and individuals better understand their health coverage, as well as other coverage options.

Affected Public: Private Sector: Businesses or other for-profits; not-for-profit institutions.

Estimated Annual Burden Hours: 649,500.

Dawn D. Wolfgang,

Treasury PRA Clearance Officer.

[FR Doc. 2015–04021 Filed 2–25–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Registration of Mortgage Loan Originators

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995 (PRA).

Under the PRA, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice.

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The OCC is soliciting comment concerning the renewal of its information collection

titled, ''Registration of Mortgage Loan Originators.''

DATES: You should submit written comments by: April 27, 2015.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0243, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

All comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not enclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

FOR FURTHER INFORMATION CONTACT: Mary H. Gottlieb, OCC Clearance Officer, (202) 649–5490, for persons who are deaf or hard of hearing, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION:

The OCC is requesting extension of OMB approval for this collection. There have been no changes to the requirements of the regulations.

Title: Registration of Mortgage Loan Originators.

OMB Number: 1557–0243.

Description: Among other things, the Secure and Fair Enforcement for Mortgage Licensing Act (S.A.F.E. Act), *codified at* 12 U.S.C. 5101–5116, requires an employee of a bank, savings association, or credit union or a subsidiary thereof regulated by a Federal banking agency or an employee of an institution regulated by the Farm Credit Administration (FCA), (collectively, Agency-regulated Institutions) who engages in the business of a residential mortgage loan originator (MLO) to register with the Nationwide Mortgage Licensing System and Registry (Registry) and obtain a unique identifier. Pursuant to implementing regulations set forth at 12 CFR part 1007, Agency-regulated Institutions must require their employees who act as residential MLOs to comply with the requirements to register and obtain a unique identifier under the S.A.F.E. Act and must adopt and follow written policies and procedures to assure compliance with these requirements. In order to register, an MLO must provide to the Registry identifying information, including: (1) Fingerprints for submission to the Federal Bureau of Investigation and any other relevant governmental agency for a State and national criminal background check; and (2) personal history and experience, including authorization for the Registry to obtain information related to any administrative, civil, or criminal findings by any governmental jurisdiction. The S.A.F.E. Act originally required the Federal banking agencies and the FCA to develop and maintain the Registry; the Dodd-Frank Act subsequently transferred that responsibility to the Consumer Financial Protection Bureau.

The Registry is intended to aggregate and improve the flow of information to and between regulators; provide increased accountability and tracking of mortgage loan originators; enhance consumer protections; reduce fraud in the residential mortgage loan origination process; and provide consumers with easily accessible information at no charge regarding the employment history of, and the publicly adjudicated disciplinary and enforcement actions against, MLOs.

MLO Reporting Requirements

Twelve CFR 1007.103(a) generally requires an MLO of an Agency-regulated Institution to register with the Registry, maintain such registration, and obtain a unique identifier. Under § 1007.103(b), an Agency-regulated Institution must require each such registration to be renewed annually and updated within 30 days of the occurrence of specified events. Section 1007.103(d) sets forth the categories of information that an employee, or the employing institution on the employee's behalf, must submit to the Registry, along with the employee's attestation as to the correctness of the information supplied and an authorization to obtain further information.

MLO Disclosure Requirement

Section 1007.105(b) requires an MLO to provide the unique identifier to a consumer upon request.

Financial Institution Reporting Requirements

Section 1007.103(e) specifies the institution and employee information that an institution must submit to the Registry in connection with the initial registration of one or more MLOs, and thereafter update.

Financial Institution Disclosure Requirements

Section 1007.105(a) requires the institution to make the unique identifier of MLOs available to consumers in a manner and method practicable to the institution.

Financial Institution Recordkeeping Requirements

- Section 1007.103(d)(1)(xii) requires the collection of MLO fingerprints.
- Section 1007.104 requires an institution employing MLOs to:
  - Adopt and follow written policies and procedures, at a minimum addressing certain specified areas, but otherwise appropriate to the nature, size, and complexity of their mortgage lending activities;
  - Establish reasonable procedures and tracking systems for monitoring registration compliance; and
  - Establish a process for, and maintain records related to, employee criminal history background reports and actions taken with respect thereto.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals; Businesses or other for-profit.

Estimated Number of Respondents: 65,027.

Estimated Total Annual Burden: 44,898 hours.

Comments submitted in response to this notice will be summarized, included in the request for OMB approval, and become a matter of public record. Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information has practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

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

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

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

Dated: February 20, 2015.

Stuart E. Feldstein,

Director, Legislative and Regulatory Activities Division.

[FR Doc. 2015–04046 Filed 2–25–15; 8:45 am]

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