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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

Food and Nutrition Service

7 CFR Parts 210 and 235

[FNS–2011–0030]

RIN 0584–AE19

Professional Standards for State and Local School Nutrition Programs Personnel as Required by the Healthy, Hunger-Free Kids Act of 2010

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule establishes minimum professional standards for school nutrition personnel who manage and operate the National School Lunch and School Breakfast Programs. The final rule institutes hiring standards for the selection of State and local school nutrition program directors, and requires all personnel in the school nutrition programs to complete annual continuing education/training. These regulations are expected to result in consistent, national professional standards that strengthen the ability of school nutrition professionals and staff to perform their duties effectively and efficiently.

DATES: This rule is effective July 1, 2015. Compliance with the provisions of this rule must begin July 1, 2015, except as noted in specific regulatory provisions.

FOR FURTHER INFORMATION CONTACT: Julie Brewer, School Programs Branch, Policy and Program Development Division, Food and Nutrition Service, at (703) 305–2590.

SUPPLEMENTARY INFORMATION:

I. Background

The Healthy, Hunger-Free Kids Act of 2010 (HHFKA), Public Law 111–296, requires significant changes in the Child Nutrition Programs to prevent and reduce childhood obesity, give eligible children access to nutrition benefits, and enhance the ability of nutrition professionals to operate the National School Lunch Program (NSLP) and School Breakfast Program (SBP) efficiently. Section 306 of the HHFKA amended section 7 of the Child Nutrition Act of 1966 (CNA) (42 U.S.C. 1776) by adding paragraph (g), ''Professional Standards for School Food Service.'' This provision is intended to ensure that school nutrition professionals that manage and operate the NSLP and SBP have adequate knowledge and training to meet Program requirements. Requiring proper qualifications to serve in the Child Nutrition Programs is expected to improve the quality of school meals, reduce errors, and enhance Program integrity.

The Food and Nutrition Service (FNS) of the Department of Agriculture (USDA) issued a proposed rule (79 FR 6488) on February 4, 2014, seeking to amend the regulations governing the NSLP (7 CFR part 210) and the State administrative expense funds (7 CFR part 235) consistent with amendments made to the CNA by the HHFKA. The rule proposed to establish national hiring standards and annual continuing education/training requirements for school nutrition professionals that manage and operate the NSLP and SBP.

In developing the proposed professional standards, FNS considered input from a variety of sources. First, in November 2011, FNS conducted a session at the State Agency Meeting for State Child Nutrition Directors and their staff members. At that session, the participants brought up a number of general issues for FNS to consider, including grandfathering (the practice of exempting existing personnel from the new requirements), monitoring by State agencies, and how the new requirements would relate to existing State and local standards.

On March 13–14, 2012, FNS held a two-day listening session with approximately 60 invited stakeholders representing a variety of State agencies, local educational agencies (LEAs), professional associations and other constituencies concerned with standards affecting child nutrition professionals. The stakeholders provided suggestions for FNS to consider regarding required and preferred professional standards, and offered input on potential challenges and on use of resources to successfully implement national standards.

As follow-up to the March session, interested participants volunteered to continue providing input via conference calls. Participants on the calls included State and district directors, professional organizations, and FNS staff. Calls focused on three topics: Criteria and standards for hiring State agency directors; minimum education and training requirements for school nutrition directors; and training requirements for school nutrition managers and other staff. FNS conducted the conference calls in the five months following the listening session.

FNS also received feedback from attendees at the School Nutrition Association's Annual National Conference in July 2012 and July 2013. The audience, which consisted of State agency directors and staff, school nutrition directors, managers and other personnel, provided significant input for the proposed professional standards.

As a result of the stakeholders' feedback, FNS developed proposed professional standards consisting of minimum educational requirements for new State directors and school nutrition program directors, and annual continuing education/training requirements for all school nutrition personnel. These proposed standards for State directors are summarized in the following two charts and discussed later in the preamble:

PROPOSED RULE HIRING STANDARDS FOR NEW STATE AGENCY DIRECTORS

	State director of school nutrition program	State director of distributing agencies
Education	A bachelor's degree with an academic major in areas including food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field.	A bachelor's degree with any academic major.
Knowledge & Experience	Extensive relevant knowledge and experience in areas such as institutional food service operations, management, business, and/or nutrition education.	
Skills & Abilities	Additional abilities and skills needed to lead, manage, and supervise people to support the mission of Child Nutrition Programs.	

PROPOSED RULE TRAINING REQUIREMENTS FOR ALL STATE AGENCY DIRECTORS

State director of school nutrition programs	State director of distributing agencies
• Each school year, must complete at least 15 hours of annual continuing education/training in core areas, such as nutrition, operations, administration, communications, and marketing. Additional hours and topics may be specified by FNS annually, as necessary. • Must also provide or ensure that State agency staff receives annual continuing education/training. • Must provide the SFAs at least 18 hours of training in topics such as administrative practices (training in application, certification, verification, meal counting and meal claiming procedures); the accuracy of approvals for free and reduced price meals; the identification of reimbursable meals at the point of service; nutrition; health and food safety standards; the efficient and effective use of USDA foods; and any other appropriate topics, as determined by FNS, to ensure program compliance and integrity.	• Each school year, must complete at least 15 hours of annual continuing education/training in core areas, such as nutrition, operations, administration, communications, and marketing. Additional hours and topics may be specified by FNS annually, as necessary. • Must also provide or ensure that State agency staff receives annual continuing education/training in topics such as the efficient and effective use of USDA donated foods; inventory rotation and control; health and food safety standards; and any other appropriate topics, as determined by FNS, to ensure program compliance and integrity.

For employees at the local level, FNS proposed minimum educational requirements for new school nutrition program directors only, based on an LEA size/student enrollment (LEAs with 2,499 students or less, LEAs with 2,500–9,999 students, LEAs with 10,000–24,999 students, and LEAs with 25,000 or more students). The proposed hiring standards are intended to apply to the school food authority (SFA), which is the governing body that has the legal authority to operate the school meal programs. In addition, FNS proposed annual continuing education/training requirements for all SFA employees. The proposed standards for SFA employees are summarized in the following two charts and discussed later in the preamble:

PROPOSED RULE HIRING STANDARDS FOR SCHOOL NUTRITION PROGRAM DIRECTORS BY LOCAL EDUCATIONAL AGENCY SIZE

Minimum requirements for directors	Student enrollment 2,499 or less	Student enrollment 2,500–9,999	Student enrollment 10,000–24,999	Student enrollment 25,000 or more
Minimum Education Standards (required) *(new directors only)*.	Bachelor's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field. OR Bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, *and* a State-recognized certificate in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, or business; OR	Bachelor's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; OR Bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, *and* a State-recognized certificate in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, or business; OR	Bachelor's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; OR Bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, *and* a State-recognized certificate in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, or business.	Same requirements as for 10,000–24,999 size category.

PROPOSED RULE HIRING STANDARDS FOR SCHOOL NUTRITION PROGRAM DIRECTORS BY LOCAL EDUCATIONAL AGENCY SIZE—Continued

Minimum requirements for directors	Student enrollment 2,499 or less	Student enrollment 2,500–9,999	Student enrollment 10,000–24,999	Student enrollment 25,000 or more
Minimum Education Standards (preferred) *(new directors only)*.	Associate's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; *and* at least one year of relevant school nutrition programs experience; OR High school diploma (or GED) *and* 5 years of relevant experience in school nutrition programs. Directors hired without an associate's degree are strongly encouraged to work toward attaining associate's degree upon hiring.	Associate's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; *and* at least one year of relevant school nutrition programs experience. Directors hired without a bachelor's degree strongly encouraged to work toward attaining bachelor's degree upon hiring.	Master's degree, or willingness to work toward master's degree, preferred. At least one year of management experience, preferably in school nutrition, strongly recommended. At least 3 credit hours at the university level in food service management plus at least 3 credit hours in nutritional sciences at time of hiring strongly preferred.	Same requirements as for 10,000–24,999 size category.
Minimum Prior Training Standards (required) *(new directors only)*.	At least 8 hours of food safety training is required either 3 years prior to their starting date or completed within 30 days of employee's starting date.			

PROPOSED RULE ANNUAL CONTINUING EDUCATION/TRAINING FOR ALL LOCAL EDUCATIONAL AGENCY SIZES

New and Current Directors	Each year, at least 15 hours of annual continuing education/training. Includes topics such as: • Administrative practices (including training in application, certification, verification, meal counting, and meal claiming procedures). • Any other appropriate topics as determined by FNS. This required continuing education/training is in addition to the food safety training required in the first year of employment.
New and Current Managers	Each year, at least 12 hours of annual continuing education/training. Includes topics such as: • Administrative practices (including training in application, certification, verification, meal counting, and meal claiming procedures). • The identification of reimbursable meals at the point of service. • Nutrition, health and safety standards. • Other topics, as specified by FNS.
New and Current Staff (other than the director and managers) that work an average of at least 20 hours per week.	Each year, at least 8 hours of annual continuing education/training. Includes topics such as: • Free and reduced price eligibility. • Application, certification, and verification procedures. • The identification of reimbursable meals at the point of service. • Nutrition, health and safety standards. • Other topics, as specified by FNS.

II. Public Comments

The proposed rule was published in the **Federal Register** on February 4, 2014 (79 FR 6488) seeking to establish minimum hiring standards for the selection of State directors and local school nutrition program directors, and annual continuing education/training requirements for all school nutrition personnel effective July 1, 2015. The rule was posted for comment on *www.regulations.gov* and the public had the opportunity to submit comments on the proposal during a 60-day period that ended April 7, 2014.

FNS appreciates the valuable comments provided by stakeholders and the public. We received 2,204 public comments that included 241 distinct submissions and 1,963 identical form letters that were submitted by individual commenters. Although not all commenters identified their group affiliation or commenter category, most comments were submitted by:

- SFA personnel—96 comments;
- Associations (national, state, local and other)—16 comments;
- State agencies—14 comments;
- Nutritionists/dietitians—7 comments;
- Advocate groups (national and state levels)—6 comments; and
- Non-profit organizations—4 comments.

To view all public comments on the proposed rule, go to *www.regulations.gov* and search for public submissions under docket number FNS–2011–0030.

Overall, 110 public comments and 1,963 form letters voiced support for the proposal, and 93 public comments expressed opposition. Supporters stated that professional standards will advance the school nutrition profession and enhance the ability of personnel at all levels to successfully manage and operate the school meal programs. They affirmed that establishing professional standards will contribute to the recognition of the skills, professionalism, and dedication of school nutrition employees. Several organizations commended USDA for developing sensible hiring standards and continuing education/training requirements for State and local school nutrition professionals.

Opponents generally expressed concern about specific provisions, or showed misunderstanding of specific provisions that are being clarified in this final rule. Many of the opponents expressed concern about the feasibility of the requirements for small and rural SFAs, and others indicated that the proposal could create operational and financial hardships for all SFAs. Some argued the professional standards could potentially exclude otherwise qualified applicants from employment and limit the upward mobility of current school nutrition employees. Other commenters were not clearly in favor or opposed to the proposal but requested clarification on specific aspects of the proposal.

The following is a summary of the public comments by provision:

Hiring Standards

Public Comments: One hundred fifty-two commenters addressed the hiring standards for new school nutrition program directors in § 210.30(b) of the proposed rule. FNS proposed hiring standards for four distinct LEA size categories: LEAs with 2,499 students or less, LEAs with 2,500–9,999 students, LEAs with 10,000–24,999 students, and LEAs with 25,000 or more students. In general, the proposed standards become more stringent as the LEA size increases to ensure that the new school nutrition professionals have essential qualifications to manage and operate the school nutrition programs that impact a larger number of children. The proposed hiring standards consist of minimum educational standards that include the following options:

- Bachelor's degree with a major in specific area (food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field), or
- Bachelor's degree with any major and a State-recognized certificate, or
- Associate's degree with major in specific areas and at least one year of experience in school nutrition programs (for LEAs with less than 10,000 students), or
- High school diploma or GED and at least five years of experience in school nutrition programs (for LEAs with less than 2,500 students).

In general, commenters expressed support for establishing hiring standards for the professionals who administer and operate the school nutrition programs at the SFA level, but many commenters voiced concerns about specific provisions or sought clarification. Commenters stressed the importance of school nutrition experience, and noted that an appropriate combination of education and experience is important to avoid excluding otherwise qualified applicants. Some stated that an academic degree alone may not be sufficient to run a school nutrition program. Since the proposed rule did not specify work experience for all pathways leading to the position of school nutrition program director, a few commenters expressed concern that candidates with a degree but no valuable school nutrition experience will apply for these positions.

Providing current SFA program directors the opportunity for upward mobility was another concern raised by commenters. A commenter offered alternatives to a degree, including the suggestion that a significant number of years of work experience be considered acceptable in place of a degree. Another suggestion was that the School Nutrition Association certification or a similar certification be accepted as an alternative to an academic degree.

Many commenters expressed concerns about the hiring standards for small and rural SFAs. Some argued that higher compensation should support stricter hiring standards, and that many small SFAs do not have the resources to increase salaries to attract qualified applicants. Commenters also stated that stricter standards could decrease the candidate pool, which would make hiring more difficult. A commenter also stated that the hiring requirements could adversely affect small and rural communities that depend on the school nutrition program for a source of part-time jobs. Other obstacles mentioned were the rising costs of a college education and the limited availability of community colleges in rural areas.

A commenter suggested delaying the implementation of the regulations to provide State agencies and SFAs sufficient time to modify their hiring procedures. The commenter expressed concern that the proposed hiring standards could be inconsistent with hiring standards already negotiated and in place in different LEAs.

Seven commenters addressed the proposed hiring standards for new State directors of school nutrition programs and for new State directors of distributing agencies in § 235.11(g)(1) and § 235.11(g)(2), respectively, of the proposed rule. The proposed hiring standards for both State director positions consist of a bachelor's degree; extensive knowledge and experience in specific areas (such as institutional food service operations, management, business and/or nutrition education); and specific skills and abilities to lead and supervise people. For the State director of school nutrition program, FNS proposed requiring a specific major in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field. The proposed rule does not specify a major for the State director of distributing agencies.

In general, commenters voiced support for establishing hiring standards for State directors. However, one commenter requested a definition for director of distributing agencies positions affected by this rule, and also said that the hiring standards for the State director of distributing agencies should focus on relevant experience, as the knowledge and skills required for that position are more likely to be acquired through experience than through academic study. Another commenter suggested that the hiring standards for the State director of distributing agencies should specify a major in business, food service, or similar field, instead of a bachelor's degree in any major. Some commenters said that the hiring standards for both State director positions should be similar. A few commenters suggested establishing hiring standards for the State agency staff that monitors and provides technical assistance to the local program operators.

FNS Response: FNS recognizes that school nutrition employees are a dedicated and resourceful workforce determined to perform a wide range of job duties. The NSLP and SBP have grown considerably and changed significantly since their inception and school nutrition personnel at the State and local levels have contributed significantly to Program accomplishments. By requiring hiring standards for new State and SFA school nutrition directors, the CNA seeks to ensure that the most qualified candidates are selected for these key positions. As recognized by Congress in establishing hiring standards for these positions, the requirements will help guarantee that those administering and operating the school nutrition programs in the years ahead have a solid foundation to help them undertake new challenges. The hiring standards are expected to create a strong team of school nutrition professionals that will be able to find new ways to improve Program meals, access, and integrity in schools nationwide. This final rule provides that current State agency and school nutrition program directors will be grandfathered in, and thus, will not be required to meet the new hiring standards and may continue to serve in their current positions.

For the position of school nutrition program director, this final rule sets minimum hiring standards for only three distinct LEA size categories: LEAs with 2,499 students or less, LEAs with 2,500–9,999 students, and LEAs with 10,000 or more students. The final rule does not set separate hiring standards for LEAs with 25,000 or more students because such standards are no different than the proposed standards for LEAs with 10,000–24,999 students. Overall, as the LEA size increases, a higher educational level for new hires is required to match the level of responsibility and complexity of the food service system.

This final rule does not require prior program experience if a new school nutrition program director has attained a bachelor's degree or higher with a specific academic major in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field. This is in consideration of the possibility that some well-qualified candidates may apply for a director position shortly following college graduation. Prior experience is required for other hiring pathways established by this rule.

The hiring pathways for new SFA directors in the three specified LEA sizes remain as proposed except for a few modifications to the required program experience to reflect the needs and complexities of different LEAs. Section 210.30(b)(1) of this final rule establishes the following hiring pathways for school nutrition program directors:

- Bachelor's degree with a major in specific areas (for all LEA sizes);
- Bachelor's degree in any academic major plus a State-recognized certificate (for all LEA sizes);
- Associate's degree with a specific major plus two years, instead of the proposed one year, of relevant school nutrition experience (for LEAs with 2,500–9,999 students);
- Associate's degree with a specific major plus one year of relevant school nutrition experience (for LEAS with 2,499 students or less); and
- High school diploma (or GED) plus three years (instead of the proposed five years) of relevant school nutrition experience (for LEAs with 2,499 students or less).

This final rule also adds two hiring pathways for individuals who have a bachelor's degree in any major plus valuable program experience, and are seeking to serve as SFA directors in mid-size LEAs and large-size LEAs. For LEAs with 2,500–9,999 students, a bachelor's degree in any academic major and at least two years of relevant school nutrition program experience is now accepted. For LEAs with 10,000 or more students, a bachelor's degree in any major and at least five years' experience in management of school nutrition programs is also accepted. These additional pathways are intended to expand the employment opportunities for applicants with significant program experience.

This final rule also responds to the concerns of commenters regarding the feasibility of the proposed hiring standards for small LEAs. The fourth School Nutrition Dietary Assessment Study (SNDA IV), which was conducted during school year 2011–2012, indicated that in LEAs with 2,499 or less students, 34 percent of current directors have an associate's degree or higher; 27 percent have completed some college without a degree; and 27 percent hold a high school diploma. Based on this information, FNS proposed several hiring pathways for small LEAs that include two options that require a bachelor's degree, one option that requires an associate's degree plus one year of school nutrition experience, and one option that requires a high school diploma (or GED) plus five years of experience. As stated earlier, to facilitate implementation of the professional standards, this final rule reduces the required years of experience for candidates with a high school diploma from five years to three years of relevant program experience. The hiring pathways for LEAs with 2,499 or less students are established in § 210.30(b)(1)(i) of the final rule.

In response to commenters' concerns over the ability to hire SFA directors for very small LEAs, such as those in rural areas or with less than 500 students, this final rule allows the State agency discretion to approve an LEA's hiring of a school nutrition program director that has a high school diploma (or GED) but less than the required three years of relevant program experience. The LEA interested in hiring an applicant with less than the required three years of relevant program experience must demonstrate to the State agency that the applicant meets the minimum educational standard and, therefore, is otherwise qualified for the position and the best available candidate. This hiring flexibility, set forth in § 210.30(b)(1)(i)(D) of the final rule, is expected to benefit Residential Child Care Institutions and Tribal schools that may face unique challenges in finding experienced candidates.

Regarding career mobility for current program directors within a state or between states, this final rule allows grandfathered directors to remain in their positions, or to transfer to another position in an LEA of the same size category. The ability to transfer is intended to allow current employees an opportunity to enhance their Program expertise by moving to another position for which they are qualified and determined to be the best candidate.

The rule also gives current directors the flexibility to move to a position in a larger SFA (within the same LEA size category). However, to move to a larger LEA size, for example to move from an LEA with 4,000 students (the 2,500–9,999 category) to an LEA with 12,000 students (the 10,000 or more category), a grandfathered program director must meet the hiring standards established for the larger LEA. As noted earlier, as the LEA size increases, the minimum educational level also increases to match the demands and complexity of the job.

The proposed hiring standards for State director of school nutrition programs in § 235.11(g)(1), and for State director of distributing agencies in § 235.11(g)(2) were generally well received by commenters. Although FNS recognizes that in a few States both roles are performed by one individual, the final rule retains separate hiring standards. The educational requirement for the State director of school nutrition programs specifies a bachelor's degree with a specific academic major, while a bachelor's degree in any major is allowed for the State director of distributing agencies.

A few comments revealed possible misunderstanding of the hiring standards for State directors. To clarify, the final rule's hiring standards for both State director positions allow the selection of a job applicant that has a bachelor's degree with a major in business, and knowledge and experience in areas such as management and business. Also, for both State director positions, the State agency may require years of relevant program experience in addition to the minimum criteria established by this final rule. This final rule does not include hiring standards for State agency staff because section 7 of the CNA does not authorize FNS to establish such requirements.

Commenters suggested different hiring scenarios and asked how the hiring standards would apply. In general, if an individual is hired to perform more than one school nutrition job, the hiring standards for the higher level position will apply. For example, if an individual will serve as both school nutrition program director and as program manager, the hiring requirements for the program director position will apply. If a program director will oversee more than one SFA, the sum of the student enrollment determines the hiring requirements. In such a case, the new program director will have to meet the hiring requirements for the LEA size that reflects the total student enrollment. If an individual will serve in two completely different capacities, such as school principal and school nutrition program director, the hiring standards for the appropriate LEA size will still apply and must be met. At the discretion of the State agency, temporary, or ''acting'' school nutrition program directors expected to work more than 30 business days may be required to meet the hiring standards. FNS recognizes that this final rule does not address every unique hiring situation. FNS will provide guidance and work with the State agencies to address unique situations at the State and SFA levels as they are identified through implementation.

The hiring standards established by this final rule are effective July 1, 2015, as proposed. Most commenters did not oppose the proposed implementation date, or instead requested a different implementation date. The hiring standards are for new hires only, and are not significantly different from the educational levels that most current directors nationwide have already attained. Therefore, delaying implementation of the hiring standards is not reasonable.

One stakeholder noted that modifying hiring procedures takes time, and suggested the effective date of the rule be at least two years following publication. The commenter expressed concern about the rule's effective date and the impact on hires made for the school year 2015–2016. To address this concern, FNS will give the State agencies and LEAs the flexibility to hire a candidate that meets the State/local employment requirements in place prior to July 1, 2015, provided the State agency or LEA advertises a vacancy prior to the final rule's effective date.

To facilitate implementation of the hiring standards, FNS will work closely with the State agencies to examine unique situations and determine the appropriate course of action. Accordingly, this final rule codifies the hiring standards for school nutrition program directors in § 210.30(b)(1), and the hiring standards for State directors in § 235.11(g)(1) and § 235.11(g)(2).

Prior Food Safety Training

Public Comments: Thirty commenters addressed the hiring standard in § 210.30(b)(1)(v) of the proposed rule that would require only new school nutrition program directors to have completed at least eight hours of food safety training within three years prior to their starting date, or within 30 calendar days of their starting date. Some commenters said that food safety in school meals is extremely important and, therefore, new and existing SFA directors should be required to complete this food safety training. A few commenters recommended the requirement be extended to all SFA employees. Other commenters said that new SFA directors should have more than 30 days from the date of hiring to complete the eight hours of food safety training. Suggested timeframes included 60 days, 90 days, 6 months, 1 year, and until the employee is no longer on probation.

Many commenters suggested that the food safety training certification period be extended from three to five years, consistent with *ServSafe* (the food and beverage safety training and certificate programs administered by the National Restaurant Association). Several suggested that *ServSafe* be considered acceptable food safety training, and a few said that annual food sanitation training should be sufficient. A commenter also addressed jurisdictional considerations regarding food safety regulations in Tribal Nations.

FNS Response: FNS agrees with commenters that food safety is critical for the school nutrition programs. This final rule retains the proposed food safety training for new school nutrition program directors but extends the certification period from three to five years, as suggested by commenters. This change is consistent with *ServSafe,* which is an existing, national food and beverage safety training and certificate program. New directors that have not completed at least eight hours of food safety training within five years prior to their starting date must complete the required training within 30 calendar days of their starting date. FNS is not extending the 30-day period for allowing completion of food safety training for new hires because food safety training is critical to ensure safe school meals. The State agencies have discretion to impose stricter standards and, therefore, may require current school nutrition program directors, regardless of their starting date, and all employees involved in food handling to be certified in food safety every five years. Accordingly, this final rule codifies the prior food safety requirement for new school nutrition program directors in § 210.30(b)(1)(v).

A few commenters discussed unique scenarios, including how to apply the prior food safety training requirement to an individual that serves in two completely different capacities, such as school principal and school nutrition program director. FNS will work with the State agencies to address unique hiring situations as they come up during implementation. In addition, we will continue existing regular conversations

with Tribal Nations to clarify any issues pertaining to implementation of the hiring requirements in school meal programs operated on Indian reservations.

Training Standards

Public Comments: Seventy-nine commenters addressed the annual continuing education/training requirements for school nutrition program directors in § 210.30(b)(3) of the proposed rule, 58 commenters discussed the training requirements for managers in § 210.30(c), and 105 commenters discussed the training requirements for staff (including those working less than 20 hours per week) in § 210.30(d). Above all, commenters recommended that the required training on the topics specified in the proposal be job-specific. They also asked that FNS clarify what activities count as training, and suggested that non-classroom activities such as annual conferences, self-study, on-the-job training, and SFA/FNS annual meetings count as training. Some also said that SFA directors should determine the training needs of their managers and staff. A few commenters suggested that only staff that are directly involved in food production be required to receive training.

Commenters also expressed concern about the required number of annual training hours and the staff's availability to receive training. Several said that the required training hours are too burdensome, training could take too much time away from work, and it is difficult to find substitutes to assist during the training periods. Suggested annual training hours ranged from 4–12 hours for program staff, and from 5–8 hours for program managers. Several commenters stressed that employees should not be expected to complete training outside of their normal work hours. A few commenters opposed the flexibility to allow the school nutrition program directors to count training offered to staff toward their own required training hours. They said that SFA directors who are already familiar with the training topics would not learn anything new. Many commenters voiced concerns about the feasibility of the proposed training requirements for employees in small SFAs. They said that college and internet access are not easily accessible to many employees in rural areas.

Commenters asked FNS to clarify the required training topics for SFA personnel. Some said the proposed training topics are too specific and not applicable to all staff. A commenter recommended that topics such as budget, and staff management and training be included in the required training topics for school nutrition program directors. Another suggested training on communication, cultural conflicts, conflict resolution, marketing, advocacy, and other topics.

Commenters also asked FNS to clarify the allowable training formats/types and the acceptable training sources. They recommended that a variety of training formats, such as online and classroom training, self-study, on-the-job training, FNS webinars, conferences, etc. be allowed.

The use of the school foodservice fund to pay for annual continuing education/training expenses was a concern raised by commenters. They argued that that the proposed annual training requirements could be financially burdensome. In addition, many of them opposed the prohibition in § 210.30(f) of the proposed rule that disallows the use of food service funds to pay for the cost of college credits to meet the hiring standards.

Commenters also asked FNS to clarify how the training requirements will apply to staff working less than 20 hours per week, employees hired mid-year, temporary and substitute workers, employees with multiple roles, and volunteers. A few commenters supported prorating the required training hours for employees that work less than 20 hours per week. However, a commenter said it is difficult to predict if volunteers and substitutes will work 20 hours and be subject to the training requirements. Two commenters suggested that USDA collect and share data on the numbers and/or percentages of staff averaging less than 20 hours of work or less per week in order to determine required training hours for part time staff. They suggested that if a large percentage of cooks/servers work this reduced number of hours, those employees be required to meet the requirements for full-time workers to ensure the healthfulness and safety of school meals.

FNS Response: Annual, job-specific training is the best way to ensure that school nutrition program personnel at all levels maintain and upgrade their skills to meet the needs of students, and to effectively implement Program requirements. We understand that State agencies and SFAs typically hold trainings prior to the beginning of the school year. We anticipate that most of the training topics and hours for school nutrition program directors, managers, and staff will be completed at that time to minimize work disruptions while school is in session, and to ensure that all employees understand Program requirements to adequately perform their duties. However, employees may also receive training at other times during the year and apply it to their annual training requirement. For example, during the school year staff may receive training on the operation of new equipment, on new policies as they emerge, or when an administrative review identifies issues that need correction.

In response to commenters' concerns about the feasibility of the training hours required at the SFA level, this final rule makes several important changes to the proposed rule. First, the final rule reduces the required annual training hours as follows:

- School nutrition program director—12 annual training hours (15 hours proposed).
- School nutrition program managers—10 annual training hours (12 hours proposed).
- School nutrition program staff—6 annual training hours (8 hours proposed).

Second, to facilitate implementation of the requirements, this rule phases in the training hour requirements for directors, managers, and staff. In school year 2015–2016, the first year of implementation, program directors must complete 8 hours of training; program managers, 6 hours of training; and program staff, 4 hours of training. Training received three months prior to July 1, 2015, may count toward the first year training requirements for all directors, managers, and staff. Therefore, training received on or after April 1, 2015, may count toward the training requirements for school year 2015–2016.

Beginning school year 2016–2017, the second year of implementation, program directors must complete the 12 hours of annual training, program managers must complete 10 hours, and staff must complete 6 hours. Accordingly, this final rule updates and codifies the required annual training hours for program directors in § 210.30(b)(3), for program managers in § 210.30(c), and for program staff in § 210.30(d).

Third, for program staff working less than 20 hours per week, this final rule establishes a uniform requirement of 4 hours of annual training, instead of requiring that the annual training hours be proportional to the hours worked. Establishing a uniform number of training hours for this group of employees is intended to keep the training requirements simple and feasible for all LEAs, as requested by commenters. Although suggested by a commenter, FNS will not collect data on the number or percentage of employees

working less than 20 annual training hours per week as part of this rulemaking. If necessary, such data would be collected outside of the regulatory process, most likely as part of our regular program evaluation efforts.

For flexibility, all employees hired January 1 or later during any school year are only required to complete at least half of the required training hours for their position—director, manager, or staff. In addition, this final rule gives the State agencies discretion to decide if acting personnel, temporary workers and volunteers must complete annual training. FNS strongly encourages health and safety training for all staff involved in food handling and for others, as applicable.

Fourth, this final rule requires annual training for all employees at the SFA level, but gives the State agency discretion to assess compliance with the training requirements over a period of two school years. If allowed by the State agency statewide, program directors, managers, and staff may complete the required training hours over a two-year period, provided that some training hours are completed each school year. FNS is providing this flexibility because some commenters indicated that the ability to participate in training activities annually is determined by different factors, and may vary from year to year.

It is important to stress that while some carryover may be allowed by the State agency, school nutrition employees are expected to complete some training each school year as required by this final rule. Allowing SFA employees to carry over excess training hours to another school year is intended for operational flexibility and to facilitate compliance with the professional standards. For example, a program manager is required to complete 10 hours of annual training. Over a two-year period, the manager may complete 9 hours of training through an annual conference, and 11 hours of online training the following school year. FNS will provide more guidance on this flexibility, but it is important that the SFA retain documentation to show during an administrative review how the SFA employees have complied with the total required training hours over the two year period.

An SFA director or manager may count the training offered to his/her staff toward part of his/her own annual training requirement. This flexibility is allowed because program directors must keep learning in order to communicate and help implement new policies and procedures through the training offered to SFA personnel. Program policies and procedures are expected to continue to evolve to reflect advances in nutrition science and to incorporate new statutory requirements intended to enhance Program meals, access and integrity. Therefore, preparing for and imparting knowledge can help an SFA director or manager cement his/her knowledge of the school meal programs.

With regard to the list of training topics for SFA directors, section 7(g)(2) of the CNA requires training in administrative practices (including application, certification, verification, meal counting, and meal claiming procedures), nutrition, health and food safety standards and methodologies, and any other topics, as determined by FNS. These training topics must be offered to the SFA personnel, as applicable. State directors are not required to seek approval from FNS before receiving or providing training, but must keep records to demonstrate training completion. The training topics specified in § 210.30(b)(3), § 210.30(c) and § 210.30(d) of this final rule must be completed annually, or as needed, in order to be informed of the most current policies and regulatory requirements, and to refresh existing knowledge. Each individual employee at the SFA level must receive and complete training on the topics or areas applicable to his/her job, or as required by FNS.

The amendments made to the CNA by the HHFKA give the Secretary authority to require any other appropriate training topic to address critical issues, such as Program integrity. Therefore, the Secretary may require, as needed, that SFA employees complete specific training topic(s) or course(s) identified by FNS to address crucial Program needs. FNS does not anticipate that such action will take place annually, but may take such action in response to important Program issues. If a specific training topic or course is required by FNS, it will be available at low cost or no cost, and in a variety of formats. Accordingly, this final rule codifies the training requirements for State directors of school nutrition programs and distributing agencies in § 235.11(g)(3); and the training requirements for school nutrition program directors, managers and staff in § 210.30(b)(3), § 210.30(c), and § 210.30(d), respectively.

As requested by commenters, this final rule also allows a variety of training formats, both online (webinars, interactive online sessions, etc.) and in-person (classroom training, in-service training, seminars, public speakers, etc.). Training from a variety of sources is acceptable, including the National Food Service Management Institute (NFSMI), in-house/SFA, State agencies, FNS Team Nutrition, the School Nutrition Association (SNA), professional associations/organizations, and reputable commercial vendors. FNS is working in partnership with the NFSMI to make free or low-cost training available in a variety of formats. More than 450 existing training resources in a variety of formats are already listed on the professional standards Web site (*http://professionalstandards.nal.usda.gov*). Any of these resources are considered appropriate to meet the requirements of this rule. School nutrition staff may find training that meets their learning needs by conducting advanced searches for specific topic areas, training format, training length, learning objectives, and training location.

Several commenters addressed the use of school food service funds to pay for employee training. Annual continuing education/training is an allowable use of the nonprofit school food service account and of State Administrative Expense funds. The training costs must be reasonable, allocable, and necessary in accordance with the cost principles set forth in 2 CFR part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

However, the cost of college credits incurred by an individual to meet the hiring standards for the positions of State director or SFA director is not an allowable expense. Meeting the hiring standards is the sole responsibility of a job applicant. Accordingly, this final rule codifies in § 210.30(f) and in § 235.6(a)(a–1) the prohibition regarding the payment of college credits to meet hiring standards. To clarify, annual continuing education/training of current school nutrition personnel should be encouraged and may be supported by the State agency and the SFA through available funds. And although funds may not be used to earn college credit to meet the hiring standards, the restriction on the use of funds does not apply to college courses required for annual continuing education/training purposes; in such cases, the State agency and the SFA may assess if the use of Program funds meets Federal standards.

With regard to the training for State director of school nutrition programs and State director of distributing agencies, this final rule retains the proposed requirement that State directors complete 15 hours of annual training in core areas such as nutrition, operations, administration, communications and marketing, as well as additional training topics and hours

specified by FNS annually, as necessary. Only three commenters addressed this provision and they mostly agreed with the proposed requirement. FNS wishes to clarify that we will only require State directors to complete additional training topics and hours if necessary to address critical Program issues, such as Program integrity. In addition, when an individual performs both State agency functions, the annual training requirement remains 15 hours because the core areas of training are the same. Accordingly, the annual training requirement for State directors is codified in § 235.11(g)(3) of the final rule.

Definitions

Public Comments: Ten commenters addressed the proposed definitions for ''School nutrition program directors,'' ''School nutrition program managers,'' and ''School nutrition program staff'' set forth in § 210.2. Some asked FNS to provide more specific definitions. Others stated that in small and rural SFAs, an individual often performs more than one job. A commenter asked FNS to provide a definition for ''State director of distributing agencies.''

FNS response: FNS recognizes that there are varying structures within each SFA; therefore, the proposed definitions for directors, managers, and staff are intended to be general and describe the function/role in broad terms to be applicable to most SFAs. They also provide some distinction between the three levels to help districts determine which category employees or groups of employees would fall under each definition. The definition of ''School nutrition program directors'' refers to the local individuals directly responsible for the management of the day-to-day operations of the school nutrition programs for all participating schools under the jurisdiction of the SFA. The definition of ''School nutrition program managers'' refers to those individuals directly responsible for the day-to-day operations of the school nutrition programs for a participating school(s). ''School nutrition program staff'' refers those local individuals without managerial responsibilities who are involved in routine operations of the school nutrition programs for a participating school(s). Program staff may include, for example, those individuals who prepare and serve meals, process transactions at point of service, and review the free/reduced price applications. These definitions apply whether or not an SFA is operated by a food service management company. If a new employee will work in more than one position, only the higher level position requirements apply. Accordingly, this final rule codifies the proposed definitions in § 210.2.

This final rule does not define ''State director of school nutrition program'' and ''State director of distributing agencies.'' Due to varying staffing protocols, vacancies or for other reasons, an individual performing director duties may have a different title, or sometimes performs both roles fully or partially. In light of these different scenarios, FNS believes, in this case, it is not practical to set definitions that cannot fully describe the broad array of diverse situations. It is more important to specify the responsibility for administration of the school nutrition and USDA Foods programs as a reference for who is subject to the requirements, regardless of the job title they may hold in a particular State.

We wish to clarify that the standards apply to those responsible for the administration of the NSLP, SBP, and the distribution of USDA Foods at the State level. Although we recognize that sometimes the individual responsible for the distribution of USDA Foods might not have a position equivalent to that of the State director of school nutrition programs, proper administration of the distribution of USDA Foods is critical to the effective and efficient operations of the school meal programs, and requires the education and training proposed. Accordingly, the final rule adds a clarification in the description of a State director as the person responsible for the administration of the NSLP, SBP, and/or the distribution of USDA donated foods at the State level in the opening statements of § 235.11(g)(1) and § 235.11(g)(2).

Recordkeeping Requirements

Public Comments: Twenty-three commenters discussed the proposed recordkeeping requirements in § 210.15(b)(8), § 210.20(b)(15), and § 235.11(g)(5). Commenters asked FNS to clarify the recordkeeping period to demonstrate compliance with the professional standards. Several of these commenters said the recordkeeping burden is underestimated because, in their view, documenting that each employee receives annual training will result in additional paperwork for SFAs. Some commenters also asked FNS to clarify who is responsible for tracking the hours of training completed by the school nutrition program director, manager and staff, and what documentation is acceptable. Several suggested that FNS develop a tracking mechanism to assist the SFAs.

FNS Response: It appears there was misunderstanding regarding the proposed recordkeeping requirements. FNS estimated a one-time recordkeeping activity of 15 minutes per respondent (State agencies, SFAs/LEAs, and schools) to document compliance with annual training at the State and local levels. FNS understands that most State agencies and SFAs conduct annual training on a variety of topics prior to the beginning of the school year. In addition, training is sometimes offered on-the-job during the school year, or may be undertaken by an individual employee. We envision minimum recordkeeping associated with these types of training activities. FNS is developing an optional downloadable tool to help the school nutrition program director keep track of the training activities at the SFA level. With this tool, an SFA may generate annual records for verification of training completed. Documentation such as copies of the training agenda, sign-up sheets, and other paper documents would also be acceptable. Each SFA decides how to maintain the records to document training completion.

The school nutrition program director is ultimately responsible for demonstrating, during the administrative review, that the SFA is in compliance with the professional standards. Professional standards records must be retained for a period of three years, consistent with other recordkeeping requirements in 7 CFR part 210. Accordingly, this final rule codifies the recordkeeping requirements in § 210.15(b)(8), § 210.20(b)(15), and § 235.11(g)(5).

SFA Oversight

Public Comments: Twenty-seven commenters addressed the requirement in § 210.30(g) of the proposed rule, which stipulates that the SFAs must document compliance with the applicable professional standard requirements annually. The provision specifies that documentation must be sufficient to demonstrate during an administrative review that the program director meets the hiring and training standards, and that each employee has completed the applicable required training no later than the end of each school year. Many of the commenters asked how to document compliance with the training requirements and handle cases of non-compliance.

FNS Response: SFAs must encourage and facilitate compliance with the professional standards. As such, SFAs must monitor and document an employee's continuing education/training progress periodically

throughout the year to ensure that each employee is or will be in compliance with the training requirements by the end of each school year, and that the program directors meet the training and hiring requirements. FNS will issue guidance and disseminate best practices to encourage compliance with the professional standards. We are also developing a training tracking tool that can be used by individual employees or by managers or directors for their entire staff. Accordingly, this final rule codifies the SFA oversight requirement in § 210.30(g).

Administrative Reviews

Public Comments: Seven commenters addressed the provision in § 210.18(h)(7) of the proposed rule that requires the State agency to monitor an SFA's compliance with professional standards as part of the general areas of the administrative review. Commenters asked FNS to explain the enforcement strategy and the documents needed to show SFA compliance with the requirements.

FNS Response: Monitoring an SFA's compliance with the professional standards will be addressed through an update to the Administrative Review Manual and related tools and forms for School Year (SY) 2015–2016. As part of the general areas of review, the State agency is expected to examine records that document completion of applicable hiring and continuing education/training requirements. Although FNS does not require one specific document, college transcripts or degrees for new hires, food safety certifications, training certificates, attendance sign-in sheets, and training agendas are all examples of documents that an SFA may submit to demonstrate compliance with the professional standards.

FNS recognizes that school year 2015–2016 may be a period of transition as establishing professional standards may involve significant changes for some SFAs. During this transition period, State agencies are expected to focus on providing guidance and technical assistance to help SFAs move toward compliance. In the first year of implementation, State agencies should work closely with the SFAs experiencing challenges to help them solve unique issues. Accordingly, this final rule codifies the State agency's monitoring responsibilities in § 210.18(h)(7).

Miscellaneous Issues Addressed by Commenters

Grandfathering

Commenters addressed grandfathering, the practice of exempting existing personnel from the new requirements. Many commenters asked how existing employees will be grandfathered and for what duration. Some also addressed grandfathering and work mobility. Others expressed concern about the ability of existing employees to advance in their careers.

FNS supports grandfathering current State agency directors and school nutrition program directors from the hiring standards established by this final rule. These individuals have generally demonstrated their ability to capably perform their job duties. Therefore, current SFA directors will be able to remain in their positions or transfer to a similar position in another LEA of the same size category (student enrollment) without having to meet the new hiring standards. However, grandfathering does not apply to the continuing education/annual training standards because all personnel, at both the State and local levels, need annual continuing education/training to maintain or upgrade their skills.

State and Local Control of Meal Programs

A few commenters addressed the potential impact of the professional standards regulations on the State and local administration of the meal programs. They expressed concern that the professional standards may not be consistent with local hiring/training practices and procedures. A few mentioned a possible interference with existing union contracts.

FNS recognizes that the State agency and the local educational agency have administrative control of public or private nonprofit educational institutions within a defined area of the State. The State agency and SFA have legal authority to operate the Federal school meal programs and bear responsibility for the proper operation of these programs according to Federal regulations. The professional standards established by this final rule preempt existing State and local regulations, policies, etc. that may interfere with nationwide implementation of these new regulations. Prior to developing the proposed professional standards, FNS sought input from invited stakeholders representing a variety of State agencies, local educational agencies (both large and small), professional associations and other constituencies concerned with the school nutrition programs. The information shared by these groups regarding hiring criteria for State agency directors, minimum education and training requirements for school nutrition directors, and training requirements for school nutrition managers and staff were considered when drafting these professional standards regulations. FNS also considered the public comments received in response to the proposed regulations.

FNS does not expect that implementation of national professional standards will interfere with the State/local management of school meal programs. This final rule establishes minimum hiring standards and training requirements that are expected to increase the ability of the State and local operators to properly manage the meal programs. The regulations allow State agencies and/or SFAs to establish their own professional standards, as long as such standards are not inconsistent with the minimum professional standards established by FNS.

Some commenters indicated that the professional standards may be in conflict with some labor union contract provisions. Professional standards requirements and the implementation timeframes provided in this rule are federal law and thus preempt such provisions. Should it be necessary, FNS will work with the State agencies to address unique issues as they are identified.

III. Summary of Changes to Proposal

As explained earlier, FNS considered the commenters' concerns and suggestions and is updating parts of the proposal to focus more on school nutrition experience, and to facilitate nationwide implementation of the professional standards in all SFAs. The following is a summary of the changes and clarifications being made in this final rule.

Hiring Standards for SFAs

The final rule:

- Eases the hiring requirements for the small LEAs (2,499 or less students) by reducing the required school nutrition program experience (from five to three years) for applicants with a high school diploma. See § 210.30(b)(1)(i)(D).
- Allows the State agency discretion to approve (for an LEA with less than 500 students) the employment of a candidate that meets the educational standards but has less than the required school nutrition program experience. See § 210.30(b)(1)(i)(D).
- Establishes another hiring path for mid-size LEAs (2,500–9,999 students) that emphasizes relevant experience

(two years of school nutrition program experience and a bachelor's degree with a non-specific academic major). See § 210.30(b)(1)(ii)(C).

• Increases the required school nutrition experience (from one to two years) for applicants who have an associate's degree with an academic major in specific areas and are seeking to work in a mid-size LEA (2,500–9,999 students). See § 210.30(b)(1)(ii)(D).

• Provides another hiring path for large LEAs (10,000 or more students) that emphasizes relevant experience (five years of experience in managing school nutrition programs) and a bachelor's degree with a non-specific academic major. See § 210.30(b)(1)(iii)(C).

• Removes the proposed, separate hiring standards for LEAs with 25,000 or more students.

• Extends the effective period of the SFA director's food safety certification from three to five years, and allows the State agency discretion to extend the requirement to current SFA directors (those hired prior to July 1, 2015) and other personnel, as appropriate. See § 210.30(b)(1)(v).

• Allows the State agency discretion to require that acting school nutrition program directors that will serve for more than 30 days to meet the established hiring standards. See § 210.30(b)(1)(iv).

• Allows the State agencies and LEAs the flexibility to hire qualified candidates who meet the hiring standards in place prior to July 1, 2015, if the positions were advertised prior to the effective date of this rule.

• Updates the summary chart to reflect the hiring standards for SFA directors implemented by this final rule. See § 210.30(b)(2).

Annual Training Requirements for SFAs

The final rule:

• Phases in the required number of annual training hours for all school nutrition program personnel at the SFA level in school year 2015–2016 with a minimum of:

○ 8 hours of training for school nutrition program director—see § 210.30(b)(3).

○ 6 hours of training for school nutrition program manager—see § 210.30(c).

○ 4 hours of training for school nutrition program staff—see § 210.30(d).

• Reduces the required number of annual continuing education/training hours for all school nutrition program personnel at the SFA level. The following required annual training hours apply beginning school year 2016–2017:

○ 12 hours of annual training for school nutrition program director—see § 210.30(b)(3).

○ 10 hours of annual training for school nutrition program manager—see § 210.30(c).

○ 6 hours of annual training for school nutrition program staff—see § 210.30(d).

• Establishes a uniform, minimum requirement of 4 hours of annual training for all school nutrition program staff that work less than 20 hours per week. See § 210.30(d).

• Clarifies that FNS has authority to require SFA directors, managers, and staff to complete specific training topics or courses, as needed, to promote Program integrity or to address other critical Program issues. See § 210.30(b)(3), § 210.30(c)(5) and § 210.30(d)(6), respectively.

• Prorates the required training hours for employees hired mid-year. If hired January 1 or later, an employee must only complete half of the required training hours for that school year. See § 210.30(e).

• Requires annual training for all SFA employees, but gives the State agency discretion to monitor an SFA's compliance with the requirements over a period of two years to allow operational flexibility at the local level. See § 210.30(e).

• Gives the State agency discretion to require acting and temporary staff, substitutes and volunteers in an SFA to complete training in one or more of the topics listed in § 210.30(d), as applicable, within 30 calendar days of their start date. See § 210.30(e).

• Clarifies that school food service funds may be used to pay for annual training costs that are reasonable, allocable and necessary, but must not be used to pay for the cost of college credits incurred by an individual at the SFA to meet the hiring standards established by this rule. See § 210.30(f).

• Specifies that the SFA director or another official with similar authority must document compliance with the professional standards established for the school nutrition program director, manager, and staff. See § 210.30(g).

Hiring Requirements for State Agencies

The final rule codifies the proposed hiring requirements for State directors of school nutrition programs in § 235.11(g)(1) and the proposed hiring requirements for State directors of distributing agencies in § 235.11(g)(2). There are no changes to these specific proposed provisions.

Annual Training Requirements for State Agencies

The final rule:

• Clarifies that State agency funds may be used to pay for annual training costs for the State director, but must not be used to pay for the cost of college credits incurred by an individual to meet the hiring standards established by this rule. See § 235.6(a)(a–1).

• Clarifies that FNS has authority to require State directors to complete additional training topics and/or hours specified by FNS, as needed, to promote Program integrity or to address other critical Program issues. See § 235.11(g)(3).

• Clarifies that the State agency must ensure that State agency staff receives annual training. See § 235.11(g)(4).

• Clarifies that the State director of school nutrition programs must offer the SFAs 18 hours of training in specific topics, including topics identified by FNS as needed, to promote Program integrity or to address other critical Program issues. See § 235.11(g)(4)(i).

• Clarifies that the State director of distributing agencies must provide the staff, or ensure staff receives, training in specific topics, including topics identified by FNS, as needed, to promote Program integrity or to address other critical Program issues. See § 235.11(g)(4(ii).

Recordkeeping Requirements for SFAs and State Agencies

There are no changes to the proposed recordkeeping requirements. The final rule requires recordkeeping for a period of three years, which is consistent with other recordkeeping requirements established in Part 210. See § 210.15(b)(8), § 210.20(b)(15) and § 235.11(g)(5).

Definitions

There are no changes to the proposed definitions. The final rule codifies proposed definitions for ''School nutrition program directors,'' ''School nutrition program managers,'' and ''School nutrition program staff'' in § 210.2.

IV. Professional Standards Requirements: Summary Charts

This final rule establishes the following hiring standards for new State agency directors:

SUMMARY OF HIRING STANDARDS FOR NEW STATE AGENCY DIRECTORS

	State director of school nutrition program	State director of distributing agencies
Minimum Education Standards (required) (*new directors only*).	A bachelor's degree with an academic major in areas including food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field.	A bachelor's degree with any academic major.
Knowledge & Experience	Extensive relevant knowledge and experience in areas such as institutional food service operations, management, business, and/or nutrition education.	
Skills & Abilities	Additional abilities and skills needed to lead, manage, and supervise people to support the mission of Child Nutrition Programs.	

This final rule establishes the following annual continuing education/training standards for all State agency directors:

SUMMARY OF TRAINING STANDARDS FOR ALL STATE AGENCY DIRECTORS

State director of school nutrition programs	State director of distributing agencies
• Each school year, must complete at least 15 hours of annual continuing education/training in core areas, such as nutrition, operations, administration, communications, and marketing Additional hours and topics may be specified by FNS annually, as necessary. • Must also provide or ensure that State agency staff receives annual continuing education/training. • Must provide the SFAs at least 18 hours annually of training in topics such as administrative practices (training in application, certification, verification, meal counting and meal claiming procedures); the accuracy of approvals for free and reduced price meals; the identification of reimbursable meals at the point of service; nutrition; health and food safety standards; the efficient and effective use of USDA foods; and any other appropriate topics, as determined by FNS, to ensure program compliance and integrity.	• Each school year, must complete at least 15 hours of annual continuing education/training in core areas, such as nutrition, operations, administration, communications, and marketing Additional hours and topics may be specified by FNS annually, as necessary. • Must also provide or ensure that State agency staff receives annual continuing education/training in topics such as the efficient and effective use of USDA donated foods; inventory rotation and control; health and food safety standards; and any other appropriate topics, as determined by FNS, to ensure program compliance and integrity.

This final rule establishes the following hiring standards for new school nutrition program directors:

SUMMARY OF SCHOOL NUTRITION PROGRAM DIRECTOR PROFESSIONAL STANDARDS BY LOCAL EDUCATIONAL AGENCY SIZE

Minimum requirements for directors	Student enrollment 2,499 or less	Student enrollment 2,500–9,999	Student enrollment 10,000 or more
Minimum Education Standards (required) (*new directors only*).	Bachelor's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field OR Bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, *and* a State-recognized certificate for school nutrition directors; OR	Bachelor's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; OR Bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, *and* a State-recognized certificate for school nutrition directors; OR	Bachelor's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; OR Bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, *and* a State-recognized certificate for school nutrition directors; OR

SUMMARY OF SCHOOL NUTRITION PROGRAM DIRECTOR PROFESSIONAL STANDARDS BY LOCAL EDUCATIONAL AGENCY SIZE—Continued

Minimum requirements for directors	Student enrollment 2,499 or less	Student enrollment 2,500–9,999	Student enrollment 10,000 or more
	Associate's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; *and* at least one year of relevant school nutrition programs experience; OR High school diploma (or GED) *and* 3 years of relevant experience in school nutrition programs.	Bachelor's degree in any academic major *and* at least 2 years of relevant school nutrition programs experience OR Associate's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; *and* at least 2 years of relevant school nutrition programs experience.	Bachelor's degree in any major *and* at least 5 years experience in management of school nutrition programs.
Minimum Education Standards (preferred) (*new directors only*).	Directors hired without an associate's degree are strongly encouraged to work toward attaining associate's degree upon hiring.	Directors hired without a bachelor's degree strongly encouraged to work toward attaining bachelor's degree upon hiring.	Master's degree, or willingness to work toward master's degree, preferred. At least one year of management experience, preferably in school nutrition, strongly recommended. At least 3 credit hours at the university level in food service management plus at least 3 credit hours in nutritional sciences at time of hiring strongly preferred.
Minimum Prior Training Standards (required) (*new directors only*).	At least 8 hours of food safety training is required either not more than 5 years prior to their starting date or completed within 30 calendar days of employee's start date.		

This final rule establishes the following annual continuing education/training requirements for all school nutrition program directors, managers, and staff:

SUMMARY OF REQUIRED MINIMUM CONTINUING EDUCATION/TRAINING STANDARDS FOR ALL LOCAL EDUCATIONAL AGENCY SIZES

New and Current Directors	Each year, at least 12 hours of annual continuing education/training. Includes topics such as: • Administrative practices (including training in application, certification, verification, meal counting, and meal claiming procedures), and • Any specific topics required by FNS, as needed, to address Program integrity or other critical issues. This required continuing education/training is in addition to the food safety training required in the first year of employment.
New and Current Managers	Each year, at least 10 hours of annual continuing education/training. Includes topics such as: • Administrative practices (including training in application, certification, verification, meal counting, and meal claiming procedures), • The identification of reimbursable meals at the point of service. • Nutrition, health and safety standards, and • Any specific topics required by FNS, as needed, to address Program integrity or other critical issues.
New and Current Staff (other than the director and managers) that work an average of at least 20 hours per week.	Each year, at least 6 hours of annual continuing education/training. Includes topics such as: • Free and reduced price eligibility, • Application, certification, and verification procedures, • The identification of reimbursable meals at the point of service. • Nutrition, health and safety standards, and • Any specific topics required by FNS, as needed, to address Program integrity or other critical issues.
New and Current Part-Time Staff (working less than 20 hours per week).	Each year, at least 4 hours of annual continuing education/training (regardless of number of part-time hours).

V. Implementation Resources

To assist with implementation of the professional standards, USDA has established a Web site (*http://professionalstandards.nal.usda.gov*) that provides an extensive database of training opportunities and resources covering the four core training areas: Nutrition, operations, administration, and communications/marketing. Information on specific training objectives and training topics in each area will be available on the Web site as well. School nutrition program personnel may conduct advanced searches within the database to identify free or low-cost training opportunities and resources in a variety of formats. On-line and in-person trainings are included in the database. Sources of training include NFSMI, State agencies, universities/colleges, associations, and other groups. In addition, FNS is developing a certificate system to help SFAs recognize various levels of training achievement. Details about the certificate system will be provided separately.

To assist individuals in tracking their training, a downloadable tool will be available for tracking the training individuals have completed. It can be used by individual employees or by managers or directors for their entire staff. State agencies will find the tool helpful when they complete the administrative reviews.

A Professional Standards Guide will contain all the essential information needed to understand the professional standards requirements for school nutrition employees at all levels. It will be available in hard copy as well as on the internet. Additional materials for informing school officials about the new standards are being developed as well.

In addition, USDA will award competitive grants to State agencies to assist with implementation of the professional standards requirements. Up to $150,000 may be requested per State agency for the anticipated funding period of October 1, 2015–September 31, 2017.

VI. Procedural Matters

Executive Orders 12866 and 13563

Executive Orders 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). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

This final rule has been determined to be not significant and was not reviewed by the Office of Management and Budget (OMB) in conformance with Executive Order 12866.

Regulatory Impact Analysis

This rule has been designated as not significant by the Office of Management and Budget; therefore, a Regulatory Impact Analysis is not required.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires Agencies to analyze the impact of rulemaking on small entities and consider alternatives that would minimize any significant impacts on a substantial number of small entities. Pursuant to that review, it has been determined that this final rule will not have a significant impact on a substantial number of small entities. The final rule will establish hiring standards for local educational agencies of various sizes (2,499 or less students, 2,500–9,999 students, and 10,000 or more students). The hiring standards were developed with stakeholders' input, and resemble the current educational level attained by most school nutrition program directors nationwide. The standards, based on minimum educational levels ranging from high school to bachelor's degree, will apply to new employees only; current program directors will be exempt from the standards. The final rule simplifies implementation of the hiring standards in small local educational agencies by reducing the required years of experience for individuals with a high school diploma. The final rule also reduces and phases in the required annual training hours for all employees to minimize the impact on the local educational agencies.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local and tribal governments and the private sector. Under section 202 of the UMRA, the Department generally must prepare a written statement, including a cost benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local or tribal governments, in the aggregate, or the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, Section 205 of the UMRA generally requires the Department to identify and consider a reasonable number of regulatory alternatives and adopt the most cost effective or least burdensome alternative that achieves the objectives of the rule.

This final rule does not contain Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local and tribal governments or the private sector of $100 million or more in any one year. Thus, the rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Executive Order 12372

The NSLP and State Administrative Expense Funds are listed in the Catalog of Federal Domestic Assistance Programs under 10.555 and 10.560, respectively. For the reasons set forth in the final rule in 7 CFR part 3015, subpart V, and related Notice (48 FR 29115, June 24, 1983), this program is included in the scope of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

Federalism Summary Impact Statement

Executive Order 13132 requires Federal agencies to consider the impact of their regulatory actions on State and local governments. Where such actions have federalism implications, agencies are directed to provide a statement for inclusion in the preamble to the regulations describing the agency's considerations in terms of the three categories called for under Section (6)(b)(2)(B) of Executive Order 13121.

Prior Consultation With State Officials

FNS headquarters and regional offices have ongoing, formal and informal discussions with State agency officials regarding the Child Nutrition Programs and policy issues. Prior to this rulemaking, FNS held several conference calls and meetings with State agencies to discuss the statutory requirements that are the foundation for this rule. FNS also discussed the professional standards statutory requirements with program operators at their State conferences. In addition, FNS received 2,204 public comments in response to the proposed rule (79 FR 6488). These various forms of consultation produced valuable input that has been considered in drafting this final rule.

Nature of Concerns and the Need To Issue This Rule

The key concern raised by State agencies and local educational agencies was the feasibility of the hiring standards for local educational agencies, especially those with than 500 students.

Stakeholders also requested clarification of the annual training topics, and expressed concern about the required number of annual training hours and the possible training costs. These concerns are discussed in the preamble.

Extent to Which We Meet Those Concerns

FNS has considered the impact of this final rule on State and local operators, and has developed a rule that will implement the professional standards requirements in the most effective and least burdensome manner. The final rule includes several changes to facilitate implementation at all local educational agencies. For example, the final rule modifies some of the hiring standards to be more accepting of relevant work experience, reduces the required annual training hours for all local educational agencies, and phases in the annual training requirements. The rule also clarifies that program funds may be used to pay for employee training that is reasonable, allocable and necessary.

Executive Order 12988, Civil Justice Reform

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full and timely implementation. However, FNS does not expect significant inconsistencies between this final rule and existing State or local hiring regulations. The hiring standards were developed with input from State agencies. This rule is not intended to have retroactive effect. Prior to any judicial challenge to the provisions of the final rule, all applicable administrative procedures under § 210.18(q) or § 235.11(f) must be exhausted.

Civil Rights Impact Analysis

FNS has reviewed this final rule in accordance with the Department Regulation 4300–4, ''Civil Rights Impact Analysis'', and 1512–1, ''Regulatory Decision Making Requirements,'' to identify and address any major civil rights impacts the final rule might have on minorities, women, and persons with disabilities. After a careful review of the proposed rule's intent and provisions, FNS has determined that this final rule is not intended to limit or reduce in any way the ability of protected classes of individuals to receive benefits on the basis of their race, color, national origin, sex, age or disability, nor is it intended to have a differential impact on minority owned or operated business establishments, and women-owned or operated business establishments that participate in the Child Nutrition Programs. The final rule establishes minimum educational requirements for new hires, ranging from a high school diploma/GED to a bachelor's degree, and annual training requirements for all employees. Current school nutrition program employees are exempt from the new hiring standards. The professional standards established by this rule are intended to help all employees gain knowledge and skills to perform their duties effectively, and are not expected to be a hiring obstacle for the protected classes.

Executive Order 13175

Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects 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.

FNS provides regularly scheduled quarterly consultation sessions as a venue for collaborative conversations with Tribal officials or their designees. The most recent quarterly consultation sessions were held on February 19, 2014; May 21, 2014; August 20, 2014; and November 19, 2014. At the February 2014 consultation, FNS advised the Tribal officials that the proposed rule on professional standards had been published and encouraged participants to submit public comments. There was only one question from a participant seeking to clarify who was covered by the proposed rule. No questions related to professional standards arose at subsequent Tribal consultations. FNS will respond in a timely and meaningful manner to any Tribal government request for consultation concerning the professional standards. We are unaware of any current Tribal laws that could be in conflict with this final rule.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. Chap. 35; see 5 CFR part 1320) requires that the Office of Management and Budget (OMB) approve all collections of information by a Federal agency from the public before they can be implemented. Respondents are not required to respond to any collection of information unless it displays a current, valid OMB control number. This is a new collection. The provisions in this rule create new burden which will be merged into a currently approved information collection titled ''National School Lunch Program'' (NSLP), OMB Number 0584–0006, which expires on February 29, 2016.

In accordance with the Paperwork Reduction Act of 1995, the information collection requirements included in this final rule, which were filed under 0584–0588, have been submitted for approval to OMB. When OMB notifies us of its decision, we will publish a document in the **Federal Register** providing notice of the action.

E-Government Act Compliance

The Department is committed to complying 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.

List of Subjects

7 CFR Part 210

Children, Commodity School Program, Food assistance programs, Grant programs-health, Grant programs-education, School breakfast and lunch programs, Nutrition, Reporting and recordkeeping requirements.

7 CFR Part 235

Administrative practice and procedure, Food assistance programs, Grant programs-health, Grant programs-education, School breakfast and lunch programs, Nutrition, Reporting and recordkeeping requirements.

Accordingly, 7 CFR parts 210 and 235 are amended as follows:

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

■ 1. The authority citation for part 210 continues to read as follows:

Authority: 42 U.S.C. 1751–1760, 1779.

■ 2. In § 210.2, add definitions of *School nutrition program directors, School nutrition program managers,* and *School nutrition program staff* in alphabetical order.

The additions read as follows:

§ 210.2 Definitions.

* * * * *

School nutrition program directors are those individuals directly responsible for the management of the day-to-day operations of school food service for all

participating schools under the jurisdiction of the school food authority.

School nutrition program managers are those individuals directly responsible for the management of the day-to-day operations of school food service for a participating school(s).

School nutrition program staff are those individuals, without managerial responsibilities, involved in day-to-day operations of school food service for a participating school(s).

* * * * *

■ 3. Amend § 210.15 as follows:

■ a. In paragraph (b)(6), remove the word ''and'' at the end;

■ b. In paragraph (b)(7), remove the period and add ''; and'' in its place; and

■ c. Add paragraph (b)(8).

The addition reads as follows:

§ 210.15 Reporting and recordkeeping

* * * * *

(b) * * *

(8) Records for a three year period to demonstrate the school food authority's compliance with the professional standards for school nutrition program directors, managers and personnel established in § 210.30.

■ 4. Amend § 210.18 by adding new paragraph (h)(7) to read as follows:

§ 210.18 Administrative reviews.

* * * * *

(h) * * *

(7) *Professional standards.* The State agency shall ensure the school food authority complies with the professional standards for school nutrition program directors, managers and personnel established in § 210.30.

* * * * *

■ 5. Amend § 210.20 as follows:

■ a. In paragraph (b)(13), remove the word ''and'' at the end;

■ b. In paragraph (b)(14), remove the period and add ''; and'' in its place; and

■ c. Add paragraph (b)(15).

The addition reads as follows:

§ 210.20 Reporting and recordkeeping.

* * * * *

(b) * * *

(15) Records for a three year period to demonstrate compliance with the professional standards for State directors of school nutrition programs established in § 235.11(g) of this chapter.

§§ 210.30 and 210.31 [Redesignated as §§ 210.31 and 210.32]

■ 6. Redesignate § 210.30 and § 210.31 as § 210.31 and § 210.32, respectively.

■ 7. Add a new § 210.30 to read as follows:

§ 210.30 School nutrition program professional standards.

(a) *General.* School food authorities that operate the National School Lunch Program, or the School Breakfast Program (7 CFR part 220), must establish and implement professional standards for school nutrition program directors, managers, and staff, as defined in § 210.2.

(b) *Minimum standards for all school nutrition program directors.* Each school food authority must ensure that all newly hired school nutrition program directors meet minimum hiring standards and ensure that all new and existing directors have completed the minimum annual training/education requirements for school nutrition program directors, as set forth below:

(1) *Hiring standards.* All school nutrition program directors hired on or after July 1, 2015, must meet the following minimum educational requirements, as applicable:

(i) *School nutrition program directors with local educational agency enrollment of 2,499 students or fewer.* Directors must meet the requirements in either paragraph (b)(1)(i)(A), (B), (C), *or* (D) of this section.

(A) A bachelor's degree, or equivalent educational experience, with an academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field;

(B) A bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, *and* a State-recognized certificate for school nutrition directors;

(C) An associate's degree, or equivalent educational experience, with an academic major or area of concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field *and* at least one year of relevant school nutrition program experience; or

(D) A high school diploma or equivalency (such as the general educational development diploma), *and* at least three years of relevant school nutrition program experience. For a local educational agency with less than 500 students, the State agency has discretion to approve the hire of a director that meets the minimum educational requirement but has less than the required relevant school nutrition program experience. Directors hired under the criteria listed in this paragraph are strongly encouraged to work toward attaining an associate's degree in an academic major in the fields listed in this paragraph.

(ii) *School nutrition program directors with local educational agency enrollment of 2,500 to 9,999 students.* Directors must meet the requirements in either paragraph (b)(1)(ii)(A), (B), (C), *or* (D) of this section.

(A) A bachelor's degree, or equivalent educational experience, with an academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field;

(B) A bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, *and* a State-recognized certificate for school nutrition directors;

(C) A bachelor's degree in any academic major *and* at least two years of relevant experience in school nutrition programs; or

(D) An associate's degree, or equivalent educational experience, with an academic major or area of concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field *and* at least two years of relevant school nutrition program experience. Directors hired with an associate's degree are strongly encouraged to work toward attaining a bachelor's degree in an academic major in the fields listed in this paragraph.

(iii) *School nutrition program directors with local educational agency enrollment of 10,000 or more students.* Directors must meet the requirements in either paragraph (b)(1)(iii)(A), (B), *or* (C) of this section.

(A) A bachelor's degree, or equivalent educational experience, with an academic major or area of concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field;

(B) A bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, *and* a State-recognized certificate for school nutrition directors; or

(C) A bachelor's degree in any major *and* at least five years experience in management of school nutrition programs.

(D) School food authorities are strongly encouraged to seek out individuals who possess a master's degree or are willing to work toward a master's degree in the fields listed in this paragraph. At least one year of management experience, preferably in school nutrition, is strongly recommended. It is also strongly

recommended that directors have at least three credit hours at the university level in food service management and at least three credit hours in nutritional sciences at the time of hire.

(iv) At the discretion of the State agency, acting school nutrition program directors expected to serve for more than 30 business days must meet the hiring standards established in § 230.30(b)(1) of this chapter.

(v) *School nutrition program directors for all local educational agency sizes.* All school nutrition program directors, *for all local educational agency sizes,* must have completed at least eight hours of food safety training within five years prior to their starting date or complete eight hours of food safety training within 30 calendar days of their starting date. At the discretion of the State agency, all school nutrition program directors, regardless of their starting date, may be required to complete eight hours of food safety training every five years.

(2) *Summary of school nutrition program director hiring/standards.* The following chart summarizes the hiring standards established in this section:

Summary of School Nutrition Program Director Professional Standards by Local Educational Agency Size			
Minimum Requirements for Directors	**Student Enrollment 2,499 or less**	**Student Enrollment 2,500-9,999**	**Student Enrollment 10,000 or more**
Minimum Education Standards (required) *(new directors only)*	Bachelor's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field. OR Bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, and a State-recognized certificate for school nutrition directors; OR Associate's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; and at least 1 year of relevant school nutrition programs experience; OR High school diploma (or GED) and 3 years of relevant experience in school nutrition programs.	Bachelor's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; OR Bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, and a State-recognized certificate for school nutrition directors; OR Bachelor's degree in any academic major and at least 2 years of relevant school nutrition programs experience. OR Associate's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; and at least 2 years of relevant school nutrition programs experience.	Bachelor's degree, or equivalent educational experience, with academic major or concentration in food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field; OR Bachelor's degree, or equivalent educational experience, with any academic major or area of concentration, and a State-recognized certificate for school nutrition directors; OR Bachelor's degree in any major and at least 5 years experience in management of school nutrition programs.
Minimum Education Standards (preferred) *(new directors only)*	Directors hired without an associate's degree are strongly encouraged to work toward attaining associate's degree upon hiring.	Directors hired without a bachelor's degree strongly encouraged to work toward attaining bachelor's degree upon hiring.	Master's degree, or willingness to work toward master's degree, preferred. At least one year of management experience, preferably in school nutrition, strongly recommended. At least 3 credit hours at the university level in food service management plus at least 3 credit hours in nutritional sciences at time of hiring strongly preferred.
Minimum Prior Training Standards (required) *(new directors only)*	At least 8 hours of food safety training is required either not more than 5 years prior to their starting date or completed within 30 calendar days of employee's starting date.		

(3) *Continuing education/training standards for all school nutrition program directors.* Each school year, the school food authority must ensure that all school nutrition program directors, (including acting directors, at the

discretion of the State agency) complete annual continuing education/training. For the school year beginning July 1, 2015, program directors must complete eight hours of annual training. Beginning July 1, 2016, twelve hours of annual training are required. The annual training must cover administrative practices (including training in application, certification, verification, meal counting, and meal claiming procedures), as applicable, and any other specific topics identified by FNS, as needed, to address Program integrity or other critical issues. Continuing education/training required under this paragraph is in addition to the food safety training required in the first year of employment under paragraph (b)(1)(v) of this section.

(c) *Continuing education/training standards for all school nutrition program managers.* Each school year, the school food authority must ensure that all school nutrition program managers have completed annual continuing education/training. For the school year beginning July 1, 2015, program managers must complete six hours of annual training. Beginning July 1, 2016, ten hours of annual training are required. The annual training must include, but is not limited to, the following topics, as applicable:

(1) Administrative practices (including training in application, certification, verification, meal counting, and meal claiming procedures);

(2) The identification of reimbursable meals at the point of service;

(3) Nutrition;

(4) Health and safety standards; and

(5) Any specific topics identified by FNS, as needed, to address Program integrity or other critical issues.

(d) *Continuing education/training standards for all staff with responsibility for school nutrition programs.* Each school year, the school food authority must ensure that all staff with responsibility for school nutrition programs that work an average of at least 20 hours per week, other than school nutrition program directors and managers, completes annual training in areas applicable to their job. For the school year beginning July 1, 2015, staff must complete four hours of annual training. Beginning July 1, 2016, six hours of annual training are required. Part-time staff working an average of less than 20 hours per week must complete four hours of annual training beginning July 1, 2015. The annual training must include, but is not limited to, the following topics, as applicable to their position and responsibilities:

(1) Free and reduced price eligibility;

(2) Application, certification, and verification procedures;

(3) The identification of reimbursable meals at the point of service;

(4) Nutrition;

(5) Health and safety standards; and

(6) Any specific topics identified by FNS, as needed, to address Program integrity or other critical issues.

(e) *Summary of required minimum continued education/training standards and flexibilities.* The annual training requirements for school nutrition program managers, directors, and staff summarized in the following chart are effective beginning July 1, 2015. Program managers, directors, and staff hired on or after January 1 of each school year must complete half of their required annual training hours before the end of the school year. At the discretion of the State agency:

(1) Acting and temporary staff, substitutes, and volunteers must complete training in one or more of the topics listed in paragraph (d) of this section, as applicable, within 30 calendar days of their start date; and

(2) School nutrition program personnel may carry over excess annual training hours to an immediately previous or subsequent school year and demonstrate compliance with the training requirements over a period of two school years, provided that some training hours are completed each school year.

Summary of Required Minimum Continuing Education/Training Standards, for All Local Educational Agency Sizes	
New and Current Directors	Each year, at least 12 hours of annual continuing education/training. Includes topics such as: • Administrative practices (including training in application, certification, verification, meal counting, and meal claiming procedures). • Any specific topics required by FNS, as needed, to address Program integrity or other critical issues. This required continuing education/training is in addition to the food safety training required in the first year of employment, or for all school nutrition program directors if determined by the State agency.
New and Current Managers	Each year, at least 10 hours of annual continuing education/training. Includes topics such as: • Administrative practices (including training in application, certification, verification, meal counting, and meal claiming procedures). • The identification of reimbursable meals at the point of service. • Nutrition, health and safety standards. • Any specific topics required by FNS, as needed, to address Program integrity or other critical issues.
New and Current Staff (other than the director and managers) that work an average of at least 20 hours per week	Each year, at least 6 hours of annual continuing education/training. Includes topics such as: • Free and reduced price eligibility. • Application, certification, and verification procedures. • The identification of reimbursable meals at the point of service. • Nutrition, health and safety standards. • Any specific topics required by FNS, as needed, to address Program integrity or other critical issues.

(f) *Use of food service funds for training costs.* Costs associated with annual continuing education/training required under paragraphs (b)(3), (c) and (d) of this section are allowed provided they are reasonable, allocable, and necessary in accordance with the cost principles set forth in 2 CFR part 225, Cost Principles for State, Local and Indian Tribal Governments (OMB Circular A–87). However, food service funds must not be used to pay for the cost of college credits incurred by an individual to meet the hiring requirements in paragraphs (b)(1)(i) through (iv) and in paragraph (b)(2) of this section.

(g) *School food authority oversight.* Each school year, the school food authority director must document compliance with the requirements of this section for all staff with responsibility for school nutrition programs, including directors, managers, and staff. Documentation must be adequate to establish, to the State's satisfaction during administrative reviews, that employees are meeting the minimum professional standards. The school food authority must certify that:

(1) The school nutrition programs director meets the hiring standards and training requirements set forth in paragraph (b) of this section; and

(2) Each employee has completed the applicable training requirements in paragraphs (c) and (d) of this section no later than the end of each school year.

■ 8. Revise newly redesignated § 210.32 to read as follows:

§ 210.32 OMB control numbers.

The following control numbers have been assigned to the information collection requirements in 7 CFR part 210 by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980, Public Law 96–511.

7 CFR section where requirements are described	Current OMB control No.
210.3(b)	0584–0067
210.4(b)	0584–0002
210.5(d)	0584–0006; 0584–0002; 0584–0067; 0584–0567 (to be merged with 0584–0006)
210.7	0584–0567 (to be merged with 0584–0006)
210.8	0584–0284; 0584–0006
210.9	0584–0006
210.10	0584–0006; 0584–0494
210.11	0584–0576 (to be merged with 0584–0006)
210.13	0584–0006
210.14	0584–0006
210.15	0584–0006
210.17	0584–0075
210.18	0584–0006
210.19	0584–0006
210.20	0584–0006; 0584–0002; 0584–0067
210.23	0584–0006

PART 235—STATE ADMINISTRATIVE EXPENSE FUNDS

■ 9. The authority citation for Part 235 continues to read as follows:

Authority: Secs. 7 and 10 of the Child Nutrition Act of 1966, 80 Stat. 888, 889, as amended (42 U.S.C. 1776, 1779).

■ 10. Amend § 235.4 by revising paragraph (b)(2) to read as follows:

§ 235.4 Allocation of funds to States.

* * * * *

(b) * * *

(2) $30,000 to each State which administers the Food Distribution Program (part 250 of this chapter) in schools and/or institutions which participate in programs under parts 210, 220, and 226 of this chapter; provided that the State meets the training requirements set forth in § 235.11(g).

* * * * *

■ 11. Amend § 235.6 by adding a sentence at the end of paragraph (a–1) to read as follows:

§ 235.6 Use of funds.

* * * * *

(a–1) * * * State agencies may also use these funds for the purposes of State director annual continuing education/training as described in § 235.11(g)(3); however, costs associated with obtaining college credits to meet the hiring standards in § 235.11(g)(1) and (2) are not allowable.

* * * * *

■ 12. Amend § 235.11 as follows:

■ a. In paragraph (b)(2)(iv), remove the word ''and'' at the end;

■ b. In paragraph (b)(2)(v), remove the period and add ''; and'' in its place;

■ c. Add paragraph (b)(2)(vi); and

■ d. Add paragraph (g).

The additions read as follows:

§ 235.11 Other provisions.

* * * * *

(b) * * *

(2) * * *

(vi) Meeting the professional standards required in paragraph (g) of this section.

* * * * *

(g) *Professional standards.* State agencies must meet the minimum hiring and training standards established by FNS.

(1) *Hiring standards for State directors of school nutrition programs.* Beginning July 1, 2015, newly hired State agency directors with responsibility for the administration of the National School Lunch Program under part 210 of this chapter and the School Breakfast Program under part 220 of this chapter must have:

(i) Bachelor's degree with an academic major in areas including food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field;

(ii) Extensive relevant knowledge and experience in areas such as institutional food service operations, management, business, and/or nutrition education (experience in three or more of these areas highly recommended); and

(iii) Additional abilities and skills needed to lead, manage and supervise people to support the mission of Child Nutrition programs.

(iv) It is also strongly preferred that new hires possess:

(A) Master's degree with an academic major in areas including food and nutrition, food service management, dietetics, family and consumer sciences, nutrition education, culinary arts, business, or a related field;

(B) At least five years of experience leading people in successfully accomplishing major multi-faceted projects related to child nutrition and/or institutional foodservice management; and

(C) Professional certification in food and nutrition, food service management, school business management or a related field as determined by FNS.

(2) *Hiring standards for State directors of distributing agencies.* Beginning July 1, 2015, newly hired State agency directors with responsibility for the administration of the distribution of USDA donated foods under part 250 of this chapter must have:

(i) Bachelor's degree in any academic major;

(ii) Extensive relevant knowledge and experience in areas such as institutional food service operations, management, business, and/or nutrition education; and

(iii) Additional abilities and skills needed to lead, manage and supervise people to support the mission of Child Nutrition programs.

(iv) It is also strongly preferred that new hires possess at least five years of experience in institutional food service operations.

(3) *Continuing education/training standards for State directors of school nutrition programs and distributing agencies.* Each school year, all State directors with responsibility for the National School Lunch Program under part 210 of this chapter and the School Breakfast Program under part 220 of this chapter, as well as those responsible for the distribution of USDA donated foods under part 250 of this chapter, must complete a minimum of 15 hours of training in core areas that may include nutrition, operations, administration, communications and marketing. Additional hours and topics may be specified by FNS, as needed, to address Program integrity and other critical issues.

(4) *Provision of annual training.* At least annually, State agencies with responsibility for the National School Lunch Program under part 210 of this chapter and the School Breakfast Program under part 220 of this chapter, as well as State agencies with responsibility for the distribution of USDA donated foods under part 250 of this chapter, must provide or ensure that State agency staff receive annual continuing education/training.

(i) Each State agency with responsibility for the National School Lunch Program under part 210 of this chapter and the School Breakfast Program under part 220 of this chapter must provide a minimum of 18 hours of continuing education/training to school food authorities. Topics include administrative practices (including training in application, certification, verification, meal counting, and meal claiming procedures); the accuracy of approvals for free and reduced price meals; the identification of reimbursable meals at the point of service; nutrition; health and food safety standards; the efficient and effective use of USDA donated foods; and any other appropriate topics, as determined by FNS, to ensure program compliance and integrity or to address other critical issues.

(ii) Each State agency with responsibility for the distribution of USDA donated foods under part 250 of this chapter must provide or ensure receipt of continuing education/training to State distribution agency staff on an annual basis. Topics may include the efficient and effective use of USDA donated foods; inventory rotation and control; health and food safety standards; and any other appropriate topics, as determined by FNS, to ensure program compliance and integrity or to address other critical issues.

(5) *Records and recordkeeping.* State agencies must annually retain records for a period of three years to adequately demonstrate compliance with the professional standards for State directors of school nutrition programs established in this paragraph.

(6) *Failure to comply.* Failure to comply with the professional standards in this paragraph may result in sanctions as specified in paragraph (b) of this section.

■ 13. Revise § 235.12 to read as follows:

§ 235.12 Information collection/recordkeeping—OMB assigned control numbers.

7 CFR Section where requirements are described	Current OMB control No.
235.3(b)	0584–0067.
235.4	0584–0067.
235.5(b), (d)	0584–0067.
235.7(a), (b)	0584–0067.
235.9(c), (d)	0584–0067.
235.11	0584–0067.
210.7	0584–0067.

Dated: February 24, 2015.

Audrey Rowe,

Administrator, Food and Nutrition Service.

[FR Doc. 2015–04234 Filed 2–27–15; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0139; Directorate Identifier 2012–NM–133–AD; Amendment 39–18081; AD 2015–02–14]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2009–20–05 for certain Airbus Model A318, A319, A320, and A321 series airplanes. AD 2009–20–05 required one-time inspections for cracking, damage, correct installation, and correct adjustment of the main landing gear (MLG) door hinge and actuator fittings on the keel beam, and corrective actions if necessary. This new AD expands the applicability, reduces the compliance time, and requires repetitive inspections instead of the one-time inspection. This AD also requires revising the maintenance or inspection program. This AD was prompted by reports of cracks on fittings that had successfully passed certain required inspections. We are issuing this AD to detect and correct cracking on the MLG door hinge fitting and actuator fitting on the keel beam, which could lead to in-flight detachment of an MLG door, possibly resulting in injury to persons on the ground and/or damage to the airplane.

DATES: This AD becomes effective April 6, 2015.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 6, 2015.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of November 3, 2009 (74 FR 49795, September 29, 2009).

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0139*; or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact Airbus, Airworthiness Office—EIAS, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com*; Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0139.

FOR FURTHER INFORMATION CONTACT: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2009–20–05, Amendment 39–16028 (74 FR 49795, September 29, 2009). AD 2009–20–05 applied to certain Model A318, A319, A320, and A321 series airplanes. The NPRM published in the **Federal Register** on March 12, 2014 (79 FR 13925).

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2012–0118, dated July 4, 2012 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition on the specified products. The MCAI states:

Several cases of cracks have reportedly been found on the MLG door hinge fitting and on the MLG door actuator fitting on the keel beam.

This condition, if not detected and corrected, could lead to in-flight detachment of a MLG door, possibly resulting in injury to persons on the ground and/or damage to the aeroplane.

To address this potential unsafe condition, EASA issued EASA AD 2007–0161 [*http://ad.easa.europa.eu/blob/easa_ad_2007_0161_superseded.pdf/AD_2007-0161_1*] [which corresponds to FAA AD 2009–20–05, Amendment 39–16028 (74 FR 49795, September 29, 2009)], to require a one-time inspection of the affected fittings and accomplishment of the applicable corrective actions.

Since that [EASA] AD was issued, some cracks have been found on fittings that had successfully passed the one-time inspection as required by EASA AD 2007–0161. Analyses of these cracks have lead Airbus to reconsider the repetitive inspections of the MLG door hinge and actuator fittings on the keel beam, in accordance with the ALI task 533154–02–1 requirement as defined in Airbus A318/A319/A320/A321 Airworthiness Limitation Items (ALI) Document, by introducing more restrictive inspection thresholds and intervals.

For the reasons stated above, this [EASA] AD, which supersedes EASA AD 2007–0161 and the ALI [Airworthiness Limitations Item] task 533154–02–1 requirements, expands the [EASA] AD applicability to all A318/A319/A320/A321 aeroplanes and requires repetitive inspections of the MLG door hinge and actuator fittings on the keel beam at a new threshold and interval and, depending on findings, the accomplishment of applicable corrective actions.

The inspections are detailed, high frequency eddy current (HFEC), and ultrasonic inspections for cracking, damage, correct installation, and correct adjustment, as applicable. The corrective actions include correcting incorrect adjustments and installations, and repair. This AD also requires revising the maintenance or inspection program, as applicable, to remove ALI task 533154–02–1. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0139-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM (79 FR 13925, March 12, 2014) and the FAA's response to each comment.

Requests To Reference Revised Service Bulletins

Airbus and United Airlines (UAL) requested that we reference Airbus Service Bulletin A320–53–1195, Revision 05, dated November 22, 2013; and Airbus Service Bulletin A320–53–1196, Revision 04, dated November 22, 2013; as appropriate sources of service information.

We agree with the commenters' requests to reference Airbus Service Bulletin A320–53–1195, Revision 05, dated November 22, 2013; and Airbus Service Bulletin A320–53–1196, Revision 04, dated November 22, 2013; as appropriate sources of service information for accomplishing the required actions in this AD. No additional work is specified by these service bulletin revisions for airplanes modified by any previous issue. We added a new paragraph (l) to this AD and redesignated subsequent paragraphs accordingly. New paragraph (l) gives credit for actions accomplished using certain service information before the effective date of this AD.

We have revised paragraph (i)(1) of this AD to refer to Airbus Service Bulletin A320–53–1195, Revision 05, dated November 22, 2013, and added paragraph (l)(1) to this AD to give credit for actions accomplished previously using Airbus Service Bulletin A320–53–1195, Revision 03, dated November 8, 2011; or Airbus Service Bulletin A320–53–1195, Revision 04, dated August 22, 2012.

We have revised paragraph (i)(2) of this AD to refer to Airbus Service Bulletin A320–53–1196, Revision 04, dated November 22, 2013; and added paragraph (l)(2) to this AD to give credit for actions accomplished using Airbus Service Bulletin A320–53–1196, Revision 02, dated November 8, 2011; or Airbus Service Bulletin A320–53–1196, Revision 03, dated August 22, 2012.

Request To Refer to Additional Service Information for Task Removal

UAL requested that we revise paragraph (k) of the proposed AD (79 FR 13925, March 12, 2014) to reference Airbus A318/A319/A320/A321 Airworthiness Limitation Items, Document AI/S–M4/95A.0252/96, Issue 10, dated October 2009; or Issue 11, dated September 2010; in addition to Airbus A318/A319/A320/A321 ALS Part 2—Damage Tolerant Airworthiness Limitations Items (DT ALI), Revision 01, dated April 4, 2012. UAL stated that Task 533154–02–1 of the Airbus A318/A319/A320/A321 ALS Part 2—Damage Tolerant Airworthiness Limitations Items (DT ALI), Revision 01, dated April 4, 2012, is ''superseded by Airbus Service Bulletins A320–53–1195 and A320–53–1196.'' UAL explained that operators that comply with Airbus A318/A319/A320/A321 ALS Part 2—Damage Tolerant Airworthiness Limitations Items (DT ALI), Revision 01, dated April 4, 2012, should already have removed Task 533154–02–1 from their maintenance/inspection programs. UAL also explained that operators might not have Airbus A318/A319/A320/A321 ALS Part 2—Damage Tolerant Airworthiness Limitations Items (DT ALI), Revision 01, dated April 4, 2012, in their maintenance/inspection programs and instead might have Airbus A318/A319/A320/A321 Airworthiness Limitation Items, Document AI/SE–M4/95A.0252/96, Issue 10, dated October 2009; or Issue 11, dated September 2010.

We agree with the commenter's request to refer to Airbus A318/A319/A320/A321 Airworthiness Limitation Items, Document AI/SE–M4/95A.0252/96, Issue 10, dated October 2009; or Issue 11, dated September 2010; in paragraph (k) of this AD. This revision will ensure that the actions specified by Task 533154–02–1 are removed from an operator's maintenance inspection program.

Request To Remove Reporting Requirement

UAL requested that we not require reporting, as described in the service information, if no damage and/or cracks are found during the inspection of the hinge fittings. UAL stated that reporting has insignificant value and is a burden on the operator. UAL explained that, since the inspections must be repetitively accomplished, the rate of reporting no findings will be significant without adding valued information, and that any damage/cracks will be reported to Airbus when they are contacted for repair approval.

We disagree with the commenter's request to remove the reporting action required by this AD. A reporting requirement is instrumental in ensuring that we can gather as much information as possible regarding the extent and nature of the identified unsafe condition, especially in cases where that data may not be available through other established means. Also, the commenter did not provided any rationale concerning how eliminating the reporting requirement will ensure that future service information from Airbus will continue to maintain operational

safety of the fleet. We have not changed this AD in this regard.

Request To Remove Requirement To Refer to This AD in Repair Approvals

UAL requested that we remove the statement ''for a repair method to be approved, the repair approval must specifically refer to this AD'' in paragraph (i) of the proposed AD (79 FR 13925, March 12, 2014). UAL stated that this statement could have a significant impact on the financial cost and customer support between the operator and Airbus. UAL also stated that this statement should be removed for those general reasons stated in A4A's comment on the same topic in NPRM 2012–NM–101–AD (78 FR 78285, December 26, 2013), which stated, among other justifications, that ''The added costs for this AD and all that may follow bearing the new procedural wording represent an unfair burden placed solely on U.S. registered aircraft.''

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

In the NPRM (79 FR 13925, March 12, 2014), we proposed to prevent the use of repairs that were not specifically developed to correct the unsafe condition, by requiring that the repair approval provided by the State of Design Authority or its delegated agent specifically refer to this FAA AD. This change was intended to clarify the method of compliance and to provide operators with better visibility of repairs that are specifically developed and approved to correct the unsafe condition. In addition, we proposed to change the phrase ''its delegated agent'' to include ''the Design Approval Holder (DAH) with a State of Design Authority's design organization approval (DOA)'' to refer to a DAH authorized to approve required repairs for the AD.

Comments were provided to the NPRM (79 FR 13925, March 12, 2014) and to an NPRM referenced by the commenter (*i.e.*, Directorate Identifier 2012–NM–101–AD (78 FR 78285, December 26, 2013)) about these proposed changes. One commenter to the NPRM having Directorate Identifier 2012–NM–101–AD, United Parcel Service (UPS), stated the following: ''The proposed wording, being specific to repairs, eliminates the interpretation that Airbus messages are acceptable for approving minor deviations (corrective actions) needed during accomplishment of an AD mandated Airbus service bulletin.''

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

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

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

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

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

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

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

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (79 FR

13925, March 12, 2014) for correcting the unsafe condition; and

• Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 13925, March 12, 2014).

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

Related Service Information Under 1 CFR Part 51

We reviewed Airbus Service Bulletin A320–53–1195, Revision 05, dated November 22, 2013, which describes procedures for inspections of the MLG door actuator fittings on the keel beam, and corrective actions if necessary. We also reviewed Airbus Service Bulletin A320–53–1196, Revision 04, dated November 22, 2013, which describes procedures for inspections of the MLG door hinge fitting on the keel beam, and corrective actions if necessary. This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

Costs of Compliance

We estimate that this AD affects 851 airplanes of U.S. registry.

The actions that are required by AD 2009–20–05, Amendment 39–16028 (74 FR 49795, September 29, 2009), and retained in this AD take about 28 work-hours per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of the actions that were required by AD 2009–20–05 is $2,380 per product.

We also estimate that it will take about 26 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $1,880,710, or $2,210 per product.

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

Paperwork Reduction Act

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0139;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2009–20–05, Amendment 39–16028 (74 FR 49795, September 29, 2009), and adding the following new AD:

2015–02–14 Airbus: Amendment 39–18081. Docket No. FAA–2014–0139; Directorate Identifier 2012–NM–133–AD.

(a) Effective Date

This AD becomes effective April 6, 2015.

(b) Affected ADs

This AD replaces AD 2009–20–05, Amendment 39–16028 (74 FR 49795, September 29, 2009).

(c) Applicability

This AD applies to the Airbus airplanes specified in paragraphs (c)(1), (c)(2), (c)(3), and (c)(4) of this AD, certificated in any category, all manufacturer serial numbers (MSNs).

(1) Model A318–111, –112, –121, and –122 airplanes.

(2) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(3) Model A320–211, –212, –214, –231, –232, and –233 airplanes.

(4) Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by reports of cracks on the main landing gear (MLG) door hinge fitting and actuator fitting on the keel beam. We are issuing this AD to detect and correct cracking on the MLG door hinge fitting and actuator fitting on the keel beam, which could lead to in-flight detachment of an MLG door, possibly resulting in injury to persons on the ground and/or damage to the airplane.

(f) Compliance

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

(g) Retained One-Time Inspections and Corrective Action

This paragraph restates the requirements of paragraphs (f)(1) and (f)(2) of AD 2009–20–05, Amendment 39–16028 (74 FR 49795, September 29, 2009), with specific delegation approval language. For airplanes having serial numbers up to MSN 2850 inclusive, except MSNs 0115, 0184, 0782, 1151, 1190, 2650, 2675, 2706, 2801, and 2837: Do the actions required by paragraphs (g)(1) and (g)(2) of this AD.

(1) At the latest of the times specified in paragraphs (g)(1)(i), (g)(1)(ii), and (g)(1)(iii) of this AD: Perform detailed visual, high frequency eddy current (HFEC), and ultrasonic inspections (for cracking, damage, correct installation, and correct adjustment, as applicable) of the left-hand (LH) and right-hand (RH) MLG door actuator fitting on the keel beam, and do all applicable corrective actions before further flight, except as provided by paragraph (h) of this AD. Do all actions required by this paragraph in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A320–53–1195, Revision 02, including Appendix 01, dated April 5, 2007; except where that service information specifies that the applicable corrective action is contacting Airbus, contact Airbus for repair instructions and repair before further flight. As of the effective date of this AD, where that service information specifies that the applicable corrective action is contacting Airbus, before further flight, repair using a method approved by the Manager, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA).

(i) Within 6,000 flight cycles since first flight.

(ii) Within 1,500 flight cycles after November 3, 2009 (the effective date of AD 2009–20–05, Amendment 39–16028 (74 FR 49795, September 29, 2009)).

(iii) Within 6,000 flight cycles from the latest MLG door actuator fitting replacement.

(2) At the later of the times specified in paragraphs (g)(2)(i) and (g)(2)(ii) of this AD: Perform detailed visual and HFEC inspections (for cracking, damage, correct installation, and correct adjustment, as applicable) of the LH and RH MLG door hinge fitting on the keel beam, and do all applicable corrective actions before further flight, except as provided by paragraph (h) of this AD. Do all actions required by this paragraph in accordance with the Accomplishment Instructions of Airbus Mandatory Service Bulletin A320–53–1196, Revision 01, including Appendix 01, dated November 29, 2006; except where that service information specifies that the applicable corrective action is contacting Airbus, contact Airbus for repair instructions and repair before further flight. As of the effective date of this AD, where that service information specifies that the applicable corrective action is contacting Airbus, before further flight, repair using a method approved by the Manager, ANM–116, Transport Airplane Directorate, FAA; or the EASA; or Airbus's EASA DOA.

(i) Within 4,500 flight cycles since first flight.

(ii) Within 1,500 flight cycles after November 3, 2009 (the effective date of AD 2009–20–05, Amendment 39–16028 (74 FR 49795, September 29, 2009)).

(h) Retained Exception to Paragraph (g) of This AD

This paragraph restates the exception specified in paragraph (f)(4) of AD 2009–20–05, Amendment 39–16028 (74 FR 49795, September 29, 2009). Where the Accomplishment Instructions of Airbus Mandatory Service Bulletin A320–53–1195, Revision 02, including Appendix 01, dated April 5, 2007; or Airbus Mandatory Service Bulletin A320–53–1196, Revision 01, including Appendix 01, dated November 29, 2006; as applicable; specify to submit a report where no damage or crack is found during the inspection required by paragraph (g)(1) or (g)(2) of this AD: Send the report to Airbus using the applicable reporting sheet in Appendix 01 of Airbus Mandatory Service Bulletin A320–53–1195, Revision 02, dated April 5, 2007; or Airbus Mandatory Service Bulletin A320–53–1196, Revision 01, dated November 29, 2006. Send the report at the applicable time specified in paragraph (h)(1) or (h)(2) of this AD.

(1) If the inspection was done on or after November 3, 2009 (the effective date of AD 2009–20–05, Amendment 39–16028 (74 FR 49795, September 29, 2009)): Submit the report within 30 days after the inspection.

(2) If the inspection was done before November 3, 2009 (the effective date of AD 2009–20–05, Amendment 39–16028 (74 FR 49795, September 29, 2009)): Submit the report within 30 days after November 3, 2009.

(i) New Repetitive Inspections and Corrective Action

(1) At the latest of the times specified in paragraphs (i)(1)(i), (i)(1)(ii), and (i)(1)(iii) of this AD: Perform detailed, HFEC, and ultrasonic inspections (for cracking, damage, correct installation, and correct adjustment, as applicable) of the LH and RH MLG door actuator fitting on the keel beam, and do all applicable corrective actions before further flight. Do all actions required by this paragraph in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1195, Revision 05, dated November 22, 2013; except where that service information specifies that the applicable corrective action is contacting Airbus, before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA; or Airbus's EASA DOA. Repeat the inspections thereafter at intervals not to exceed 2,250 flight cycles.

(i) Before the accumulation of 3,000 flight cycles since first flight.

(ii) Within 2,250 flight cycles after the most recent inspection done as described in Airbus Service Bulletin A320–53–1195, or Task 533154–02–1 of the Airbus A318/A319/A320/A321 Airworthiness Limitations Section Part 2—Damage Tolerant Airworthiness Limitations Items (DT ALI), as applicable.

(iii) Within 1,500 flight cycles after the effective date of this AD.

(2) At the latest of the times specified in paragraphs (i)(2)(i), (i)(2)(ii), and (i)(2)(iii) of this AD: Perform detailed and HFEC inspections (for cracking, damage, correct installation, and correct adjustment, as applicable) of the LH and RH MLG door hinge fitting on the keel beam, and do all applicable corrective actions before further flight. Do all actions required by this paragraph in accordance with the Accomplishment Instructions of Airbus Service Bulletin A320–53–1196, Revision 04, dated November 22, 2013; except where that service information specifies that the applicable corrective action is contacting Airbus, before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the EASA; or Airbus's EASA DOA. Repeat the inspections thereafter at intervals not to exceed 3,000 flight cycles.

(i) Before the accumulation of 3,000 flight cycles since first flight.

(ii) Within 3,000 flight cycles after the most recent inspection done as described in Airbus Service Bulletin A320–53–1196, or Task 533154–02–1 of the Airbus A318/A319/A320/A321 ALS Part 2—Damage Tolerant Airworthiness Limitation Items (DT ALI), as applicable.

(iii) Within 1,500 flight cycles after the effective date of this AD.

(j) New Corrective Action Limitation

The accomplishment of a corrective action on an airplane, as required by paragraph (i) of this AD, does not constitute terminating action for the repetitive inspection requirements of this AD for that airplane.

(k) New Maintenance or Inspection Program Revision

After the effective date of this AD and before further flight after doing the inspection required by paragraph (i) of this AD: Revise the maintenance or inspection program, as applicable, to remove Task 533154–02–1 of the Airbus A318/A319/A320/A321 ALS Part 2—Damage Tolerant Airworthiness Limitations Items (DT ALI), Revision 01, dated April 4, 2012; Airbus A318/A319/A320/A321 Airworthiness Limitation Items, Document AI/SE–M4/95A.0252/96, Issue 10, dated October 2009; or Airbus A318/A319/A320/A321 Airworthiness Limitation Items, Document AI/SE–M4/95A.0252/96 Issue 11, dated September 2010. The actions required by this AD take precedence over Task 533154–02–1 of the Airbus A318/A319/A320/A321 ALS Part 2—Damage Tolerant Airworthiness Limitation Items (DT ALI), Revision 01, dated April 4, 2012; Airbus A318/A319/A320/A321 Airworthiness Limitation Items, Document AI/SE–M4/95A.0252/96, Issue 10, dated October 2009; and Airbus A318/A319/A320/A321 Airworthiness Limitation Items, Document AI/SE–M4/95A.0252/96 Issue 11, dated September 2010.

(l) Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraph (i)(1) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A320–53–1195, Revision 03, dated November 8, 2011; or Airbus Service Bulletin A320–53–1195, Revision 04, dated August 22, 2012; which are not incorporated by reference in this AD.

(2) This paragraph provides credit for actions required by paragraph (i)(2) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A320–53–1196, Revision 02, dated November 8, 2011; or Airbus Service Bulletin A320–53–1196, Revision 03, dated August 22, 2012; which are not incorporated by reference in this AD.

(m) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Sanjay Ralhan, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1405; fax 425–227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

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

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

(n) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2012–0118, dated July 4, 2012, for related information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0139-0002.*

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

(o) Material Incorporated by Reference

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

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

(3) The following service information was approved for IBR on April 6, 2015.

(i) Airbus Service Bulletin A320–53–1195, Revision 05, dated November 22, 2013.

(ii) Airbus Service Bulletin A320–53–1196, Revision 04, dated November 22, 2013.

(4) The following service information was approved for IBR on November 3, 2009 (74 FR 49795, September 29, 2009).

(i) Airbus Mandatory Service Bulletin A320–53–1195, Revision 02, including Appendix 01, dated April 5, 2007.

(ii) Airbus Mandatory Service Bulletin A320–53–1196, Revision 01, including Appendix 01, dated November 29, 2006.

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

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

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

Issued in Renton, Washington, on February 4, 2015.

Dionne Palermo,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–02692 Filed 2–27–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–0189; Directorate Identifier 2013–NM–181–AD; Amendment 39–18099; AD 2015–03–03]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Airbus Model A300 series airplanes, Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). This AD was prompted by a report of chafing found on the overflow sensor harness of the surge tank, and subsequent contact between the electrical wiring and fuel tank structure. This AD requires a one-time inspection for chafing of the overflow sensor harness, and repair if necessary. This AD also requires modification of the sensor harness. We are issuing this AD to prevent chafing of the harness and subsequent contact between the electrical wiring and fuel tank structure, which could result in electrical arcing and a fuel tank explosion and consequent loss of the airplane.

DATES: This AD becomes effective April 6, 2015.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of April 6, 2015.

ADDRESSES: You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0189* or in person at the Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC.

For service information identified in this AD, contact Airbus, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA.

For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–0189.

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

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus Model A300 series airplanes, Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). The NPRM published in the **Federal Register** on April 8, 2014 (79 FR 19296).

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Airworthiness Directive 2013–0193, dated August 23, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for all Airbus Model A300 series airplanes, Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). The MCAI states:

During a scheduled maintenance check on an A300 aeroplane, chafing was found on the surge tank overflow sensor harness. The harness was found to contact the Magnetic Fuel Level Indicator (MFLI) canister.

Prompted by these findings, DGAC [Direction Générale de l'Aviation Civile] France issued [(*http://ad.easa.europa.eu/blob/easa_ad_1999_404_293.pdf/AD_1999-404-293*)] to require modification of the harness routing in accordance with the instructions of Airbus SB [service bulletin] A300–28–0058 or SB A300–28–6020, as applicable to aeroplane model.

Since that [DGAC] AD was issued, maintenance work on modified A300–600 aeroplanes revealed some chafing of the harness, creating a potential contact between the electrical wire and fuel tank structure. Investigations have shown that although measures were taken to prevent contact of the harness with the MFLI (through modification 04489), the installation can be subject to human error. As the MFLI is integral to the access panel in this location, any potential contact with the harness (as a result of incorrect installation) is hidden.

This condition, if not detected and corrected, could lead to electrical arcing, possibly resulting in a fuel tank explosion and loss of the aeroplane. To address this potential unsafe condition, Airbus issued SB A300–28–0091 for A300 aeroplanes, SB A300–28–6109 for A300–600 aeroplanes, and A300–28–9022 for A300–600ST aeroplanes.

For the reasons described above, this [EASA] AD requires a one-time inspection of the harness and, depending on findings, corrective actions, as well as replacement of angle brackets by error-proof harness brackets.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0189-0002.*

Comments

We gave the public the opportunity to participate in developing this AD. The following presents the comments received on the NPRM (79 FR 19296, April 8, 2014) and the FAA's response to each comment.

Request To Remove AD Reference in Repair Approvals

United Parcel Service (UPS) asked that we remove the requirement to include the AD reference in repair approvals, as specified in paragraph (g)(1) of the proposed AD (79 FR 19296, April 8, 2014), which states ''For a repair to be approved, the repair must specifically refer to this AD.'' UPS stated the following: ''The proposed wording, being specific to repairs, eliminates the interpretation that Airbus messages are acceptable for approving minor deviations (corrective actions) needed during accomplishment of a mandated Airbus service bulletin.'' UPS added that this will result in an increase in alternative method of compliance (AMOC) requests.

We agree with the commenter's request to remove the requirement that repair approvals specifically refer to this AD, from this AD.

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

In the NPRM (79 FR 19296, April 8, 2014), we proposed to prevent the use of repairs that were not specifically developed to correct the unsafe condition, by requiring that the repair approval provided by the State of Design Authority or its delegated agent specifically refer to this FAA AD. This change was intended to clarify the method of compliance and to provide operators with better visibility of repairs that are specifically developed and approved to correct the unsafe condition. In addition, we proposed to change the phrase ''its delegated agent'' to include ''the Design Approval Holder (DAH) with a State of Design Authority's design organization approval (DOA)'' to refer to a DAH authorized to approve required repairs for the AD.

As stated previously, UPS commented that: ''The proposed wording, being specific to repairs, eliminates the interpretation that Airbus messages are acceptable for approving minor deviations (corrective actions) needed during accomplishment of an AD mandated Airbus service bulletin.'' This comment has made the FAA aware that some operators have misunderstood or misinterpreted the Airworthy Product paragraph to allow the owner/operator to use messages provided by the manufacturer as approval of deviations during the accomplishment of an AD-mandated action. The Airworthy Product paragraph does not approve messages or other information provided by the manufacturer for deviations to the requirements of the AD-mandated actions. The Airworthy Product paragraph only addresses the requirement to contact the manufacturer for corrective actions for the identified unsafe condition and does not cover deviations from other AD requirements. However, deviations to AD-required actions are addressed in 14 CFR 39.17, and anyone may request the approval for an alternative method of compliance to the AD-required actions using the procedures found in 14 CFR 39.19.

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

The Contacting the Manufacturer paragraph also clarifies that, if approved by the DOA, the approval must include the DOA-authorized signature. The DOA signature indicates that the data and information contained in the document are EASA-approved, which is also FAA-approved. Messages and other information provided by the

manufacturer, that do not contain the DOA-authorized signature approval are not EASA-approved, unless EASA directly approves the manufacturer's message or other information.

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

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

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

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

Request To Extend the Compliance Time

UPS asked that we extend the compliance time specified in paragraph (g) of the proposed AD (79 FR 19296, April 8, 2014) from 30 to 36 months. UPS stated that it expects to accomplish the inspection during its existing C-check interval, which is 30 months. UPS added that in order to perform the inspection and repair at its major maintenance facility during C-checks, it requires an additional 6 months to allow for planning, preparation, and prototyping of the service information. UPS noted that this additional time is for the prototyping effort necessary when a project is initiated; UPS has determined that service information is often revised during accomplishment of the required actions, which makes it difficult to maintain regular maintenance schedules. Therefore, UPS must schedule special visit check lines for accomplishing the actions.

We do not agree with the commenter's request to extend the compliance time. In developing an appropriate compliance time for this action, we considered the safety implications, parts availability, and normal maintenance schedules for the timely accomplishment of the inspection and subsequent modification. In consideration of these items, as well as the possibility of chafing of the overflow sensor harness, we have determined that a 30-month compliance time will ensure an acceptable level of safety and allow the modification to be done during scheduled maintenance intervals for most affected operators. However, under the provisions of paragraph (j)(1) of this AD, we will consider requests for approval of an extension of the compliance time if sufficient data are submitted to substantiate that the new compliance time would provide an acceptable level of safety. We have not changed this AD in this regard.

Request To Include Another Source of Service Information

FedEx Express asked that we allow the use of UTC Aerospace Systems Service Bulletin V–1577 for accomplishing the actions in the NPRM (79 FR 19296, April 8, 2014). FedEx Express stated that it operates 71 Airbus Model A300–600 series airplanes, and 65 of those airplanes have had the in-tank fuel quantity system modified by a certain supplemental type certificate (STC), which means Airbus Service Bulletin A300–28–6109, Revision 01, dated December 20, 2013 (referred to as the appropriate source of service information for accomplishing the actions), cannot be used to accomplish the proposed actions. However, FedEx Express noted that six of its airplanes have the production in-tank fuel quantity system installed, and the referenced service information can be used for those airplanes. FedEx Express stated that the UTC Aerospace Systems service bulletin has not been issued yet; however, after issuance it should be included in the NPRM as a source of service information for accomplishing the proposed actions in order to mitigate the unsafe condition.

We partially agree with the commenter. We agree that airplanes that have had the in-tank fuel quantity system modified by STC ST00092BO (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/D41C5AE8E46B4901862574900069E004?OpenDocument&Highlight=st00092bo*) cannot accomplish the actions proposed in the NPRM (79 FR 19296, April 8, 2014) by using Airbus Service Bulletin A300–28–6109, Revision 01, dated December 20, 2013. Since the issuance of the NPRM, UTC Aerospace Systems has issued service bulletin 300723–28–03 (V–1577), dated October 10, 2014, to address the unsafe condition for airplanes that have been modified by supplemental type certificate ST00092BO.

We do not agree to revise this AD to require UTC Aerospace Systems Service Bulletin 300723–28–03 (V–1577), dated October 10, 2014. Instead, we are considering separate rulemaking to require the procedures and compliance time specified in UTC Aerospace Systems Service Bulletin 300723–28–03 (V–1577), dated October 10, 2014, for airplanes modified by STC ST00092BO. Therefore, we have revised paragraph (c) of this AD by removing airplanes modified by STC ST00092BO from the applicability of this AD.

Request To Include Revised Service Information

FedEx Express asked that Revision 02 of Airbus Service Bulletin A300–28–6109 be included for accomplishing the actions in the NPRM (79 FR 19296, April 8, 2014) before the final rule is issued. FedEx Express stated that it reviewed Airbus Service Bulletin A300–28–6109, Revision 01, dated December 20, 2013, and submitted its findings to Airbus for incorporation into upcoming Revision 02 before issuance. FedEx Express added that its intent in doing so was to prevent future requests for AMOCs to the FAA.

We disagree with the commenter's request to include Revision 02 of Airbus Service Bulletin A300–28–6109. We are aware that Airbus is considering

revising Airbus Service Bulletin A300–28–6109, Revision 01, dated December 20, 2013, to incorporate feedback received from FedEx Express in the Accomplishment Instructions of the service bulletin. We will consider approving Revision 02 of Airbus Service Bulletin A300–28–6109 as an AMOC to the actions specified in paragraphs (g) and (h) of this AD, once this service bulletin is released. However, we find that delaying this AD action would be inappropriate in light of the urgency of the identified unsafe condition. Therefore, no change has been made to this AD in this regard.

Request To Clarify the ''Required for Compliance'' Instructions

FedEx Express asked for clarification as to whether the Required for Compliance (RC) note identified in the Accomplishment Instructions of Airbus Service Bulletin A300–28–6109, Revision 01, dated December 20, 2013, is applicable to the actions specified in the NPRM (79 FR 19296, April 8, 2014) and EASA Airworthiness Directive 2013–0193, dated August 23, 2013.

We acknowledge the commenter's concern and provide the following clarification:

The FAA worked in conjunction with industry, under the Airworthiness Directives Implementation Aviation Rulemaking Committee (ARC), to enhance the AD system. One enhancement is a new process for annotating which steps in the service information are ''required for compliance'' with an AD. Differentiating these steps from other tasks in the service information is expected to improve an owner's and operator's understanding of AD requirements and help provide consistent judgment in AD compliance. In response to the AD Implementation ARC, the FAA released AC 20–176, Revision A, dated June 16, 2014, (*http://rgl.avs.faa.gov/Regulatory_and_Guidance_Library/rgAdvisoryCircular.nsf/0/a78cc91a47b192278625796b0075f419/$FILE/AC%2020-176.pdf*); and Order 8110.117 (*http://rgl.avs.faa.gov/Regulatory_and_Guidance_Library/rgOrders.nsf/0/984bb9eb07cdd86986257a7f0070744c/$FILE/Order%208110.117.pdf*), which include the concept of RC. The FAA has begun implementing this concept in ADs when we receive service information containing RC steps. Therefore, the RC note does apply to the actions required by this AD when using Airbus Service Bulletin A300–28–6109, Revision 01, dated December 20, 2013, to accomplish the required actions. We do not have information concerning how EASA implements the RC concept in its ADs.

We split paragraph (j)(1) and redesignated the content as paragraphs (j)(1) and (j)(1)(i) of this AD, and added paragraph (j)(1)(ii) to this AD to reflect information concerning the RC concept and to explain when it is necessary to request approval of an AMOC.

Clarification of Inspection Type

Paragraph (g) of this AD has been revised to clarify the inspection type as a one-time general visual inspection.

Conclusion

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

- Are consistent with the intent that was proposed in the NPRM (79 FR 19296, April 8, 2014) for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM (79 FR 19296, April 8, 2014).

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

Related Service Information Under 1 CFR Part 51

We reviewed Airbus Mandatory Service Bulletins A300–28–0091, dated March 5, 2013; and A300–28–6109, Revision 01, dated December 20, 2013. This service information describes procedures for a one-time inspection for chafing of the overflow sensor harness, and contacting the manufacturer for repair instructions. This service information also describes modification of the sensor harness. This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

Costs of Compliance

We estimate that this AD affects 123 airplanes of U.S. registry.

We also estimate that it takes about 3 work-hours per product to comply with the inspection required by this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this inspection on U.S. operators to be $31,365, or $255 per product.

We estimate that it takes about 12 work-hours per product to comply with the modification requirements of this AD. The average labor rate is $85 per work-hour. Required parts cost about $500 per product. Based on these figures, we estimate the cost of this modification on U.S. operators to be $186,960, or $1,520 per product.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov/#!docketDetail;D=FAA-2014-0189;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The

street address for the Docket Operations office (telephone 800–647–5527) is in the **ADDRESSES** section.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2015–03–03 Airbus: Amendment 39–18099. Docket No. FAA–2014–0189; Directorate Identifier 2013–NM–181–AD.

(a) Effective Date

This AD becomes effective April 6, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the Airbus airplanes specified in paragraphs (c)(1), (c)(2), (c)(3), (c)(4), and (c)(5) of this AD, certificated in any category, all manufacturer serial numbers; except for airplanes modified by supplemental type certificate ST00092BO (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/D41C5AE8E46B4901862574900069E004?OpenDocument&Highlight=st00092bo*).

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

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

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

(4) Model A300 F4–605R and F4–622R airplanes.

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

(d) Subject

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

(e) Reason

This AD was prompted by a report of chafing found on the overflow sensor harness of the surge tank, and subsequent contact between the electrical wiring and fuel tank structure. We are issuing this AD to prevent chafing of the harness and subsequent contact between the electrical wiring and fuel tank structure, which could result in electrical arcing and a fuel tank explosion and consequent loss of the airplane.

(f) Compliance

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

(g) One-Time Inspection and Repair

Within 30 months after the effective date of this AD: Perform a one-time general visual inspection for chafing of the outer tank sensor harness between ribs 26 and 27, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–28–0091, dated March 5, 2013 (for Model A300 series airplanes); or Airbus Service Bulletin A300–28–6109, Revision 01, dated December 20, 2013 (for Model A300–600 series airplanes);

(1) If any previous repairs are identified, or if braid and wire insulation is found damaged with the conductor exposed during the inspection required by the introductory text of paragraph (g) of this AD: Before further flight, repair using a method approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA).

(2) If the braid and wire insulation is found damaged without the conductor exposed during the inspection required by the introductory text of paragraph (g) of this AD: Before further flight, repair, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–28–0091, dated March 5, 2013 (for Model A300 series airplanes); or Airbus Service Bulletin A300–28–6109, Revision 01, dated December 20, 2013 (for Model A300–600 series airplanes).

(h) Modification

(1) For airplanes on which no damage was found during the inspection required by the introductory text of paragraph (g) of this AD: Before further flight, install modified and error-proof angle brackets to stringer 15 between ribs 26 and 27 of the outer tank sensor harness, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–28–0091, dated March 5, 2013 (for Model A300 series airplanes); or Airbus Service Bulletin A300–28–6109, Revision 01, dated December 20, 2013 (for Model A300–600 series airplanes).

(2) For airplanes on which any damage was found during the inspection required by the introductory text of paragraph (g) of this AD, and the applicable repair required by paragraph (g)(1) or (g)(2) of this AD has been done: Before further flight, install modified and error-proof angle brackets to stringer 15 between ribs 26 and 27 of the outer tank sensor harness, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A300–28–0091, dated March 5, 2013 (for Model A300 series airplanes); or Airbus Service Bulletin A300–28–6109, Revision 01, dated December 20, 2013 (for Model A300–600 series airplanes).

(i) Credit for Previous Actions

This paragraph provides credit for actions required by paragraphs (g) and (h) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A300–28–6109, dated March 5, 2013, which is not incorporated by reference in this AD.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(ii) Except as required by paragraph (g)(1) of this AD: If the service information contains procedures or tests that are identified as RC (Required for Compliance), those procedures and tests must be done to comply with this AD; any procedures and tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in a serviceable condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

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

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA Airworthiness Directive 2013–0193, dated August 23, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov/#!documentDetail;D=FAA-2014-0189-0002.*

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

(l) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this

paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

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

(i) Airbus Service Bulletin A300–28–0091, dated March 5, 2013.

(ii) Airbus Service Bulletin A300–28–6109, Revision 01, dated December 20, 2013.

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

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

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

Issued in Renton, Washington, on February 2, 2015.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–02676 Filed 2–27–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2015–0264; Airspace Docket No. 15–ASO–1]

RIN 2120–AA66

Revocation of Restricted Area R–2936, West Palm Beach, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action removes restricted area R–2936, West Palm Beach, FL. The using agency informed the FAA they no longer have a requirement for this area; therefore, the airspace is being returned to the National Airspace System (NAS).

DATES: Effective date: 0901 UTC, April 30, 2015.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace Policy and Regulations Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Background

Restricted area R–2936, West Palm Beach, FL, was established to contain test firings of components for the main engines of the Space Shuttle (55 FR 5981) May 3, 1990. During test firings, hydrogen gas was released through an exhaust stack generating significant turbulence and high air temperatures that could be hazardous to aircraft up to 10,000 feet. The restricted area using agency informed the FAA there are no plans for further hazardous testing in the area. Therefore, the FAA is taking this action to remove restricted area R–2936.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 73 by removing restricted area R–2936, West Palm Beach, FL. The using agency notified the FAA that they no longer require the restricted area for hazardous activities.

Because this action removes restricted airspace no longer needed, and returns the airspace to the NAS, I find that notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

The FAA has determined that this action only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it returns restricted airspace that is no longer needed for its designated purpose to the NAS in the West Palm Beach, FL area.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, Environmental Impacts: Policies and Procedures, paragraph 311c. This action returns restricted airspace to the National Airspace System. It is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73, as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 73.29 [Amended]

■ 2. Section 73.29 is amended as follows:

* * * * *

R–2936 West Palm Beach, FL [Removed]

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

Gary A. Norek,

Manager, Airspace Policy and Regulations Group.

[FR Doc. 2015–04296 Filed 2–27–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2015–0265; Airspace Docket No. 14–ASW–11]

RIN 2120–AA66

Amendment of Restricted Areas R–3801A, R–3801B, and R–3801C; Camp Claiborne, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; technical amendment.

SUMMARY: This action updates using agency information for restricted areas R–3801A, R–3801B, and R–3801C, Camp Claiborne, LA. This is an administrative change to reflect an organizational transfer of using agency responsibilities within the United States Air Force. It does not affect the boundaries, designated altitudes, time of designation or activities conducted within the restricted areas.

DATES: Effective date: 0901 UTC, April 30, 2015.

FOR FURTHER INFORMATION CONTACT: Colby Abbott, Airspace Policy and Regulations Group, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Background

On January 6, 1994, the FAA amended restricted areas R–3801A, R–3801B, and R–3801C to reflect ''U.S. Air Force, 917 Fighter Wing, Barksdale AFB, LA'' as the using agency. Due to multiple U.S. Air Force organizational initiatives since 1994, the 917th Fighter Wing changed to the 917th Wing and then to the 917th Fighter Group. As a result of the 917th Fighter Group deactivating in 2013, the using agency responsibilities were transferred within the U.S. Air Force to the 307th Bomb Wing at Barksdale AFB, where they remain today.

The organizational changes listed above did not alter the location, size, or use of the restricted areas from the current parameters.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 73 by updating the using agency name for restricted areas R–3801A, R–3801B, and R–3801C, Camp Claiborne, LA. The name change is due to an organizational transfer of restricted area using agency responsibilities within the U.S. Air Force. This is an administrative change that does not affect the boundaries, designated altitudes, or activities conducted within the restricted areas; therefore, notice and public procedure under 5 U.S.C. 553(b) are unnecessary.

The FAA has determined that this action only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the technical descriptions of restricted areas to ensure that accurate information is available to the flying public for the Camp Claiborne, LA, area.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, Environmental Impacts: Policies and Procedures, paragraph 311d. This airspace action is an administrative change to the description of restricted areas R–3801A, R–3801B, and R–3801C to update the using agency name. It does not alter the dimensions, altitudes, time of designation, or use of the airspace; therefore, it is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exists that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73, as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 73.38 [Amended]

■ 2. Section 73.38 is amended as follows:

* * * * *

R–3801A Camp Claiborne, LA [Amended]

* * * * *

By removing the words ''Using agency. U.S. Air Force, 917 Fighter Wing, Barksdale AFB, LA,'' and inserting in their place ''Using agency. U.S. Air Force, 307th Bomb Wing, Barksdale Air Force Base, LA.''

R–3801B Camp Claiborne, LA [Amended]

* * * * *

By removing the words ''Using agency. U.S. Air Force, 917 Fighter Wing, Barksdale AFB, LA,'' and inserting in their place ''Using agency. U.S. Air Force, 307th Bomb Wing, Barksdale Air Force Base, LA.''

R–3801C Camp Claiborne, LA [Amended]

* * * * *

By removing the words ''Using agency. U.S. Air Force, 917 Fighter Wing, Barksdale AFB, LA,'' and inserting in their place ''Using agency. U.S. Air Force, 307th Bomb Wing, Barksdale Air Force Base, LA.''

* * * * *

Issued in Washington, DC, on February 24, 2015.

Gary A. Norek,

Manager, Airspace Policy and Regulations Group.

[FR Doc. 2015–04294 Filed 2–27–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2014–0875; Airspace Docket No. 14–ASO–13]

RIN 2120–AA66

Amendment of Restricted Area Boundary Descriptions; Cape Canaveral, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; technical amendment, correction.

SUMMARY: This action corrects a final rule; technical amendment, published

in the **Federal Register** on December 15, 2014, that made minor adjustments to the boundary descriptions of restricted areas R–2932, R–2933, R–2934 and R–2935 at Cape Canaveral, FL. Due to a submission error, one latitude/longitude point was omitted from the description of restricted area R–2935, Cape Canaveral, FL. This action corrects the boundary description of R–2935 by adding the missing point.

DATES: Effective date 0901 UTC, March 5, 2015.

FOR FURTHER INFORMATION CONTACT: Paul Gallant, Airspace Policy and Regulations Group, AJV–11, Office of Airspace Services, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Background

On December 15, 2014, the FAA published a final rule; technical amendment in the **Federal Register** that made minor adjustments to the boundary descriptions of restricted areas R–2932, R–2933, R–2934 and R–2935 at Cape Canaveral, FL (79 FR 74016). Subsequent to publication, it was determined that one latitude/longitude coordinate had been omitted from the boundary description of restricted area R–2935. The omission causes a slight gap between the boundaries of R–2935 and adjacent restricted areas. This correction inserts ''lat. 28°25′01″ N., long 80°37′59″ W.,'' between the points ''lat. 28°25′01″ N., long. 80°41′44″ W.,'' and ''lat. 28°24′31″ N., long. 80°29′52″ W.''

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

Correction to Final Rule; Technical Amendment

Accordingly, pursuant to the authority delegated to me, the boundary description of restricted area R–2935 Cape Canaveral, FL, as published in the **Federal Register** on December 15, 2014 (79 FR 74016) (FR Doc. 2014–29268) is corrected under the description as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 73.29 [Corrected]

* * * * *

R–2935 Cape Canaveral, FL [Corrected]

On page 74018, first column, remove the current boundaries and add in its place the following:

Boundaries. Beginning at lat. 28°47′21″ N., long. 81°04′59″ W.; to lat. 28°58′02″ N., long. 80°46′58″ W.; thence 3 NM from and parallel to the shoreline; to lat. 28°51′16″ N., long. 80°42′29″ W.; to lat. 28°51′16″ N., long. 80°47′14″ W.; to lat. 28°49′11″ N., long. 80°50′44″ W.; to lat. 28°38′01″ N., long. 80°47′01″ W.; to lat. 28°31′21″ N., long. 80°43′49″ W.; to lat. 28°25′01″ N., long. 80°41′44″ W.; to lat. 28°25′01″ N., long. 80°37′59″ W.; to lat. 28°24′31″ N., long. 80°29′52″ W.; thence 3 NM from and parallel to the shoreline; to lat. 28°19′01″ N., long. 80°33′00″ W.; to lat. 28°19′01″ N., long. 80°46′29″ W.; to the point of beginning.

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

Gary A. Norek,

Manager, Airspace Policy and Regulations Group.

[FR Doc. 2015–04290 Filed 2–27–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 91, 121, 125, and 135

[Docket No. FAA–2015–0289]

Policy Regarding Datalink Communications Recording Requirements

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

ACTION: Policy update and clarification; request for comments.

SUMMARY: This policy statement updates and clarifies how the FAA determines when datalink communications must be recorded as a function of the cockpit voice recorder operational regulations. This policy update eliminates unneeded limitations in current policy, and restates the FAA's intent that the requirement function as a performance-based regulation.

DATES: Effective March 2, 2015. Comments must be received by June 1, 2015.

ADDRESSES: Send comments identified by docket number FAA–2015–0289 using any of the following methods:

- *Federal eRulemaking 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: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

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 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: For technical questions concerning this action contact Tim Shaver, Flight Standards Service, Aircraft Maintenance Division—Avionics Maintenance Branch, AFS–360, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–1675, Fax: (202) 267–1813, email: *tim.shaver@faa.gov.*

For legal questions concerning this action contact Karen Petronis, Senior Attorney, Regulations Division, AGC–200, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8018, email: *Karen.Petronis@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

In 2008, the FAA promulgated several amendments to the flight recorder regulations of Title 14 of the Code of Federal Regulations (73 FR 12542, March 7, 2008; Docket No. FAA–2005–20245). Those regulations amended the requirements for cockpit voice recorders (CVR) and digital flight data recorders (DFDR) and affected certain air carriers, operators, and aircraft manufacturers. In amending the regulations, the FAA

increased the duration of certain CVR recordings; increased the data recording rate for certain DFDR parameters; required the physical separation of the DFDR and CVR; required improved reliability of the power supplies to both the CVR and DFDR; and required that datalink communications to or from an aircraft be recorded if datalink communication (DLC) equipment is installed. The changes were based on recommendations issued by the National Transportation Safety Board (NTSB) following its investigations of several accidents and incidents, and included other revisions the FAA determined necessary. These changes to CVR and DFDR systems were intended to improve the quality and quantity of information recorded and retained for accident and incident investigations.

When the rule was promulgated, the FAA recognized that emergent DLC technology was changing the equipment and means used by pilots to communicate. While the 2008 regulations did not mandate the installation of datalink communication equipment, the FAA recognized the value of the data communications on the aircraft equipped with DLC, and the need for communicated data to be recorded.

In the preamble to the 2008 final rule, the FAA discussed a range of comments received about datalink communications, including compatibility with international standards, compliance time, recording capacities, and the application of the requirement to existing datalink capabilities. Many of the FAA's responses to those comments indicated that the requirement to record would depend on the dates of certification, whether the certification was at manufacture or was a retrofit, the extent of equipment installation and functionality, the scope of the message set and changes made to it. In retaining the installation of DLC as optional, but making recording mandatory at installation, the FAA expected that the expansion of datalink technology and its increasing value to operators would result in routine recordation of the communications.

Since 2010, implementation of the Controller Pilot Data Link Communications (CPDLC) recording requirement has become more complex than anticipated. The FAA has been presented with a greater number of discrete aircraft equipment installations than expected when the rule was promulgated. As such, individual decisions on whether the recording rule applied have become difficult to make consistently within the scope of our original guidance. At issue are aircraft that were manufactured before the effective date of the rule (December 6, 2010) that require widely varying levels of additional CPDLC equipment or software to be fully functional.

Regulatory Basis

The regulation requires recordation of the data on the CVR, and was added to the CVR sections of various operating rules in 14 CFR. These regulations were linked to the certification regulations for the particular aircraft, which refer to an approved data message set that must be recorded from the communications unit that translates the signal into data usable by the flight crew (in most cases the flight management system). Rather than define a specific message set, the FAA intended that the requirement be performance based to account for the differing needs and equipage of operators and the evolution of data capabilities.

There are two guidance documents that apply to datalink communications. First, Advisory Circular, AC 20–160—Onboard Recording of Controller Pilot Data Link Communication (CPDLC) in Crash Survivable Memory, identifies CPDLC messages that may be approved for inclusion in an approved message set. We regularly review this document as new DLC systems and capabilities are developed, the need for specific information changes, and coordination with other international regulating entities occurs.

The second guidance document is an FAA information bulletin, InFO 10016, released August 16, 2010, which was intended to present in more detail the circumstances that make the recordation requirement applicable to a specific aircraft. When applied to individual aircraft, however, the guidance documents raised unanticipated questions regarding when the requirement would apply, including the effect of equipment changes, and whether the timing of certain changes could alter the applicability of the recording requirement.

For example, while the FAA recognized that there were aircraft with DLC system design approvals established before the effective date of the rule, the question arose whether simple activation of the same system (such as by a software modification) would make recording mandatory. Since the system designs were approved prior to the rule, they would not have included DLC recording as part of the initial certification requirements, either for the system or the message set. The InFO included guidance on upgrading existing aircraft with DLC recording capability, which included a decision process requiring consideration of multiple factors, such as the date of manufacture of the aircraft, whether installation of both a CVR and a flight data recorder were required, the date of installation of any datalink equipment on the aircraft, whether the datalink equipment had an approved message set, whether a supplemental type certificate was required to install or activate the datalink equipment, and whether a software change alone was sufficient to make the data link recording requirement applicable to a particular aircraft.

Current Operating Environment

Since the 2008 rules were promulgated, domestic CPDLC has expanded and evolved, and is poised to become a significant means to enhance safety, efficiency and capacity in the domestic national airspace system (NAS). The FAA is now actively promoting the use of this technology, and has invested in the Data Communications Program (Data Comm) to provide more robust DLC services between pilots and air traffic controllers. Data Comm will provide a data link between the ground and flight deck avionics for safety-of-flight air traffic control clearances, instructions, traffic flow management messages, flight crew requests, and reports. Data Comm has also become a core component of NextGen, as Data Comm provides needed enhancements for communication infrastructure. Data Comm is expected to reduce the impact of ground delays that result from airport reconfigurations, weather, and congestion; reduce communication errors; improve controller and pilot efficiency through automated information exchange; enable broader use of NextGen services (*e.g.,* enhanced re-routes, trajectory operations); and increase controller productivity, leading to increased NAS capacity.

The FAA is developing data communications capability in two phases. Segment 1 Phase 1 (S1P1) will deploy the CPDLC departure clearance capability in the tower domain. Segment 1 Phase 2 (S1P2) will deliver data communications services to the en route domain (such as airborne reroutes, transfer of communications/initial check-in, and direct-to-fix routing). A second segment enhancing these services is also planned. Collectively, these services will contribute to a reduction in flight delays, reduced environmental impacts, and more efficient routes for aircraft resulting in increased operational efficiency, added flexibility, and enhanced safety. In order

to realize the benefits of Data Comm in the NAS domestically, additional aircraft beyond those that currently support Data Comm in the Oceanic airspace are needed.

As part of the equipage initiative to support Data Comm, operators seeking to incorporate DLC equipment through the FAA-sponsored Data Comm program have reported that current interpretations of the rule and the guidance materials have resulted in an inconsistent determination of when DLC recordation is required on individual aircraft. The resulting uncertainty has delayed the installation of DLC equipment, with operators reporting significant costs to modify aircraft to record this data if the aircraft is not already equipped with the necessary wiring and upgraded information management systems. The difficulties and inconsistencies in application of the recordation criteria are reducing industry participation in the Data Comm program. As part of the NexGen Implementation Working Group (NIWG) activities in 2014, industry representatives noted that their declining participation in the Data Comm program was the result of the additional cost of the recording equipment, further delaying the goal of the fleet size needed to make the system effective.

In 2014, the NIWG recommended that the Performance-based Operations Rulemaking Committee (PARC) develop a recommendation on the recording rule and present it to the FAA. The PARC is an FAA-sponsored rulemaking committee that has both the FAA and aviation community at large among its members, and which makes recommendations to FAA management on the issues it addresses. Since 2005, the PARC has maintained a Communications Working Group (CWG) to address the implementation of aeronautical communications systems. In 2012, the PARC CWG began a review of airborne datalink recording capabilities.

The interplay of the recording regulation and the implementation of NextGen were confirmed by the findings of the PARC in its report it submitted to the FAA in October 2014. The FAA met with the PARC CWG and the Data Comm program participants and came to the conclusions already discussed—that determining whether datalink recording is required on individual aircraft manufactured before the effective date of the rule is difficult, resulting in confused and inconsistent decision making; and that the Datalink Recording (DLR) equipage policy defined in the current InFO 10016 leaves questions as to whether certain equipment changes and revisions to DLC systems and certification documentation caused the recordation requirement to apply.

Cost of Modification

Since datalink recording itself was still optional under the 2008 regulation, and the use of datalink communication was still limited, neither the recording requirement nor the guidance focused on the cost of the installing recording equipment or on the safety benefits of DLC use. The optional installation and varied use on in-service aircraft left the FAA unable to estimate whether, when, or how many existing aircraft would install DLC systems with CPDLC functionality. The FAA anticipated that the economic benefits of DLC to an operator would be the determining factor in a decision whether to install it at all. With the recent input of the NIWG and the PARC, the economic impact of installing a required DLC recording system is becoming better understood. Cost data have been collected from the airline partners that are participating in the Data Comm program and the PARC. The reported cost for installing the recording functions is $135,000 per aircraft. The costs associated with equipping an aircraft manufactured before 2010 with datalink recording were approximated as follows:

- CVR Hardware—$18,000
- CVR Control Panel—$7,000
- Non-Recurring Engineering (CVR)—$10,000
- New Communications Management Unit (CMU) (recording capable)—$35,000
- New CMU software that enables datalink recording—$10,000
- Non-recurring Engineering (CMU)—$10,000
- Installation Kits (CVR/CMU combined)—$10,000
- Installation Labor—$15,000
- Aircraft out of service costs (wiring run and access required)—$20,000

Datalink Communication Safety Benefits

While the efficiency benefits of CPDLC had been projected and quantified in several studies that were available at the time of the rulemaking, the safety benefits had not been the subject of similar study. In 2012, the FAA began a preliminary analysis on the potential safety benefits arising from the implementation of two systems, the Future Air Navigation System (FANS 1/A) CPDLC and Automatic Dependent Surveillance—Contract (ADS–C), and presented the results to the North Atlantic Safety Analysis Reduced Separation Implementation Group (NAT SARSIG) in 2012. As the summary of discussions and conclusions of the meeting states, ''These preliminary results indicated a significant potential for enhancing safety in the International Civil Aviation Organization North Atlantic Region (ICAO NAT) Region, particularly in the vertical dimension.'' (See Appendix L to the *Summary of Discussions of the NAT SARSIG Sixteenth Meeting,* October 2012, included in the docket for this notice). The NAT SARSIG indicated that projected safety benefits include improved conformance monitoring and intervention capability through early detection and resolution of errors via integrated FANS 1/A CPDLC and ADS–C; a reduction in errors associated with manual pilot data entry of clearances resulting from the ability to load data link clearances directly into the Flight Management System (FMS); and a reduction in the duration of loss of communication between aircraft and air traffic control (ATC) when transferring ATC contact by using a reviewable message.

The ability to send reviewable messages is expected to significantly reduce several communications errors, such as read-back and hear-back errors, lack of read-back and hear-back, and audio interruptions. These types of communications errors impact ATC operations. As an example, failure to comply with an assigned altitude may result from not hearing the communication, hearing it incorrectly, or ATC not hearing a reply.

In its report, the PARC recommended first that the FAA clarify its guidance material to indicate that the recordation requirement does not apply to certain cases of datalink retrofit including those aircraft (1) that have an existing certified datalink capability; (2) that can activate a datalink capability that was certified before the effective date of the rule; and (3) that modify installation modifications to certified data link capability that do not change the FANS 1/A or ATN B1 interoperability. The PARC also recommended that the FAA go further and revise the regulations to exclude any aircraft manufactured before the effective date of the rule from the requirement to record datalink communications messages, regardless of the date of installation of the DLC equipment. Finally, the PARC recommended that the FAA work with the European Aviation Safety Agency and ICAO to continue harmonizing data link recording rules, their applicability, and timelines.

FAA Analysis

The FAA has reviewed the PARC report and discussed the issue with various aviation organizations. Based on the data and recommendations received, the FAA concluded that a significant need for clarification and revision of current policy exits. The agency and the industry have made significant investment in data communications. These systems are expected to reduce communication errors and improve safety in the NAS as they enhance NAS efficiency and capacity.

The FAA better understands the cost of installing DLR systems on aircraft that were designed and manufactured before the regulation was promulgated and no provisions for DLC recording were available. Most aircraft produced after the effective date of the rule have the base mechanisms for DLC already installed at manufacture, which significantly decreases the cost and impact of incorporating a recording component. Accordingly, the policy changes announced in this document are applicable to aircraft that were manufactured before December 6, 2010 (or April 6, 2012, if complying with part 91).

The FAA agrees that the complexity of the current guidance has resulted in inconsistent application of the rule. The recording regulation was not intended to discourage the installation of datalink capability, and its applicability should not depend on the subjective interpretation of factors as minor as the day a previously installed system was turned on or the scope of changes to a previously approved DLC system. In order to maximize the safety and efficiency benefits of DLC use in the NAS, the FAA is simplifying its guidance regarding the applicability of the recording requirement for aircraft that were manufactured before the effective date of the rule.

The target aircraft for this policy change represent approximately 30% of the current U.S. fleet operating under parts 121 and 135, as reported by the PARC. These 2,116 aircraft were manufactured prior to 2010 and had a certified DLC system that was available before the recordation rule became effective. This number will gradually decrease as these older aircraft are retired and replaced. Since DLC recordation was not required when these aircraft were manufactured, none of the messages associated with those certified systems were identified, making application of the regulation difficult and inconsistent. The FAA forecasts that by 2020, 34% of the U.S. fleet (approximately 2,200) will consist of aircraft manufactured after 2010 that have DLC recording capability.

Comments Requested

While this policy update is effective on publication, the FAA seeks comment from interested persons regarding the application of the policy to affected operators. We are particularly interested in comments identifying the make/model/series of aircraft that had a certified DLC design approval prior to the effective date of the rule, and any information regarding the economic impacts of the prior and revised polices, and descriptions of circumstances for which application of the regulation remains unclear following this policy update.

Updated Policy

Datalink recording requirements are found in the operating regulations of Title 14 of the Code of Federal Regulations (14 CFR), specifically in § 91.609, effective April 6, 2012; and in §§ 121.359, 125.227 and 135.151, effective December 6, 2010. These regulations each require that the subject airplanes or rotorcraft that install datalink communication equipment on or after [the effective date of the rule], must record all datalink messages as required by the certification rule applicable to the aircraft.

This policy statement clarifies how the FAA defines the phrase ''install datalink communication equipment'' for purposes of the recordation requirement. Clarification of this policy and FAA guidance material is intended to assist FAA personnel and aircraft operators in determining when datalink recording is required.

Definition of Datalink Communication Equipment

The term ''datalink communication equipment'' as used in these regulations, means all of the components installed on the aircraft that are necessary to complete data communications. The equipment may vary for individual aircraft, but could include the Flight Management Computer; Communications Management Unit (CMU), or equipment with an equivalent function that hosts an approved message set (*e.g.,* CPDLC application), the datalink router (*e.g.,* hosted in the CMU) that routes the messages to the radios, any radios (*e.g.,* VHF, HF Datalink, Satcom) that are used to transmit the messages using an approved message set, and any antennas associated with these radios.

Applicability

In applying this regulation, aircraft are divided into two groups: Those manufactured on or after the effective date of the rule, and those manufactured before that date.

Those airplanes or rotorcraft manufactured on or after the effective date, must record all datalink communications when both of the following conditions are met:

- The aircraft is required to have both a cockpit voice recorder and a flight data recorder; and
- The aircraft has datalink equipment installed that uses an approved message set (see FAA Advisory Circular 20–160).

Those airplanes or rotorcraft manufactured before the effective date of the rule must record all datalink communications when both of the following conditions are met:

- The aircraft is required to have both a cockpit voice recorder and a flight data recorder; and
- The MAKE/MODEL/SERIES of the aircraft did not have any certified DLC equipment installation design approval (providing one or more of the messages identified in AC 20–160) prior to the effective date of the rule.

The FAA InFO 10016 dated August 16, 2010 is cancelled. A revised InFO reflecting the policy changes noted here is under development and will be posted on the FAA Web site when completed.

Issued in Washington, DC, on February 23, 2015.

John S. Duncan,

Director, Flight Standards Service.

[FR Doc. 2015–04158 Filed 2–25–15; 11:15 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

[Docket No. 140903747–4747–01]

RIN 0648–BE48

Olympic Coast National Marine Sanctuary Regulations; Correction

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

ACTION: Correcting amendment.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) is reinstating missing paragraphs of the

Olympic Coast National Marine Sanctuary (OCNMS) regulations that pertain to the issuance of permits. NOAA inadvertently excluded the paragraphs in the publication of a November 2011 final rule revising OCNMS permitting regulations. The reinstatement of these paragraphs will ensure continued coordination with the treaty Indian tribes whose cultural and treaty resources may be affected by activities of regulated entities. In addition, these provisions provide notice to the regulated community of NOAA's responsibilities to treaty Indian tribes whose cultural and treaty resources may be affected by a permittee's proposed activities.

DATES: Effective March 2, 2015.

FOR FURTHER INFORMATION CONTACT: Helene Scalliet at (301) 713–3125 x281 or *Helene.Scalliet@noaa.gov.*

SUPPLEMENTARY INFORMATION: On November 1, 2011, NOAA issued final regulations revising permit criteria for Olympic Coast National Marine Sanctuary (76 FR 67348). NOAA inadvertently excluded existing paragraphs (d) through (h) in section 922.153 from the regulatory text as a result of mistaken directions given to the Government Publishing Office, which is responsible for publishing the Code of Federal Regulations (CFR). Instead of amending only paragraphs (a) through (c) of that section, per the 2011 rulemaking, NOAA instructed GPO to revise section 922.153 in its entirety, thus replacing all existing regulatory text with sections (a) through (c). The missing paragraphs of regulatory text are essential to inform regulated entities of NOAA's responsibilities toward treaty Indian tribes and their cultural and tribal resources. NOAA's responsibility to federally recognized Indian tribes, their cultural and treaty resources may affect both the processing and determinations of applications to conduct activities in the Sanctuary.

The missing paragraphs (d) through (h) can be found in a previous final rule in 60 FR 66875, published on December 27, 1995 and at 15 CFR 922.153 (2011).

Evidence that this deletion of paragraphs (d) through (h) was an inadvertent procedural error can be drawn from NOAA's absence of discussion on these changes in the preambles of both the proposed and final rules, as well as the absence of analysis in the associated environmental assessment prepared according to the National Environmental Policy Act (NEPA). The plain language of the prior rule should have guided the public's knowledge and expectations of regulated entities proposing activities in the Sanctuary. Without the missing paragraphs, those expectations would be conflicted. Accordingly, NOAA is publishing this technical correction as a correcting amendment without notice and comment. This rule reinstates paragraphs (d) through (h) of section 922.153.

Classification

A. Executive Order 12866: Regulatory Impact

This final rule has been determined to be not significant for purposes of the meaning of Executive Order 12866.

B. Administrative Procedure Act/ Regulatory Flexibility Act

The Assistant Administrator of the National Ocean Service (NOS) finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive the notice and comment requirements of the Administrative Procedure Act because this rule merely reinstates language from a rule previously submitted to notice and comment review and inadvertently deleted from the Code of Federal Regulations and as such is unnecessary. This rule corrects a procedural error and ensures required and expected implementation of NOAA's statutory responsibilities toward treaty Indian tribes with cultural and treaty resources in or near the Sanctuary; improves communication and collaboration with federally recognized Indian tribes; and fulfills the intent of Executive Order 13175. NOAA has decided to make this document effective upon publication because public comment and delayed effectiveness are unnecessary. The language has already been subject to notice and comment from the public and is merely a restatement of pre-existing regulatory language. For the reasons above, the Assistant Administrator finds good cause to waive the 30-day delay in effectiveness.

C. Regulatory Flexibility Act

Because notice and opportunity for comment are not required pursuant to 5 U.S.C. 553 or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable. Therefore, a regulatory flexibility analysis is not required and has not been prepared.

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

W. Russell Callender,

Acting Assistant Administrator for Ocean Services and Coastal Zone Management.

Accordingly, for the reasons discussed in the preamble, the National Oceanic and Atmospheric Administration amends 15 CFR part 922 as follows:

PART 922—NATIONAL MARINE SANCTUARY PROGRAM REGULATIONS

■ 1. The authority citation for part 922 continues to read as follows:

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

■ 2. Revise § 922.153 to read as follows:

§ 922.153 Permit procedures and criteria

(a) A person may conduct an activity prohibited by paragraphs (a)(2) through (8) of § 922.152 if conducted in accordance with the scope, purpose, terms and conditions of a permit issued under this section and § 922.48.

(b) Applications for such permits should be addressed to the Director, Office of National Marine Sanctuaries; ATTN: Superintendent, Olympic Coast National Marine Sanctuary, 115 East Railroad Avenue, Suite 301, Port Angeles, WA 98362–2925.

(c) The Director, at his or her discretion, may issue a permit, subject to such terms and conditions as he or she deems appropriate, to conduct an activity prohibited by paragraphs (a)(2) through (8) of § 922.152, if the Director finds that the activity will not substantially injure Sanctuary resources and qualities and will: Further research related to Sanctuary resources and qualities; further the educational, natural or historical resource value of the Sanctuary; further salvage or recovery operations in or near the Sanctuary in connection with a recent air or marine casualty; assist in managing the Sanctuary; further salvage or recovery operations in connections with an abandoned shipwreck in the Sanctuary title to which is held by the State of Washington; or be issued to an American Indian tribe adjacent to the Sanctuary, and/or its designee as certified by the governing body of the tribe, to promote or enhance tribal self-determination, tribal government functions, the exercise of treaty rights, the economic development of the tribe, subsistence, ceremonial and spiritual activities, or the education or training of tribal members. For the purpose of this part, American Indian tribes adjacent to the sanctuary mean the Hoh, Makah, and Quileute Indian Tribes and the Quinault Indian Nation. In deciding whether to issue a permit, the Director may consider such factors as: The professional qualifications and financial ability of the applicant as related to the proposed activity; the duration of the activity and the duration of its effects; the appropriateness of the methods and procedures proposed by the applicant

for the conduct of the activity; the extent to which the conduct of the activity may diminish or enhance Sanctuary resources and qualities; the cumulative effects of the activity; the end value of the activity; and the impacts of the activity on adjacent American Indian tribes. Where the issuance or denial of a permit is requested by the governing body of an American Indian tribe, the Director shall consider and protect the interests of the tribe to the fullest extent practicable in keeping with the purposes of the Sanctuary and his or her fiduciary duties to the tribe. The Director may also deny a permit application pursuant to this section, in whole or in part, if it is determined that the permittee or applicant has acted in violation of the terms or conditions of a permit or of these regulations. In addition, the Director may consider such other factors as he or she deems appropriate.

(d) It shall be a condition of any permit issued that the permit or a copy thereof be displayed on board all vessels or aircraft used in the conduct of the activity.

(e) The Director may, inter alia, make it a condition of any permit issued that any data or information obtained under the permit be made available to the public.

(f) The Director may, inter alia, make it a condition of any permit issued that a NOAA official be allowed to observe any activity conducted under the permit and/or that the permit holder submit one or more reports on the status, progress or results of any activity authorized by the permit.

(g) The Director shall obtain the express written consent of the governing body of an Indian tribe prior to issuing a permit, if the proposed activity involves or affects resources of cultural or historical significance to the tribe.

(h) Removal, or attempted removal of any Indian cultural resource or artifact may only occur with the express written consent of the governing body of the tribe or tribes to which such resource or artifact pertains, and certification by the Director that such activities occur in a manner that minimizes damage to the biological and archeological resources. Prior to permitting entry onto a significant cultural site designated by a tribal governing body, the Director shall require the express written consent of the governing body of the tribe or tribes to which such cultural site pertains.

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CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Parts 1112 and 1230

[Docket No. CPSC–2014–0011]

Safety Standard for Frame Child Carriers

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Danny Keysar Child Product Safety Notification Act, section 104 of the Consumer Product Safety Improvement Act of 2008 (CPSIA), requires the United States Consumer Product Safety Commission (Commission or CPSC) to promulgate consumer product safety standards for durable infant or toddler products. These standards are to be ''substantially the same as'' applicable voluntary standards or more stringent than the voluntary standards if the Commission determines that more stringent requirements would further reduce the risk of injury associated with the products. The Commission is issuing a safety standard for frame child carriers in response to the direction under section 104(b) of the CPSIA. In addition, the Commission is amending its regulations regarding third party conformity assessment bodies to include the mandatory standard for frame child carriers in the list of Notices of Requirements (NOR) issued by the Commission.

DATES: The rule will become effective on September 2, 2016. The incorporation by reference of the publication listed in this rule is approved by the Director of the Federal Register as of September 2, 2016.

FOR FURTHER INFORMATION CONTACT: Julio Alvarado, Compliance Officer, Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; telephone: 301–504–7418; email: *jalvarado@cpsc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Statutory Authority

The Consumer Product Safety Improvement Act of 2008 (CPSIA, Pub. L. 110–314) was enacted on August 14, 2008. Section 104(b) of the CPSIA, part of the Danny Keysar Child Product Safety Notification Act, requires the Commission to: (1) Examine and assess the effectiveness of voluntary consumer product safety standards for durable infant or toddler products, in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts; and (2) promulgate consumer product safety standards for durable infant and toddler products. These standards are to be ''substantially the same as'' applicable voluntary standards or more stringent than the voluntary standards if the Commission determines that more stringent requirements would further reduce the risk of injury associated with the product. The term ''durable infant or toddler product'' is defined in section 104(f)(1) of the CPSIA as ''a durable product intended for use, or that may be reasonably expected to be used, by children under the age of 5 years.''

On May 16, 2014, the Commission issued a notice of proposed rulemaking (NPR) for frame child carriers. 79 FR 28458. The NPR proposed to incorporate by reference the voluntary standard, ASTM F2549–14, *Standard Consumer Safety Specification for Frame Child Carriers,* with one proposed substitute provision that would provide clear pass/fail criteria for an existing test.

In this document, the Commission is issuing a mandatory safety standard for frame child carriers. As required by section 104(b)(1)(A), the Commission consulted with manufacturers, retailers, trade organizations, laboratories, consumer advocacy groups, consultants, and the public to develop this proposed standard, largely through the ASTM process. The rule incorporates by reference the most recent voluntary standard developed by ASTM International (formerly the American Society for Testing and Materials), ASTM F2549–14a, *Standard Consumer Safety Specification for Frame Child Carriers.* This most recent version of the ASTM voluntary standard includes the clear pass/fail criteria for an existing test that were proposed in the NPR.

In addition, the final rule amends the list of NORs issued by the Commission in 16 CFR part 1112 to include the standard for frame child carriers. Under section 14 of the Consumer Product Safety Act (CPSA), the Commission promulgated 16 CFR part 1112 to establish requirements for accreditation of third party conformity assessment bodies (or testing laboratories) to test for conformance with a children's product safety rule. Amending part 1112 adds a NOR for the frame child carrier standard to the list of children's product safety rules.

II. Product Description

The scope of ASTM F2549–14a defines a ''frame child carrier'' as ''a product, normally of sewn fabric construction on a tubular metal or other frame, which is designed to carry a

child, in an upright position, on the back of the caregiver.'' The intended users of frame carriers are children who are able to sit upright unassisted and weigh between 16 pounds and 50 pounds. Frame carriers are intended to be worn on the back and suspended from both shoulders of the caregiver's body in a forward- or rear-facing position. This type of carrier is often used for hiking and closely resembles hiking/mountaineering backpacks not intended to be used for child transport.

III. Market Description

Staff identified 16 firms supplying frame child carriers to the U.S. market. Typically, frame child carriers cost from $100 to around $300. Additional firms may supply these products to U.S. consumers.[1] Most of these firms specialize in manufacturing and/or distributing one of two distinct types of products: (1) Children's products, including durable nursery products; or (2) outdoor products, such as camping and hiking gear. The majority of the 16 known firms are domestic (including five manufacturers, eight importers, and one firm whose supply source could not be determined). The remaining two firms are foreign (including one manufacturer and one firm that imports products from foreign companies and distributes the products from outside of the United States).[2]

The Commission expects that the frame child carriers of seven of these firms comply with ASTM F2549 because the firms either: (1) Certify their carriers through the Juvenile Products Manufacturers Association (JPMA) (three firms); or (2) claim compliance with the voluntary standard (four firms).[3] However, some of the suppliers of frame child carriers do not supply any other children's products; and it is possible that these suppliers may be unfamiliar with the voluntary ASTM standards, a circumstance confirmed by one supplier that staff contacted during the initial regulatory flexibility analysis (IRFA) development. The Commission staff attempted unsuccessfully to obtain information from several firms whose frame child carriers do not claim compliance with the ASTM standard to determine the extent to which their carriers might not comply. Staff's testing indicates that some frame child carriers would not meet all provisions of the ASTM F2549.

In 2013, the CPSC conducted a Durable Nursery Product Exposure Survey (DNPES) of U.S. households with children under age 6. Data from the DNPES indicate that an estimated 2.38 million frame child carriers are in U.S. households with children under the age of 6 (with 95% probability that the actual value is between 1.8 million and 2.95 million). Data collected also indicate that about 54 percent of the frame child carriers in U.S. households with children under age 6 are in use (an estimated 1.28 million frame carriers, with 95% probability that the actual value is between about 880,000 and 1.7 million).[4]

Staff could not estimate annual injuries because the number of National Electronic Injury Surveillance System (NEISS) cases was insufficient to meet the CPSC Directorate for Epidemiology (EPI) publication criteria. However, given that part of the publication criteria is that the estimate must be 1,200 or greater over the period under consideration, presumably, there would be, on average, fewer than 120 injuries annually over the approximately 10-year period considered by EPI staff. The recent EPI update for the final briefing package is consistent with this assumption.[5]

Combining the maximum annual emergency department-treated injury estimate with the data collected for the DNPES yields less than about 0.94 emergency department-treated injuries per 10,000 frame child carriers in use in U.S. households with children under age 6 annually ((120 injuries ÷ 1.28 million frame child carriers in use in U.S. households with children under age 6) × 10,000).[6]

IV. Incident Data

The preamble to the NPR summarized the incident data reported to the Commission involving frame child carriers from January 1, 2003 through October 27, 2013. 79 FR 28459–60. In the NPR, CPSC's Directorate for Epidemiology identified a total of 47 incidents, including 33 injuries and no fatalities related to frame child carriers. Since the NPR, the Commission has received two new reports involving frame child carriers from October 28, 2003 through September 28, 2014. One reported a frame child carrier falling off of a chair with a 14-month-old child in the carrier. The child sustained a head injury. The second report was of a frame child carrier whose straps and buckles disintegrated, but no injury was mentioned.

The hazards reported in the new incidents are consistent with the hazard patterns identified among the incidents presented in the NPR briefing package. Specifically, staff identified stability and structural integrity as the two top product-related hazards in the incident data presented in the NPR package. The hazard for one of the two new incidents is related to stability, and the other is related to the structural integrity of the product.

V. Overview of ASTM F2549

ASTM F2549, *Standard Consumer Safety Specification for Frame Child Carriers,* is the voluntary standard that addresses the identified hazard patterns associated with the use of frame child carriers and was first approved and published in December 2006, as ASTM F2549–06. ASTM has revised the voluntary standard six times since then. ASTM F2549–14a is the most recent version, which was approved on July 1, 2014.

A. Proposed Rule

In the NPR, the Commission proposed to incorporate ASTM F2549–14, which addressed many of the hazard patterns identified for frame child carriers, with one addition: specifying criteria for the retention system performance test to provide clear pass/fail criteria for the frame child carrier's restraints.

B. Current ASTM Standard for Frame Child Carriers (ASTM F2549–14a)

In May 2014, ASTM issued a ballot for ASTM F2549. That ballot contained language identical to the modification language proposed in the NPR regarding the pass/fail criteria associated with the

[1] Since staff prepared the initial regulatory flexibility analysis, one importer has entered the market, another firm was purchased (remaining in the market), and a third has established an official U.S. distributor for their products.

[2] Staff made these determinations using information from Dun & Bradstreet and ReferenceUSAGov, as well as firm Web sites.

[3] JPMA typically allows 6 months for companies with products in their certification program to shift to a new standard for testing and certification once the new standard is published. The version of the standard that firms currently are likely to be testing to is ASTM F2549–14. One revision of the standard has been published since then, but it will become effective for JPMA certification purposes before February 2015. However, many frame child carriers are expected to be compliant with ASTM F2549–14a without modification; and firms compliant with earlier versions of the standard are likely to remain compliant as the standard evolves.

[4] These results are preliminary. While the data has undergone one stage of review and clean-up, this work is ongoing.

[5] Memorandum from Risana T. Chowdhury, Division of Hazard Analysis, Directorate for Epidemiology, dated November 18, 2013, Subject: Frame Child Carriers-Related Deaths, Injuries, and Potential Injuries; January 1, 2003–October 27, 2013; and memorandum from Risana T. Chowdhury, Division of Hazard Analysis, Directorate for Epidemiology, dated September 30, 2014, Subject: Frame Child Carrier-Related Deaths, Injuries, and Potential Injuries Reported Between October 28, 2013 and September 4, 2014.

[6] Using 95% confidence interval values for frame child carriers in use yields an annual estimate of 0.71 to 1.36 emergency department-treated injuries per 10,000 frame child carriers in use in U.S. households with children under age 6.

retention system test. The ASTM subcommittee approved the ballot item. Therefore, the current version of the voluntary standard, ASTM F2549–14a, is identical to the requirements proposed in the NPR.

In this rule, the Commission incorporates by reference ASTM F2549–14a because the Commission's proposed modification in the NPR has been adopted in ASTM F2549–14a. Thus, ASTM F2549–14a specifies criteria for the retention system performance test to provide clear pass/fail criteria for the carrier's restraints.

VI. Response to Comments

The Commission received two comments in response to the NPR. A summary of each comment topic and response is provided below.

A. Economic Factors

1. Definition of Domestic Manufacturer

Comment: One commenter questioned the number of small domestic manufacturers cited by CPSC staff and believed that the term ''domestic manufacturer'' should mean that the product is physically manufactured in the United States.

Response: CPSC staff uses U.S. Census Bureau guidelines to determine whether a firm is domestic and whether a firm is a manufacturer. Under these guidelines, domestic firms are firms filing tax returns in the United States. The U.S. Census uses the North American Industry Classification System (NAICS) to determine the type of business. Under this system, a manufacturer can be a firm/establishment that processes materials itself *or* a firm/establishment that contracts with others to process the materials. The U.S. Small Business Administration's guidance on the Regulatory Flexibility Act (SBA Guidance) recommends using NAICS codes in combination with Census data to identify classes of small entities and estimate their number.[7]

2. Impact on Domestic Manufacturers

Comment: One commenter questioned what is meant by an insignificant impact and asked whether staff's recommendation would be different if the proposed rule was found to have a significant impact on all or most small businesses.

The commenter also questioned the use of gross income rather than net income or profit, particularly as the higher costs of manufacturing domestically would decrease net income and profit while leaving gross income unaffected. The commenter suggested that this might, in turn, lead to an underestimate of the significance of the proposed rule on firms manufacturing only in the United States.

Response: The Regulatory Flexibility Act (RFA) does not define ''significant impact.'' As stated in the SBA Guidance, the determination of ''significance'' will ''vary depending on the economics of the industry or sector.'' The SBA Guidance also notes that the applicable ''agency is in the best position to gauge the small entity impacts of its regulations.'' Generally, CPSC staff believes that an insignificant impact in the context of the regulatory flexibility analysis means that the impact is expected to be small enough that changes to a firm's current business operations would be limited or largely unaffected.

Section 104 of the CPSIA requires that the Commission promulgate a standard that is either substantially the same as the voluntary standard or more stringent than such voluntary standard if the Commission determines that the more stringent standard would further reduce the risk of injury associated with a product. CPSC may not propose a less stringent standard based on economic considerations. At the NPR stage, the Commission proposed adopting the voluntary standard with the sole addition of specifying the pass/fail criteria for the existing retention system performance requirement. By doing so, the Commission proposed adopting the least stringent rule allowed by law. Therefore, the Commission's proposed rule would have been the same even if the impact on each and every small business was found to be significant. The same holds true of the Commission's final rule, which is to adopt the current voluntary standard without modification. CPSC's ability to reduce the impact on small businesses is limited in this case to a later effective date, which would allow firms additional time to come into compliance, spreading out the associated costs.

The Directorate for Economic Analysis staff typically uses the gross revenue measure because these data are generally available. Furthermore, use of gross revenues as an appropriate measure is consistent with the SBA Guidance.[8] In the case of small manufacturers and importers of frame child carriers, no information on profits or net income was available; therefore, no analysis based on this information could be undertaken.

3. Baby Products Survey

Comment: The commenter questioned the Directorate for Economic Analysis's use of the American Baby Group's 2006 *Baby Products Tracking Study,* ''which could be weighted by bias'' and ''may not have been adjusted for income and proclivities.''

Response: In the IRFA, staff acknowledged the bias inherent in the study. As noted in the IRFA, the data collected for the *Baby Products Tracking Study* do not represent an unbiased statistical sample because the data are drawn from American Baby magazine's mailing lists. However, these data were used solely to estimate annual sales of frame child carriers in the United States and the potential injury risk associated with this product. The use of the *Baby Products Tracking Study* in no way influenced staff's determination of whether the regulation's impact on firms would be significant or not.

4. Cost/Benefits Disproportion

Comment: One commenter asked that the CPSC ''keep the cost-benefit ratio appropriate,'' noting that the lack of serious ''or near serious injuries . . . over the past ten years'' would mean minimal benefits associated with third party testing ''while such testing costs would be extremely expensive for small domestic businesses.'' The commenter requested alternatives, specifically self-certification, and noted that she does not consider a firm's exit from the market an acceptable alternative.

Response: The CPSC did not conduct a cost-benefit analysis for the frame child carrier rule because the rule is being promulgated under the requirements of section 104 of the CPSIA, which does not require a cost-benefit analysis. Staff conducted an IRFA to assess the impact of the rule on small domestic businesses. Benefits are not required to be considered as part of an IRFA.

As noted above, section 104 of the CPSIA requires the Commission to adopt a standard that is substantially the same as the voluntary standard or more stringent than such voluntary standard if the Commission determines that the more stringent standard would further reduce the risk of injury associated with a product. Thus, CPSC's ability to reduce the impact on small firms is limited to providing a later effective date.

CPSC's ability to address testing costs in the context of section 104 rulemaking

[7] U.S. Small Business Administration (SBA) Office of Advocacy, *A Guide for Government Agencies: How to Comply with the Regulatory Flexibility Act,* May 2012: 36.

[8] Ibid.18.

likewise is limited. In particular, applicable legal requirements do not allow CPSC to modify the voluntary standard to reduce the testing costs imposed by a mandatory frame child carrier standard; CPSC is required to adopt either the voluntary standard or a more stringent standard.

The discussion in the IRFA of one small domestic manufacturer leaving the market was based on information supplied by the firm when contacted. In consideration of that concern and to allow small businesses additional time to prepare for the impact of the rule, the final rule provides an 18-month effective date. To address potential hazards during that 18-month period before the rule takes effect, CPSC could act to remove any unsafe frame child carriers from the market using its authorities under section 15 of the Consumer Product Safety Act (CPSA).

B. Availability of Testing Laboratories

Comment: One commenter stated that she had a problem finding laboratories that could conduct the proposed testing.

Response: In a follow-up phone conversation with the commenter, staff provided specific contacts for three laboratories. Although not yet accredited to test frame child carriers, all three laboratories are capable of testing frame child carriers to the final rule because they have experience testing frame child carriers to the ASTM standard referenced in the final rule.

C. Testing Equipment Issues

One commenter raised several issues or questions regarding the test equipment specified in the ASTM standard.

1. CAMI Dummy Availability

Comment: One commenter was unable to secure the CAMI dummy due to its price and the lead-time needed to order it.

Response: Unfortunately, CAMI dummies are only available through the one company that makes them; thus, there are no less expensive versions available. However, there is no requirement for firms to perform testing themselves; thus, there is no requirement to purchase a CAMI dummy or any of the test equipment. Third party testing laboratories offer many services, not just certification testing. Testing laboratories can perform product assessments and pre-certification testing as well.

2. CAMI Dummy Applicability

Comment: One commenter believed the size of the test dummy required by the standard is not indicative of a typical user of a frame child carrier. In addition, the commenter noted that the test dummy does not take into account items such as seasonal clothing on the child, which could increase the overall size of the occupant.

Response: The CAMI dummy referenced in the ASTM standard is modeled after the average (50th percentile) 6-month-old child, which is the youngest user normally specified for these carriers. The CAMI dummy is used in the standard to simulate the youngest user because the hazards being addressed (falling through leg openings, etc.) are more likely to occur with the youngest user. The older (larger) users are not as vulnerable to the specific hazards where testing requires using a CAMI dummy. Therefore, the test procedure uses a conservative approach and simulates use by the smallest (youngest) user. Adding a new test, or using an ''older'' dummy (or one wearing heavy clothes), would not capture any additional hazards and would only make the testing more expensive.

3. Test Sphere

Comment: One commenter stated that she could not find the test sphere.

Response: The test sphere is not an off-the-shelf product. The standard defines the test sphere as a sphere, 16.5 inches (419.1 mm) in diameter, which is fabricated from a smooth, rigid material and weighs 7.0 pounds (3.2 kg). Those are the only design specifications. Staff is aware of test spheres fabricated from wood, metal, or plastic. Any competent machine shop or woodworking facility should be able to make one to the correct weight and size.

4. Test Sphere vs. CAMI Dummy

Comment: One commenter believed the use of the test sphere for the leg opening test is not reasonable because the shape is different from a child, and a sphere cannot use a safety harness. The commenter requested that a CAMI dummy be used instead.

Response: The goal of this performance requirement is to model a worst-case-use scenario associated with a specific hazard; *i.e.,* an occupant slipping both legs and body through one leg opening. If the product passes a conservative, worst-case scenario test, the product would be safe in that particular respect for all users. For the leg-opening test, the test sphere simulates the smallest user's hip dimension. The requirement is intended to address the hazard associated with the smallest users who may be getting both legs/body into one leg hole and sliding out of the frame child carrier. Thus, the worst-case scenario is to take into account the smallest user's hip dimensions. Lastly, and more importantly, using a smooth, rigid, and consistently dimensioned sphere is more likely to provide repeatable results. This means that the same frame carrier would consistently pass (or fail) the test, irrespective of the test laboratory or technician running the test. The CAMI dummy is made from canvas fabric, and with age and use, the flexibility and texture of the dummy changes. Thus, a frame child carrier tested to the leg-opening requirement might fail the requirement if a worn CAMI dummy were used but would pass if a brand new CAMI dummy were used. Thus, staff agrees with ASTM that the test sphere is the right test probe. Leg opening tests are used in various other children's product standards; and the use of test equipment, such as spheres and probes, to conduct these tests is common practice.

D. Pre-Certification Testing

Comment: One commenter expected to send products to a certified laboratory only after having pre-tested them, which she claims would not be possible because of the problems associated with obtaining the testing equipment.

Response: As mentioned in another response to a comment, firms are not required to pre-test their products before having the products tested by a third party laboratory for certification. It is, however, understandable that companies would like to be assured that their products will pass, before sending them out for certification testing. In that case, firms have multiple alternatives. They can purchase the equipment and undertake the testing themselves, or they can contract with a qualified testing laboratory to conduct the pre-testing.

E. Self-Certification

Comment: One commenter, a registered small batch manufacturer, asked why CPSC cannot apply the small batch rules for registered small batch manufacturers to the third party testing requirements for section 104 rules. The commenter suggested removing the third party testing requirement from the rule and providing small batch manufacturers with the alternative to self-certify. The commenter noted that CPSC has already allowed for exemptions from the CPSIA's third party testing requirements for small batch manufacturers.

Response: Section 14(a)(2) of the CPSA requires that all children's products subject to a children's product safety rule, like the rule for frame child

carriers, must be third party tested. 15 U.S.C. 2063(a)(2). Section 14(g)(4) of the Consumer Product Safety Act allows exceptions to third party testing for small batch manufacturers. However, that provision does not allow the Commission to provide small batch manufacturers any alternative requirements or exemptions for rules for durable infant and toddler products promulgated under section 104. *Id.* 2063(g)(4)(C)(ii). The rule for frame child carriers is promulgated under the legal authority in section 104 of the CPSIA. Therefore, the Commission does not have the legal authority to allow for self-certification for small batch manufacturers for the frame child carrier rule.

F. Training Opportunities

Comment: One commenter noted that CPSC staff will be conducting training for buyers and sourcing professionals dealing in electrical-electric-appliances, apparel, and toys in China. The commenter was concerned that similar training with respect to the mandatory rule for frame child carriers would give a competitive advantage to importers and foreign manufacturers whose products are made offshore.

Response: CPSC staff routinely conducts industry training both abroad and in the United States. During fiscal year 2013, for instance, we conducted 12 training events for industry abroad. For the same period, we conducted 14 training events domestically. Moreover, the Office of Compliance participated in public or webcast meetings throughout fiscal year 2013 to discuss newly issued and existing rules and requirements; these materials generally are made available to the general public. Many of these materials are available at *www.slideshare.net/USCPSC* for download and review. Since Fiscal Year 2012, we have uploaded 120 presentations on a variety of topic areas to SlideShare. The total number of these meetings was 88, the majority of which were domestic. Staff anticipates continuing such training opportunities both abroad and domestically.

G. Compliance Issues

Comment: One commenter asked for clarification about what constitutes a different model of a product and what changes to the frame child carrier would constitute enough of a difference to require additional third party testing.

Response: Guidance regarding material change testing is available on the CPSC Web site, which contains information about applicable definitions and legal requirements. It is a manufacturer's responsibility to determine when a product change constitutes a different model. How this determination is made governs whether different models could require third party testing and certification. A material change to the product's design or manufacturing process, as well as a new source of component parts for the product, could affect the product's ability to comply with the applicable children's product safety rule and could be considered enough of a change to require additional testing.

The frame child carrier rule is a children's product safety rule subject to third party testing. The manufacturer only has to retest the product if there is a material change. If the material change only affects certain component parts; component part testing can be sufficient for that component part only, so long as the material change will not affect the finished product's ability to comply with the applicable children's product safety rules.

H. Effective Date

Comment: One commenter agreed with the proposed 6-month effective date for the standard, while another commenter expressed concerns about whether a domestic test laboratory would be willing to perform testing to the mandatory frame child carrier standard if only three U.S. firms were requesting third party testing. A second commenter suggested that the rule could impose ''excessive costs,'' damaging to the commenter's firm.

Response: As previously noted, the sole alternative staff can recommend to help minimize the impact of the mandatory standard is a later effective date. A later effective date would allow manufacturers and test laboratories additional time to prepare for the rule's requirements. A later effective date would reduce the economic impact on small firms in two ways. First, firms would be less likely to experience a lapse in production, which could result if firms are unable to develop compliant frame child carriers and third party test them within the required timeframe. Second, firms could spread costs over a longer time period, thereby reducing their annual costs and the present value of their total costs.

Staff does not agree with the second commenter's concerns regarding the potential difficulty in securing a U.S. (or foreign) test laboratory accredited to test frame child carriers. Inquiries made of three domestic laboratories who are qualified to test frame child carriers indicated that these test laboratories already have the ASTM standard for frame child carriers in their accreditation scope. All three labs include the ASTM standard in their accreditation and intend to apply for CPSC acceptance for testing to the regulation after a final rule is published. Staff believes that laboratories will be able to complete the necessary procedures to permit testing under the new frame carrier rule within the 18-month period before effectiveness of the rule.

However, CPSC staff cannot rule out a significant impact on small businesses whose frame child carriers do not comply with the final rule. Therefore, as discussed above, the final rule provides an 18-month effective date to reduce the impact of the mandatory standard, to the extent possible, on small businesses.

VII. Final Rule

A. Final Rule for Part 1230 and Incorporation by Reference

Section 1230.2 of the final rule provides that frame child carriers must comply with ASTM F2549–14a. The Office of the Federal Register (OFR) has regulations concerning incorporation by reference. 1 CFR part 51. The OFR recently revised these regulations to require that, for a final rule, agencies must discuss in the preamble of the rule ways that the materials the agency incorporates by reference are reasonably available to interested persons and how interested parties can obtain the materials. In addition, the preamble of the rule must summarize the material. 1 CFR 51.5(b).

In accordance with the OFR's requirements, the discussion in this section summarizes the provisions of ASTM F2549–14a. Interested persons may purchase a copy of ASTM F2549–14a from ASTM, either through ASTM's Web site or by mail at the address provided above and in the rule. One may also inspect a copy of the standard at the CPSC's Office of the Secretary, U.S. Consumer Product Safety Commission, or at NARA, as discussed above. We note that the Commission and ASTM arranged for commenters to have ''read only'' access to ASTM F 2549–14a during the NPR's comment period.

The CPSC is incorporating by reference ASTM F2549–14a because ASTM F2549–14a includes the Commission's proposed modification in the NPR to specify criteria for the retention system performance test to provide clear pass/fail criteria for the carrier's restraints.

ASTM F2549–14a contains requirements covering:

- Sharp points
- small Parts
- lead in paint

- flammability requirements
- scissoring, shearing, pinching
- openings
- exposed coil springs
- locking and latching (for carriers that fold for storage)
- unintentional folding (for carriers with kick stands that can stand freely)
- labeling
- protective components
- structural integrity
- leg openings (to help prevent smaller occupants from falling out of the carrier through a single leg opening)
- dynamic strength (tests the frame, fasteners, and seams/stitching under dynamic conditions to help prevent breakage or separation)
- static load (ensures the carrier can hold three times the maximum recommended weight)
- stability (for carriers that can stand freely)
- restraints (requires that all carriers have a restraint system and also provides a method for testing the restraints), and
- handle integrity (helps prevent the handle from breaking or separating when it is pulled with three times the maximum recommended weight).

B. Amendment to 16 CFR Part 1112 To Include NOR for Frame Child Carriers Standard

The final rule amends part 1112 to add a new section 1112.15(b)(38) that lists 16 CFR part 1230, Safety Standard for Frame Child Carriers as a children's products safety rule for which the Commission has issued an NOR. Section XIII of the preamble provides additional background information regarding certification of frame child carriers and issuance of an NOR.

VIII. Effective Date

The Administrative Procedure Act (APA) generally requires that the effective date of the rule be at least 30 days after publication of the final rule. 5 U.S.C. 553(d). The safety standard for frame child carriers and the corresponding changes to the part 1112 rule regarding requirements for third party conformity assessment bodies will become effective 18 months after publication of the final rule in the **Federal Register.** The rule provides an 18-month effective date to allow firms whose frame child carriers may not comply with the voluntary ASTM standard additional time to come into compliance with the mandatory frame child carrier rule. Of the nine supplying firms contacted, four provided information on the time table required for redevelopment. Eighteen months reflects the maximum length of time these firms indicated might be necessary and will allow the greatest flexibility to small firms that may be significantly affected by the mandatory frame child carrier standard.

IX. Regulatory Flexibility Act

A. Introduction

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, requires agencies to consider the impact of proposed and final rules on small entities, including small businesses. Section 604 of the RFA requires that agencies prepare a final regulatory flexibility analysis (FRFA) when promulgating final rules, unless the head of the agency certifies that the rule will not have a significant impact on a substantial number of small entities. The FRFA must describe the impact of the rule on small entities. Specifically, the final regulatory flexibility analysis must contain:

- A statement of the need for, and objectives of, the rule;
- a statement of the significant issues raised by the public comments in response to the initial regulatory flexibility analysis, a statement of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments;
- the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments;
- a description of and an estimate of the number of small entities to which the rule will apply or an explanation of why no such estimate is available;
- a description of the projected reporting, recordkeeping, and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for the preparation of the report or record; and
- a description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.

B. Reason for Agency Action

The Danny Keysar Child Product Safety Notification Act, section 104 of the CPSIA, requires the CPSC to promulgate mandatory standards for durable infant or toddler products that are substantially the same as, or more stringent than, the voluntary standard. Infant carriers are included in the definition of ''durable infant or toddler products'' subject to section 104 of the CPSIA. CPSC staff worked closely with ASTM stakeholders to develop the requirements and the pass/fail criteria associated with the retention system test procedures that have been incorporated into ASTM F2549–14a, which forms the basis for the mandatory standard.

C. Other Federal Rules

The frame child carrier mandatory standard will have implications for two separate, existing federal rules: (1) Testing and Labeling Pertaining to Product Certification (16 CFR part 1107); and (2) Requirements Pertaining to Third Party Conformity Assessment Bodies (16 CFR part 1112).

The testing and labeling rule (16 CFR part 1107) requires that manufacturers of children's products subject to product safety rules, certify, based on third party testing, that their children's products comply with all applicable safety rules. Because frame child carriers will be subject to a mandatory rule, they will also be subject to the third party testing requirements when the rule becomes effective.

In addition, section 14(a)(2) of the CPSA requires the third party testing of children's products to be conducted by CPSC-accepted laboratories. Section 14(a)(3) of the CPSA requires the Commission to publish a notice of requirements (NOR) for the accreditation of third party conformity assessment bodies (*i.e.,* testing laboratories) to test for conformance with each children's product safety rule. These NORs are set forth in 16 CFR part 1112. The final rule is amending part 1112 to include frame child carriers in the list of NORs issued by the Commission.

D. Impact on Small Businesses

There are approximately 16 firms currently known to be marketing frame child carriers in the United States, 14 of which are domestic. Under SBA guidelines, a manufacturer of frame child carriers is categorized as small if the entity has 500 or fewer employees, and importers and wholesalers are considered small if they have 100 or fewer employees. We limited our analysis to domestic firms because SBA guidelines and definitions pertain to U.S.-based entities. Based on these guidelines, about 11 of the identified 16 firms are small—four domestic

manufacturers, six domestic importers, and one domestic firm with an unknown supply source. Additional unknown small domestic frame child carrier suppliers operating in the U.S. market may exist.

The impact of the final frame child carrier rule on the domestic manufacturers and importers considered to be small depends upon two factors: (1) Whether, and the degree to which, their frame child carriers comply with the voluntary standard; and (2) the importance of frame child carriers to the firm's overall product line. The effect of these two factors on small manufacturers and small importers is discussed below.

Small Manufacturers

Aside from third party testing requirements, discussed below, the final rule is likely to have little or no impact on the three (of four) small domestic manufacturers whose frame child carriers are compliant with the ASTM voluntary standard currently in effect for JPMA testing and certification purposes (ASTM F2549–14). We anticipate these firms will remain compliant with the voluntary standard as the standard changes because the firms follow, and in at least one case, participate actively in the voluntary standard development process. Therefore, compliance with the evolving voluntary standard is part of an established business practice. ASTM F2549–14a, the voluntary standard that the final rule incorporates by reference as the mandatory standard for frame child carriers, will be in effect already for JPMA testing and certification purposes before the mandatory standard goes into effect. These firms are likely to be in compliance based on their history.

The remaining small manufacturer would experience some economic impacts of unknown size. Based on discussions with a company representative, this firm does not know whether its products comply with the voluntary standard. When contacted by staff prior to the NPR, the firm was unaware of the ASTM standard. Based on subsequent staff conversations, the firm has not yet tested its products to the voluntary standard. Initially, the company's representative indicated that the firm would likely discontinue production of its frame child carriers, regardless of whether they complied with the frame child carriers rule. However, subsequent information from the company suggests that the company likely will stay in the market and modify its frame child carriers, if necessary, to meet the final rule. This firm produces many other products and has indicated that frame child carriers do not represent a large portion of the firm's product line. However, the extent of the changes that may be required to meet the mandatory standard is unknown, as is the exact percentage of revenues that frame child carriers constitute for the firm. Because we have no basis for quantifying the size of the impact, we cannot rule out a significant economic impact for this firm.[9]

The 18-month effective date for the final frame child carrier rule should help reduce the impact of the final rule on the known small manufacturer whose frame child carriers may not comply with the rule. This would give the firm additional time to develop new or modified products and spread costs over a longer time frame.

Under section 14 of the CPSA, once the new frame child carrier requirements become effective, all manufacturers will be subject to the additional costs associated with the third party testing and certification requirements under the testing rule, *Testing and Labeling Pertaining to Product Certification* (16 CFR part 1107). Third party testing will include any physical and mechanical test requirements specified in the final frame child carrier rule; lead testing is already required, and testing for phthalates may also be required. Third party testing costs are in addition to the direct costs of meeting the mandatory frame child carriers standard.

CPSC staff contacted several frame child carrier suppliers regarding testing costs. Two firms provided estimates that included both physical and mechanical testing to the current ASTM standard, as well as lead and phthalate testing. Firms must test for lead and may be required to test for phthalates regardless of any rule for frame child carriers. Including lead and phthalate testing, one firm estimated testing costs to be $800 to $1,100 per unit tested, and the other firm estimated the costs to be about $1,300 per unit. Estimates provided by durable nursery product suppliers subject to other section 104 rulemakings indicate that around 40 percent to 50 percent of testing costs can be attributed to structural requirements, with the remaining 50 percent to 60 percent resulting from chemical testing (*e.g.,* lead and phthalates). Therefore, staff estimates the ASTM voluntary standard portion of the frame child carrier testing cost estimates to be $320 to $550 per sample tested ($800 × .4 to $1,100 × .5) and $520 to $650 per sample tested ($1,300 × .4 to $1,300 × .5), respectively. A third frame child carrier supplier provided an estimate of $500 to $750 for testing to the ASTM standard separately. These estimates demonstrate that testing costs can vary widely. Elements that can influence costs include where the testing is performed and whether a firm can negotiate rates based on volume for one or more products.

Staff's review of the frame child carriers market shows that, on average, each small domestic manufacturer supplies three different models of frame child carriers to the U.S. market annually. Therefore, if third party testing were conducted every year, third party testing costs for each manufacturer would be about $960 ($320 × 3) to $2,250 ($750 × 3) annually, if only one sample were tested for each model. Based on an examination of each small domestic manufacturer's revenues from recent Dun & Bradstreet (D&B) or ReferenceUSAGov reports, the impact of third party testing to ASTM F2549–14a will be significantly less than 1 percent of revenue for the three small domestic manufacturers for whom revenue data are available (*i.e.,* testing costs less than 1 percent of gross revenue). Although the testing and labeling rule (16 CFR part 1107) is not explicit regarding the number of samples firms will need to test to meet the ''high degree of assurance'' criterion, more than 20 units per model would be required before the testing costs of any of the three small manufacturers with available revenue data would exceed 1 percent of gross revenue.[10] However, testing costs could be significant for the one small manufacturer for which revenue data were unavailable, given that the entity only recently entered the frame child carriers market and manufactures no other products.

Small Importers

As noted above, six small firms import frame child carriers, with two of them currently importing compliant carriers. Absent a mandatory regulation, these two small importers of frame child carriers would likely remain compliant with new versions of the voluntary standard. Given that the two small importers have developed a pattern of compliance with the ASTM voluntary

[9] It should be noted that the company representative believes that the impact of the rule on the firm will be significant. However, much of the perceived impact is due to third party testing costs which are considered separately later in this section.

[10] One of these firms commented that their actual testing costs will be higher than estimated in the NPR. However, even if the firm's testing costs were twice those estimated here, testing costs are unlikely to exceed 1 percent of the firm's publically reported gross revenue.

standard as the voluntary standard evolves, and that the final rule is a soon-to-be-effective voluntary standard for JPMA testing, ASTM F2549–14a, the two small importers of compliant products would likely experience little or no direct costs if the final rule is implemented.

The extent of the economic impact on the four small importers with frame child carriers that do not comply with the voluntary standard will depend upon the product changes required to comply and how their supplying firms respond. Because no small importers with noncompliant frame child carriers responded to requests for information, staff cannot estimate the precise economic impact on these firms.

However, in general, if their supplying firm comes into compliance, the importer could elect to continue importing the frame child carriers. Any increase in production costs experienced by their suppliers from changes made to meet the mandatory standard may be passed on to the importers. If an importer decides that it is unwilling or unable to accept the increased costs, or if the importer's supplier decides not to comply with the mandatory standard, there are three alternatives available. First, importers could find another supplier of frame child carriers. This could result in increased costs, as well, depending, for example, on whether the alternative supplier must modify their carriers to comply with the mandatory standard. Second, firms could import a different product in place of their frame child carriers. This alternative would help mitigate the economic impact of the mandatory standard on these firms. Finally, importers could stop importing frame child carriers and make no other changes to their product line.

As with manufacturers, all importers will be subject to third party testing and certification requirements, and consequently, will be subject to costs similar to those for manufacturers, if their supplying foreign firm(s) does not perform third party testing. These costs appear unlikely to exceed 1 percent of gross revenue for the two small domestic importers for which revenue information is available, unless more than 10 or 30 units per model were required to be tested to provide a ''high degree of assurance,'' respectively. The impact on the other four small importers could not be determined or quantified, and thus, we cannot rule out a significant economic impact.

E. Alternatives

Section 104 of the CPSIA requires that the Commission promulgate a standard that is either substantially the same as the voluntary standard or more stringent. Therefore, the final frame child carrier rule (adoption of the voluntary standard, ASTM F2549–14a, with no modifications) is the minimum required by law. Consequently, the sole recommendation that staff can make to minimize (but not eliminate) the rule's economic impact is a later effective date. As discussed above, a later effective date would reduce the economic impact on small frame child carrier firms in two ways.

Because the economic impact of the frame child carriers rule on small firms could not be determined or quantified, staff cannot rule out a significant impact. Therefore, the final rule has an 18-month effective date, which was the maximum estimated period of time that frame child carrier firms familiar with the ASTM standard advised staff the firms would need for new product development. The minimum period of time estimated was 6 months, but only one of the four firms that responded to this question supported that time estimate. Of the nine supplying firms that staff contacted, four provided information on the time table required for redevelopment. Eighteen months reflects the maximum length of time these firms indicated might be necessary and will allow the greatest flexibility to small firms that may be significantly affected by the mandatory frame child carriers standard.

X. Environmental Considerations

The Commission's regulations address whether we are required to prepare an environmental assessment or an environmental impact statement. These regulations provide a categorical exclusion for certain CPSC actions that normally have ''little or no potential for affecting the human environment.'' Among those actions are rules or safety standards for consumer products. 16 CFR 1021.5(c)(1). The rule falls within the categorical exclusion.

XI. Paperwork Reduction Act

This rule contains information collection requirements that are subject to public comment and review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The preamble to the proposed rule (79 FR 28466 through 28467) discussed the information collection burden of the proposed rule and specifically requested comments on the accuracy of our estimates. Sections 8 and 9 of ASTM F2549–14a contain requirements for marking, labeling, and instructional literature. These requirements fall within the definition of ''collection of information,'' as defined in 44 U.S.C. 3502(3).

OMB has assigned control number 3041–0166 to this information collection. The Commission did not receive any comments regarding the information collection burden of this proposal. However, the final rule makes modifications regarding the information collection burden because the number of estimated suppliers subject to the information collection burden is now estimated at 16 firms, rather than the 15 firms initially estimated in the proposed rule.

Accordingly, the estimated burden of this collection of information is modified as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

16 CFR section	Number of respondents	Frequency of responses	Total annual responses	Hours per response	Total burden hours
1230.2(a)	16	3	48	1	48

XII. Preemption

Section 26(a) of the CPSA, 15 U.S.C. 2075(a), provides that if a consumer product safety standard is in effect and applies to a product, no state or political subdivision of a state may either establish or continue in effect a requirement dealing with the same risk of injury unless the state requirement is identical to the federal standard. Section 26(c) of the CPSA also provides that states or political subdivisions of states may apply to the Commission for an exemption from this preemption under certain circumstances. Section 104(b) of the CPSIA refers to the rules to be issued under that section as ''consumer product safety rules,'' thus, implying that the preemptive effect of section 26(a) of the CPSA would apply. Therefore, a rule issued under section

104 of the CPSIA will invoke the preemptive effect of section 26(a) of the CPSA when the rule becomes effective.

XIII. Certification and Notice of Requirements (NOR)

Section 14(a) of the CPSA imposes the requirement that products subject to a consumer product safety rule under the CPSA, or to a similar rule, ban, standard, or regulation under any other Act enforced by the Commission, must be certified as complying with all applicable CPSC-enforced requirements. 15 U.S.C. 2063(a). Section 14(a)(2) of the CPSA requires that certification of children's products subject to a children's product safety rule be based on testing conducted by a CPSC-accepted third party conformity assessment body. Section 14(a)(3) of the CPSA requires the Commission to publish a NOR for the accreditation of third party conformity assessment bodies (or laboratories) to assess conformity with a children's product safety rule to which a children's product is subject. The ''Safety Standard for Frame Child Carriers,'' to be codified at 16 CFR part 1230, is a children's product safety rule that requires the issuance of an NOR.

The Commission published a final rule, *Requirements Pertaining to Third Party Conformity Assessment Bodies,* 78 FR 15836 (March 12, 2013), which is codified at 16 CFR part 1112 (referred to here as part 1112). This rule became effective on June 10, 2013. Part 1112 establishes requirements for accreditation of third party conformity assessment bodies (or laboratories) to test for conformance with a children's product safety rule in accordance with section 14(a)(2) of the CPSA. Part 1112 also codifies a list of all of the NORs that the CPSC had published at the time part 1112 was issued. All NORs issued after the Commission published part 1112, such as the standard for frame child carriers, require the Commission to amend part 1112. Accordingly, the Commission is now amending part 1112 to include the standard for frame child carriers in the list of other children's product safety rules for which the CPSC has issued NORs.

Laboratories applying for acceptance as a CPSC-accepted third party conformity assessment body to test to the new standard for frame child carriers would be required to meet the third party conformity assessment body accreditation requirements in 16 CFR part 1112, *Requirements Pertaining to Third Party Conformity Assessment Bodies.* When a laboratory meets the requirements as a CPSC-accepted third party conformity assessment body, the laboratory can apply to the CPSC to have 16 CFR part 1230, *Safety Standard for Frame Child Carriers,* included in its scope of accreditation of CPSC safety rules listed for the laboratory on the CPSC Web site at: *www.cpsc.gov/labsearch.*

CPSC staff conducted a FRFA as part of the process of promulgating the part 1112 rule (78 FR 15836, 15855–58), as required by the RFA. Briefly, the FRFA concluded that the accreditation requirements would not have a significant adverse impact on a substantial number of small laboratories because no requirements were imposed on laboratories that did not intend to provide third party testing services. The only laboratories that were expected to provide such services were those that anticipated receiving sufficient revenue from the mandated testing to justify accepting the requirements as a business decision.

Based on similar reasoning, amending 16 CFR part 1112 to include the NOR for the frame child carrier standard will not have a significant adverse impact on small laboratories. Based upon the relatively small number of laboratories in the United States that have applied for CPSC acceptance of the accreditation to test for conformance to other juvenile product standards, we expect that only a few laboratories will seek CPSC acceptance of their accreditation to test for conformance with the frame child carrier standard. Most of these laboratories will have already been accredited to test for conformance to other juvenile product standards, and the only costs to them would be the cost of adding the frame child carrier standard to their scope of accreditation. Costs should be negligible, as these laboratories are already familiar with the requirements for CPSC accreditation under 16 CFR part 1112 and have experience with this process for other durable nursery products under section 104 of the CPSIA. As a consequence, the Commission could certify that the NOR for the frame child carriers standard will not have a significant impact on a substantial number of small entities.

List of Subjects

16 CFR Part 1112

Administrative practice and procedure, Audit, Consumer protection, Reporting and recordkeeping requirements, Third party conformity assessment body.

16 CFR Part 1230

Consumer protection, Imports, Incorporation by reference, Infants and children, Labeling, Law enforcement, and Toys.

For the reasons discussed in the preamble, the Commission amends Title 16 of the Code of Federal Regulations, as follows:

PART 1112—REQUIREMENTS PERTAINING TO THIRD PARTY CONFORMITY ASSESSMENT BODIES

■ 1. The authority citation for part 1112 continues to read as follows:

Authority: 15 U.S.C. 2063; Pub. L. 110–314, section 3, 122 Stat. 3016, 3017 (2008).

■ 2. Amend § 1112.15 by adding paragraph (b)(38) to read as follows:

§ 1112.15 When can a third party conformity assessment body apply for CPSC acceptance for a particular CPSC rule and/or test method?

* * * * *

(b) * * *

(38) 16 CFR part 1230, Safety Standard for Frame Child Carriers.

* * * * *

■ 3. Add part 1230 to read as follows:

PART 1230—SAFETY STANDARD FOR FRAME CHILD CARRIERS

Sec.
1230.1 Scope.
1230.2 Requirements for frame child carriers.

Authority: The Consumer Product Safety Improvement Act of 2008, Pub. L. 110–314, § 104, 122 Stat. 3016 (August 14, 2008); Pub. L. 112–28, 125 Stat. 273 (August 12, 2011).

§ 1230.1 Scope.

This part establishes a consumer product safety standard for frame child carriers.

§ 1230.2 Requirements for frame child carriers.

Each frame child carrier must comply with all applicable provisions of ASTM F2549–14a, *Standard Consumer Safety Specification for Frame Child Carriers,* approved on July 1, 2014. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy from ASTM International, 100 Bar Harbor Drive, P.O. Box 0700, West Conshohocken, PA 19428; *http://www.astm.org.* You may inspect a copy at the Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814, telephone 301–504–7923, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/*

federal_register/code_of_federalregulations/ibr_locations.html.

Alberta E. Mills,

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 2015–03717 Filed 2–27–15; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2014–1076]

Drawbridge Operation Regulation; Sacramento River, Sacramento, CA

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Tower Drawbridge across the Sacramento River, mile 59.0 at Sacramento, CA. The deviation is necessary to allow the community to participate in footrace events. This deviation allows the bridge to remain in the closed-to-navigation position during the deviation period.

DATES: This deviation is effective from 7:45 a.m. on March 14, 2015, to 1 p.m. on March 15, 2015.

ADDRESSES: The docket for this deviation, [USCG–2014–1076], is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516, email *David.H.Sulouff@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: California Department of Transportation has requested a temporary change to the operation of the Tower Drawbridge, mile 59.0, over Sacramento River, at Sacramento, CA. The drawbridge navigation span provides a vertical clearance of 30 feet above Mean High Water in the closed-to-navigation position. The draw opens on signal from May 1 through October 31 from 6 a.m. to 10 p.m. and from November 1 through April 30 from 9 a.m. to 5 p.m. At all other times the draw shall open on signal if at least four hours notice is given, as required by 33 CFR 117.189(a). Navigation on the waterway is commercial and recreational.

The drawspan will be secured in the closed-to-navigation position 7:45 a.m. to 9:45 a.m. on March 14, 2015, and from 7:30 a.m. to 1 p.m. on March 15, 2015, to allow the community to participate in the Shamrock 5K footrace and the Shamrock Half Marathon, respectively. This temporary deviation has been coordinated with the waterway users. No objections to the proposed temporary deviation were raised.

Vessels able to pass through the bridge in the closed position may do so at any time. The bridge will be able to open for emergencies and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: February 12, 2015.

D.H. Sulouff,

District Bridge Chief, Eleventh Coast Guard District.

[FR Doc. 2015–04267 Filed 2–27–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2015–0112]

Drawbridge Operation Regulation; Cape Fear River, Wilmington, NC

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the North Carolina Department of Transportation (NCDOT) Cape Fear Memorial Bridge across the Cape Fear River, mile 26.8, in Wilmington, NC. This temporary deviation allows the bridge to remain in the closed to navigation position for up to five days to facilitate biennial maintenance and inspections.

DATES: This deviation is effective from 7 a.m. on March 16, 2015 to 5 p.m. March 20, 2015.

ADDRESSES: The docket for this deviation [USCG–2015–0112] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Terrance Knowles, Environmental Protection Specialist, Coast Guard; telephone 757–398–6587, email *Terrance.A.Knowles@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, at 202–366–9826.

SUPPLEMENTARY INFORMATION: North Carolina Department of Transportation (NCDOT), who owns and operates this vertical lift-type drawbridge, has requested a temporary deviation from the current operating regulation to facilitate biennial maintenance and inspections.

Under the regular operating schedule, the bridge opens on signal, except for two other time periods in July and November as described in 33 CFR 117.822. The Cape Fear Memorial Bridge has 65 feet of vertical clearance in the closed position at mean high water.

Under this temporary deviation the repairs would restrict the operation of the draw. It would allow the bridge to remain closed from 7 a.m. March 16, 2015, to 5 p.m. March 20, 2015 to facilitate biennial maintenance and inspections.

The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation. Vessels able to pass under the bridge in the closed position may do so at any

time. The bridge will not be able to open for emergencies and there is no immediate alternate route for vessels unable to pass through the bridge in closed positions. Mariners are advised to proceed with caution.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the designated time period. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: February 20, 2015.

James L. Rousseau,

Bridge Program Manager, Fifth Coast Guard District.

[FR Doc. 2015–04301 Filed 2–27–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2014–1059]

RIN 1625–AA00

Safety Zone; Moon Island—Long Island Bridge Demolition; Boston Inner Harbor, Quincy Bay; Quincy, MA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing two temporary safety zones within the Sector Boston, Captain of the Port (COTP) Zone on the navigable waters of the Boston Inner Harbor, Quincy Bay for the demolition of the Moon Island—Long Island Bridge, between Moon Island and Long Island, Boston, MA. This action is necessary to provide for the safety of life on navigable waters prior to and during demolition and removal of the bridge spans. Entering into, transiting through, remaining in, anchoring, or mooring within this safety zone is prohibited unless authorized by the Captain of the Port (COTP) Sector Boston.

DATES: This rule is effective without actual notice from 12:01 a.m. on March 2, 2015 until 11:59 p.m. on December 31, 2015. For the purposes of enforcement, actual notice will be used from the date the rule was signed, February 13, 2015, until March 2, 2015.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket USCG–2014–1059 and are available online by going to *http://www.regulations.gov*, inserting USCG–2014–1059 in the ''Keyword'' box, and then clicking ''Search.'' They are also 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.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, contact Mr. Mark Cutter, Coast Guard Sector Boston Waterways Management Division, telephone 617–223–4000, email *Mark.E.Cutter@uscg.mil.* If you have questions on viewing material related to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
COTP Captain of the Port
FR Federal Register
NPRM Notice of Proposed Rulemaking
NAD 83 North American Datum of 1983

A. Regulatory Information and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM with respect to this rule because publishing an NPRM would be impracticable and contrary to the public interest. Sufficient information regarding the severe deteriorating condition of this bridge was only received by the City of Boston in October 2014 after an inspection was conducted in accordance with the new Federal Highways Administration (FHWA) guidelines. That inspection deemed the bridge unsafe for a live load rating for vehicular traffic, dropping the bridge below the minimum standards. Further, in January 2015, a 60 foot by 12 inch water main broke off the bridge above the navigational channel and fell into the channel. Although the pipe was later removed, the condition of the bridge remains a hazard.

The demolition of the bridge will start immediately and will take approximate three to five months. Accordingly, there is insufficient time to publish an NPRM and solicit comments from the public before the demolition takes place. Thus, waiting for a comment period to run would inhibit the Coast Guard's ability to fulfill its mission to keep the ports and waterways safe.

It is crucial to the operation of the waterway that this $21 million-demolition project remains on schedule and is completed before the recreational boating season traffic starts. The commuter ferry service that transits between Weymouth-Hingham and Boston has adapted to another route, adding approximately 10 minutes of time to their scheduled runs. The contractor is expected to remove the 225 foot navigational span first, so that commuter ferries can resume transiting their normal route. The actual removal of the sixteen spans is complex and involves a combination of a controlled detonation and conventional demolition. If the bridge demolition project is delayed up it would have serious ramifications to the waterway stakeholders, especially during the summer boating season when it is heavily used by recreational boaters. Due to the dangers posed by the condition of the bridge and the controlled and conventional demolition of such a large structure over a waterway, the different safety zones are necessary to provide for the safety of any vessels transiting the area. For the safety concerns noted, it is in the public interest to have these regulations in effect immediately and during the demolition phases.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. For the same reasons discussed in the preceding paragraph, delaying the effective date of this rule would be impracticable and contrary to the public interest.

B. Basis and Purpose

The legal basis for the temporary rule is 33 U.S.C., 1231, 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; Pub. L. 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to define regulatory safety zones.

The temporary safety zones are being established to prohibit vessels from transiting the navigational channel until the span is permanently removed and from transiting in the vicinity of the existing Long Island Bridge during the bridge's demolition and removal.

C. Discussion of the Temporary Final Rule

For the reasons discussed above, the COTP is establishing temporary safety zones in the vicinity of the Moon Island

Long Island Bridge to ensure the safety of vessels and other property from the hazards associated with the current condition of the bridge and the bridge demolition. The COTP Boston has determined that the actual condition of the bridge and the demolition of such a large structure over the waterway pose a significant risk to public safety and property. Hazards include the falling of parts from the deteriorated bridge to include large pieces of heavy metal, possible flying fragments from the controlled detonation and the obstructions to the waterway that may contribute to marine casualties, such as crane barges, work vessels, and construction equipment, and large pieces of debris falling into the water that may cause death or serious bodily harm. Establishing a safety zone around the location of the navigational channel until it is permanently removed and during the controlled detonation and the conventional demolition operations will help ensure the safety of vessels and other property and help minimize the associated risks.

The Coast Guard has been coordinating with contractors and local stakeholders regarding the scope of the overall project. The stakeholders that may be affected by this rulemaking have been notified of the risks of transiting this navigational channel and have since modified their ferry routes. They also know the potential impacts to the waterway from this project.

Vessels may enter or transit through the safety zones during the effective period if authorized by the COTP Boston or the designated representative.

The COTP will cause notice of enforcement or suspension of enforcement of the safety zones to be made by all appropriate means to affect the widest distribution among the affected segments of the public. Such means of notification will include, but is not limited to, Broadcast Notice to Mariners and Local Notice to Mariners.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

The Coast Guard determined that this rule is not a significant regulatory action for the following reasons: The safety zone for the navigational channel will be of limited duration, expecting to completed by the end February 2015, and the commuter ferries have already rerouted out of safety concerns with the previous falling debris from the bridge and have requested that the navigational bridge span be removed at the earliest stages of the project. This time of the season there is no recreational boating traffic.

Persons and/or vessels may enter the safety zone if they obtain permission from the Coast Guard COTP, Boston.

Notifications will be made to the local maritime community through the Local Notice to Mariners and Broadcast Notice to Mariners well in advance of the demolition.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

For all of the reasons discussed in the Regulatory Planning And Review section, 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.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offer to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Mr. Mark Cutter at the telephone number or email address indicated under the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive

Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a safety zone. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C., 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.2

■ 2. Add § 165.T01–1059 to read as follows:

§ 165.T01–1059 Moon Island—Long Island Bridge Demolition, Boston Inner Harbor—Quincy Bay, Massachusetts.

(a) *General.* A temporary safety zone is established for the bridge demolition as follows:

(1) *Location.* The following area is a safety zone: All navigable waters, from surface to bottom, within two hundred (200) yards of the Moon Island—Long Island Bridge, Boston Inner Harbor—Quincy Bay, MA, and enclosed by a line connecting the following points (NAD 83):

Latitude	Longitude
42°18′44″ N	70°58′40″ W; thence to
42°18′33″ N	70°58′31″ W; thence to
42°18′18″ N	70°59′10″ W; thence to
42°18′29″ N	70°59′20″ W; thence to point of origin.

(2) *Effective and Enforcement Period.* This rule will be effective and enforced from 12:01 a.m. on February 13, 2015 to 11:59 p.m. on December 31, 2015.

(b) *General.* A temporary safety zone is established for the controlled detonation demolition phase as follows:

(1) *Location.* The following area is a safety zone: All navigable waters, from surface to bottom, within approximately one thousand (1000) yards of the Moon Island—Long Island Bridge, Boston Inner Harbor—Quincy Bay, Massachusetts, and enclosed by a line connecting the following points (NAD 83):

Latitude	Longitude
42°18′38″ N	70°58′36″ W; thence to
42°18′30″ N	70°57′37″ W; thence to
42°17′44″ N	70°59′20″ W; thence to
42°18′23″ N	70°59′14″ W; thence to
42°18′41″ N	70°59′54″ W; thence to
42°19′11″ N	70°58′43″ W; thence to point of origin.

(2) *Effective and Enforcement Period.* This rule will be effective from 12:01 a.m. on February 13, 2015 to 11:59 p.m. on December 31, 2015, however it will be enforced on the actual date(s) of the controlled detonation, to be determined at a later date. Coast Guard Sector Boston will give actual notice to mariners via Local Notice to Mariners and Broadcast Notice to Mariners

(c) *Regulations.* While this safety zone is being enforced, the following regulations, along with those contained in 33 CFR 165.23, apply:

(1) No person or vessel may enter or remain in this safety zone without the permission of the Captain of the Port (COTP), Sector Boston the COTP's representatives. However, any vessel that is granted permission by the COTP or the COTP's representatives must proceed through the area with caution and operate at a speed no faster than that speed necessary to maintain a safe course, unless otherwise required by the Navigation Rules.

(2) Any person or vessel permitted to enter the security zone shall comply with the directions and orders of the COTP or the COTP's representatives. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing lights, or other means, the operator of a vessel within the zone shall proceed as directed. Any person or vessel within the security zone shall exit the zone when directed by the COTP or the COTP's representatives.

(3) To obtain permissions required by this regulation, individuals may reach the COTP or a COTP representative via VHF channel 16 or 617–223–5757 (Sector Boston Command Center) to obtain permission.

(4) *Penalties.* Those who violate this section are subject to the penalties set forth in 33 U.S.C. 1232 and 50 U.S.C. 1226.

(d) *Notification.* Coast Guard Sector Boston will give actual notice through the Local Notice to Mariners, Broadcast Notice to Mariners and to mariners for the purpose of enforcement of this temporary safety zone. Also, Sector Boston will notify the public to the greatest extent possible of any period in

which the Coast Guard will suspend enforcement of this safety zone.

(e) *COTP Representative.* The COTP's representative may be any Coast Guard commissioned, warrant, or petty officer or any Federal, state, or local law enforcement officer who has been designated by the COTP to act on the COTP's behalf. The COTP's representative may be on a Coast Guard vessel, a Coast Guard Auxiliary vessel, a state or local law enforcement vessel, or a location on shore.

Dated: February 13, 2015.

J.C. O'Connor III,

Captain, U.S. Coast Guard, Captain of the Port Boston.

[FR Doc. 2015–04282 Filed 2–27–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0040]

RIN 1625–AA87

Safety Zone; Cooper River Bridge Run, Cooper River, and Town Creek Reaches, Charleston, SC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard will establish a safety zone on the waters of Cooper River, and Town Creek Reaches in Charleston, South Carolina during the Cooper River Bridge Run on March 28, 2015 from 7:30 a.m. to 10:30 a.m. The Cooper River Bridge Run is a 10K run across the Arthur Ravenal Bridge. The safety zone is necessary for the safety of the runners and the general public during this event. Persons and vessels will be prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port Charleston or a designated representative.

DATES: This rule is effective on March 28, 2015 and will be enforced from 7:30 a.m. to 10:30 a.m.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2015–0040. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Chief Warrant Officer Christopher Ruleman, Sector Charleston Waterways Management, U.S. Coast Guard; telephone (843) 740–3184, email *christopher.l.ruleman@uscg.mil.* If you have questions on viewing the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking

A. Regulatory Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because the Coast Guard did not receive necessary information about the event until January 23, 2015. As a result, the Coast Guard did not have sufficient time to publish an NPRM and to receive public comments prior to the event. Any delay in the effective date of this rule would be contrary to the public interest because immediate action is needed to minimize potential danger to the race participants, spectators and the general public. For the same reason, the Coast Guard finds under 5 U.S.C. 552 for good cause that the rule should take effect in less than 30 days from publication in the **Federal Register**.

B. Basis and Purpose

(a) The legal basis for this rule is the Coast Guard's authority to establish regulated safety zones and other limited access areas: 33 U.S.C. 1231; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Department of Homeland Security Delegation No. 0170.

(b) The purpose of the rule is to ensure the safety of the runners, and the general public during the Cooper River Bridge Run.

C. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. The economic impact of this rule is not significant for the following reasons: (1) The safety zone will only be enforced for a total of three hours; (2) although persons and vessels may not enter, transit through, anchor in, or remain within the safety zone without authorization from the Captain of the Port Charleston or a designated representative, they may operate in the surrounding area during the enforcement period; and (3) the Coast Guard will provide advance notification of the safety zone to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612), as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

(1) This rule would affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit in a portion of the Cooper River, and Town Creek Reaches in Charleston, South Carolina from 7:30 a.m. until 10:30 a.m. on March 28, 2015.

(2) For the reasons discussed in the Regulatory Planning and Review section above, this rule will not have a

significant economic impact on a substantial number of small entities.

3. Assistance for Small Entities

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone on waters of the Cooper River, and Town Creek Reaches, South Carolina during the Cooper River Bridge Run on Saturday, March 28, 2015. Persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the safety zone unless authorized by the Captain of the Port Charleston or a designated representative. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. This rule is categorically excluded from further review under paragraph (34)(g) of Figure 2–1 of the Commandant Instruction. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add a temporary § 165.T07–0040 to read as follows:

§ 165.T07–0040, Safety Zone; Cooper River Bridge Run, Charleston, SC.

(a) *Regulated Area.* The rule establishes a safety zone on certain waters of the Cooper River, and Town Creek Reaches, South Carolina. The safety zone will consist of a regulated area which will be enforced from 7:30 a.m. until 10:30 a.m. on March 28, 2015. The safety zone would create a regulated area that will encompass a portion of the waterway. All waters of the Cooper River, and Town Creek Reaches encompassed within the following points: 32°48′32″ N./079°56′08″ W., 32°48′20″ N./079°54′20″ W., 32°47′20″ N./079°54′29″ W., 32°47′20″ N./079°55′28″ W. All

coordinates are North American Datum 1983.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Charleston in the enforcement of the regulated area.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Charleston or a designated representative.

(2) Persons and vessels desiring to enter, transit through, or remain within the regulated area may contact the Captain of the Port Charleston by telephone at 843–740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, or remain within the regulated area is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative.

(3) The Coast Guard will provide notice of the regulated area by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Enforcement Date.* This rule will be enforced from 7:30 a.m. until 10:30 a.m. on March 28, 2015.

Dated: February 17, 2015.

B.D. Falk,

Commander, U.S. Coast Guard, Alternate Captain of the Port Charleston.

[FR Doc. 2015–04286 Filed 2–27–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–0152]

RIN 1625–AA00, 1625–AA87

Safety and Security Zones, Jacksonville Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard has modified several aspects of the safety and security zones within the Sector Jacksonville Captain of the Port Zone. This action was necessary to consolidate, clarify, and otherwise modify safety and security zone regulations to eliminate unnecessary regulations and better meet the safety and security needs of the Ports of Jacksonville, Fernandina, and Canaveral. This action modifies existing safety and security zones; establishes safety zones governing port regulation in the event of natural and other disasters; and removes unnecessary or superfluous safety and security zones.

DATES: This rule is effective April 1, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2014–0152. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Allan Storm, Sector Jacksonville Office of Waterways Management, U.S. Coast Guard; telephone (904) 564–7563, email *Allan.H.Storm@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
COTP Captain of the Port
GRT Gross Register Ton

A. Regulatory History and Information

On June 17, 2014, we published a Notice of Proposed Rulemaking (NPRM) entitled Safety and Security Zones: Jacksonville Captain of the Port Zone in the **Federal Register** (79 FR 34674).

In 1994, the USCG published a safety zone around firework barges between the Hart and Acosta Bridges within the Port of Jacksonville. As of 2008, there are 22 special local regulations listed under 33 CFR 100.701 which establish a 500 yard regulated area around various barges for firework display events. This regulation revises the current regulations to add safety zone regulations during natural and other disasters. It also implements safety zones for all fire work displays in the Jacksonville Captain of the Port Zone.

B. Basis and Purpose

The legal basis for this rule is the Coast Guard's authority to establish regulated navigation areas and limited access areas: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Department of Homeland Security Delegation No. 0170.1.

The purpose of these regulations is to ensure the safety of life on navigable waters of the United States through the addition of regulations applicable during disasters and firework displays within the Jacksonville Captain of the Port Zone.

C. Discussion of Comments, Changes and the Final Rule

Public meetings were held on June 23, 2014 in Jacksonville and June 25, 2014 in Port Canaveral. No comments were received during the meetings or the NPRM comment period.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. This regulation is not a significant regulatory action because most of the regulations already exist in some form such as special local regulations for firework displays. The regulations that are being added are not expected to have a significant regulatory action due to the infrequency of use for the safety zones around firework barges. The removal of the safety and security zone for Blount Island would have no effect as the Restricted Area set in place by the Army Corps of Engineers will remain in effect.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended,

requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received zero comments from the Small Business Administration on this rule. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

For the reasons discussed in the Regulatory Planning and Review section above, this rule will not have a significant economic impact on a substantial number of small entities.

3. Assistance for Small Entities

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves disestablishing of a safety and security zone, addition of port regulations that would be otherwise published as a Temporary Final Rule, and addition of safety zones to include all firework barge displays within the Jacksonville Captain of the Port Zone. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Revise § 165.720 to read as follows:

§ 165.720 Safety Zone; Natural and Other Disasters in Ports of Jacksonville, Fernandina, and Canaveral, Florida.

(a) *Regulated Areas.* The following areas are established as safety zones during the specified conditions:

(1) *Fernandina, FL.* All waters within the Cumberland Sound and Amelia River encompassed within the following locations: starting at the demarcation line drawn across the seaward extremity of the St. Marys River Entrance Jetties; thence following the shoreline north to Stafford Island; thence north to Point 1 in position 30°50'00″ N., 81°29′10″ W.; thence west to Point 2 in position 30°50′00″ N., 81°30′47″ W.; thence southwest to Kings Bay in position 30°48′42″ N., 81°31′27″ W.; thence south following the shoreline south to point 3 in position 30°40′30″ N., 81°28′38″ W.; thence southwest to R ''18'' at Point 4 30°39′57″ N., 81°29′04″ W.; thence southeast to Point 5 30°39′48″ N., 81°28′57″ W.; thence following the shoreline northeast back to origin.

(2) *Jacksonville, FL.* All waters within the Port of Jacksonville, FL encompassed within the following locations: starting at the demarcation line drawn across the seaward extremity of the St. Johns River Entrance Jetties, thence following the northern riverbank west to the Sister's Creek Bridge, thence following the riverbank west to the Interstate 95 Trout River Bridge, thence following the riverbank south to the Henry H. Buckman Bridge, thence following the eastern riverbank back to origin.

(3) *Canaveral, FL.* All waters within the Canaveral Barge Canal in Port Canaveral, FL encompassed within the following locations: starting at the demarcation line drawn across the seaward extremity of the Port Canaveral Entrance Channel Jetties, thence following the northern shoreline west to the SR401 Bridge, thence following the southern shoreline back to origin.

(4) All coordinates are North American Datum 1983.

(b) *Definition.* (1) The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Jacksonville in the enforcement of the regulated area.

(2) *Hurricane Port Condition YANKEE.* Set when weather advisories indicate that sustained Gale Force winds from a tropical or hurricane force storm are predicted to make landfall at the port within 24 hours.

(3) *Hurricane Port Condition ZULU.* Set when weather advisories indicate that sustained Gale Force winds from a Tropical or hurricane force storm are predicted to make landfall at the port within 12 hours.

(c) *Regulations.* (1) *Hurricane Port Condition YANKEE.* All commercial, oceangoing vessels and barges over 500 GRT as measured under Title 46 United States Code Section 14502 or an alternate tonnage established as 6,000 gross tonnage as measured under 46 U.S.C. 14302 (GT ITC) are prohibited from entering in any of the regulated areas designated as being in Port Condition YANKEE within the COTP Zone Jacksonville. Oceangoing commercial vessel traffic outbound will be authorized to transit through the regulated areas until Port Condition ZULU. Additionally, in the Port of Canaveral, no vessel, regardless of size or service, will be allowed to transit through the Port Canaveral Barge Canal upon the setting of Port Condition YANKEE.

(2) *Hurricane Port Condition ZULU.* All commercial, oceangoing vessels and barges over 500 GRT as measured under Title 46 United States Code Section 14502 or an alternate tonnage established as 6,000 gross tonnage as measured under 46 U.S.C. 14302 (GT ITC) are prohibited from transiting or remaining in any of the regulated areas designated as being in Port Condition ZULU within COTP Zone Jacksonville. All ship-to-shore cargo operations must cease 6 hours prior to setting Port Condition Zulu.

(3) *Emergency Regulation for Other Disasters.* Any natural or other disasters that are to affect the Jacksonville COTP Zone will result in the prohibition of commercial vessel traffic over 500 GRT as measured under Title 46 United States Code Section 14502 or an alternate tonnage established as 6,000 gross tonnage as measured under 46 U.S.C. 14302 (GT ITC) transiting or remaining in any of the regulated areas predicted to be effected as designated by the COTP Jacksonville.

(4) Persons and vessels desiring to enter, transit through, anchor in, or remain in the regulated area may contact the Captain of the Port Jacksonville via telephone at (904) 564–7513, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain in the regulated area is granted by the Captain of the Port Jacksonville or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Jacksonville or a designated representative.

(5) Coast Guard Sector Jacksonville will attempt to notify the maritime community of periods during which these safety zones will be in effect via Broadcast Notice to Mariners or by on-scene designated representatives.

■ 3. Add § 165.723 to read as follows:

§ 165.723 Safety Zone; Firework Displays in Captain of the Port Zone Jacksonville, Florida.

(a) *Regulated Area.* The following area is established as a safety zone during the specified conditions: All waters within the Jacksonville COTP Zone within a 500 yard radius of a firework barge or barges during the storage, preparation, and launching of fireworks.

(1) The Coast Guard realizes that some large scale events, such as those with many participants or spectators, or those that could severely restrict navigation or pose a significant hazard, may still require separate special local regulations or safety zones that address the specific peculiarities of the event. In those situations, the Coast Guard will create special local regulations or safety zones specifically for the event, and those regulations will supersede the regulations in this rule.

(2) All coordinates are North American Datum 1983.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Jacksonville in the enforcement of the regulated area.

(c) *Regulations.* (1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Coast Guard Captain of the Port Jacksonville or a designated representative.

(2) Persons and vessels desiring to enter, transit through, anchor in, or remain in the regulated area may contact the Captain of the Port Jacksonville via telephone at (904) 564–7513, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain in the regulated area is granted by the Captain of the Port Jacksonville or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Jacksonville or a designated representative.

(3) The Coast Guard will provide notice of the regulated area via

Broadcast Notice to Mariners or by on-scene designated representatives.

(4) This regulation does not apply to authorized law enforcement agencies operating within the regulated area.

Dated: February 19, 2015.

T.G. Allan, Jr.,

Captain, U.S. Coast Guard, Captain of the Port Jacksonville.

[FR Doc. 2015–04280 Filed 2–27–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2012–0698; FRL–9923–55–Region–4]

Approval and Promulgation of Implementation Plans; Mississippi; Infrastructure Requirements for the 2008 8-Hour Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve in part and disapprove in part, the May 29, 2012, and July 26, 2012, State Implementation Plan (SIP) submissions, provided by the Mississippi Department of Environmental Quality (MDEQ) for inclusion into the Mississippi SIP. This final rulemaking pertains to the Clean Air Act (CAA or the Act) infrastructure requirements for the 2008 8-hour ozone national ambient air quality standards (NAAQS). The CAA requires that each state adopt and submit a SIP for the implementation, maintenance and enforcement of each NAAQS promulgated by EPA, which is commonly referred to as an ''infrastructure'' SIP. MDEQ certified that the Mississippi SIP contains provisions that ensure the 2008 8-hour ozone NAAQS is implemented, enforced, and maintained in Mississippi (hereafter referred to as an ''infrastructure SIP submission''). With the exception of provisions pertaining to prevention of significant deterioration (PSD) permitting, interstate transport, visibility protection requirements and the state board majority requirements respecting significant portion of income, EPA is taking final action to approve Mississippi's infrastructure SIP submissions, provided to EPA on May 29, 2012, and July 26, 2012. EPA is taking final action to disapprove Mississippi's May 29, 2012, and July 26, 2012, SIP submissions with regards to the state board majority requirements respecting significant portion of income. EPA will consider action with regards to the infrastructure elements related to PSD permitting, visibility and interstate transport in a separate action.

DATES: This rule will be effective April 1, 2015.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2012–0698. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section (formerly the Regulatory Development Section), Air Planning and Implementation Branch (formerly the Air Planning Branch), Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding Federal holidays.

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

SUPPLEMENTARY INFORMATION:

I. Background

Upon promulgation of a new or revised NAAQS, sections 110(a)(1) and (2) of the CAA require states to address basic SIP requirements, including emissions inventories, monitoring, and modeling to assure attainment and maintenance for that new NAAQS. Section 110(a) of the CAA generally requires states to make a SIP submission to meet applicable requirements in order to provide for the implementation, maintenance, and enforcement of a new or revised NAAQS within three years following the promulgation of such NAAQS, or within such shorter period as EPA may prescribe. These SIP submissions are commonly referred to as ''infrastructure'' SIP submissions. Section 110(a) imposes the obligation upon states to make an infrastructure SIP submission to EPA for a new or revised NAAQS, but the contents of that submission may vary depending upon the facts and circumstances. In particular, the data and analytical tools available at the time the state develops and submits the infrastructure SIP for a new or revised NAAQS affect the content of the submission. The contents of such infrastructure SIP submissions may also vary depending upon what provisions the state's existing SIP already contains. In the case of the 2008 8-hour ozone NAAQS, states typically have met the basic program elements required in section 110(a)(2) through earlier SIP submissions in connection with previous ozone NAAQS.

More specifically, section 110(a)(1) provides the procedural and timing requirements for SIPs. Section 110(a)(2) lists specific elements that states must meet for infrastructure SIP requirements related to a newly established or revised NAAQS. As mentioned above, these requirements include basic structural SIP elements such as modeling, monitoring, and emissions inventories that are designed to assure attainment and maintenance of the NAAQS. The requirements of section 110(a)(2) are summarized below and in EPA's September 13, 2013, memorandum entitled ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2).'' [1]

- 110(a)(2)(A): Emission Limits and Other Control Measures
- 110(a)(2)(B): Ambient Air Quality Monitoring/Data System
- 110(a)(2)(C): Programs for Enforcement of Control Measures and

[1] Two elements identified in section 110(a)(2) are not governed by the three year submission deadline of section 110(a)(1) because SIPs incorporating necessary local nonattainment area controls are not due within three years after promulgation of a new or revised NAAQS, but rather due at the time the nonattainment area plan requirements are due pursuant to other provisions of the CAA for submission of SIP revisions specifically applicable for attainment planning purposes. These requirements are: (1) Submissions required by section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in part D Title I of the CAA; and (2) submissions required by section 110(a)(2)(I) which pertain to the nonattainment planning requirements of part D, Title I of the CAA. Today's proposed rulemaking does not address infrastructure elements related to section 110(a)(2)(I) or the nonattainment planning requirements of 110(a)(2)(C).

for Construction or Modification of Stationary Sources [2]
- 110(a)(2)(D)(i)(I) and (II): Interstate Pollution Transport
- 110(a)(2)(D)(ii): Interstate Pollution Abatement and International Air Pollution
- 110(a)(2)(E): Adequate Resources and Authority, Conflict of Interest, and Oversight of Local Governments and Regional Agencies
- 110(a)(2)(F): Stationary Source Monitoring and Reporting
- 110(a)(2)(G): Emergency Powers
- 110(a)(2)(H): SIP revisions
- 110(a)(2)(I): Plan Revisions for Nonattainment Areas [3]
- 110(a)(2)(J): Consultation with Government Officials, Public Notification, and Prevention of Significant Deterioration (PSD) and Visibility Protection
- 110(a)(2)(K): Air Quality Modeling and Submission of Modeling Data
- 110(a)(2)(L): Permitting fees
- 110(a)(2)(M): Consultation and Participation by Affected Local Entities

On November 24, 2014, EPA proposed to approve in part and disapprove in part, the May 29, 2012, and July 26, 2012, 2008 8-hour ozone NAAQS infrastructure SIP submissions with the exception of the PSD permitting requirements for major sources of sections 110(a)(2)(C) and (J), the interstate transport requirements of section 110(a)(2)(D)(i)(I) and (II) (prongs 1 through 4), and the visibility requirements of section 110(a)(2)(J), which EPA will address in a separate action. EPA also proposed to disapprove a portion of Mississippi's infrastructure submission for section 110(a)(2)(E)(ii) pertaining to state board majority requirements respecting significant portion of income. *See* 79 FR 69787. EPA did not receive any comments, adverse or otherwise, on the Agency's November 24, 2014, proposed action. In this rulemaking, EPA is taking final action to approve in part and disapprove in part Mississippi's May 29, 2012, and July 26, 2012, infrastructure submissions as demonstrating that the State meets the applicable requirements of sections 110(a)(1) and (2) of the CAA for the 2008 8-hour ozone NAAQS, as proposed in the Agency's November 24, 2014, rulemaking. EPA will act on portions of Mississippi's submissions not addressed in today's rulemaking in a separate action.

[2] This rulemaking only addresses requirements for this element as they relate to attainment areas.

[3] As mentioned above, this element is not relevant to today's rulemaking.

II. Final Action

With the exceptions described below, EPA is taking final action to approve that MDEQ's infrastructure SIP submissions, submitted May 29, 2012, and July 26, 2012, for the 2008 8-hour ozone NAAQS have met the above described infrastructure SIP requirements. EPA is disapproving in part section 110(a)(2)(E)(ii) of Mississippi's infrastructure submissions because the majority of members of boards that approve permits or enforcement orders in Mississippi may still derive a significant portion of income from persons subject to permits or enforcement orders issued by such Mississippi boards, and therefore, its current SIP does not meet the section 128(a)(1) majority requirements respecting significant portion of income. This final approval in part and disapproval in part, however, does not include the PSD permitting requirements for major sources of section 110(a)(2)(C) and (J), the interstate transport requirements of section 110(a)(2)(D)(i)(I) and (II) (prongs 1 through 4), and the visibility requirements of section 110(a)(2)(J), which will be addressed by EPA in a separate action. With the exceptions noted above Mississippi has addressed the elements of the CAA 110(a)(1) and (2) SIP requirements pursuant to section 110 of the CAA to ensure that the 2008 8-hour ozone NAAQS is implemented, enforced, and maintained in Mississippi.

III. 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 Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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 action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 1, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the

finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: February 11, 2015.

V. Anne Heard,

Acting Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart Z—Mississippi

■ 2. Section 52.1270(e) is amended by adding a new entry ''110(a)(1) and (2) Infrastructure Requirements for the 2008 8-Hour Ozone National Ambient Air Quality Standards'' at the end of the table to read as follows:

§ 52.1270 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED MISSISSIPPI NON-REGULATORY PROVISIONS

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date	Explanation
*	*	*	*	* *
110(a)(1) and (2) Infrastructure Requirements for the 2008 8-Hour Ozone National Ambient Air Quality Standards.	Mississippi	7/26/2012	3/2/2015 [Insert citation of publication].	With the exception of sections: 110(a)(2)(C) and (J) concerning PSD permitting requirements; 110(a)(2)(D)(i)(I) and (II) (prongs 1 through 4) concerning interstate transport requirements; 110(a)(2)(E)(ii) concerning state board majority requirements respecting significant portion of income; and 110(a)(2)(J) concerning visibility requirements.

■ 3. Section 52.1272 is amended by adding paragraph (b) to read as follows:

§ 52.1272 Approval status.

* * * * *

(b) *Disapproval.* Submittal from the State of Mississippi, through the Mississippi Department of Environmental Quality (MDEQ) on May 29, 2012, and July 26, 2012, to address the Clean Air Act (CAA) section 110(a)(2)(E)(ii) for the 2008 8-hour Ozone National Ambient Air Quality Standards concerning state board majority requirements respecting significant portion of income. EPA is disapproving MDEQ's submittal with respect to section 128(a)(1) because a majority of board members may still derive a significant portion of income from persons subject to permits or enforcement orders issued by the Mississippi Boards, therefore, its current SIP does not meet the section 128(a)(1) majority requirements respecting significant portion of income for the 2008 8-hour Ozone National Ambient Air Quality Standards.

[FR Doc. 2015–04140 Filed 2–27–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2014–0662; FRL–9923–45–Region 5]

Approval and Promulgation of Air Quality Implementation Plans; Ohio; Transportation Conformity

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving, under the Clean Air Act, a revision to Ohio's transportation conformity state implementation plan (SIP) that meets EPA and United States Department of Transportation (DOT) requirements. This revision brings Ohio's transportation conformity SIP into compliance with the requirements of the Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users (SAFETEA–LU).

DATES: This direct final rule will be effective May 1, 2015, unless EPA receives adverse comments by April 1, 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–2014–0662, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: blakley.pamela@epa.gov.*
3. *Fax:* (312) 692–2450.
4. *Mail:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–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–2014–0662. 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 Federal holidays. We recommend that you telephone Anthony Maietta, Environmental Protection Specialist, at (312) 353–8777 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT:

Anthony Maietta, Environmental Protection Specialist, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8777, *maietta.anthony@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. What is the background for this action?
II. What is EPA's analysis of the state's submittal?
III. What action is EPA taking?
IV. Statutory and Executive Order Reviews.

I. What is the background for this action?

A transportation conformity SIP can be adopted as a state rule, a memorandum of understanding, or a memorandum of agreement. The appropriate form of the state transportation conformity procedures depends upon the requirements of local or state law, as long as the selected form complies with all Clean Air Act requirements for adoption, submission to EPA, and implementation of SIPs. EPA will accept state transportation conformity SIPs in any form provided the state can demonstrate to EPA's satisfaction that, as a matter of state law, the state has adequate authority to compel compliance with the requirements of the conformity SIP.

The Ohio Environmental Protection Agency (Ohio EPA) collaborated with the Akron Metropolitan Area Transportation Study, the Clark County-Springfield Transportation Coordinating Committee, the Eastgate Regional Council of Governments, EPA, the Erie Regional Planning Commission, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Indiana Department of Environmental Management, the Indiana Department of Transportation, the Kentucky-Ohio-West Virginia Interstate Planning Commission, the Ohio-Kentucky-Indiana Regional Council of Governments, the Ohio Department of Transportation, the Licking County Area Transportation Study, the Lima-Allen County Regional Planning Commission, the Miami Valley Regional Planning Commission, the Mid-Ohio Regional Planning Commission, the Northeast Ohio Areawide Coordinating Agency, the Toledo Metropolitan Area Council of Governments, the West Virginia Department of Environmental Protection, and the West Virginia Department of Transportation (the agencies listed in this paragraph are referenced as ''Federal, state, and local agencies'' throughout this document) to develop a transportation conformity SIP revision that meets EPA and DOT transportation conformity requirements resulting from passage of SAFETEA–LU.

On August 20, 2014, the Ohio EPA submitted a request to EPA to revise the Ohio transportation conformity SIP to include procedures, roles, and responsibilities for involved Federal, state agencies, and local agencies that must conduct transportation conformity planning and consultation.

II. What is EPA's analysis of the state's submittal?

A. Background

For EPA approval, the submittal must address and give full legal effect to requirements laid out in three sections of title 40, part 93, subpart A of the Code of Federal Regulations: § 93.105, § 93.122(a)(4)(ii), and § 93.125(c).

40 CFR 93.105: Consultation

Section 93.105 describes SIP requirements for interagency consultation (between Federal, state, and local agencies), conflict resolution, and public consultation. A transportation conformity SIP must include well defined interagency consultation procedures that define the roles and responsibilities for each participating agency. These consultation procedures must include provisions for circulating materials for comment before formal adoption, processes for convening consultation meetings, and processes for responding to significant comments of involved agencies. In addition, procedures for involved Federal, state, and local agencies must be included that address:

- Evaluation and selection of an emissions model and associated methods and assumptions to be used in hot-spot and regional emissions analyses, including determining which minor arterials and other transportation projects should be considered regionally significant for purposes of regional emissions analyses.
- Evaluation and selection of an emissions model, associated methods and assumptions, and projects to be included in determining conformity in isolated rural nonattainment and maintenance areas.
- Evaluation of events that will trigger new conformity determinations.
- Consultation on emissions analyses for transportation activities that cross metropolitan planning organization (MPO), nonattainment area, or air basin borders.
- Determination of conformity of projects that might lie outside of a metropolitan planning area, but within a nonattainment area, if such a situation exists.
- Disclosure of any regionally significant projects which are not FHWA or FTA projects to the MPO on a regular basis.
- Interagency consultation on data collection efforts and regional

transportation model development by the MPO.

• Provision of final documentation and supporting information to each agency after approval or adoption.

• Resolution of conflicts among state agencies or between state agencies and an MPO.

• Public consultation for affected agencies that make conformity determinations on transportation plans, programs, and projects consistent with the public consultation requirements listed in 23 CFR 450.316(a).

The Regulations at 40 CFR 93.122(a)(4)(ii) and 40 CFR 93.125(c): Written Commitments for Control and Mitigation Measures

The regulation at 40 CFR 93.122(a)(4)(ii) provides that a transportation conformity SIP must contain provisions to ensure that any emission reduction credits from control measures that are not included in the SIP and that do not require a regulatory action in order to be implemented will not be included in a project level conformity determination unless the National Environmental Policy Act document includes written commitments from the appropriate entities to implement those control measures. These written commitments must be obtained by the initiating party prior to a conformity determination and the written commitments must be addressed by the initiating party.

The regulation at 40 CFR 93.125(c) provides that a transportation conformity SIP must contain provisions that ensure project-level mitigation measures will be identified with written commitments if those mitigation measures are part of the conditions for making the project level conformity determination. The commitments must be included in the project design and scope used in the regional emissions analysis or project-level hot-spot analysis.

The transportation conformity SIP revision submitted by the Ohio EPA on August 20, 2014, meets the requirements of 40 CFR 93.105, 93.122(a)(4)(ii), and 93.125(c) and therefore is approvable into the Ohio SIP.

III. What action is EPA taking?

EPA is approving a revision to Ohio's transportation conformity SIP submitted by Ohio EPA on August 20, 2014. We are publishing this action without prior proposal because we view this as a noncontroversial 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 state plan if relevant adverse written comments are filed. This rule will be effective May 1, 2015 without further notice unless we receive relevant adverse written comments by April 1, 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 May 1, 2015.

IV. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

• Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive 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 Clean Air Act; and

• Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 1, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of

proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: February 12, 2015.

Susan Hedman,

Regional Administrator, Region 5.

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.*

■ 2. Section 52.1880 is amended by adding paragraph (u) to read as follows:

§ 52.1880 Control strategy; Particulate matter.

* * * * *

(u) Approval—On August 20, 2014, the State of Ohio submitted a revision to their Particulate Matter State Implementation Plan. The submittal established transportation conformity ''Conformity'' criteria and procedures related to interagency consultation, and enforceability of certain transportation related control and mitigation measures.

■ 3. Section 52.1885 is amended by adding paragraph (ll) to read as follows:

§ 52.1885 Control strategy; Ozone.

* * * * *

(ll) Approval—On August 20, 2014, the State of Ohio submitted a revision to their Ozone State Implementation Plan. The submittal established transportation conformity ''Conformity'' criteria and procedures related to interagency consultation, and enforceability of certain transportation related control and mitigation measures.

[FR Doc. 2015–04146 Filed 2–27–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2012–0694; FRL–9923–56–Region 4]

Approval and Promulgation of Implementation Plans; South Carolina; Infrastructure Requirements for the 2008 8-Hour Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve the July 17, 2012, State Implementation Plan (SIP) submission, provided by the South Carolina Department of Health and Environmental Control (SC DHEC) for inclusion into the South Carolina SIP. This final rulemaking pertains to the Clean Air Act (CAA or the Act) infrastructure requirements for the 2008 8-hour ozone national ambient air quality standards (NAAQS). The CAA requires that each state adopt and submit a SIP for the implementation, maintenance and enforcement of each NAAQS promulgated by EPA, which is commonly referred to as an ''infrastructure'' SIP. SC DHEC certified that the South Carolina SIP contains provisions that ensure the 2008 8-hour ozone NAAQS is implemented, enforced, and maintained in South Carolina (hereafter referred to as an ''infrastructure SIP submission''). With the exception of provisions pertaining to prevention of significant deterioration (PSD) permitting, interstate transport, and visibility protection requirements, EPA is taking final action to approve South Carolina's infrastructure SIP submission, provided to EPA on July 17, 2012, because it addresses the infrastructure elements for the 2008 8-hour ozone NAAQS.

DATES: This rule will be effective April 1, 2015.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2012–0694. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, (formerly the Regulatory Development Section), Air Planning and Implementation Branch, (formerly the Air Planning Branch), Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m. excluding Federal holidays.

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

SUPPLEMENTARY INFORMATION:

I. Background

Upon promulgation of a new or revised NAAQS, sections 110(a)(1) and (2) of the CAA require states to address basic SIP requirements, including emissions inventories, monitoring, and modeling to assure attainment and maintenance for that new NAAQS. Section 110(a) of the CAA generally requires states to make a SIP submission to meet applicable requirements in order to provide for the implementation, maintenance, and enforcement of a new or revised NAAQS within three years following the promulgation of such NAAQS, or within such shorter period as EPA may prescribe. These SIP submissions are commonly referred to as ''infrastructure'' SIP submissions. Section 110(a) imposes the obligation upon states to make an infrastructure SIP submission to EPA for a new or revised NAAQS, but the contents of that submission may vary depending upon the facts and circumstances. In particular, the data and analytical tools available at the time the state develops and submits the infrastructure SIP for a new or revised NAAQS affect the content of the submission. The contents of such infrastructure SIP submissions may also vary depending upon what provisions the state's existing SIP already contains. In the case of the 2008 8-hour ozone NAAQS, states typically have met the basic program elements required in section 110(a)(2) through

earlier SIP submissions in connection with previous ozone NAAQS.

More specifically, section 110(a)(1) provides the procedural and timing requirements for SIPs. Section 110(a)(2) lists specific elements that states must meet for infrastructure SIP requirements related to a newly established or revised NAAQS. As mentioned above, these requirements include basic structural SIP elements such as modeling, monitoring, and emissions inventories that are designed to assure attainment and maintenance of the NAAQS. The requirements of section 110(a)(2) are summarized below and in EPA's September 13, 2013, memorandum entitled ''Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2).'' [1]

- 110(a)(2)(A): Emission Limits and Other Control Measures
- 110(a)(2)(B): Ambient Air Quality Monitoring/Data System
- 110(a)(2)(C): Programs for Enforcement of Control Measures and for Construction or Modification of Stationary Sources [2]
- 110(a)(2)(D)(i)(I) and (II): Interstate Pollution Transport
- 110(a)(2)(D)(ii): Interstate Pollution Abatement and International Air Pollution
- 110(a)(2)(E): Adequate Resources and Authority, Conflict of Interest, and Oversight of Local Governments and Regional Agencies
- 110(a)(2)(F): Stationary Source Monitoring and Reporting
- 110(a)(2)(G): Emergency Powers
- 110(a)(2)(H): SIP revisions
- 110(a)(2)(I): Plan Revisions for Nonattainment Areas [3]
- 110(a)(2)(J): Consultation with Government Officials, Public Notification, and Prevention of Significant Deterioration (PSD) and Visibility Protection
- 110(a)(2)(K): Air Quality Modeling and Submission of Modeling Data
- 110(a)(2)(L): Permitting fees
- 110(a)(2)(M): Consultation and Participation by Affected Local Entities

On August 22, 2014, EPA proposed to approve South Carolina's July 17, 2012, 2008 8-hour ozone NAAQS infrastructure SIP submission with the exception of the PSD permitting requirements for major sources of sections 110(a)(2)(C) and (J), the interstate transport requirements of section 110(a)(2)(D)(i)(I) and (II) (prongs 1 through 4), and the visibility requirements of section 110(a)(2)(J), which EPA will address in a separate action. *See* 79 FR 49736. EPA did not receive any comments, adverse or otherwise, on the Agency's August 22, 2014, proposed action. In this rulemaking, EPA is taking final action to approve South Carolina's infrastructure submission as demonstrating that the State meets the applicable requirements of sections 110(a)(1) and (2) of the CAA for the 2008 8-hour ozone NAAQS, as proposed in the Agency's August 22, 2014 rulemaking. EPA will act on other portions of South Carolina's submission in a separate action.

II. Final Action

With the exception of the PSD permitting requirements for major sources of sections 110(a)(2)(C) and (J), the interstate transport requirements of section 110(a)(2)(D)(i)(I) and (II) (prongs 1 through 4), and the visibility requirements of section 110(a)(2)(J), EPA is taking final action to approve South Carolina's July 17, 2012, SIP submission. This submission addresses infrastructure requirements for the 2008 8-hour ozone NAAQS for the South Carolina SIP. With the exceptions noted above SC DHEC has addressed the elements of the CAA 110(a)(1) and (2) SIP requirements pursuant to section 110 of the CAA to ensure that the 2008 8-hour ozone NAAQS is implemented, enforced, and maintained in South Carolina.

III. 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 Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this action for the state of South Carolina does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). The Catawba Indian Nation Reservation is located within the State of South Carolina. Pursuant to the Catawba Indian Claims Settlement Act, S.C. Code Ann. 27–16–120, ''all state and local environmental laws and regulations apply to the [Catawba Indian Nation] and Reservation and are fully enforceable by all relevant state and local agencies and authorities.'' However, EPA has determined that because this rule does not have substantial direct effects on an Indian Tribe because, as noted above, this action is not approving any specific rule, but rather proposing that South Carolina's already approved SIP meets certain CAA requirements. EPA notes today's action will not impose

[1] Two elements identified in section 110(a)(2) are not governed by the three year submission deadline of section 110(a)(1) because SIPs incorporating necessary local nonattainment area controls are not due within three years after promulgation of a new or revised NAAQS, but rather due at the time the nonattainment area plan requirements are due pursuant to other provisions of the CAA for submission of SIP revisions specifically applicable for attainment planning purposes. These requirements are: (1) Submissions required by section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in part D Title I of the CAA; and (2) submissions required by section 110(a)(2)(I) which pertain to the nonattainment planning requirements of part D, Title I of the CAA. Today's proposed rulemaking does not address infrastructure elements related to section 110(a)(2)(I) or the nonattainment planning requirements of 110(a)(2)(C).

[2] This rulemaking only addresses requirements for this element as they relate to attainment areas.

[3] As mentioned above, this element is not relevant to today's rulemaking.

substantial direct costs on Tribal governments or preempt Tribal law.

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

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: February 11, 2015.

V. Anne Heard,

Acting Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart PP—South Carolina

■ 2. Section 52.2120(e), is amended by adding a new entry ''110(a)(1) and (2) Infrastructure Requirements for the 2008 8-Hour Ozone National Ambient Air Quality Standards'' at the end of the table to read as follows:

§ 52.2120 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED SOUTH CAROLINA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA Approval date	Explanation
*	*	*	* * * *
110(a)(1) and (2) Infrastructure Requirements for the 2008 8-Hour Ozone National Ambient Air Quality Standards.	7/17/2012	3/2/2015 [Insert citation of publication].	With the exception of PSD permitting requirements for major sources of sections 110(a)(2)(C) and (J); interstate transport requirements of section 110(a)(2)(D)(i)(I) and (II), and the visibility requirements of section 110(a)(2)(J).

[FR Doc. 2015–04142 Filed 2–27–15; 8:45 am]

BILLING CODE 6560–50–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1803, 1816, and 1852

RIN 2700–AE08

NASA Federal Acquisition Regulation Supplement (NFS); Contractor Whistleblower Protections

AGENCY: National Aeronautics and Space Administration.

ACTION: Final rule.

SUMMARY: NASA has adopted, without change, an interim rule amending the NASA FAR Supplement (NFS) to implement Contractor Whistleblower Protections.

DATES: *Effective date:* April 1, 2015.

FOR FURTHER INFORMATION CONTACT: Leigh Pomponio, NASA, Office of Procurement, Contract and Grant Policy Division, 300 E Street SW. (Suite 5K32), Washington, DC 20546; (202) 358–0592; email: *leigh.pomponio@NASA.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

An interim rule was published on July 29, 2014 (79 FR 43958) implementing 10 U.S.C. 2409, as amended by section 846 of the national Defense Authorization Act for FY 2008 (Pub. L. 110–181) and section 827 of the National Defense Authorization Act for FY 2013 (Pub. L. 112–239). The interim rule implemented Whistleblower protections for contractor employees performing under contracts with NASA.

On August 29, 2014, technical amendments to the interim rule were published in the **Federal Register** (79 FR 51501). The technical amendments corrected the numbering of two sections. NASA received no comments on the interim rule and has adopted the interim rule as a final rule without change.

B. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule is not a major rule under 5 U.S.C. 804.

C. Regulatory Flexibility Act

NASA 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, at 5 U.S.C. 601, *et seq.*, because it does not alter the solicitation or contract polices or procedures, nor does it create whistleblower protections for contractor employees. Such protections currently exist and this case sets forth requirements for contractors to notify employees of their rights and includes procedures and processes for contractor employees to exercise their rights.

D. Paperwork Reduction Act

This final rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.* in accordance with The Paperwork Reduction Act.

List of Subjects in 48 CFR Parts 1803, 1816, and 1852

Government procurement.

Cynthia D. Boots,

Alternate Federal Register Liaison.

PARTS 1803, 1816, AND 1852—[AMENDED]

■ Accordingly, the interim rule amending 48 CFR parts 1803, 1816, and 1852 which was published at 79 FR 43958 on July 29, 2014, and technically amended by publication at 79 FR 51501, is adopted as a final rule without change.

[FR Doc. 2015–04227 Filed 2–27–15; 8:45 am]

BILLING CODE 7510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 140117052–4402–02]

RIN 0648–XD778

Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer

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

ACTION: Temporary rule; quota transfer.

SUMMARY: NMFS announces that the State of North Carolina is transferring a portion of its 2015 commercial summer flounder quota to the Commonwealth of Virginia and the State of New Jersey. These quota adjustments are necessary to comply with the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan quota transfer provision. This announcement is intended to inform the public of the revised commercial quota for each state involved.

DATES: Effective February 25, 2015, through December 31, 2015.

FOR FURTHER INFORMATION CONTACT: Reid Lichwell, Fishery Management Specialist, 978–281–9112.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are in 50 CFR 648.100 through 648.110. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.10(c)(1)(i).

The final rule implementing Amendment 5 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan provided a mechanism for summer flounder quota to be transferred from one state to another (December 17, 1993; 58 FR 65936). Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can transfer or combine summer flounder commercial quota under § 648.102(c)(2). The Regional Administrator is required to consider the criteria in § 648.102(c)(2)(i) when evaluating requests for quota transfers or combinations.

North Carolina has agreed to transfer 23,480 lb (10,650 kg) of its 2015 commercial quota to Virginia. This transfer was prompted by landings of the F/V *Illusion* and the F/V *Jo Ann B,* North Carolina vessels that were granted safe harbor in Virginia due to hazardous weather, medical emergencies, and mechanical failure on January 5 and 15, 2015. As a result of these landings, a quota transfer is necessary to account for an increase in Virginia's landings that would have otherwise accrued against the North Carolina quota. North Carolina has also agreed to transfer 9,062 lb (4,110 kg) of its 2015 commercial quota to New Jersey. This transfer was prompted by summer flounder landings of the F/V *Bella Sky,* a North Carolina vessel that was granted safe harbor in New Jersey due to mechanical failure on January 29, 2015. The quota transfer is necessary to account for an increase in New Jersey's landings that would have otherwise accrued against the North Carolina quota.

The Regional Administrator has determined that the criteria set forth in § 648.102(c)(2)(i) have been met. These transfers are consistent with the criteria because they will not preclude the overall annual quota from being fully harvested, the transfers address an unforeseen variation or contingency in the fishery, and the transfers are consistent with the objectives of the FMP and the Magnuson-Stevens Fishery Conservation and Management Act. The revised summer flounder commercial quotas for calendar year 2015 are: New Jersey, 1,860,420 lb (843,872 kg); Virginia, 2,383,120 lb (1,080,965 kg); and North Carolina, 3,005,551 lb (1,363,295 kg).

Classification

This action is taken under 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: February 24, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–04215 Filed 2–25–15; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 40
Monday, March 2, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2014–1127; Directorate Identifier 2014–NE–16–AD]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Pratt & Whitney (PW) JT8D–217C and JT8D–219 turbofan engines. This proposed AD was prompted by reports of cracking in the low-pressure turbine (LPT) shaft. This proposed AD establishes a new lower life limit for these parts and would require removing affected LPT shafts from service using a drawdown plan. We are proposing this AD to prevent failure of the LPT shaft, which could lead to an uncontained engine failure and damage to the airplane.

DATES: We must receive comments on this proposed AD by May 1, 2015.

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

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

For service information identified in this proposed AD, contact Pratt & Whitney, 400 Main St., East Hartford, CT 06108; phone: 860–565–8770; fax: 860–565–4503. You may view this service information at the FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2014–1127; 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 (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Jo-Ann Theriault, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7105; fax: 781–238–7199; email: *jo-ann.theriault@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this NPRM. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2014–1127; Directorate Identifier 2014–NE–16–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

We received reports of two LPT shafts with in-shop findings of fatigue cracks on the No. 4.5 bearing thread undercut adjacent to oil feed holes. The cracks were discovered during routine fluorescent penetrant inspections. Both shafts had oil feed hole enlargement rework accomplished. The root cause is increased stress on the fillet of the thread undercut region in front of the oil feed holes caused by oil feed hole rework. The increased stress reduces the low cycle fatigue life of the shaft. This condition, if not corrected, could result in failure of the LPT shaft, which could lead to an uncontained engine failure and damage to the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed PW Service Bulletin (SB) No. JT8D 6504, dated November 5, 2014. The SB contains additional information regarding removal of the LPT shaft. This service information is reasonably available; see **ADDRESSES** for ways to access this service information.

FAA's Determination

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

Proposed AD Requirements

This NPRM would require removing affected LPT shafts from service.

Costs of Compliance

We estimate that this proposed AD would affect about 744 engines installed on airplanes of U.S. registry. The average labor rate is $85 per hour. We estimate the pro-rated replacement cost would be $28,230. We also estimate that shaft replacement would be accomplished during an engine shop visit at no additional labor cost. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $21,003,120.

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: ''General requirements.'' Under that section, Congress charges the FAA with

promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We 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 to the extent that it justifies making a regulatory distinction, and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Pratt & Whitney: Docket No. FAA–2014–1127; Directorate Identifier 2014–NE–16–AD.

(a) Comments Due Date

We must receive comments by May 1, 2015.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Pratt & Whitney (PW) JT8D–217C and JT8D–219 turbofan engines with low-pressure turbine (LPT) shaft part numbers 783319, 783319–001, 783319–003, 783319–004, 783320, 783320–001, 783320–003, 783320–004, 820514–001, 820514–003, 820514–004, or 820514–005, installed.

(d) Unsafe Condition

This AD was prompted by reports of cracking in the LPT shaft. We are issuing this AD to prevent failure of the LPT shaft, which could lead to an uncontained engine failure and damage to the airplane.

(e) Compliance

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

For engines with an LPT shaft part number listed in paragraph (c) of this AD:

(1) If the LPT shaft has 15,000 or fewer cycles since new (CSN) on the effective date of this AD, remove it from service before it accumulates 20,000 CSN.

(2) If the LPT shaft has more than 15,000 CSN on the effective date of this AD, remove it from service before it accumulates 5,000 additional cycles in service, or at the next piece-part exposure after accumulating 20,000 CSN, whichever occurs first.

(3) After the effective date of this AD, do not install any LPT shaft listed in paragraph (c) of this AD that is at piece-part exposure and exceeds the new life limit of 20,000 CSN, into any engine.

(f) Definitions

For the purpose of this AD, piece-part exposure is when the LPT shaft is completely disassembled from the engine.

(g) Alternative Methods of Compliance (AMOCs)

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

(h) Related Information

(1) For more information about this AD, contact Jo-Ann Theriault, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; phone: 781–238–7105; fax: 781–238–7199; email: *jo-ann.theriault@faa.gov.*

(2) PW Service Bulletin No. JT8D 6504, dated November 5, 2014, which is not incorporated by reference in this proposed AD, can be obtained from PW using the contact information in paragraph (h)(3) of this proposed AD.

(3) For service information identified in this proposed AD, contact Pratt & Whitney, 400 Main St., East Hartford, CT 06108; phone: 860–565–8770; fax: 860–565–4503.

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

Issued in Burlington, Massachusetts, on February 20, 2015.

Colleen M. D'Alessandro,

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

[FR Doc. 2015–04059 Filed 2–27–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–136018–13]

RIN 1545–BM20

Determination of Adjusted Applicable Federal Rates Under Section 1288 and the Adjusted Federal Long-Term Rate Under Section 382

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains proposed regulations that provide the method to be used to adjust the applicable Federal rates (AFRs) under section 1288 of the Internal Revenue Code (Code) (adjusted AFRs) for tax-exempt obligations and the method to be used to determine the long-term tax-exempt rate and the adjusted Federal long-term rate under section 382. For tax-exempt obligations, the proposed regulations affect the determination of original issue discount under section 1273 and of total unstated interest under section 483. In addition, the proposed regulations affect the determination of the limitations under sections 382 and 383 on the use of certain operating loss carryforwards, tax credits, and other attributes of corporations following ownership changes. This document also contains a request for comments and provides notice of a public hearing on these proposed regulations.

DATES: Written or electronic comments must be received by June 1, 2015. Outlines of topics to be discussed at the public hearing scheduled for June 24, 2015 must be received by June 1, 2015.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–136018–13), Room 5203, Internal Revenue Service, P.O. 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–136018–13), 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–136018–13). The public hearing will be held in the IRS Auditorium, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations under section 1288, Jason G. Kurth at (202) 317–6842; concerning the proposed regulations under section 382, William W. Burhop at (202) 317–6847; concerning submissions of comments, the hearing, and/or to be placed on the building access list to attend the hearing, Oluwafunmilayo (Funmi) Taylor at (202) 317–6901 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to 26 CFR part 1 (Income Tax Regulations) under sections 382 and 1288 of the Code. The proposed regulations provide the new method by which the Treasury Department and the IRS propose to determine the adjusted AFRs under section 1288 to take into account the tax exemption for interest on tax-exempt obligations (as defined in section 1275(a)(3) and § 1.1275–1(e)) and the long-term tax-exempt rate and the adjusted Federal long-term rate under section 382(f) to take into account differences between rates on long-term taxable and tax-exempt obligations.

Section 1274(d) directs the Secretary to determine the AFRs that are used for determining the imputed principal amount of debt instruments to which section 1274 applies, computing total unstated interest on payments to which section 483 applies, and other purposes. Under section 1274(d)(1), the AFR is: (i) In the case of a debt instrument with a term not over three years, the Federal short-term rate; (ii) in the case of a debt instrument with a term over three years but not over nine years, the Federal mid-term rate; and (iii) in the case of a debt instrument with a term over nine years, the Federal long-term rate. Sections 1274(d)(2) and (3) provide special rules for selecting the appropriate AFR in specified circumstances. Section 1274(d)(2) provides that, in the case of a sale or exchange, the AFR shall be the lowest AFR in effect for any month in the 3-calendar-month period ending with the first calendar month in which there is a binding contract in writing for the sale or exchange. Section 1274(d)(3) requires that options to renew or extend be taken into account in determining the term of a debt instrument. During each month, the Treasury Department determines the AFRs that will apply during the following calendar month based on the average market yield of outstanding marketable obligations of the United States with appropriate maturities. See § 1.1274–4(b). The IRS publishes the AFRs for each month in the Internal Revenue Bulletin (see § 601.601(d)(2)(ii)).

Section 1288(b)(1) provides that, in applying section 483 or section 1274 to a tax-exempt obligation, under regulations prescribed by the Secretary, appropriate adjustments shall be made to the AFR to take into account the tax exemption for interest on the obligation. The IRS publishes the adjusted AFRs for each month in the Internal Revenue Bulletin (see § 601.601(d)(2)(ii)).

In the case of a corporation that has undergone an ownership change described in section 382(g): (i) Section 382 places an annual limit (the section 382 limitation) on the amount of the corporation's taxable income that may be offset by certain net operating loss carryforwards and built-in losses; and (ii) section 383 places a limit, determined by reference to the section 382 limitation, on the amount of the corporation's income tax liability that may be offset by certain tax credits and other tax attributes. Under section 382(b)(1), the section 382 limitation generally equals the product of (A) the value of the stock of the corporation immediately prior to the ownership change and (B) the long-term tax-exempt rate.

Section 382(f)(1) defines the long-term tax-exempt rate as the highest of the adjusted Federal long-term rates in effect for any month in the three-calendar-month period ending with the calendar month in which the ownership change occurs. Section 382(f)(2) provides that the term ''adjusted Federal long-term rate'' means the Federal long-term rate determined under section 1274(d), except that sections 1274(d)(2) and (3) shall not apply, and such rate shall be properly adjusted for differences between rates on long-term taxable and tax-exempt obligations.

Section 382(f) was added to the Code by the Tax Reform Act of 1986, Public Law 99–514 (100 Stat. 2254). The Report of the Committee on Ways and Means on H.R. 3838, the Tax Reform Act of 1985 (the title of the Act as it passed the House), states that the long-term tax-exempt rate should be determined by adjusting the Federal long-term rate (determined under section 1274) pursuant to section 1288 to take into account tax exemption. H.R. Rep. No. 99–426, 99th Cong., 1st Sess. 268 (1985) (1986–3 CB (Vol. 2) 1, 268). The Conference Report for the Tax Reform Act of 1986 states that the adjusted Federal long-term rate is to be computed as the yield on a diversified pool of prime, general obligation tax-exempt bonds with remaining periods to maturity of more than nine years. The report also explains that it is necessary to the purposes of section 382 that the long-term tax-exempt rate be lower than the Federal long-term rate. Further, the Committee anticipated that the long-term tax-exempt rate would ordinarily fall in a range between (i) the Federal long-term rate multiplied by a percentage equal to the difference between 100 percent and the corporate tax rate, and (ii) 100 percent of the Federal long-term rate. 2 H.R. Rep. No. 99–841 (Conf. Rep.), 99th Cong., 2d Sess. II–188 (1986) (1986–3 CB (Vol. 4) 1, 188). Under current tax rates, that would be between 65 percent and 100 percent of the Federal long-term rate.

Since November 1986, the adjusted Federal long-term rate published under section 382(f)(2) has been equal to the long-term adjusted AFR with annual compounding published under section 1288(b) in the same month. See Rev. Rul. 86–133 (1986–2 CB 59) (see § 601.601(d)(2)(ii)). For calendar months from November 1986 to February 2013, the Treasury Department determined the adjusted Federal long-term rate and each adjusted AFR described in section 1288(b)(1) by multiplying the corresponding AFR by a fraction (the adjustment factor). The numerator of the adjustment factor was a composite yield of the highest-grade tax-exempt obligations available, which are prime, general obligation tax-exempt obligations. The denominator was a composite yield of U.S. Treasury obligations with maturities similar to those of the tax-exempt obligations. Each of the composite yields was measured over a one-month period.

Since the beginning of 2008, market yields of prime, general obligation tax-exempt obligations have sometimes exceeded market yields of comparable U.S. Treasury obligations, causing the adjusted Federal long-term rate and each adjusted AFR to exceed the corresponding AFRs. This relationship between the adjusted rates and the corresponding AFRs showed that the adjustment factor no longer served the purposes of sections 1288(b)(1) and 382(f)(2), which require adjustments to reflect only tax exemption, not credit quality. These rates are also inconsistent with the express intention of Congress that the adjusted Federal long-term rate and the long-term tax-exempt rate be lower than the Federal long-term rate.

Request for Comments and Summary of Comments

In response, the IRS published Notice 2013–4 (2013–9 IRB 527) on February 25, 2013, requesting comments on possible modifications to the method by which adjusted AFRs and the adjusted Federal long-term rate are determined. The notice solicited comments on several potential adjustment factors. One proposal was an adjustment factor based on tax rates, under which each adjusted AFR would be the product of (A) the appropriate AFR, and (B) the excess of (i) one hundred percent over (ii) a tax rate or a fixed percentage of a tax rate. Another proposal was an adjustment factor based on historical data, under which the adjustment factor would be fixed at an amount that would produce a spread between Federal long-term rates and adjusted Federal long-term rates equal to the average spread between those rates during the period from 1986 through 2007 (which is the period before changes in market conditions elevated the yields of many obligations in relation to U.S. Treasury obligations). The notice also requested comments on whether the adjusted Federal long-term rate described in section 382(f)(2) should continue to be determined in the same manner as the adjusted AFRs described in section 1288(b)(1).

Notice 2013–4 provided that, until the Treasury Department and the IRS issue further guidance, the adjusted AFRs and the long-term tax-exempt rate would continue to be calculated using the adjustment factor, except that the adjustment factor would equal one for any month in which the adjustment factor would otherwise be greater than one or in which the denominator of the adjustment factor would otherwise be less than or equal to zero.

The IRS received two comments in response to Notice 2013–4. One commenter recommended an adjustment factor based on tax rates for purposes of section 1288, and made no recommendation regarding section 382. That commenter suggested that the proper tax rate to use to calculate the adjusted AFRs is the highest individual tax rate set forth in section 1, increased by the tax rate under section 1411 applicable to the investment income of individuals.

The other commenter recommended the use of historical data to determine the lowest individual marginal tax rate needed to attract sufficient investors to clear the market supply of tax-exempt obligations for purposes of section 1288. That commenter recommended that there be no change to the calculation of the long-term tax-exempt rate under section 382. In the alternative, the commenter recommended that the adjusted Federal long-term rate described in section 382(f) be subject to a floor because the commenter argued that section 382 is intended to defer rather than eliminate net operating losses, and the lower the long-term tax-exempt rate, the greater the likelihood that net operating losses subject to section 382 limitation will expire before they are used.

Explanation of Provisions

The language and purposes of sections 382 and 1288 suggest that AFRs are to be adjusted in the same manner for purposes of both provisions. Implementation of each provision requires an adjustment to take into account the effect of tax exemption on market yields. Therefore, under these proposed regulations, the adjusted Federal long-term rate under section 382(f) would continue to be determined in the same manner as the adjusted AFRs under section 1288.

The Treasury Department and the IRS recognize that, to be entirely consistent with the language and legislative history of sections 382 and 1288, the adjusted Federal long-term rate and each adjusted AFR should be determined based on the current market yield on a pool of tax-exempt obligations that have terms, features, and credit quality matching those of U.S. Treasury obligations, which would result in an adjusted Federal long-term rate or adjusted AFR that is lower than the corresponding AFR. However, under recent market conditions tax-exempt obligations with perceived credit qualities approximating U.S. Treasury obligations arguably no longer exist. Because of the increasing spreads between the yields of U.S. Treasury obligations and other debt instruments, the yield of a pool of tax-exempt obligations will likely be higher than the yield of similar U.S. Treasury obligations and the AFR for the corresponding term.

During the period from 1986 to 2007, certain tax-exempt obligations satisfied the criteria in the Code and the legislative history. As discussed in this preamble, the current adjustment factor is based on the ratio of yields on prime, general obligation tax-exempt obligations to yields of U.S. Treasury obligations with similar maturities. From 1986 to 2007, that ratio (and, as a result, the ratios of adjusted AFRs and adjusted Federal long-term rates to AFRs) was, on average, approximately equal to one minus 59 percent of the maximum individual tax rate under section 1. That relationship was relatively stable over the period; the ratio of the spread between the yields to the maximum individual tax rate under section 1 generally did not vary by more than a few percentage points. In the absence of current market data from tax-exempt obligations and U.S. Treasury obligations with similar maturities and similar credit quality, the Treasury Department and the IRS believe this historical market data provides the best indication of the effect of a tax exemption on market yields.

The Treasury Department and the IRS therefore propose use of this historical market data to create an appropriate adjustment factor based on individual tax rates. Consistent with a proposal in Notice 2013–4 and one commenter's suggestion regarding section 1288, the proposed adjustment factor is one minus the product of a tax rate and a fixed percentage. The Treasury Department would therefore determine the adjusted AFRs and the adjusted Federal long-term rate for each month from the appropriate AFRs for that month using the proposed adjustment factor that results from the following calculation: 100 percent − [(a combined tax rate) × (a fixed percentage)]. Consistent with both commenters' suggestions regarding section 1288, the tax rate is the maximum individual tax rate.

Specifically, the tax rate in the proposed adjustment factor is the sum of the maximum individual rate under section 1 and the maximum individual rate under section 1411 for the month to which the rate applies. Using current maximum individual tax rates under sections 1 and 1411, the combined tax rate in the calculation would be 43.4 percent, the sum of 39.6 percent and 3.8 percent. High-income individuals purchase a large percentage of municipal bonds because these purchasers benefit the most from the tax exemption. While individual and corporate tax rates were relatively stable from 1986 to 2007, data analyzed by the Treasury Department indicate that the differential between yields on tax-exempt municipal bonds and comparable U.S. Treasury obligations was significantly more correlated with the highest individual income tax rates than with corporate tax rates. Thus, an adjustment factor based on the maximum individual tax rate allows a better approximation of the market-based adjustment that Congress intended than would one based on a corporate tax rate. The tax on net investment income under section 1411 is included in the proposed adjustment factor to account for the entire rate of

federal tax imposed on high-income individuals who hold taxable obligations.

The fixed percentage is the amount by which that combined tax rate must be multiplied to reflect the historical relationship between the maximum tax rate and the spread between yields of taxable and tax-exempt obligations. The spread is less than 100% of the maximum tax rate because, for example, issuers of tax-exempt bonds need to attract purchasers with effective tax rates lower than the maximum individual tax rate. The fixed percentage in the proposed adjustment factor is 59 percent, because the yield on tax-exempt obligations from February 1986 to July 2007 was lower than that of comparable taxable obligations by, on average, 59 percent of the maximum individual rate in effect under section 1.

Therefore, the adjustment factor under current tax rates would be 74.39 percent, the result of subtracting 25.61 percent (the product of 43.4 percent and 59 percent) from 100 percent. If an AFR for a given month were 5 percent, under current tax rates, the corresponding adjusted AFR would be 3.72 percent: The product of 74.39 percent and 5 percent. If that 5 percent AFR were the Federal long-term rate for debt instruments with annual compounding, the adjusted Federal long-term rate under section 382 would likewise be 3.72 percent.

The proposed regulations do not adopt the suggestion of one commenter that the adjusted Federal long-term rate described in section 382(f) be subject to a floor because that would be inconsistent with the primary purpose of section 382. The primary purpose of section 382 is to preserve the integrity of the carryover provisions by discouraging tax-motivated corporate acquisitions while allowing the carryover provisions to perform their intended averaging function. To accomplish this purpose, section 382 seeks to limit the use of pre-change losses by an acquiring corporation to no more than the loss corporation's ability to use such losses, with that limit being determined by multiplying the long-term tax-exempt rate—a rate below the Federal long-term rate—by the value of the loss corporation. The Conference Report for the Tax Reform Act of 1986 explains:

> The use of a rate lower than the long-term Federal rate is necessary to ensure that the value of NOL carryforwards to the buying corporation is not more than their value to the loss corporation. Otherwise there would be a tax incentive for acquiring loss corporations. If the loss corporation were to sell its assets and invest in long-term Treasury obligations, it could absorb its NOL carryforwards at a rate equal to the yield on long-term government obligations. Since the price paid by the buyer is larger than the value of the loss company's assets (because of the value of NOL carryforwards are taken into account), applying the long-term Treasury rate to the purchase price would result in faster utilization of NOL carryforwards by the buying corporation.

2 H.R. Rep. No. 99–841 (Conf. Rep.), 99th Cong., 2d Sess. II–188 (1986) (1986–3 CB (Vol. 4) 1, 188).

Imposing a floor on the adjusted Federal long-term rate, and thereby on the long-term tax-exempt rate, would reduce the effect of the mechanism Congress established to ensure that the value of net operating loss carryforwards to the acquiring corporation is not more than the value of those carryforwards to the loss corporation. Moreover, as a matter of statutory interpretation, an upward adjustment of the adjusted Federal long-term rate to comply with a fixed minimum level would disregard the express direction of Congress to determine the adjusted Federal long-term rate based on the Federal long-term rate determined under section 1274(d), which is not subject to a floor, with adjustments to take into account the differences between rates on taxable and tax-exempt obligations. Further, the legislative history of section 382(f) suggests that Congress intended that the adjusted Federal long-term rate be determined in a manner similar to the adjusted AFR under section 1288.

The tax rate used to determine adjusted AFRs under these proposed regulations differs from the tax rate used to determine the interest rate on demand deposit securities under the State and Local Government Series (SLGS). Demand deposit SLGS securities are one-day certificates of indebtedness that are automatically rolled over each day until the holder requests redemption. See 31 CFR 344.7. The interest rate on the securities is based on yields of 13-week Treasury bills, with a number of adjustments. Among the adjustments is multiplying the annualized Treasury bill yield by the excess of one over the estimated marginal tax rate of purchasers of tax-exempt bonds. That estimated marginal tax rate is published from time to time in the **Federal Register** and is currently 39.6 percent. The Treasury Department and the IRS request comments on whether the interest rate on SLGS should reflect the same correction for tax exemption as the adjusted AFRs (the product of the fixed percentage and the combined tax rate).

Proposed Effective/Applicability Date

These regulations are proposed to apply to calendar months beginning after the date of publication of the Treasury decision adopting these rules as final regulations in the **Federal Register**.

Special Analyses

It has been determined that this notice of proposed rulemaking 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 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 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, this notice of proposed rulemaking has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comments on its impact on small business.

Comments and Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any written (a signed original and eight (8) copies) or electronic 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 rules. All comments will be available for public inspection and copying at *www.regulations.gov* or upon request.

A public hearing has been scheduled for June 24, 2015, at 10:00 a.m., in the IRS Auditorium, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC. Due to building security procedures, visitors must enter through the Constitution Avenue entrance. In addition, all visitors must present photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing must submit written (signed original and eight (8) copies) or electronic

comments and an outline of the topics to be discussed and the time to be devoted to each topic by June 1, 2015. A period of 10 minutes will be allotted to each person for making comments. An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal authors of the proposed regulations are Jason G. Kurth, IRS Office of the Associate Chief Counsel (Financial Institutions and Products) and William W. Burhop, IRS Office of the Associate Chief Counsel (Corporate). However, other personnel from the Treasury Department and the IRS participated in their development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is amended by adding entries in numerical order to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Section 1.382–12 also issued under 26 U.S.C. 382(f) and 26 U.S.C. 382(m). * * *

Section 1.1288–1 also issued under 26 U.S.C. 1288(b). * * *

■ **Par. 2.** Section 1.382–1 is amended by revising the introductory text and adding an entry for § 1.382–12 to read as follows:

§ 1.382–1 Table of contents.

This section lists the captions that appear in the regulations for §§ 1.382–2 through 1.382–12.

* * * * *

§ 1.382–12 Determination of adjusted Federal long-term rate.

(a) In general.
(b) Adjusted Federal long-term rate.
(c) Adjustment factor.
(d) Effective/applicability date.

■ **Par. 3.** Section 1.382–12 is added to read as follows:

§ 1.382–12 Determination of adjusted Federal long-term rate.

(a) *In general.* The long-term tax-exempt rate for an ownership change is the highest of the adjusted Federal long-term rates in effect for any month in the 3-calendar-month period ending with the calendar month in which the change date occurs. For purposes of the previous sentence, the adjusted Federal long-term rate is the Federal long-term rate determined under section 1274(d) (without regard to paragraphs (2) and (3) thereof), adjusted for differences between rates on long-term taxable and tax-exempt obligations. The Secretary calculates the adjusted Federal long-term rate as provided in paragraph (b) of this section. The Internal Revenue Service publishes the long-term tax-exempt rate and the adjusted Federal long-term rate for each month in the Internal Revenue Bulletin (see § 601.601(d)(2)(ii) of this chapter).

(b) *Adjusted Federal long-term rate.* The adjusted Federal long-term rate for a calendar month is the product of the Federal long-term rate determined under section 1274(d) for that month, based on annual compounding, multiplied by the adjustment factor described in paragraph (c) of this section.

(c) *Adjustment factor.* The adjustment factor is a percentage equal to—

(1) The excess of 100 percent, over

(2) The product of—

(i) 59 percent, and

(ii) The sum of the maximum rate in effect under section 1 applicable to individuals and the maximum rate in effect under section 1411 applicable to individuals for the month to which the adjusted applicable Federal rate applies.

(d) *Effective/applicability date.* The rules of this section apply to the determination of the long-term tax-exempt rate and the adjusted Federal long-term rate during calendar months beginning after the date of publication of the Treasury decision adopting these rules as final regulations in the **Federal Register**.

■ **Par. 4.** Section 1.1288–1 is added to read as follows:

§ 1.1288–1 Adjustment of applicable Federal rate for tax-exempt obligations.

(a) *In general.* In applying section 483 or section 1274 to a tax-exempt obligation, the applicable Federal rate is adjusted to take into account the tax exemption for interest on the obligation. For each applicable Federal rate determined under section 1274(d), the Secretary computes a corresponding adjusted applicable Federal rate by multiplying the applicable Federal rate by the adjustment factor described in paragraph (b) of this section. The Internal Revenue Service publishes the applicable Federal rates and the adjusted applicable Federal rates for each month in the Internal Revenue Bulletin (see § 601.601(d)(2)(ii) of this chapter).

(b) *Adjustment factor.* The adjustment factor is a percentage equal to—

(1) The excess of 100 percent, over

(2) The product of—

(i) 59 percent, and

(ii) The sum of the maximum rate in effect under section 1 applicable to individuals and the maximum rate in effect under section 1411 applicable to individuals for the month to which the adjusted applicable Federal rate applies.

(c) *Effective/applicability date.* The rules of this section apply to the determination of adjusted applicable Federal rates during calendar months beginning after the date of publication of the Treasury decision adopting these rules as final regulations in the **Federal Register**.

John M. Dalrymple,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 2015–04213 Filed 2–27–15; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0019]

RIN 1625–AA00

Safety Zone; Xterra Swim, Myrtle Beach, SC

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to issue a temporary safety zone on the waters of the Intracoastal Waterway in Myrtle Beach, South Carolina. The Xterra Swim is scheduled to take place on Sunday, May 3, 2015. The temporary safety zone is necessary for the safety of the swimmers, participant vessels, spectators, and the general public during the event. The temporary safety zone will restrict vessel traffic in a portion of the Intracoastal Waterway, preventing non-participant vessels from entering, transiting through, anchoring in, or remaining within the regulated area unless authorized by the Captain of the Port Charleston or a designated representative.

DATES: Comments and related material must be received by the Coast Guard on or before April 1, 2015.

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

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for further instructions on submitting comments. To avoid duplication, please use only one of these three methods.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Chief Warrant Officer Christopher Ruleman, Sector Charleston Office of Waterways Management, Coast Guard; telephone (843) 740–3184, email *Christopher.L.Ruleman@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking

A. Public Participation and Request for Comments

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

1. Submitting Comments

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

To submit your comment online, go to *http://www.regulations.gov,* type the docket number USCG–2015–0019 in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number USCG–2015–0019 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

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

4. Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one on or before April 3, 2015, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

B. Basis and Purpose

The legal basis for this rule is the Coast Guard's authority to establish regulated navigation areas and other limited access areas: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 160.5; Public Law 107–295; 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

The purpose of the rule is to ensure safety of life on the navigable water of the United States during the Xterra Swim.

C. Discussion of Proposed Rule

The Coast Guard is establishing a temporary safety zone on the waters of Intracoastal Waterway in Myrtle Beach, South Carolina during the Xterra Swim. The race is scheduled to take place, May 3, 2015 from 7:30 a.m. to 8:30 a.m. The Xterra Swim race consists of a 1000 meter swim with approximately 150 swimmers. The race will begin a 1000 meters north of Battery Boat Ramp and end at the boat ramp. Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Charleston by telephone at (843) 740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative. The Coast Guard will provide notice of the temporary safety zone by Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and

Budget has not reviewed it under those Orders.

The economic impact of this proposed rule is not significant for the following reasons: (1) Non-participant persons and vessels may enter, transit through, anchor in, or remain within the regulated area during the enforcement periods if authorized by the Captain of the Port Charleston or a designated representative; (2) vessels not able to enter, transit through, anchor in, or remain within the regulated area without authorization from the Captain of the Port Charleston or a designated representative may operate in the surrounding areas during the enforcement period; and (3) the Coast Guard will provide advance notification of the temporary safety zone to the local maritime community by Local Notice to Mariners and Broadcast Notice to Mariners.

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this proposed rule on small entities. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: the owner or operators of vessels intending to enter, transit through, anchor in, or remain within the regulated area during the enforcement period. For the reasons discussed in Regulatory Planning and Review section above, this rule will not have a significant economic impact on a substantial number of small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the ''For Further Information Contact'' section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a temporary safety zone issued in conjunction with a regatta or marine parade. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1,6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add a temporary § 165.T07–0019 to read as follows:

§ 165.T07–0019 Safety Zone; Xterra Swim, Myrtle Beach, SC.

(a) Regulated Area. The rule establishes special local regulations on certain waters of Intracoastal Waterway, Myrtle Beach, South Carolina. The special local regulations will be enforced from 7:30 a.m. until 8:30 a.m. on May 3, 2015. The special local regulations consist of the following two points of position and the North shore: 33°45.076 N, 78°50.790 W to 33°45.323 N, 78°50.214 W.

(b) *Definition.* The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Charleston in the enforcement of the regulated areas.

(c) *Regulations.*

(1) All persons and vessels are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area. Persons and vessels desiring to enter, transit through, anchor in, or remain within the regulated area may contact the Captain of the Port Charleston by telephone at (843) 740–7050, or a designated representative via VHF radio on channel 16, to request authorization. If authorization to enter, transit through, anchor in, or remain within the regulated area is granted by the Captain of the Port Charleston or a designated representative, all persons and vessels receiving such authorization must comply with the instructions of the Captain of the Port Charleston or a designated representative.

(2) The Coast Guard will provide notice of the regulated area by Marine Safety Information Bulletins, Local Notice to Mariners, Broadcast Notice to Mariners, and on-scene designated representatives.

(d) *Effective Date.* This rule is effective and will be enforced from 7:30 a.m. to 8:30 a.m. on Sunday, May 3, 2015.

Dated: February 19, 2015.

B. D. Falk,

Commander, U.S. Coast Guard, Acting Captain of the Port Charleston.

[FR Doc. 2015–04287 Filed 2–27–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2014–0662; FRL–9923–44–Region 5]

Approval and Promulgation of Air Quality Implementation Plans; Ohio; Transportation Conformity

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve, under the Clean Air Act, a revision to Ohio's transportation conformity state implementation plan (SIP) that meets EPA and United States Department of Transportation requirements. The inclusion of this SIP update brings Ohio's transportation conformity SIP into compliance with the requirements of the Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users.

DATES: Comments must be received on or before April 1, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R05–OAR–2014–0662, by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *Email: blakley.pamela@epa.gov.*
3. *Fax:* (312) 692–2450.
4. *Mail:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
5. *Hand Delivery:* Pamela Blakley, Chief, Control Strategies Section, Air Programs Branch (AR–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: Anthony Maietta, Environmental Protection Specialist, Control Strategies Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8777, *maietta.anthony@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 we view 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.

Susan Hedman,

Regional Administrator, Region 5.

[FR Doc. 2015–04148 Filed 2–27–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2012–0036]

RIN 2127–AL05

Federal Motor Vehicle Safety Standards; Seat Belt Assembly Anchorages

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Supplemental notice of proposed rulemaking (SNPRM).

SUMMARY: This document supplements NHTSA's March 2012 notice of proposed rulemaking (NPRM) to amend Federal Motor Vehicle Safety Standard (FMVSS) No. 210, ''Seat belt assembly anchorages,'' to specify a force application device (FAD) for use as a testing interface to transfer loads onto the seat belt anchorage system during compliance tests of anchorage strength. The agency received a number of comments on the NPRM that raised issues concerning the feasibility of the FAD proposal. After reviewing the comments, NHTSA has decided to propose in this SNPRM an alternative test procedure, *i.e.,* one that would maintain the current FMVSS No. 210 body blocks and adopt procedures ensuring that the placement of the body blocks, at pre-load, is sufficiently specified. The agency requests comments on this alternative strategy and other potential enhancements to the current body block test procedure.

DATES: Comments must be received on or before May 1, 2015.

ADDRESSES: You may submit comments to the docket number identified in the heading of this document by any of the following methods:

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

Regardless of how you submit your comments, you should state the docket number of this document.

You may call the Docket at 202–366–9324.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the Supplementary Information section of this document. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act discussion below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** notice published on April 11, 2000 (65 FR 19477–78).

FOR FURTHER INFORMATION CONTACT: *For non-legal issues:* Ms. Carla Rush, Office of Crashworthiness Standards, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590 (telephone 202–366–4583, fax 202–493–2739).

For legal issues: Mr. John Piazza, Office of the Chief Counsel, National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590 (telephone 202–366–2992, fax 202–366–3820).

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I. Background

a. NPRM for New FAD

On March 30, 2012, the agency published in the **Federal Register** an NPRM (77 FR 19155) that proposed to amend FMVSS No. 210 to replace the pelvic body block and the upper torso body block with a new Force Application Device (FAD). The rationale provided for the proposal included the FAD's ease of use, that it is representative of the human form, and, most importantly, that it provides a consistent test configuration and load path to the seat belt assembly anchorages without affecting the stringency of the compliance test.

b. FMVSS No. 210

FMVSS No. 210, ''Seat belt assembly anchorages,'' applies to passenger cars, multipurpose passenger vehicles, trucks, and buses. The standard establishes requirements for seat belt assembly anchorages to ensure the anchorages are properly located for effective occupant restraint and to reduce the likelihood of their failure. As to the latter, the standard requires seat belt anchorages to withstand specified forces to increase the likelihood that the belts will remain attached to the vehicle structure in a crash. Under the standard, seat belt anchorage assemblies for combination lap/shoulder belts must withstand a 13,345 Newton (N) force (3,000 pounds) applied to the lap belt portion of the seat belt assembly simultaneously with a 13,345 N force applied to the shoulder belt portion of the seat belt assembly. The 13,345 N force must be attained in not more than 30 seconds and maintained for 10 seconds.[1] In the current standard, these forces are applied to the shoulder portion of the belt (for a lap/shoulder belt) by an upper torso body block (Figure 3 in FMVSS No. 210) and the lap belt portion of the belt by a pelvic body block[2] (Figures 2A and 2B in FMVSS No. 210).

c. History Surrounding the Development of the FAD

The current standard does not expressly specify the position the body blocks must be in relative to the seat prior to the strength testing. The absence of this information has, in the past, resulted in manufacturers conducting compliance testing differently than NHTSA, as illustrated in an enforcement action brought against a manufacturer in the 1990s for an apparent noncompliance with FMVSS No. 210.[3] In the compliance test at issue in the *Chrysler* case, NHTSA positioned the pelvic body block away from the rear seat back. Chrysler argued that its vehicle met FMVSS No. 210 when tested with the body block placed against the seat back, and that NHTSA's placement of the pelvic body block forward of the seat back was not required by FMVSS No. 210. Ultimately, the U.S. Court of Appeals for the District of Columbia Circuit determined that NHTSA failed to provide adequate notice about the correct placement of the pelvic body block during the test.

In the NPRM proposing the FAD, the agency identified several other challenges associated with the use of the body blocks in addition to the issues

[1] For lap belt-only anchorages, the seat belt anchorage must withstand a force as it is increased to 22,241 N (5,000 pounds) in not more than thirty seconds and withstand that force as it is held for 10 seconds.

[2] The particular pelvic body block used depends on the type of seat. Typically the body block in Figure 2A of FMVSS No. 210 is used. The Figure 2B body block of FMVSS No. 210 is optionally used for center seating positions.

[3] See *United States* v. *Chrysler Corp.,* 158 F.3d 1350 (D.C. Cir. 1998).

with positioning the devices. First, the body blocks typically require two technicians to position them, and positioning may be a somewhat iterative process because the upper torso block can move in a way that causes a loss of tension during set-up. Additionally, due to the range of motion associated with the body blocks (which can move independently of each other), there can be some spooling out of the seat belt webbing during an FMVSS No. 210 test. For some test fixtures utilizing a hydraulic ram with a fixed stroke, the ram can reach its full stroke before a requisite force level is reached.

In order to address the issues identified by the *Chrysler* court and resolve some of the challenges associated with the test set-up and performance of the body blocks, the agency embarked on a program to develop a new FMVSS No. 210 test device. The FAD consists of an upper torso portion and a pelvic portion hinged together to form a one-piece device, and is available in two sizes. The two different size versions of the FADs are called FAD1 and FAD2. The external dimensions of the FAD1 are based on digital data developed by the University of Michigan Transportation Research Institute (UMTRI) as a representation of the 50th percentile adult male.[4] NHTSA developed the specifications for the FAD2, a smaller version of the force application device, to use at designated seating positions that are too narrow in width to accommodate the FAD1, such as some rear center seats in passenger cars and multipurpose passenger vehicles.

II. Overview of NPRM Comments

The agency received 13 comments in response to the NPRM from vehicle manufacturers and groups, suppliers, and a test facility.[5] The commenters stated a number of concerns with the proposed use of the FAD. We believe that many of the commenters' concerns and questions might stem from lack of hands-on experience with the new FAD. While these comments will be responded to in the final notice, they are briefly summarized in the following sections.

a. Design and Performance of the FAD Device

Several commenters raised concerns associated with the performance of their seat belt assemblies during compliance testing if tested with the FADs. The medium to heavy-duty vehicle industry was notably concerned with the lack of testing with the FAD on medium to heavy-duty trucks and how the FAD could potentially affect the performance of their seat belt anchorages during compliance testing. A number of commenters noted the differences in the FAD's range of motion (*i.e.,* the manner in which the FAD moved during testing) and load values (in NHTSA's testing) in comparison to the current body blocks.

The agency also received several comments on the FAD's design. Commenters questioned the durability and strength of the FADs since the agency did not conduct tests to failure, as commenters suggested that vehicle manufacturers do. There were also concerns with respect to the potential for seat belt slippage during FAD testing because of the FAD's polyurethane smoothness. Commenters also believed there was potential for certain FAD parts to cause damage to the seat belt webbing, and expressed concern about an observation that the bridged pull yoke digs into the seat. Others asked why a test device with a human form is superior to the current blocks, and some made note of the increased weight of the FAD versus the current body blocks. Commenters also suggested checking the completeness of the drawing package (*e.g.,* tolerances, indicating where forces should be applied) and requested 3–D data for the FADs.

b. Harmonization

Harmonization with other countries was also a reason some commenters gave for not supporting the use of the FAD. They argued that the use of the FAD would require additional testing on their part and would increase test costs. Several commenters suggested initiating a Global Technical Regulation to facilitate global harmonization.

c. Proposed Test Procedure

Several commenters raised questions or concerns regarding the proposed test procedure for the FADs. For example, there were requests for clarification on: Contact between adjacent FADs and the vehicle interior at pre-load and during the test; the belt slack procedure; the test position for an adjustable turning loop; the seating procedure when the seat centerline is not aligned with the seating reference point; and where exactly the forces need to be applied on the FAD. Commenters also suggested reducing the hold time requirement for the required load. Questions were also raised surrounding the proposed procedure for determining when to replace a FAD1 with a FAD2, and some suggestions were made on this procedure that pertain to only buses. Commenters also questioned the appropriateness of testing side-facing seats with the FADs and requested clarification on the associated pull direction. Additional suggestions were made regarding the proposed test procedure that include the use of a dedicated test belt and the use of a booster seat for the FAD2 based on its shoulder height.

d. Cost and Lead Time

Cost burden and lead time were major sources of concern, particularly for the medium to heavy-duty vehicle industry. Commenters argued that the cost of acquiring the FADs was underestimated. Commenters also stated that they would have to conduct tests to verify that the use of the FAD does not affect the compliance of their vehicles with the FMVSS No. 210 requirements, and if in fact it did affect the performance, they would incur redesign and certification costs. In addition, commenters stated that not harmonizing with the requirements of other countries would also drive up test costs. They suggest these costs far outweigh any cost savings attributed to the ease of use of the FADs. Some suggestions to reduce the burden of the proposal were to make the FAD an optional test device, or allow testing with the current body blocks for vehicles that are certified by their use and only require the use of the FAD when the vehicle undergoes recertification. Others suggested extending the lead time for any changeover to the FAD, and delaying the use of the FAD until it is a globally harmonized test device.

III. Alternative Strategy Under Consideration—Maintaining the Body Blocks and Refining the Test Procedure

The FAD was developed in order to, among other things, provide a consistent test configuration and load path to the seat belt assembly anchorages without affecting the stringency of the testing. Given the comments received on the NPRM, the agency has decided to evaluate the feasibility of maintaining the current body blocks and refining the test procedure such that the standard provides sufficient information about the pre-test positioning of the body blocks so that manufacturers are

[4] Robbins, D., ''Anthropometric Specifications for Mid-Size Male Dummy,'' Volume 2, UMTRI, DOT HS 806 716 (1985).

[5] These included: The Alliance of Automobile Manufacturers, Recreation Vehicle Industry Association, Inc., National Truck Equipment Association, Truck & Engine Manufacturers Association, Hino Motors, Ltd., Navistar, Inc., Daimler Trucks North America, Nissan North America, Inc., American Honda Motor Co., Inc., EvoBus GmbH, Freedman Seating Company, Johnson Controls, Inc., and TÜV Rheinland Kraftfahrt GmbH.

informed of the range of positions that may be tested to determine compliance.

We emphasize that although the agency is considering the option of retaining the body blocks and refining the FMVSS No. 210 test procedure, the agency is still considering replacing the body blocks with the FAD, as proposed in the March 2012 NPRM, or possibly incorporating the FAD as an optional testing tool. The comments received in response to this SNPRM, along with the comments already received in response to the NPRM, as well as the results of the agency's ongoing research and development, will inform the agency's final decision.

a. Preliminary Zone Concept for Placement of the Body Blocks

The agency is considering specifying zones within which the body blocks would be placed for testing purposes, as it has already done in FMVSS No. 222, ''School bus passenger seating and crash protection.'' (See final rule upgrading FMVSS No. 222, 73 FR 62744, October 21, 2008.) As part of the 2008 upgrade to FMVSS No. 222, the agency adopted a positioning procedure for the torso body block used in the quasi-static test for lap/shoulder seat belts on school buses. The procedure establishes a zone in which the body block must be located. Specifically, after the pre-load application is complete, the origin of the torso body block radius [6] at any point across the torso body block thickness must lie within a zone defined by specified boundaries. The forward boundary of this zone is established by a transverse vertical plane of the vehicle located 100 mm longitudinally forward of the seating reference point. The upper and lower boundaries of the zone are 75 mm above and below the horizontal plane located midway between the horizontal plane passing through the school bus torso belt adjusted height (specified in S3 of FMVSS No. 210), and the horizontal plane 100 mm below the seating reference point.

The agency is considering the possibility of utilizing zones such as the above for the initial placement of the current body blocks for FMVSS No. 210 compliance testing. Separate zones may be established for the torso and pelvic body blocks. By refining the current test procedure to include these zones, NHTSA intends for the standard to be clearer as to how the agency will position the current body blocks. The agency does not intend to increase the stringency of the standard per se.

b. Planned Research To Evaluate Alternative Strategy

The agency has initiated research to aid in the development of the zones bounding the initial placement for the current body blocks. The research will evaluate the zone concept across different vehicle types and seat configurations and establish the appropriate zone boundaries to ensure that it is feasible and practicable for all vehicles. This research will involve a range of seat and vehicle types including heavy vehicles. The research is expected to be completed in the winter of 2015.

IV. Request for Public Comments on Alternative Strategy

To assist the agency in evaluating whether and how to amend the current test procedure in order to maintain the use of the body blocks, NHTSA invites comments on the zone concept that is under consideration, as well as other possible solutions. Specifically, we request comments on, but not limited to, how the zones should be established in the vehicle environment, how to verify that the body blocks are within the specified zones under pre-load in the vehicle environment, and any make/model-specific issues that would impact the implementation of the proposed body block positioning procedure for all vehicles that must meet FMVSS No. 210. NHTSA encourages commenters to provide specific information or views on this matter and requests that the rationale for the comments be specific and supported by data, including any relevant analyses. While we do not intend to preclude commenters from identifying potential alternative solutions, we ask that the commenters' recommendations be consistent with the existing standard requirements and test procedure.

V. Public Participation

How do I prepare and submit comments?

Your comments must be written and in English. To ensure that your comments are correctly filed in the docket, please include the docket number of this document in your comments.

Your comments must not be more than 15 pages long. (49 CFR 553.21). We established this limit to encourage you to write your primary comments in a concise fashion. However, you may attach necessary additional documents to your comments. There is no limit on the length of the attachments.

Comments may also be submitted to the docket electronically by logging into *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Please note that pursuant to the Data Quality Act, in order for substantive data to be relied upon and used by the agency, it must meet the information quality standards set forth in the OMB and DOT Data Quality Act guidelines. Accordingly, we encourage you to consult the guidelines in preparing your comments. OMB's guidelines may be accessed at *http://www.whitehouse.gov/omb/fedreg/reproducible.html.*

How can I be sure that my comments were received?

If you wish DOT's Docket Management Facility to notify you upon its receipt of your comments, enclose a self-addressed, stamped postcard in the envelope containing your comments. Upon receiving your comments, the Docket Management Facility will return the postcard by mail.

How do I submit confidential business information?

If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given above under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above under **ADDRESSES**. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation (49 CFR part 512).

Will the agency consider late comments?

We will consider all comments received before the close of business on the comment closing date indicated above under **DATES**. To the extent possible, we will also consider comments received after that date. If the docket receives a comment too late for us to consider in developing a final rule (assuming that one is issued), we will consider that comment as an informal suggestion for future rulemaking action.

[6] The phrase ''origin of the torso body block radius'' is used in FMVSS No. 222. The phrase refers to the center of the flat edge of the torso body block.

How can I read the comments submitted by other people?

You may read the comments at DOT's Docket Management Facility at the address given above under **ADDRESSES**. The hours of the facility are indicated above in the same location. You may also see the comments on the Internet. To read the comments on the Internet, go to *http://www.regulations.gov.* Follow the online instructions for accessing the dockets.

Please note that even after the comment closing date, we will continue to file relevant information in the docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically check the docket for new material.

VI. Rulemaking Analyses and Notices

a. Executive Order (E.O.) 12866 (Regulatory Planning and Review), E.O. 13563, and DOT Regulatory Policies and Procedures

The agency has considered the impact of this rulemaking action under E.O. 12866, E.O. 13563, and the Department of Transportation's regulatory policies and procedures. This rulemaking was not reviewed by the Office of Management and Budget under E.O. 12866, ''Regulatory Planning and Review.'' The rulemaking action has also been determined to be not significant under the Department's regulatory policies and procedures.

The cost impact of using the current FMVSS No. 210 body blocks would be minimal to nonexistent, since the status quo would basically be maintained.[7] The agency might develop procedures for installing and positioning the existing body blocks, but NHTSA does not believe that there would be significant incremental costs associated with using the procedures to test for compliance with FMVSS No. 210.

b. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980, as amended, requires agencies to evaluate the potential effects of their proposed and final rules on small businesses, small organizations and small governmental jurisdictions. I hereby certify that the approach considered by this SNPRM would not have a significant economic impact on a substantial number of small entities.

The Small Business Administration's (SBA's) size standard regulation at 13 CFR part 121, ''Small business size regulations,'' prescribes small business size standards by North American Industry Classification System (NAICS) codes. NAICS code 336111, *Automobile Manufacturing* prescribes a small business size standard of 1,000 or fewer employees. NAICS code 336399, *All Other Motor Vehicle Parts Manufacturing,* prescribes a small business size standard of 750 or fewer employees. Although the majority of motor vehicle manufacturers would not qualify as a small business, there are a number of vehicle manufacturers that are small businesses. This SNPRM would not have a significant economic impact on these small businesses because the approach considered by this document would basically adopt the status quo used in FMVSS No. 210. The agency might develop procedures for installing and positioning the existing body blocks, but NHTSA does not believe that there would be significant incremental costs associated with using the procedures to test for compliance with FMVSS No. 210.

Small organizations and small governmental units would not be significantly affected by this SNPRM since the potential cost impacts associated with this action would not significantly affect the price of new motor vehicles. The cost impact of using the current FMVSS No. 210 body blocks is minimal to nonexistent, since the status quo would basically be maintained.

c. Executive Order 13132 (Federalism)

NHTSA has examined today's SNPRM pursuant to Executive Order 13132 (64 FR 43255, August 10, 1999) and concluded that no additional consultation with States, local governments or their representatives is mandated beyond the rulemaking process. The agency has concluded that the rulemaking would not have sufficient federalism implications to warrant consultation with State and local officials or the preparation of a federalism summary impact statement. The proposed rule would 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.''

NHTSA rules can preempt in two ways. First, the National Traffic and Motor Vehicle Safety Act contains an express preemption provision: When a motor vehicle safety standard is in effect under this chapter, a State or a political subdivision of a State may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle or motor vehicle equipment only if the standard is identical to the standard prescribed under this chapter. 49 U.S.C. 30103(b)(1). It is this statutory command by Congress that preempts any non-identical State legislative and administrative law addressing the same aspect of performance.

The express preemption provision described above is subject to a savings clause under which ''[c]ompliance with a motor vehicle safety standard prescribed under this chapter does not exempt a person from liability at common law.'' 49 U.S.C. 30103(e). Pursuant to this provision, State common law tort causes of action against motor vehicle manufacturers that might otherwise be preempted by the express preemption provision are generally preserved.

However, the Supreme Court has recognized the possibility, in some instances, of implied preemption of such State common law tort causes of action by virtue of NHTSA's rules, even if not expressly preempted. This second way that NHTSA rules can preempt is dependent upon there being an actual conflict between an FMVSS and the higher standard that would effectively be imposed on motor vehicle manufacturers if someone obtained a State common law tort judgment against the manufacturer, notwithstanding the manufacturer's compliance with the NHTSA standard. Because most NHTSA standards established by an FMVSS are minimum standards, a State common law tort cause of action that seeks to impose a higher standard on motor vehicle manufacturers will generally not be preempted. However, if and when such a conflict does exist—for example, when the standard at issue is both a minimum and a maximum standard—the State common law tort cause of action is impliedly preempted. See *Geier* v. *American Honda Motor Co.,* 529 U.S. 861 (2000).

Pursuant to Executive Orders 13132 and 12988, NHTSA has considered whether this proposed rule could or should preempt State common law causes of action. The agency's ability to announce its conclusion regarding the preemptive effect of one of its rules reduces the likelihood that preemption will be an issue in any subsequent tort litigation.

To this end, the agency has examined the nature and objectives of today's proposed rule and finds that this proposed rule, like many NHTSA rules, would prescribe only a minimum safety standard. As such, NHTSA does not intend that this proposed rule would preempt state tort law that would

[7] The estimated impact of the proposal to adopt the FAD was discussed in the preamble to the March 30, 2012 NPRM (77 FR at 19159).

effectively impose a higher standard on motor vehicle manufacturers than that established by today's proposed rule. Establishment of a higher standard by means of State tort law would not conflict with the minimum standard proposed here. Without any conflict, there could not be any implied preemption of a State common law tort cause of action.

d. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (UMRA) requires Federal agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually (adjusted annually for inflation, with base year of 1995). UMRA also requires an agency issuing a final rule subject to the Act to select the ''least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule.'' If made final, this proposed rule would not result in a Federal mandate that would likely result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than $100 million annually (adjusted annually for inflation, with base year of 1995).

e. National Environmental Policy Act

NHTSA has analyzed this proposed rule for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action will not have any significant impact on the quality of the human environment.

f. Executive Order 12778 (Civil Justice Reform)

With respect to the review of the promulgation of a new regulation, section 3(b) of Executive Order 12988, ''Civil Justice Reform'' (61 FR 4729, February 7, 1996) requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect; (2) clearly specifies the effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct, while promoting simplification and burden reduction; (4) clearly specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. This document is consistent with that requirement.

Pursuant to this Order, NHTSA notes as follows. The preemptive effect of this proposed rule is discussed above. NHTSA notes further that there is no requirement that individuals submit a petition for reconsideration or pursue other administrative proceeding before they may file suit in court.

g. Paperwork Reduction Act (PRA)

Under the PRA of 1995, a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. In this notice of proposed rulemaking, we are not proposing any ''collections of information'' (as defined at 5 CFR 1320.3(c)).

h. National Technology Transfer and Advancement Act

Under the National Technology Transfer and Advancement Act of 1995 (NTTAA) (Pub. L. 104–113), all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies, such as the International Organization for Standardization (ISO) and the Society of Automotive Engineers (SAE) International. The NTTAA directs us to provide Congress, through OMB, explanations when we decide not to use available and applicable voluntary consensus standards.

The agency identified an ISO technical report (TR 1417–1974) and an SAE International standard (J384, Rev. JUN94) that have testing recommendations for vehicle seat belt anchorages. Both recommend the use of body blocks, similar to those currently specified in FMVSS No. 210, for applying the required test loads. The alternative strategy the agency is now considering in this SNPRM would continue the use of the FMVSS No. 210 body blocks. Accordingly, the alternative strategy employing the current body blocks is consistent with the ISO report and SAE standard. However, NHTSA has tentatively determined that the ISO report and SAE standard, among other matters, do not specify the positioning of the body blocks referenced in both with sufficient specificity to achieve the goals of this rulemaking. Thus, NHTSA has decided to base this SNPRM on the existing FMVSS No. 210 body blocks rather than explore using new ones, and to develop possible test procedures that make clear how the body blocks are to be positioned during FMVSS No. 210 compliance testing.

Authority: 49 U.S.C. 322, 30111, 30115, 30117 and 30166; delegation of authority at 49 CFR 1.95.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2015–04162 Filed 2–27–15; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register

Vol. 80, No. 40

Monday, March 2, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Renewal of Charter of the USAID Board for International Food and Agricultural Development

AGENCY: United States Agency for International Development.

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given of the renewal of the Charter of the USAID Board for International Food and Agricultural Development.

DATES: The Charter is being renewed for two years effective from the date of filing on February 26, 2015.

FOR FURTHER INFORMATION CONTACT: Susan Owens, 202–712–0218.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee

The USAID Board for International Food and Agricultural Development brings together representatives of U.S. Land Grant institutions, other U.S. institutions of higher education, non-profit and private industry to advise upon USAID engagement with higher education institutions and partners in addressing issues related to global hunger and poverty.

Dated: February 24, 2015.

Christa White,

Committee Management Officer.

Charter for the Board for International Food and Agricultural Development

Article I. *Committee's Official Designation (Title):* Board for International Food and Agricultural Development (henceforth referred to as the ''Board'').

Article II. *Authority:* Establishment of the Board is mandated by Section 298 of the Foreign Assistance Act of 1961 (Pub. L. 87–195), as amended.

Article III. *Objectives and Scope of Activities:* The Board's mission is to assist the U.S. Agency for International Development in the administration of programs authorized by Section 297 of Title XII of the Foreign Assistance Act of 1961, as amended (Pub. L. 87–195). Its general areas of responsibilities include participating in the planning, development, and implementation of, initiating recommendations for, and monitoring Title XII activities as described in Section 297.

Article IV. *Description of Duties:* The Board's duties include but are not limited to:

- Participating in the formulation of basic policy, procedures, and criteria for proposed project review, selection, and monitoring;
- recommending which developing nations could benefit from programs carried out under Title XII, and identifying those nations which have an interest in establishing or developing agricultural institutions;
- assessing the impact of programs carried out under Title XII in solving agricultural problems and natural resource issues in developing nations;
- developing information exchanges and consulting regularly with NGOs, consumer groups, agribusinesses and associations, agricultural cooperatives and commodity groups, state departments of agriculture, state agricultural research and extension agencies, and academic institutions;
- investigating and resolving issues concerning the implementation of Title XII as requested by universities; and
- advising the Administrator on any and all issues as requested.

Article V. *Agency or Official to Whom the Committee Reports:* The Board shall report to the Administrator of the U.S. Agency for International Development.

Article VI. *Support:* The Bureau for Food Security is responsible for financial and administrative support of the Board and its subordinate units.

Article VII. *Estimated Annual Operating Costs and Staff Years:* The estimated annual operating and administrative support cost *(subject to the availability of funds)* for BIFAD is approximately $733,000, which includes 2.5 full-time equivalent staff members and program support for meetings and studies conducted by the Board.

Article VIII. *Designated Federal Officer:* A senior member of the Bureau for Food Security (BFS) serves full time as Executive Director of BIFAD (BFS/HICD–BIFAD) and is also the Designated Federal Officer.

Article IX. *Estimated Number and Frequency of Meetings:* The Board estimates that it will meet in public session at least two times per year (1st and 3rd quarters of the fiscal year). The Board may meet in executive session for planning sessions to discuss Title XII program activities and issues during the year.

Article X. *Duration:* The Board is authorized by statute as a permanent Board and hence, is continuing in its duration.

Article XI. *Termination:* Section 298 of Title XII provides for a permanent Board.

Article XII. *Membership and Designation:* The Board shall consist of seven members appointed by the President, no less than four to be selected from the universities as defined by Section 296(d) of Title XII. The members selected from the universities will serve in a representative, not an individual, capacity. Terms of members shall be established by the President at the time of appointment, as provided by Section 298(a) of Title XII.

Article XIII. *Subcommittees:* Board subordinate units are authorized as necessary for the performance of the Board's duties and the discharge of its responsibilities. All reporting, advice and work products of the Board subordinate units should be made through the Board.

The USAID Bureau for Food Security will provide support services to the Board and its subordinate units as appropriate through the HICD–BIFAD Division.

Article XIV. *Recordkeeping:* Records are available subject to the Freedom of Information Act, 5 U.S.C. 552, and other applicable laws and regulations.

Article XV. *Filing Date:* February 26, 2015.

[FR Doc. 2015–04276 Filed 2–26–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Notice of the Draft Environmental Assessment for the Subtropical Agricultural Research Station Land Transfer

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the National Environmental Policy Act (NEPA) of 1969, as amended, and the Federal Land Policy and Management Act of 1976 (FLPMA), as amended, a Draft Environmental Assessment (EA) has been prepared to evaluate the proposed transfer of approximately 3,800 acres of land at the U.S. Department of Agriculture (USDA) Agricultural Research Service (ARS) Subtropical Agricultural Research Station (STARS) in Brooksville, Florida to Florida Agricultural and Mechanical University (FAMU). This notice is announcing the opening of a 30-day public comment period.

DATES: Comments must be received on or before April 1, 2015.

ADDRESSES: You may submit written comments related to the STARS Land Transfer to Cal Mather, Environmental Protection Specialist, USDA–ARS–SHEMB, by any of the following methods: Mail: NCAUR, 1815 North University Street, Room 2060, Peoria, Illinois 61604; FAX: 309–681–6682; or email: *cal.mather@ars.usda.gov.*

Hard copies of the Draft EA are available upon request. Copies of the Draft EA for the USDA–ARS STARS Land Transfer are also available for public viewing during normal business hours at the following locations:

- Samuel H. Coleman Memorial Library (FAMU), 525 Orr Drive, Tallahassee, Florida 32307
- Istachatta Library Station, 16246 Lingle Road, Brooksville, Florida 34601
- East Hernando Branch Library, 6457 Windmere Road, Brooksville, Florida 34602
- Spring Hill Branch Library, 9220 Spring Hill Drive, Spring Hill, Florida 34608
- West Hernando Branch Library, 6335 Blackbird Avenue, Brooksville, Florida 34613
- Main Library/Brooksville, 238 Howell Avenue, Brooksville, Florida 34601

SUPPLEMENTARY INFORMATION: The USDA is proposing to transfer approximately 3,800 acres of land and facilities located on four separate properties at the USDA–ARS STARS in Brooksville, Florida to FAMU. In accordance with the March 1, 2014, Memorandum of Understanding (MOU) executed between the U.S. Government, represented by the Secretary of Agriculture, and the University Board of Trustees, upon transfer to FAMU, the land will be used for agricultural and natural resources research for a period of no less than 25 years, supporting the 1890 land grant university mission, promoting education and community collaboration, and establishing a Beginning Farmers and Ranchers Program at the Property. FAMU would assume responsibility for management and maintenance of the constructed facilities and land to be conveyed from USDA–ARS.

The USDA–ARS STARS was closed in accordance with Public Law (Pub. L.) 112–55, Consolidated and Further Continuing Appropriations Act, 2012. The proposed transfer of land and facilities from USDA–ARS to FAMU would be in accordance with Section 732 of Public Law 112–55, as extended under Public Law 113–76, 2014 Consolidated Appropriations Act, which authorizes the Secretary to convey, with or without consideration, certain USDA–ARS facilities to entities that are eligible to receive real property, including: Land-grant colleges and universities (as defined in Section 1404(13) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977); 1994 Institutions (as defined in Section 532 of the Equity in Educational Land-Grant Status Act of 1994); and Hispanic-serving agricultural colleges and universities (as defined in Section 1404(10) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977). Under Public Law 113–76, the conveyance authority expires on September 30, 2015, and all conveyances must be completed by that date.

Two alternatives are analyzed in the Draft EA, the Proposed Action Alternative and the No Action Alternative. The Draft EA addresses potential impacts of these alternatives on the natural and human environment.

- Alternative 1—Proposed Action. Under the proposed action alternative, the Secretary would transfer the USDA–ARS land and facilities to FAMU, and FAMU, its tenant(s), and/or its partner(s) would implement the Reasonably Foreseeable Future Actions described in the Draft EA upon transfer of the land and facilities. The land would be used for agricultural and natural resources research for a period of no less than 25 years.
- Alternative 2—No Action. Under the no action alternative, the USDA–ARS land and facilities would not be transferred to FAMU. Under the no action alternative, USDA–ARS would have no resources to operate and/or maintain the properties and the properties would fall into a state of disrepair.

In addition, one alternative was considered in the Draft EA but eliminated from detailed study. In this alternative, USDA–ARS would retain possession of the land and it would be transferred to the General Services Administration for disposal. Since it cannot reasonably be determined who would ultimately take possession of the property and how it would be utilized, it was not analyzed in detail in the EA. The USDA–ARS will use and coordinate the NEPA commenting process to satisfy the public involvement process for Section 106 of the National Historic Preservation Act (16 U.S.C. 470(f) as provided for in 36 CFR 800.2(d)(3)). Following the public comment period, comments will be used to prepare the Final EA. The USDA–ARS will respond to each substantive comment by making appropriate revisions to the document or by explaining why a comment did not warrant a change. A Notice of Availability of the Final EA will be published in the **Federal Register**. All comments, including any personal identifying information included in the comment will become a matter of public record. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: February 18, 2015.

Chavonda Jacobs-Young,

Administrator, Agricultural Research Service.

[FR Doc. 2015–04302 Filed 2–27–15; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–78–2014]

Foreign-Trade Subzone 83D—Decatur, Alabama; Authorization of Production Activity; General Electric Company (Household Refrigerators)

On October 22, 2014, the Huntsville-Madison County Airport Authority, grantee of FTZ 83, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board on behalf of General Electric Company, within Subzone 83D, in Decatur, Alabama.

The notification was processed in accordance with the regulations of the

FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (79 FR 65616, November 5, 2014). The FTZ Board has determined that no further review of the activity is warranted at this time. The production activity described in the notification is authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: February 25, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–04344 Filed 2–27–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–12–2015]

Foreign-Trade Zone (FTZ) 74—Baltimore, Maryland; Notification of Proposed Production Activity; Mercedes Benz USA, LLC; (Accessorizing Motor Vehicles); Baltimore, Maryland

The City of Baltimore, grantee of FTZ 74, submitted a notification of proposed production activity to the FTZ Board on behalf of Mercedes Benz USA, LLC (MBUSA), located in Baltimore, Maryland. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on February 18, 2015.

The MBUSA facility is located within Site 6 of FTZ 74. The facility is used for accessorizing passenger motor vehicles. 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 MBUSA from customs duty payments on the foreign status components used in export production. On its domestic sales, MBUSA would be able to choose the duty rate during customs entry procedures that applies to passenger motor vehicles (duty rate 2.5%) for the foreign status components noted below. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The components sourced from abroad include: Plastic door sills and strips; wheel rim locks; metal door sills and strips; memory cards; navigation systems and related parts; entertainment systems; wiring sets and harnesses; storage compartments; spoilers; and, cup holders (duty rate ranges from free to 5%).

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is April 13, 2015.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Pierre Duy at *Pierre.Duy@trade.gov* or (202) 482–1378.

Dated: February 23, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–04343 Filed 2–27–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–13–2015]

Foreign-Trade Zone (FTZ) 144—Brunswick, Georgia; Notification of Proposed Production Activity; Mercedes Benz USA, LLC (Accessorizing Motor Vehicles); Brunswick, Georgia

The Brunswick and Glynn County Development Authority, grantee of FTZ 144, submitted a notification of proposed production activity to the FTZ Board on behalf of Mercedes Benz USA, LLC (MBUSA), located in Brunswick, Georgia. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on February 18, 2015.

The MBUSA facility is located within Site 2 of FTZ 144. The facility is used for accessorizing passenger motor vehicles. 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 MBUSA from customs duty payments on the foreign status components used in export production. On its domestic sales, MBUSA would be able to choose the duty rate during customs entry procedures that applies to passenger motor vehicles (duty rate 2.5%) for the foreign status components noted below. Customs duties also could possibly be deferred or reduced on foreign status production equipment.

The components sourced from abroad include: Plastic door sills and strips; wheel rim locks; metal door sills and strips; memory cards; navigation systems and related parts; entertainment systems; wiring sets and harnesses; storage compartments; spoilers; and, cup holders (duty rate ranges from free to 5%).

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is April 13, 2015.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Pierre Duy at *Pierre.Duy@trade.gov* or (202) 482–1378.

Dated: February 23, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–04342 Filed 2–27–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Proposed Information Collection; Comment Request; Licensing Responsibilities and Enforcement

AGENCY: Bureau of Industry and Security, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 1, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW.,

Washington, DC 20230 (or via the Internet at *JJessup@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Mark Crace, (202) 482–8093, *Mark.Crace@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection of information involves nine miscellaneous activities described in section 758 of the Export Administration Regulations (EAR) that are associated with the export of items controlled by the Department of Commerce. Most of these activities do not involve submission of documents to BIS but instead involve exchange of documents among parties in the export transaction to insure that each party understands its obligations under U.S. law. Others involve writing certain export control statements on shipping documents or reporting unforeseen changes in shipping and disposition of exported commodities. These activities are needed by the BIS's Office of Export Enforcement and the U.S. Customs and Border Protection to document export transactions, enforce the EAR and protect the National Security of the United States.

II. Method of Collection

Submitted electronically or on paper.

III. Data

OMB Control Number: 0694–0122.
Form Number: None.
Type of Review: Regular submission (extension of a current information collection).
Affected Public: Business or other for profit organizations.
Estimated Number of Respondents: 5.
Estimated Time per Response: 2 hours.
Estimated Total Annual Burden Hours: 78,576.
Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 25, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–04262 Filed 2–27–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Proposed Information Collection; Comment Request; Request for the Appointment of a Technical Advisory Committee

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 1, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Mark Crace, (202) 482–8093, *Mark.Crace@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection of information is required by the Export Administration Regulations and the Federal Advisory Committee Act. The Technical Advisory Committees (TACs) were established to advise and assist the U.S. Government on export control matters such as proposed revisions to export control lists, licensing procedures, assessments of the foreign availability of controlled products, and export control regulations. Under this collection, interested parties may submit a request to BIS to establish a new TAC. The Bureau of Industry and Security provides administrative support for these Committees.

II. Method of Collection

Submitted electronically or on paper.

III. Data

OMB Control Number: 0694–0100.
Form Number: None.
Type of Review: Regular submission (extension of a current information collection).
Affected Public: Business or other for profit organizations.
Estimated Number of Respondents: 1.
Estimated Time per Response: 5 hours.
Estimated Total Annual Burden Hours: 5.
Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 25, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–04233 Filed 2–27–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Proposed Information Collection; Comment Request; Request for Investigation Under Section 232 of the Trade Expansion Act

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 1, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Mark Crace, (202) 482–8093, *Mark.Crace@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Upon request, BIS will initiate an investigation to determine the effects of imports of specific commodities on the national security, and will make the findings known to the President for possible adjustments to imports through tariffs. The findings are made publicly available and are reported to Congress. The purpose of this collection is to account for the public burden associated with the surveys distributed to determine the impact on national security.

II. Method of Collection

Submitted electronically or on paper.

III. Data

OMB Control Number: 0694–0120.

Form Number: None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other for profit organizations.

Estimated Number of Respondents: 400.

Estimated Time per Response: 7 hours and 30 minutes.

Estimated Total Annual Burden Hours: 3,000.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 25, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–04260 Filed 2–27–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Proposed Information Collection; Comment Request; Miscellaneous Short Supply Activities

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 1, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Mark Crace, (202) 482–8093, *Mark.Crace@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This information collection is comprised of two rarely used short supply activities: ''Registration of U.S. Agricultural Commodities for Exemption From Short Supply Limitations on Export'' (USAG), and ''Petitions for the Imposition of Monitoring or Controls on Recyclable Metallic Materials (Petitions); Public Hearings.'' These activities are statutory in nature and, therefore, must remain a part of BIS's active information collections.

II. Method of Collection

Submitted electronically or on paper.

III. Data

OMB Control Number: 0694–0102.

Form Number: None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other for profit organizations.

Estimated Number of Respondents: 2.

Estimated Time per Response: USAG, 30 minutes; and Petitions, 100 hours.

Estimated Total Annual Burden Hours: 5.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 25, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–04259 Filed 2–27–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Proposed Information Collection; Comment Request; Statement by Ultimate Consignee and Purchaser

AGENCY: Bureau of Industry and Security, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before May 1, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Mark Crace, (202) 482–8093, *Mark.Crace@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This collection of information is necessary under the Export Administration Regulations (EAR). The EAR states that the Form BIS–711, or a statement on company letterhead, is required for exports to certain countries. These documents provide information on the foreign importer receiving the U.S. technology and how the technology will be utilized. The BIS–711 or letter provides assurances from the importer that the technology will not be misused, transferred or reexported in violation of the EAR. A copy of the statement must be submitted with the license application if the country of ultimate destination is listed in certain country groups of Supplement No. 1 to part 740 of the EAR. The Form BIS–711 or letter puts the importer on notice of the special nature of the goods proposed for export and conveys a commitment against illegal disposition. In order to effectively control commodities, BIS must have sufficient information regarding the end-use and end-user of the U.S. origin commodities to be exported. The information will assist the licensing officer in making the proper decision on whether to approve or reject the application for the license.

II. Method of Collection

Submitted electronically or on paper.

III. Data

OMB Control Number: 0694–0021.

Form Number: BIS–711.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Business or other for profit organizations.

Estimated Number of Respondents: 286.

Estimated Time per Response: 16 minutes.

Estimated Total Annual Burden Hours: 76.

Estimated Total Annual Cost to Public: $0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 25, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–04263 Filed 2–27–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

President's Export Council Subcommittee on Export Administration; Notice of Meeting

The President's Export Council Subcommittee on Export Administration (PECSEA) will meet on March 19, 2015, 10:00 a.m., at the U.S. Department of Commerce, Herbert C. Hoover Building, Room 3884, 14th Street between Pennsylvania and Constitution Avenues NW., Washington, DC The PECSEA provides advice on matters pertinent to those portions of the Export Administration Act, as amended, that deal with United States policies of encouraging trade with all countries with which the United States has diplomatic or trading relations and of controlling trade for national security and foreign policy reasons.

Agenda

1. Opening remarks by the Chairman and Vice Chairman.

2. Export Control Reform Update.

3. Presentation of Papers or Comments by the Public.

4. Data Transmission and Security Subcommittee Presentation.

5 Process Improvements and Trusted Trader Subcommittee Presentation.

6. Outreach Subcommittee Update.

7. Impact of ECR on BIS and State Licensing and Exports.

8. Sustaining Exporter Engagement in an Integrated List Review Process.

The open session will be accessible via teleconference to 20 participants on a first come, first serve basis. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov,* no later than, March 12, 2015.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the PECSEA. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to PECSEA members, the PECSEA suggests that public presentation materials or comments be forwarded before the meeting to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov.*

For more information, contact Yvette Springer on 202–482–2813.

Dated: February 25, 2015.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2015–04285 Filed 2–27–15; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–824]

Polyethylene Terephthalate Film, Sheet, and Strip From India: Final Results of Antidumping Duty Administrative Review; 2012–2013

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) published its preliminary results of the administrative review of the antidumping duty (AD) order on polyethylene terephthalate film, sheet, and strip (PET Film) from India on August 25, 2014.[1] The period of review is July 1, 2012, through June 30, 2013. This review covers respondents Jindal Poly Films Limited (Jindal) and SRF Limited (SRF). For the final results, we continue to find that Jindal did, and that SRF did not, make sales of subject merchandise at less than normal value.

DATES: *Effective Date:* March 2, 2015.

FOR FURTHER INFORMATION CONTACT: Myrna Lobo, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2371.

SUPPLEMENTARY INFORMATION:

Background

On August 25, 2014, the Department published the *Preliminary Results.* We invited interested parties to comment on the *Preliminary Results.* Jindal submitted a case brief on October 1, 2014. SRF submitted a letter in lieu of a case brief on the same day, stating that it agrees with the *Preliminary Results.*

On September 5, 2014, the Department issued a supplemental questionnaire to Jindal,[2] and received a response from Jindal on September 12, 2014.[3]

On November 18, 2014, the Department extended the deadline for issuance of these final results from December 23, 2014 to February 23, 2015.[4]

Scope of the Order

The products covered by the AD order are all gauges of raw, pretreated, or primed PET Film, whether extruded or coextruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer of more than 0.00001 inches thick. Imports of PET Film are currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item number 3920.62.00.90. HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of the antidumping duty order is dispositive.

Analysis of Comments Received

All issues raised in the case brief are addressed in the Issues and Decision Memorandum. A list of issues raised and to which we respond in the Issues and Decision Memorandum is attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).[5] ACCESS is available to registered users at *http://iaaccess.trade.gov,* and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://trade.gov/enforcement/.* The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results,* we have made no changes to SRF's or Jindal's calculations. However, both SRF's and Jindal's final rate in the companion countervailing duty administrative review has changed since the preliminary results of that review.[6] Since the changes in the countervailing duty rates are partially attributable to changes in their export subsidies, we have adjusted SRF's and Jindal's reported U.S. prices and, accordingly, recalculated the weighted-average dumping margins for Jindal and SRF for these final results.[7]

Final Results of Review

As a result of our review, we determine the following weighted-average dumping margins exist for the period July 1, 2012, through June 30, 2013.

Producer or exporter	Weighted-average dumping margin (percent)
Jindal Poly Films Limited	1.89
SRF Limited	0.00

Assessment Rates

The Department determines, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. We will instruct CBP to liquidate entries of merchandise produced and/or exported by Jindal and SRF. The Department will issue assessment instructions to CBP 15 days after the date of publication of the final results of review. Where a respondent's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent), the Department will calculate importer-specific assessment rates. Where the respondent reported the entered value for its sales, we calculated importer-specific *ad valorem* assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of those same sales.[8] However, where the respondent did not report the entered value for its sales, we

[1] *See Polyethylene Terephthalate Film, Sheet, and Strip From India: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2012–2013,* 79 FR 50620 (August 25, 2014) (*Preliminary Results*).

[2] *See* Department letter to Jindal, ''2012–2013 Administrative Review of Polyethylene Terephthalate (PET) Film Sheet and Strip from India, Second Supplemental Questionnaire,'' dated September 5, 2014.

[3] *See* Letter from Jindal Poly Films Ltd., ''Polyethylene Terephthalate Film, Sheet and Strip from India/Antidumping Duty/Jindal Poly Films Ltd./Response to Second Supplemental Questionnaire,'' dated September 12, 2014.

[4] *See* Memorandum to Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Operations, ''Polyethylene Terphthalate Film, Sheet and Strip from India: Extension of Deadline for Final Results of Antidumping Duty Administrative Review—2012–2013'' (November 18, 2014).

[5] On November 24, 2014, Enforcement and Compliance changed the name of Enforcement and Compliance's AD and CVD Centralized Electronic Service System (''IA ACCESS'') to ACCESS. The Web site location was changed from *http://iaaccess.trade.gov* to *http://access.trade.gov.* The Final Rule changing the references to the Regulations can be found at 79 FR 69046 (November 20, 2014).

[6] *See Polyethylene Terephthalate Film, Sheet, and Strip From India: Preliminary Results and Partial Recission of Countervailing Duty Administrative Reivew; 2012,* 79 FR 50616, 50617 (August 25, 2014).

[7] *See* Memoranda to Thomas Gilgunn, Program Manager ''Analysis Memorandum for the Final Results of the Antidumping Duty Administrative Review of Polyethylene Terephthalate Film, Sheet, and Strip from India: Jindal Poly Films Limited, and ''Analysis Memorandum for the Final Results of the Antidumping Duty Administrative Review of Polyethylene Terephthalate Film, Sheet, and Strip from India: SRF Limited,'' both dated concurrently with these final results.

[8] *See* 19 CFR 351.212(b).

will calculate importer-specific per-unit duty assessment rates. We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review where the actual or estimated ad valorem assessment rate calculated in the final results of this review is not zero or *de minimis.* Pursuant to 19 CFR 351.106(c)(2), we will instruct CBP to liquidate without regard to antidumping duties any entries for which the assessment rate is zero or *de minimis.*[9]

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of PET Film from India entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the company under review will be equal to the weighted-average dumping margin established in the final results of this review (except, if the rate is *de minimis, i.e.,* less than 0.5 percent, then the cash deposit rate will be zero); (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published in the completed segment for the most recent period for that company; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established in the completed segment for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any other completed segment of this proceeding, then the cash deposit rate will be the all others rate for this proceeding, 5.71 percent. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

[9] *See* 19 CFR 351.106(c)(1).

Notifications to Interested Parties

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

The Department is issuing and publishing these final results of administrative review in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: February 22, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

I. Summary
II. Background
Scope of the Order
III. Discussion of the Issues
Comment 1: Quantity Discount Adjustment
Comment 2: Consideration of an Alternative Comparison Method in Administrative Reviews
Comment 3: Differential Pricing Analysis

[FR Doc. 2015–04273 Filed 2–27–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

FOR FURTHER INFORMATION CONTACT: Brenda E. Waters, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–4735.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (''the Act''), may request, in accordance with 19 CFR 351.213, that the Department of Commerce (''the Department'') conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting date.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, the Department intends to select respondents based on U.S. Customs and Border Protection (''CBP'') data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (''APO'') to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department finds that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if the Department determined, or continued to treat, that company as collapsed with others, the Department

will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where the Department considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that requests a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that, with regard to reviews requested on the basis of anniversary months on or after March 2015, the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

The Department is providing this notice on its Web site, as well as in its ''Opportunity to Request Administrative Review'' notices, so that interested parties will be aware of the manner in which the Department intends to exercise its discretion in the future.

Opportunity to Request a Review: Not later than the last day of March 2015,[1] interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in March for the following periods:

	Period of review
Antidumping Duty Proceedings	
Canada: Iron Construction Castings, A–122–503	3/1/14–2/28/15
France: Brass Sheet & Strip, A–427–602	3/1/14–2/28/15
Germany: Brass Sheet & Strip, A–428–602	3/1/14–2/28/15
India: Sulfanilic Acid, A–533–806	3/1/14–2/28/15
Italy: Brass Sheet & Strip, A–475–601	3/1/14–2/28/15
Russia: Silicon Metal, A–821–817	3/1/14–2/28/15
Spain: Stainless Steel Bar, A–469–805	3/1/14–2/28/15
Taiwan: Light-Walled Rectangular Welded Carbon Steel Pipe and Tube, A–583–803	3/1/14–2/28/15
Thailand: Circular Welded Carbon Steel Pipes and Tubes, A–549–502	3/1/14–2/28/15
The People's Republic of China:	
Chloropicrin, A–570–002	3/1/14–2/28/15
Circular Welded Austenitic Stainless Pressure Pipe, A–570–930	3/1/14–2/28/15
Glycine, A–570–836	3/1/14–2/28/15
Sodium Hexametaphosphate, A–570–908	3/1/14–2/28/15
Tissue Paper Products, A–570–894	3/1/14–2/28/15
Countervailing Duty Proceedings	
India: Sulfanilic Acid, C–533–807	1/1/14–12/31/14
Iran: In-Shell Pistachio Nuts, C–507–501	1/1/14–12/31/14
The People's Republic of China: Circular Welded Austenitic Stainless Pressure Pipe, C–570–931	1/1/14–12/31/14
Turkey: Circular Welded Carbon Steel Pipes and Tubes, C–489–502	1/1/14–12/31/14
Suspension Agreements	
Mexico: Fresh Tomatoes, A–201–820	3/1/14–2/28/15

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party the Department was unable to locate in prior segments, the Department will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine

[1] Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Department is closed.

if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011) the Department clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders.[2]

Further, as explained in *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013), the Department clarified its practice with regard to the conditional review of the non-market economy (NME) entity in administrative reviews of antidumping duty orders. The Department will no longer consider the NME entity as an exporter conditionally subject to administrative reviews. Accordingly, the NME entity will not be under review unless the Department specifically receives a request for, or self-initiates, a review of the NME entity.[3] In administrative reviews of antidumping duty orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, the Department will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity).

Following initiation of an antidumping administrative review when there is no review requested of the NME entity, the Department will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS'') on Enforcement and Compliance's ACCESS Web site at *http://access.trade.gov.*[4] Further, in accordance with 19 CFR 351.303(f)(l)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of March 2015. If the Department does not receive, by the last day of March 2015, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period of the order, if such a gap period is applicable to the period of review.

This notice is not required by statute but is published as a service to the international trading community.

Dated: February 23, 2015.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2015–04275 Filed 2–27–15; 8:45 am]

BILLING CODE 3510–DS–P

[2] *See also* the Enforcement and Compliance Web site at *http://trade.gov/enforcement/.*

[3] In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

[4] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–825]

Polyethylene Terephthalate Film, Sheet, and Strip from India: Final Results of Countervailing Duty Administrative Review; 2012

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On August 25, 2014, the Department published the preliminary results of the administrative review of the countervailing duty order on polyethylene terephthalate film, sheet, and strip (PET film) from India.[1] The period of review (POR) is January 1, 2012, through December 31, 2012. Based on an analysis of the comments received, the Department has made changes to the subsidy rate determined for Jindal Poly Films Limited (Jindal) and SRF Limited (SRF). The final subsidy rates are listed in the ''Final Results of Administrative Review'' section below.

DATES: *Effective Date:* March 2, 2015.

FOR FURTHER INFORMATION CONTACT: Elfi Blum, AD/CVD Operations, Office VII, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0197.

Scope of the Order

The products covered are all gauges of raw, pretreated, or primed polyethylene terephthalate film, sheet and strip, whether extruded or coextruded. Excluded are metallized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer of more than 0.00001 inches thick. Imports of PET film are classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item number 3920.62.00.90. HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of the order is dispositive.

Analysis of Comments Received

The issues raised by Jindal and SRF in their case briefs are addressed in the Issues and Decision Memorandum.[2] The

[1] *See Polyethylene Terephthalate Film, Sheet and Strip From India: Preliminary Results And Partial Rescission of Countervailing Duty Administrative Review; 2012,* 79 FR 50616 (August 25, 2014) (*Preliminary Results 2012*).

[2] *See* Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and

Continued

issues are identified in the Appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).[3] ACCESS is available to registered users at *http://access.trade.gov* and in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://trade.gov/enforcement/frn/index.html.* The signed Issues and Decision Memorandum and electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on the comments received from Jindal, SRF, and domestic interested parties Polyplex USA LLC and Flex USA, we made the following changes to our rate calculations for Jindal and SRF: We adjusted the cash deposit rates for Jindal and SRF, as necessary, to exclude the foreign currency denominated pre- and post-export financing benefits. Further, we revised our allocation calculations and adjusted the numerator in our subsidy rate calulations for Jindal with respect to the Status Holder Incentive Scheme (SHIS). For a discussion of these issues, *see* the Issues and Decision Memorandum.

Final Results of Administrative Review

In accordance with section 777A(e)(1) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.221(b)(5), we calculated individual *ad valorem* subsidy rates for Jindal and SRF, for the POR for this administrative review.

Manufacturer/exporter	Subsidy rate (percent)
Jindal Poly Films Limited	7.66
SRF Limited	2.03

Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Issues and Decision Memorandum for the Final Results of Countervailing Duty Administrative Review: Polyethylene Terephthalate Film, Sheet, and Strip (PET film) from India; 2012,'' dated concurrently with this notice and herein incorporated by reference (Issues and Decision Memorandum).

[3] On November 24, 2014, Enforcement and Compliance changed the name of Enforcement and Compliance's AD and CVD Centralized Electronic Service System (''IA ACCESS'') to ACCESS. The Web site location was changed from *http://iaaccess.trade.gov* to *http://access.trade.gov.* The Final Rule changing the references to the Regulations can be found at 79 FR 69046 (November 20, 2014).

Assessment and Cash Deposit Requirements

In accordance with 19 CFR 351.212(b)(2), the Department intends to issue appropriate instructions to U.S. Customs and Border Protection (CBP) 15 days after publication of the final results of this review. The Department will instruct CBP to liquidate shipments of subject merchandise produced and/or exported by Jindal and SRF, respectively, entered or withdrawn from warehouse, for consumption from January 1, 2012, through December 31, 2012, at 7.66 percent *ad valorem* and at 2.03 percent *ad valorem,* respectively, of the entered value.

The Department intends also to instruct CBP to collect cash deposits of estimated countervailing duties at the rate of 7.66 percent *ad valorem* for Jindal and of 2.03[4] percent *ad valorem* for SRF of the entered value on shipments of the subject merchandise produced and exported by SRF, entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. We intend to instruct CBP to continue to collect cash deposits for non-reviewed companies at the applicable company-specific countervailing duty rate for the most recent period or the all-others rate established in the investigation. These cash deposit rates, when imposed, shall remain in effect until further notice.

Administrative Protective Order

This notice also serves as a final reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

These final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

[4] These rates reflect the cash-deposit rates adjusted for the termination of the pre- and post-shipment export financing program in foreign currency. *See* 19 CFR 351.526(a).

Dated: February 23, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Issues and Decision Memorandum

I. Summary
II. Background
  Scope of the Order
III. Subsidies Valuation Information
  A. Allocation Period
  B. Benchmarks Interest Rates
  C. Denominator
IV. Analysis of Programs
  1. Programs Determined To Be Countervailable
  2. Program Determined To Be Terminated
  3. Programs Determined To Be Not Used
V. Analysis of Comments
  Comment 1: Whether There Has Been A Program-Wide Change for Pre-Shipment Export Financing in Foreign Currency and Adjustment of the Cash Deposit Rate.
  Comment 2: Whether The Department Wrongly Countervailed Export Promotion Capital Goods Scheme (EPCGS) Benefits That Apply To Non-Subject Merchandise.
  Comment 3: Whether the Department Used The Wrong Numerator To Calculate The POR Benefit For The Status Holder Incentive Scheme (SHIS).
  Comment 4: Whether The Department Made An Error In Calculating The POR Benefit for the SHIS.
  Comment 5: Whether The Value Added Tax (VAT) And Central Sales Tax (CST) Refunds Under The Industrial Promotion Subsidy (IPS) Of The State Government Of Maharashtra's (SGOM) Package Scheme Of Incentives (PSI) Is Countervailable.

[FR Doc. 2015–04274 Filed 2–27–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (''Sunset'') Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In accordance with section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department of Commerce (''the Department'') is automatically initiating the five-year review (''Sunset Review'') of the antidumping and countervailing duty (''AD/CVD'') orders listed below. The International Trade Commission (''the Commission'') is publishing concurrently with this notice its notice of *Institution of Five-Year Review* which covers the same orders.

DATES: *Effective* (March 1, 2015).

FOR FURTHER INFORMATION CONTACT: The Department official identified in the *Initiation of Review* section below at AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230. For information from the Commission contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205–3193.

SUPPLEMENTARY INFORMATION:

Background

The Department's procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-Year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders*, 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification*, 77 FR 8101 (February 14, 2012).

Initiation of Review

In accordance with 19 CFR 351.218(c), we are initiating Sunset Reviews of the following antidumping and countervailing duty orders:

DOC case No.	ITC case No.	Country	Product	Department contact
A–337–804	731–TA–776	Chile	Certain Preserved Mushrooms (3rd Review).	David Goldberger (202) 482–4136.
A–533–813	731–TA–778	India	Certain Preserved Mushrooms (3rd Review).	David Goldberger (202) 482–4136.
A–560–802	731–TA–779	Indonesia	Certain Preserved Mushrooms (3rd Review).	David Goldberger (202) 482–4136.
A–475–059	AA1921–167	Italy	Pressure Sensitive Plastic Tape (4th Review).	David Goldberger (202) 482–4136.
A–570–851	731–TA–777	PRC	Certain Preserved Mushrooms (3rd Review).	David Goldberger (202) 482–4136.
A–570–891	731–TA–1059	PRC	Hand Trucks (2nd Review)	Jacqueline Arrowsmith (202) 482–4136.

Filing Information

As a courtesy, we are making information related to sunset proceedings, including copies of the pertinent statute and Department's regulations, the Department's schedule for Sunset Reviews, a listing of past revocations and continuations, and current service lists, available to the public on the Department's Web site at the following address: ''*http://enforcement.trade.gov/sunset/*.'' All submissions in these Sunset Reviews must be filed in accordance with the Department's regulations regarding format, translation, and service of documents. These rules, including electronic filing requirements via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS''), can be found at 19 CFR 351.303.[1]

Revised Factual Information Requirements

This notice serves as a reminder that any party submitting factual information in an AD/CVD proceeding must certify to the accuracy and completeness of that information.[2] Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives in all AD/CVD investigations or proceedings initiated on or after August 16, 2013.[3] The formats for the revised certifications are provided at the end of the *Final Rule.* The Department intends to reject factual submissions if the submitting party does not comply with the revised certification requirements.

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule*, 78 FR 21246 (April 10, 2013), which modified two regulations related to antidumping and countervailing duty proceedings: The definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all segments initiated on or after May 10, 2013. Review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt*, prior to submitting factual information in this segment. To the extent that other regulations govern the submission of factual information in a segment (such as 19 CFR 351.218), these time limits will continue to be applied.

Revised Extension of Time Limits Regulation

On September 20, 2013, the Department modified its regulation at 19 CFR 351.302(c) concerning the extension of time limits for submissions in antidumping and countervailing duty proceedings: *Extension of Time Limits*, 78 FR 57790 (September 20, 2013). The modification clarifies that parties may request an extension of time limits before a time limit established under

[1] *See also Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

[2] *See* section 782(b) of the Act.

[3] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (''*Final Rule*'') (amending 19 CFR 351.303(g)).

part 351 of the Department's regulations expires, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the time limit established under part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Under certain circumstances, the Department may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, the Department will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which the Department will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013. Review the final rule, available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm*, prior to submitting factual information in these segments.

Letters of Appearance and Administrative Protective Orders

Pursuant to 19 CFR 351.103(d), the Department will maintain and make available a public service list for these proceedings. Parties wishing to participate in any of these five-year reviews must file letters of appearance as discussed at 19 CFR 351.103(d)). To facilitate the timely preparation of the public service list, it is requested that those seeking recognition as interested parties to a proceeding submit an entry of appearance within 10 days of the publication of the Notice of Initiation.

Because deadlines in Sunset Reviews can be very short, we urge interested parties who want access to proprietary information under administrative protective order (''APO'') to file an APO application immediately following publication in the **Federal Register** of this notice of initiation. The Department's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306.

Information Required From Interested Parties

Domestic interested parties, as defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b), wishing to participate in a Sunset Review must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with the Department's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, the Department will automatically revoke the order without further review.[4]

If we receive an order-specific notice of intent to participate from a domestic interested party, the Department's regulations provide that *all parties* wishing to participate in a Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that the Department's information requirements are distinct from the Commission's information requirements. Consult the Department's regulations for information regarding the Department's conduct of Sunset Reviews. Consult the Department's regulations at 19 CFR part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: February 23, 2015.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2015–04300 Filed 2–27–15; 8:45 am]

BILLING CODE 3510–DS–P

[4] *See* 19 CFR 351.218(d)(1)(iii).

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (''the Department'') has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with January anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews.

DATES: *Effective* March 2, 2015.

FOR FURTHER INFORMATION CONTACT: Brenda E. Waters, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–4735.

SUPPLEMENTARY INFORMATION:

Background

The Department has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various antidumping and countervailing duty orders and findings with January anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting time.

Notice of No Sales

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (''POR''), it must notify the Department within 30 days of publication of this notice in the **Federal Register**. All submissions must be filed electronically at *http://access.trade.gov* in accordance with 19 CFR 351.303.[1] Such submissions are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (''the Act''). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on the Department's service list.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews, the Department intends to select respondents based on U.S. Customs and Border Protection (''CBP'') data for U.S. imports during the POR. We intend to release the CBP data under Administrative Protective Order (''APO'') to all parties having an APO within seven days of publication of this initiation notice and to make our decision regarding respondent selection within 21 days of publication of this

[1] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

Federal Register notice. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the applicable review. Rebuttal comments will be due five days after submission of initial comments.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department has found that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value (''Q&V'') Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where the Department considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

Respondent Selection—Wooden Bedroom Furniture From the PRC

In the event that the Department limits the number of respondents for individual examination in the antidumping duty administrative review of wooden bedroom furniture from the PRC, for the purposes of this segment of the proceeding, *i.e.,* the 2014 review period, the Department intends to select respondents based on volume data contained in responses to a Q&V questionnaire. All parties are hereby notified that they must timely respond to the Q&V questionnaire. The Department's Q&V questionnaire along with the Separate Rate Application, Separate Rate Certification, and certain additional questions will be available in a document package on the Department's Web site at *http://enforcement.trade.gov/download/prc-wbf/* on the date this notice is published. The responses to the Q&V questionnaire should be filed with the respondents' Separate Rate Application or Separate Rate Certification and their response to the additional questions and must be received by the Department by no later than 30 days after publication of this notice. Please be advised that due to the time constraints imposed by the statutory and regulatory deadlines for antidumping duty administrative reviews, the Department does not intend to grant any extensions for the submission of responses to the Q&V questionnaire.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance has prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

Separate Rates

In proceedings involving non-market economy (''NME'') countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is the Department's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, the Department analyzes each entity exporting the subject merchandise under a test arising from the *Final Determination of Sales at Less Than Fair Value: Sparklers From the People's Republic of China,* 56 FR 20588 (May 6, 1991), as amplified by *Final Determination of Sales at Less Than Fair Value: Silicon Carbide From the People's Republic of China,* 59 FR 22585 (May 2, 1994). In accordance with the separate rates criteria, the Department assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below. In addition, all firms that wish to qualify for separate-rate status in the antidumping duty administrative review of wooden bedroom furniture from the PRC must complete, as appropriate, either a separate-rate certification or application, as described below, and respond to the additional questions and the Q&V questionnaire which are included along with the separate-rate certification and application in a document package on the Department's Web site at *http://enforcement.trade.gov/download/prc-wbf/.* For these administrative reviews, in order to demonstrate separate rate eligibility, the Department requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. For the antidumping duty administrative review of wooden bedroom furniture from the PRC, the Separate Rate Certification form will be available at the Web site address noted above for the document package. In responding to the certification, please follow the ''Instructions for Filing the Certification'' in the Separate Rate

Certification. Separate Rate Certifications are due to the Department no later than 30 calendar days after publication of this **Federal Register** notice. For the antidumping duty administrative review of wooden bedroom furniture from the PRC, Separate Rate Certifications, as well as a response to the Q&V questionnaire and the additional questions in the document package, are due to the Department no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding [2] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,[3] should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Status Application will be available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html* on the date of publication of this **Federal Register** notice. For the antidumping duty administrative review of wooden bedroom furniture from the PRC, the Separate Rate Status Application will be available at the Web site address noted above for the document package. In responding to the Separate Rate Status Application, refer to the instructions contained in the application. Separate Rate Status Applications are due to the Department no later than 30 calendar days of publication of this **Federal Register** notice. For the antidumping duty administrative review of wooden bedroom furniture from the PRC, Separate Rate Status Applications, as well as a response to the Q&V questionnaire and the additional questions in the document package, are due to the Department no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Status Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

For exporters and producers who submit a separate-rate status application or certification and subsequently are selected as mandatory respondents, these exporters and producers will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

Furthermore, this notice constitutes public notification to all firms for which an antidumping duty administrative review of wooden bedroom furniture has been requested, and that are seeking separate rate status in the review, that they must submit a timely separate rate application or certification (as appropriate) as described above, and a timely response to the Q&V questionnaire and the additional questions in the document package on the Department's Web site in order to receive consideration for separate-rate status. In other words, the Department will not give consideration to any timely separate rate certification or application made by parties who failed to respond in a timely manner to the Q&V questionnaire and the additional questions. All information submitted by respondents in the antidumping duty administrative review of wooden bedroom furniture from the PRC is subject to verification. As noted above, the separate rate certification, the separate rate application, the Q&V questionnaire, and the additional questions will be available in a document package on the Department's Web site on the date of publication of this notice in the **Federal Register**.

Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than January 31, 2016.

	Period of review
Antidumping Duty Proceedings	
The People's Republic of China: Potassium Permanganate A–570–001	1/1/14–12/31/14
Pacific Accelerator Limited	
The People's Republic of China: Multilayered Wood Flooring [4] A–570–970	12/1/13–11/30/14
Dalian Dajen Wood Co., Ltd.[5]	
Jiangsu Mingle Flooring Co., Ltd.[6]	
Linyi Youyou Wood Co., Ltd.[7]	
The People's Republic of China: Wooden Bedroom Furniture A–570–890	1/1/14–12/31/14
Art Heritage International, Ltd., Super Art Furniture Co., Ltd., Artwork Metal & Plastic Co., Ltd., Jibson Industries Ltd., Always Loyal International	
Baigou Crafts Factory Of Fengkai	
Balanza Co., Ltd.	
Best King International Ltd.	
Billionworth Enterprises Ltd.	
BNBM Co. Ltd. (aka Beijing New Materials Co., Ltd.)	
Brittomart Inc.	
C.F. Kent Co., Inc.	
C.F. Kent Hospitality, Inc.	
Changshu Htc Import & Export Co., Ltd.	
Cheng Meng Furniture (PTE) Ltd., Cheng Meng Decoration & Furniture (Suzhou) Co., Ltd.	
Chuan Fa Furniture Factory	
Classic Furniture Global Co., Ltd.	

[2] Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.,* an ongoing administrative review, new shipper review, *etc.*) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

[3] Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

	Period of review
Clearwise Co., Ltd.	
Dalian Guangming Furniture Co., Ltd.	
Dalian Huafeng Furniture Co., Ltd.	
Dalian Huafeng Furniture Group Co., Ltd.	
Decca Furniture Ltd.	
Der Cheng Furniture Co., Ltd.	
Der Cheng Wooden Works Of Factory	
Dongguan Bon Ten Furniture Co., Ltd.	
Dongguan Chengcheng Furniture Co., Ltd.	
Dongguan Dong He Furniture Co., Ltd.	
Dongguan Fortune Furniture Ltd.	
Dongguan Grand Style Furniture Co., Ltd.	
Dongguan Hung Sheng Artware Products Co., Ltd., Coronal Enterprise Co., Ltd.	
Dongguan Kingstone Furniture Co., Ltd., Kingstone Furniture Co., Ltd.	
Dongguan Lung Dong Furniture Co., Ltd.	
Dongguan Mingsheng Furniture Co., Ltd.	
Dongguan Mu Si Furniture Co., Ltd.	
Dongguan Nova Furniture Co., Ltd.	
Dongguan Singways Furniture Co., Ltd.	
Dongguan Sunrise Furniture Co., Ltd., Taicang Sunrise Wood Industry Co., Ltd., Taicang Fairmount Designs Furniture Co., Ltd., Meizhou Sunrise Furniture Co., Ltd.	
Dongguan Sunshine Furniture Co., Ltd.	
Dongguan Yujia Furniture Co., Ltd.	
Dongying Huanghekou Furniture Industry Co., Ltd.	
Dorbest Ltd., Rui Feng Woodwork Co., Ltd. Aka Rui Feng Woodwork (Dongguan) Co., Ltd., Rui Feng Lumber Development Co., Ltd. Aka Rui Feng Lumber Development (Shenzhen) Co., Ltd.	
Dream Rooms Furniture (Shanghai) Co., Ltd.	
Eurosa (Kunshan) Co., Ltd., Eurosa Furniture Co., (Pte) Ltd.	
Fairmont Designs	
Fine Furniture (Shanghai) Ltd.	
Fleetwood Fine Furniture LP	
Fortune Furniture Ltd.	
Fortune Glory Industrial Ltd. (H.K. Ltd.), Tradewinds Furniture Ltd.	
Fuijian Lianfu Forestry Co., Ltd. aka Fujian Wonder Pacific Inc.	
Fuzhou Huan Mei Furniture Co., Ltd.	
Golden Well International (HK) Ltd.	
Guangdong New Four Seas Furniture Manufacturing Ltd.	
Guangzhou Lucky Furniture Co., Ltd.	
Guangzhou Maria Yee Furnishings Ltd., Pyla HK Ltd., Maria Yee, Inc.	
Hainan Jong Bao Lumber Co., Ltd.	
Haining Kareno Furniture Co., Ltd.	
Hang Hai Woodcraft's Art Factory	
Hangzhou Cadman Trading Co., Ltd.	
Hong Kong Da Zhi Furniture Co., Ltd.	
Hualing Furniture (China) Co., Ltd., Tony House Manufacture (China) Co., Ltd., Buysell Investments Ltd., Tony House Industries Co., Ltd.	
Huasen Furniture Co., Ltd.	
Hung Fai Wood Products Factory Ltd.	
Jasonwood Industrial Co., Ltd. S.A.	
Jiangmen Kinwai Furniture Decoration Co., Ltd.	
Jiangmen Kinwai International Furniture Co., Ltd.	
Jiangsu Dare Furniture Co., Ltd.	
Jiangsu Xiangsheng Bedtime Furniture Co., Ltd.	
Jiangsu Yuexing Furniture Group Co., Ltd.	
Jibbon Enterprise Co., Ltd.	
Jiedong Lehouse Furniture Co., Ltd.	
King Rich International, Ltd.	
King's Group Furniture (ENT) Co., Ltd.	
King's Way Furniture Industries Co., Ltd.	
Kingsyear Ltd.	
Kunshan Summit Furniture Co., Ltd.	
Leefu Wood (Dongguan) Co., Ltd.	
Nanhai Jiantai Woodwork Co., Ltd., Fortune Glory Industrial Ltd. (H.K. Ltd.).	
Nantong Wangzhuang Furniture	
Nantong Yangzi Furniture Co., Ltd.	
Nathan International Ltd., Nathan Rattan Factory	
Orient International Holding Shanghai Foreign Trade Co., Ltd.	
Passwell Corporation, Pleasant Wave Ltd.	
Perfect Line Furniture Co., Ltd.	
Prime Wood International Co., Ltd, Prime Best International Co., Ltd., Prime Best Factory, Liang Huang (Jiaxing) Enterprise Co., Ltd.	
Putian Jinggong Furniture Co., Ltd.	
Qingdao Beiyuan Shengli Furniture Co., Ltd., Qingdao Beiyuan Industry Trading Co., Ltd.	
Qingdao Liangmu Co., Ltd.	

	Period of review
Qingdao Shengchang Wooden Co., Ltd.	
Restonic (Dongguan) Furniture Ltd., Restonic Far East (Samoa) Ltd.	
Rizhao Sanmu Woodworking Co., Ltd.	
Sen Yeong International Co., Ltd., Sheh Hau International Trading Ltd.	
Shanghai Chengguan Import & Export, Ltd.	
Shanghai Jian Pu Export & Import Co., Ltd.	
Shanghai Jiangfeng Furniture	
Shanghai Sinofound Imp. & Exp. Co., Ltd.	
Shanghai Sunrise Furniture Co., Ltd.	
Shenyang Shining Dongxing Furniture Co., Ltd.	
Shenzhen Forest Furniture Co., Ltd.	
Shenzhen Jiafa High Grade Furniture Co., Ltd., Golden Lion International Trading Ltd.	
Shenzhen New Fudu Furniture Co., Ltd.	
Shenzhen Wonderful Furniture Co., Ltd.	
Shenzhen Xingli Furniture Co., Ltd.	
Shing Mark Enterprise Co., Ltd., Carven Industries Limited (BVI), Carven Industries Limited (HK), Dongguan Zhenxin Furniture Co., Ltd., Dongguan Yongpeng Furniture Co., Ltd.	
Songgang Jasonwood Furniture Factory	
Starwood Industries Ltd.	
Strongson Furniture (Shenzhen) Co., Ltd., Strongson Furniture Co., Ltd., Strongson (Hk) Co.	
Sunforce Furniture (Hui-Yang) Co., Ltd., Sun Fung Wooden Factory, Sun Fung Co., Shin Feng Furniture Co., Ltd., Stupendous International Co., Ltd.	
Superwood Co., Ltd., Lianjiang Zongyu Art Products Co., Ltd.	
Teamway Furniture (Dong Guan) Co., Ltd.	
Techniwood Industries Ltd., Ningbo Furniture Industries Ltd., Ningbo Hengrun Furniture Co., Ltd.	
Tianjin Phu Shing Woodwork Enterprise Co., Ltd.	
Tube-Smith Enterprise (Haimen) Co., Ltd.	
Tube-Smith Enterprise (Zhangzhou) Co., Ltd.	
U-Rich Furniture (Zhangzhou) Co., Ltd., U-Rich Furniture Ltd.	
Woodworth Wooden Industries (Dong Guan) Co., Ltd.	
Wuxi Yushea Furniture Co., Ltd.	
Xiamen Yongquan Sci-Tech Development Co., Ltd.	
Xilinmen Group Co., Ltd.	
Yeh Brothers World Trade Inc.	
Yichun Guangming Furniture Co., Ltd.	
Yihua Timber Industry Co., Ltd., Guangdong Yihua Timber Industry Co., Ltd.	
Zhang Zhou Sanlong Wood Product Co., Ltd.	
Zhangjiagang Daye Hotel Furniture Co., Ltd.	
Zhangjiang Sunwin Arts & Crafts Co., Ltd.	
Zhangzhou Guohui Industrial & Trade Co., Ltd.	
Zhejiang Tianyi Scientific & Educational Equipment Co., Ltd.	
Zhong Shan Fullwin Furniture Co., Ltd.	
Zhong Shun Wood Art Co.	
Zhongshan Fookyik Furniture Co., Ltd.	
Zhongshan Golden King Furniture Industrial Co., Ltd.	
Zhoushan For-Strong Wood Co., Ltd.	
Countervailing Duty Proceedings	
The People's Republic of China: Multilayered Wood Flooring[8] C–570–971	1/1/13–12/13/13
Suspension Agreements	
None.	

Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine, consistent with *FAG Italia* v. *United States,* 291 F.3d 806 (Fed Cir. 2002), as appropriate, whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties

[4] The deadline to withdraw a review request pursuant to 19 CFR 351.213(d)(1) continues to be 90 days from the publication of the initiation notice published on February 4, 2015 (80 FR 6041).

[5] This company was inadvertently omitted from the initiation notice that published on February 4, 2015 (80 FR 6041).

[6] The company name listed above inadvertently omitted (''Ltd.'') in the initiation notice that published on February 4, 2015 (80 FR 6041).

[7] The company name listed above inadvertently listed (''u'') at the end of the name in the initiation notice that published on February 4, 2015 (80 FR 6041).

[8] In the initiation notice that published on February 4, 2015 (80 FR 6041), the Department inadvertently included Zhejiang Layo Wood Industry Co., Ltd. in the initiation of the review of the countervailing duty order on Multilayered Wood Flooring from the PRC. We are not initiating a countervailing duty review with respect to Zhejiang Layo Wood Industry Co., Ltd., because this company was excluded for the countervailing duty order. *See* 76 FR 76693.

on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period, of the order, if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.,* the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Revised Factual Information Requirements

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013), which modified two regulations related to antidumping and countervailing duty proceedings: The definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all segments initiated on or after May 10, 2013. Please review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt*, prior to submitting factual information in this segment.

Any party submitting factual information in an antidumping duty or countervailing duty proceeding must certify to the accuracy and completeness of that information.[9] Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives. All segments of any antidumping duty or countervailing duty proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule.*[10] The Department intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable revised certification requirements.

Revised Extension of Time Limits Regulation

On September 20, 2013, the Department modified its regulation concerning the extension of time limits for submissions in antidumping and countervailing duty proceedings: *Final Rule,* 78 FR 57790 (September 20, 2013). The modification clarifies that parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning U.S. Customs and Border Protection data; and (5) quantity and value questionnaires. Under certain circumstances, the Department may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, the Department will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which the Department will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013. Please review the final rule, available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: February 24, 2015.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

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[9] *See* section 782(b) of the Act.

[10] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (''*Final Rule*''); *see also* the frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

Background

Every five years, pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department of Commerce (''the Department'') and the International Trade Commission automatically initiate and conduct a review to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for April 2015

The following Sunset Reviews are scheduled for initiation in April 2015 and will appear in that month's Notice of Initiation of Five-Year Sunset Review (''Sunset Review''). With respect to the orders on Polyethylene Retail Carrier Bags from China, Malaysia and Thailand, we have advanced the initiation date of these Sunset Reviews upon determining that initiation of the Sunset Reviews for all of the Polyethylene Retail Carrier Bags orders on the same date would promote administrative efficiency.

	Department contact
Antidumping Duty Proceedings	
Chloropicrin from China (A–570–002) (4th Review)	Charles Riggle, (202) 482–0650.
Carbazole Violet Pigment 23 from China (A–570–892) (2nd Review)	Jacqueline Arrowsmith, (202) 482–5255.
Crepe Paper from China (A–570–895) (2nd Review)	Charles Riggle, (202) 482–0650.
Polyethylene Retail Carrier Bags from China (A–570–886) (1st Review)	David Goldberger, (202) 482–4136.
Carbazole Violet Pigment 23 from India (A–533–838) (2nd Review)	Jacqueline Arrowsmith, (202) 482–5255.
Polyethylene Retail Carrier Bags from Indonesia (A–560–822) (1st Review)	David Goldberger, (202) 482–4136.
Polyethylene Retail Carrier Bags from Malaysia (A–557–813) (1st Review)	David Goldberger, (202) 482–4136.
Polyethylene Retail Carrier Bags from Taiwan (A–583–843) (1st Review)	David Goldberger, (202) 482–4136.
Polyethylene Retail Carrier Bags from Thailand (A–549–821) (1st Review)	David Goldberger, (202) 482–4136.
Polyethylene Retail Carrier Bags from Vietnam (A–552–806) (1st Review)	David Goldberger, (202) 482–4136.
Countervailing Duty Proceedings	
Carbazole Violet Pigment 23 from India (C–533–839) (2nd Review)	Jacqueline Arrowsmith, (202) 482–5255.
Polyethylene Retail Carrier Bags from Vietnam, (C–552–805) (1st Review)	Jacqueline Arrowsmith, (202) 482–5255.
Suspended Investigations	
No Sunset Review of suspended investigations is scheduled for initiation in April 2015.	

The Department's procedures for the conduct of Sunset Reviews are set forth in 19 CFR 351.218. The Notice of Initiation of Five-Year (''Sunset'') Reviews provides further information regarding what is required of all parties to participate in Sunset Reviews.

Pursuant to 19 CFR 351.103(c), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 10 days of the publication of the Notice of Initiation.

Please note that if the Department receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue. Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation.

This notice is not required by statute but is published as a service to the international trading community.

Dated: February 23, 2015.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2015–04278 Filed 2–27–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–819]

Certain Pasta From Italy: Final Results of Countervailing Duty Administrative Review; 2012

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Department) conducted an administrative review of the countervailing duty (CVD) order on certain pasta from Italy. On August 25, 2014, we published the *Preliminary Results* for this administrative review.[1] The period of review (POR) is January 1, 2012 through December 31, 2012. We find that DeMatteis Agroalimentare S.p.A. (also known as, De Matteis Agroalimentare SpA) (DeMatteis) received countervailable subsidies during the POR, and that Fratelli DeCecco di Filippo Fara San Martino S.p.A. (also known as, F.lli De Cecco di Filippo Fara San Martino S.p.A.) (DeCecco) received *de minimis* countervailable subsidies during the POR. As such, we are applying DeMatteis' rate to the other firms subject to this review that were not individually examined.

DATES: *Effective Date:* March 2, 2015.

FOR FURTHER INFORMATION CONTACT: Sergio Balbontin or Joshua Morris, AD/CVD Operations, Office I, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6478 or (202) 482–1779, respectively.

SUPPLEMENTARY INFORMATION:

Background

In the *Preliminary Results,* we deferred our analysis of certain programs to a post-preliminary analysis. On October 30, 2014, we issued a post-preliminary analysis memorandum.[2] We invited interested parties to file case briefs and rebuttal briefs following the release of the post-preliminary analysis memorandum. Only the Government of Italy (the GOI) filed a case brief.

Scope of the Order

The scope of the *Order* consists of certain pasta from Italy.[3] The merchandise subject to the order is

[1] *See Certain Pasta From Italy: Preliminary Results and Partial Rescission of the Countervailing Duty Administrative Review; 2012,* 79 FR 50618 (August 25, 2014) (*Preliminary Results*).

[2] *See* Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Post-Preliminary Analysis of Countervailing Duty Administrative Review: Certain Pasta from Italy'' (October 30, 2014).

[3] *See Notice of Countervailing Duty Order and Amended Final Affirmative Countervailing Duty Determination: Certain Pasta (''Pasta'') From Italy,* 61 FR 38544 (July 24, 1996) (*Order*).

currently classifiable under items 1901.90.90.95 and 1902.19.20 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive. A full description of the scope of the *Order* is contained in the ''Issues and Decision Memorandum for Final Results of Countervailing Duty Administrative Review: Certain Pasta from Italy,'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated February 23, 2015 (Issues and Decision Memorandum), and hereby adopted by this notice.

The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).[4] ACCESS is available to registered users at *http://access.trade.gov* and available to all parties in the Central Records Unit, room 7046 of the main Department building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/index.html.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content. A list of topics discussed in the Issues and Decision Memorandum is provided in the Appendix to this notice.

Methodology

We have conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we determine that there is a subsidy, *i.e.,* a government-provided financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[5] In making these findings, we have relied, in part, on an adverse inference in selecting from among the facts otherwise available because we find that the GOI did not act to the best of its ability to respond to our requests for information regarding certain programs.[6]

DeMatteis reported that it made export sales of pasta to the United States through an unaffiliated trading company, Agritalia S.r.L. (Agritalia), during the POR. In the *Preliminary Results,* we stated our intent to re-examine the approach we used regarding subsidies to Agritalia in the *Tenth Administrative Review,*[7] and we solicited comments in that regard.[8] We received no comments on this issue.

Pursuant to 19 CFR 351.213(b) and 19 CFR 351.221(b), Agritalia is not a respondent in this review because a review was not requested for Agritalia. However, pursuant to 19 CFR 351.525(c), benefits from subsidies provided to a trading company which exports subject merchandise shall be cumulated with benefits from subsidies provided to the firm that is producing the subject merchandise that is sold through the trading company, regardless of whether the trading company and the producing firm are affiliated. Thus, for these final results, we are cumulating the benefits from subsidies received by Agritalia with the benefits from subsidies received by DeMatteis based on the percentage of DeMatteis' exports of subject merchandise to the United States that were made through Agritalia during the POR.[9]

Final Results of the Review

In accordance with 19 CFR 351.221(b)(5), we calculated individual subsidy rates for the mandatory respondents, DeMatteis and DeCecco.

Three respondents were not selected for individual review: Ghigi Industria Agroalimentare in San Clemente srl, Pasta Granoro S.r.L. (also known as, Pastifico Attilio Mastromauro Granoro S.r.L), and Valdigrano di Flavio Pagani S.r.L. For these non-selected respondents, we assigned the CVD rate calculated for DeMatteis because it is the only rate calculated in this review that is not *de minimis.*[10] As such, we find the net countervailable subsidy rate for the producers and/or exporters under review to be as follows:

Producer/exporter	Net subsidy rate
DeMatteis Agroalimentare S.p.A. (also known as De Matteis Agroalimentare SpA)	1.72
Fratelli DeCecco di Filippo Fara San Martino S.p.A. (also known as F.lli De Cecco di Filippo Fara San Martino S.p.A.)	* 0.19
Ghigi Industria Agroalimentare in San Clemente srl	1.72
Pasta Granoro S.r.L. (also known as, Pastifico Attilio Mastromauro Granoro S.r.L)	1.72
Valdigrano di Flavio Pagani S.r.L	1.72

* (*De minimis.*)

Assessment Rates

Consistent with 19 CFR 351.212(b)(2), we intend to issue assessment instructions to the U.S. Customs and Border Protection (CBP) fifteen days after the date of publication of these final results. We will instruct CBP to assess countervailing duties on POR entries in the amounts shown above, except for entries of merchandise produced and/or exported by DeCecco, which will be liquidated without regard to countervailing duties because its subsidy rate is *de minimis.*

Cash Deposit Requirements

In accordance with section 751(a)(1) of the Act, we intend to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown above on shipments of subject merchandise entered, or withdrawn

[4] On November 24, 2014, Enforcement and Compliance changed the name of Enforcement and Compliance's AD and CVD Centralized Electronic Service System (''IA ACCESS'') to AD and CVD Centralized Electronic Service System (''ACCESS''). The Web site location was changed from *http://iaaccess.trade.gov* to *http://access.trade.gov.* The Final Rule changing the references to the Regulations can be found at 79 FR 69046 (November 20, 2014).

[5] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity. For a full description of the methodology underlying our conclusions, *see* Issues and Decision Memorandum.

[6] *See* sections 776(a) and (b) of the Act. For further discussion, *see* Issues and Decision Memorandum at ''Use of Facts Otherwise Available and Adverse Inferences.''

[7] *See Certain Pasta from Italy: Preliminary Results of the Tenth Countervailing Duty Administrative Review,* 72 FR 43616, 43622 (August 6, 2007), unchanged in *Certain Pasta From Italy: Final Results of the Tenth (2005) Countervailing Duty Administrative Review,* 73 FR 7251 (February 7, 2008) (collectively, *Tenth Administrative Review*).

[8] *See Preliminary Results,* 79 FR 50619.

[9] For further discussion, *see* Issues and Decision Memorandum at ''Subsidy Valuation Information.''

[10] *See, e.g., Certain Pasta From Italy: Preliminary Results of the 13th (2008) Countervailing Duty Administrative Review,* 75 FR 18806, 18811 (April 13, 2010), unchanged in *Certain Pasta from Italy: Final Results of the 13th (2008) Countervailing Duty Administrative Review,* 75 FR 37386 (June 29, 2010).

from warehouse, for consumption on or after the date of publication of the final results of this review, except that cash deposits of zero percent will be required for entries from DeCecco because its subsidy rate is *de minimis.* For all non-reviewed companies (except Barilla G. e R. F.lli S.p.A. and Gruppo Agricoltura Sana S.r.l., which are excluded from the order,[11] and Pasta Lensi S.r.l., which was revoked from the *Order*),[12] we will instruct CBP to continue to collect cash deposits at the most recent company-specific or all-others rate applicable to the company. Accordingly, the cash deposit rates that will be applied to companies covered by the *Order,* but not examined in this review, are those established in the most recently completed segment of the proceeding for each company. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Administrative Protective Order

This notice serves as a final reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: February 23, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Use of Facts Otherwise Available and Adverse Inferences
5. Subsidy Valuation Information
6. Analysis of Programs
7. Analysis of Comment: Application of Adverse Facts Available (AFA) for *Sgravi* Programs
8. Recommendation

[FR Doc. 2015–04340 Filed 2–27–15; 8:45 am]

BILLING CODE 3510–DS–P

[11] *See Order,* 61 FR at 38545.

[12] *See Certain Pasta from Italy: Final Results of the Ninth Countervailing Duty Administrative Review and Notice of Revocation of Order, in Part,* 71 FR 36318, 36319–36320 (June 26, 2006).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD802

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold a meeting of its Law Enforcement Advisory Panel (LEAP) in conjunction with the Gulf States Marine Fisheries Commission's Law Enforcement Committee (LEC).

DATES: The meeting will be held from 8:30 a.m. until 12 noon on Tuesday, March 17, 2015.

ADDRESSES:

Meeting address: The meeting will be held at the Grand Hotel Point Clear Resort & Spa, One Grand Boulevard, Point Clear, AL 36564. Telephone: (251) 928–9201.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Mr. Steven Atran, Senior Fishery Biologist, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630; fax: (813) 348–1711; email: *steven.atran@gulfcouncil.org* and Mr. Steve Vanderkooy, Inter-jurisdictional Fisheries Coordinator, Gulf States Marine Fisheries Commission; telephone: (228) 875–5912; email: *svanderkooy@gsmfc.org.*

SUPPLEMENTARY INFORMATION: The items of discussion on the agenda are as follows:

Joint Gulf Council's Law Enforcement Advisory Panel and Gulf States Marine Fisheries Commission's Law Enforcement Committee Meeting Agenda, Tuesday, March 17, 2015, 8:30 a.m. Until 12 Noon

1. Adoption of Agenda
2. Approval of Minutes of October 20, 2014 LEC/LEAP Meeting
3. Current GMFMC Amendments and Framework Actions
   a. Reef Fish Amendment 39—Red Snapper Regional Management
   b. South Florida Management Issues
4. IUU Fishing Issues and Possible Council/Commission Actions
   a. Presentation on IUU fishing—Mexican lanchas
   b. GSMFC IUU letter
   c. Proposed MSA Reauthorization language
   d. Ideas for actions by Council and Commission
   i. Develop a smartphone app for reporting violations
   ii. Discussion of ways to avoid waste of seized fish
   iii. other
   e. Other
5. Proposed Officer of the Year Award program
6. IJF Program Activity
   a. Blue Crab
   b. Gulf Menhaden
   c. Gulf and Southern Flounder
   d. Tripletail
7. State Report Highlights
   a. Florida
   b. Alabama
   c. Mississippi
   d. Louisiana
   e. Texas
   f. USCG
   g. NOAA OLE
   h. USFWS
8. Other Business

—Adjourn—

The Law Enforcement Advisory Panel consists of principal law enforcement officers in each of the Gulf States, as well as the NOAA Law Enforcement, U.S. Fish and Wildlife Service, the U.S. Coast Guard, and the NOAA General Counsel for Law Enforcement.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Council Office (see **ADDRESSES**), at least 5 working days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: February 24, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–04209 Filed 2–27–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Marine Protected Areas Federal Advisory Committee; Public Meeting

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

ACTION: Notice of open meeting.

SUMMARY: Notice is hereby given of a meeting via web conference call of the Marine Protected Areas Federal Advisory Committee (Committee). The web conference calls are open to the public, and participants can dial in to the calls. Participants who choose to use the web conferencing feature in addition to the audio will be able to view the presentations as they are being given.

DATES: Members of the public wishing to participate in the meeting must register in advance by Friday, April 3, 2015.

The meeting will be held Monday, April 6, from 12:30 to 2:30 p.m. EDT. These times and the agenda topics described below are subject to change. Refer to the Web page listed below for the most up-to-date meeting agenda.

ADDRESSES: The meeting will be held via web conference call. Register by contacting Gonzalo Cid at *gonzalo.cid@noaa.gov* or 301–713–7278. Webinar and teleconference capacity may be limited.

FOR FURTHER INFORMATION CONTACT: Lauren Wenzel, Acting Designated Federal Officer, MPA FAC, National Marine Protected Areas Center, 1305 East West Highway, Silver Spring, Maryland 20910. (Phone: 301–713–7265, Fax: 301–713–3110); email: *lauren.wenzel@noaa.gov;* or visit the National MPA Center Web site at *http://www.marineprotectedareas.noaa.gov*).

SUPPLEMENTARY INFORMATION: The Committee, composed of external, knowledgeable representatives of stakeholder groups, was established by the Department of Commerce (DOC) to provide advice to the Secretaries of Commerce and the Interior on implementation of Section 4 of Executive Order 13158, on marine protected areas.

Matters to be Considered: The focus of the Committee's meeting is a discussion of the Committee charge and Committee organization (*e.g.* Subcommittees and Workgroups) to address it. The Committee will also hear updates from the National Oceanic and Atmospheric Administration and the Department of the Interior. The agenda is subject to change. The latest version will be posted at *http://www.marineprotectedareas .noaa.gov.*

Dated: February 13, 2015.

Daniel J. Basta,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2015–04246 Filed 2–27–15; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD793

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Habitat Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday, March 18, 2015 at 9 a.m.

ADDRESSES: *Meeting address:* The meeting will be held at the Seaport Inn and Marina, 110 Middle Street, Fairhaven, MA 02719; telephone: (508) 997–1281; fax: (508) 996–5717.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The panel will discuss and develop recommendations for preferred alternatives to Omnibus Habitat Amendment 2 (OHA2). They also plan to discuss specific topics related to OHA2 as requested by the Habitat committee. They will discuss other business as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: February 25, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–04218 Filed 2–27–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Hydrographic Services Review Panel Meeting

AGENCY: National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: The Hydrographic Services Review Panel (HSRP) is a Federal Advisory Committee established to advise the Under Secretary of Commerce for Oceans and Atmosphere, the NOAA Administrator, on matters related to the responsibilities and authorities set forth in section 303 of the Hydrographic Services Improvement Act of 1998, as amended, and such other appropriate matters that the Under Secretary refers to the Panel for review and advice.

Date and Time: The public meeting will be held from April 8–10, 2015. April 8th from 8:30 a.m. to 12 noon PST; April 9 from 8:30 a.m. to 6:00 p.m. PST; and April 10th from 8:30 a.m. to 3:30 p.m.

Location: Long Beach, California, with the exact meeting location to be determined and posted online. Please refer to the following Web site for updates on the location, agenda, presentations, speaker's biographies, the webinar, and public comments: *http://www.nauticalcharts.noaa.gov/ocs/hsrp/meetings.htm.*

FOR FURTHER INFORMATION CONTACT: Visit the NOAA HSRP Web site at *http://nauticalcharts.noaa.gov/ocs/hsrp/hsrp.htm,* or contact Lynne Mersfelder-Lewis, HSRP Coordinator, National Ocean Service (NOS), Office of Coast Survey, NOAA (N/CS), 1315 East West Highway, Silver Spring, Maryland 20910; Telephone: 301–713–2702 ext. 199; Fax: 301–713–4019; Email: *lynne.mersfelder@noaa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public and public comment periods (on-site) will be scheduled at various times throughout the meeting. These comment periods will be included in the final agenda published before April 1, 2015, and posted on the HSRP Web site listed above. Each individual or group making verbal comments will be limited to a total time of five (5) minutes. Comments will be recorded. Written comments should be submitted in advance to *Lynne.Mersfelder@noaa.gov* by April 1, 2015. Written comments received after April 1, 2015, will be distributed to the HSRP, but may not be reviewed until the meeting. Public seating will be available on a first-come, first-served basis. Times and agenda topics are subject to change. Refer to the HSRP Web site listed below for exact location and the updated meeting agenda: *http://nauticalcharts.noaa.gov/ocs/hsrp/hsrp.htm.*

Matters To Be Considered: Regional and local stakeholders will present to the HSRP on issues relevant to NOAA's hydrographic services including: (1) The management, maintenance, interpretation, certification, and dissemination of bathymetric, hydrographic, shoreline, geodetic, geospatial, geomagnetic, and tide, water level, and current information, including the production of nautical charts, nautical information databases, and other products derived from hydrographic data; (2) the development of nautical information systems; and (3) related activities.

Broad topic areas to be discussed will focus on the use and application of NOAA's navigation, observations and positioning data, products, and services (coastal intelligence) to support: (1) The Long Beach—Los Angeles and California marine transportation system; (2) regional efforts to improve shipping efficiencies; (3) the NOAA Precision Navigation project to improve navigation decision support; (4) geospatial data and tools to support local and regional coastal planning and development; (5) other topics submitted by stakeholders.

The HSRP will hold focused breakout sessions to discuss challenges and issues on Thursday, April 9, and Friday, April 10, 2015, on priority topics including: (1) Coastal Intelligence; (2) Coastal Resilience; and (3) Emerging Arctic navigation issues. The public is invited to participate and sign up for these sessions by contacting the HSRP Coordinator, Lynne Mersfelder-Lewis at email: *Lynne.Mersfelder@noaa.gov,* or NOAA's California Navigation Manager, Jeffrey Ferguson at email: *Jeffrey.Ferguson@noaa.gov.*

The breakout sessions provide the public with the opportunity to interact with HSRP members on concerns or issues with NOAA's navigation, observations, and positioning data, products, and services, and to present options or recommendations for improvement. The HSRP will consider input from these breakout sessions, and from the other meeting presentations, to develop its recommendations to the NOAA Under Secretary for improving NOAA's suite of navigation, observation and positioning data, products, and services. Other matters to be discussed include activities relating to hydrography, geodesy, coastal mapping, and tides, currents and water levels, as well as administrative matters pertaining to the HSRP.

The HSRP meeting will provide GoToWebinar services and teleconference capability for public access to listen to and observe the meeting presentations. Members of the public who wish to participate virtually must register in advance by April 1, 2015. Webinar service is available during the main sessions and teleconference capability is available during the break-out sessions. The times are subject to change and participants should refer to the HSRP Web site for the most up to date information. To register for virtual access or submit public comments before the virtual sessions begin, please submit requests by no later than April 1, 2015, to Lynne Mersfelder-Lewis at email: *Lynne.Mersfelder@noaa.gov.*

Dated: February 18, 2015.

Gerd F. Glang,

Director, Office of Coast Survey, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2015–04249 Filed 2–27–15; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD764

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Scientific and Statistical Committee (SSC) of the Mid-Atlantic Fishery Management Council (Council) will hold a meeting.

DATES: The SSC meeting will be held on Wednesday and Thursday, March 18–19, 2015. The meeting will begin at 9 a.m. on March 18 and conclude by 2 p.m. on March 19, 2015.

ADDRESSES: The meeting will be held at Pier V, 711 Eastern Avenue, Baltimore, MD 21202; telephone: (410) 539–2000.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: Agenda items to be discussed at the SSC meeting include: Review fishery performance report and multi-year ABC specifications for golden tilefish; discuss MAFMC risk policy and stock assessment level assignments; review Climate and Fisheries White Paper; update on research prioritization and five-year research plan development; review data poor methods applied to black sea bass for potential changes to current and future ABC specification; discuss outcomes from the Fifth National SSC Workshop; receive update on Ecosystem Approach to Fisheries Management activities and building MSE capacity on Greater Atlantic Region; discuss SSC schedule and lead assignments for 2015.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during the meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been

notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to M. Jan Saunders at the Mid-Atlantic Council Office, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: February 25, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–04217 Filed 2–27–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD795

Mid-Atlantic Fishery Management Council (MAFMC); Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (Council) Highly Migratory Species (HMS) Committee will hold a public meeting.

DATES: The meeting will be held Tuesday, March 17, 2015, at 10 a.m. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held via internet webinar. A webinar link will be available on the Council's Web page, *www.mafmc.org.* Interested parties may also come to the Council address below to access the webinar if they contact the Council at least 24 hours before the meeting.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State St., Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D. Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 526–5255. The Council's Web site, *www.mafmc.org* also has details on the meeting location, proposed agenda, webinar access, and briefing materials.

SUPPLEMENTARY INFORMATION: The following items are on the agenda, though agenda items may be addressed out of order (changes will be noted on the Council's Web site when possible).

Tuesday, March 17, 2015, 10 a.m.

NMFS HMS staff will make a presentation regarding Amendment 6 to the 2006 Consolidated HMS Fishery Management Plan for Management of Atlantic Sharks, which published in the **Federal Register** on January 20, 2015 (80 FR 2648) and has a comment due date of April 3, 2015 (*www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2010-0188*). The Council's HMS Committee will then develop comments on the Amendment and consider if any additional actions are appropriate.

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: February 24, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–04208 Filed 2–27–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD797

Marine Mammals; File No. 19293

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Dolphin World Productions Ltd, 59 Cotham Hill, Bristol, BS6 6JR, United Kingdom, has applied in due form for a permit to conduct commercial or educational photography on bottlenose dolphins (*Tursiops truncatus*).

DATES: Written, telefaxed, or email comments must be received on or before April 1, 2015.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 19293 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov.* Please include the File No. 19293 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore or Amy Hapeman, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant proposes to film and photograph the Florida Bay stock of bottlenose dolphins for purposes of a documentary film. The applicant is requesting up to 140 takes of these animals by Level B harassment via aircraft (helicopter) and up to 828 takes by Level B harassment from a small 20ft. vessel. Filming would take place for approximately 30 days between May 20, 2015 to September 1, 2015. Obtained footage will be part of a documentary film describing the delicate balance needed to maintain a coral reef by viewing it from the perspective of a dolphin.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to

prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: February 24, 2015.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–04167 Filed 2–27–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Submission for OMB Review; Comment Request; Recording Assignments

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: United States Patent and Trademark Office, Commerce

Title: Recording Assignments

OMB Control Number: 0651–0027

Form Number(s):

- PTO–1594
- PTO–1595

Type of Request: Regular

Number of Respondents: 524,298

Average Hours per Response: 0.5

Burden Hours: 262,150 annually

Cost Burden: $2,954,726

Needs and Uses:

This collection of information is required by 35 U.S.C. 261 and 262 for patents and 15 U.S.C. 1057 and 1060 for trademarks. These statutes authorize the United States Patent and Trademark Office (USPTO) to record patent and trademark assignment documents, including transfers of properties (*i.e.* patents and trademarks), liens, licenses, assignments of interest, security interests, mergers, and explanations of transactions or other documents that record the transfer of ownership of a particular patent or trademark property from one party to another. Assignments are recorded for applications, patents, and trademark registrations.

The USPTO administers these statutes through 37 CFR 2.146, 2.171, and 37 CFR part 3. These rules permit the public, corporations, other federal agencies, and Government-owned or Government-controlled corporations to submit patent and trademark assignment documents and other documents related to title transfers to the USPTO to be recorded. In accordance with 37 CFR 3.54, the recording of an assignment document by the USPTO is an administrative action and not a determination of the validity of the document or of the effect that the document has on the title to an application, patent, or trademark.

Affected Public: Businesses or other for-profits; not-for-profit institutions.

Frequency: On occasion

Respondent's Obligation: Required to Obtain or Retain Benefits

OMB Desk Officer: Nicholas A. Fraser, email: *Nicholas_A._Fraser@omb.eop.gov.*

Once submitted, the request will be publicly available in electronic format through reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Paper copies can be obtained by:

- *Email: InformationCollection@uspto.gov.* Include ''0651–0027 Recording Assignments'' in the subject line of the message.
- *Mail:* Marcie Lovett, Records Management Division Director, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

Written comments and recommendations for the proposed information collection should be sent on or before April 1, 2015 to Nicholas A. Fraser, OMB Desk Officer, via email to *Nicholas_A._Fraser@omb.eop.gov,* or by fax to 202–395–5167, marked to the attention of Nicholas A. Fraser.

Dated: February 20, 2015.

Marcie Lovett,

Records Management Division Director, USPTO, Office of the Chief Information Officer.

[FR Doc. 2015–04214 Filed 2–27–15; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Proposed Collection; Comment Request; ''Rules for Patent Maintenance Fees''

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (USPTO), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before May 1, 2015.

ADDRESSES: Written comments may be submitted by any of the following methods:

- *Email: InformationCollection@uspto.gov.* Include ''0651–0016 Rules for Patent Maintenance Fees'' in the subject line of the message.
- *Mail:* Marcie Lovett, Records Management Division Director, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.
- *Federal Rulemaking Portal: http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Raul Tamayo, Senior Legal Advisor, Office of Patent Legal Administration, United States Patent and Trademark Office (USPTO), P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–7728; or by email at *Raul.Tamayo@uspto.gov* with ''Paperwork'' in the subject line. Additional information about this collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

Under 35 U.S.C. § 41 and 37 CFR 1.20(e)–(i) and 1.362–1.378, the United States Patent and Trademark Office (USPTO) charges fees for maintaining in force all utility patents based on applications filed on or after December 12, 1980. Payment of these maintenance fees is due at 3 1/2, 7 1/2, and 11 1/2 years after the date the patent was granted. If the USPTO does not receive payment of the appropriate maintenance fee and any applicable surcharge within a grace period of six months following each of the above due dates (at 4, 8, or 12 years after the date of grant), the patent will expire at that time. After a patent expires, it is no longer enforceable. Maintenance fees are not required for design or plant patents, or for reissue patents if the patent being reissued did not require maintenance fees.

Payments of maintenance fees that are submitted during the six-month grace period before patent expiration must include the appropriate surcharge as

indicated by 37 CFR 1.20(h). Submissions of maintenance fee payments and surcharges must include the relevant patent number and the corresponding United States application number in order to identify the correct patent and ensure proper crediting of the fee being paid.

If the USPTO refuses to accept and record a maintenance fee payment that was submitted prior to the expiration of a patent, the patentee may petition the Director to accept and record the maintenance fee under 37 CFR 1.377. This petition must be accompanied by the fee indicated in 37 CFR 1.17(g), which may be refunded if it is determined that the refusal to accept the maintenance fee was due to an error by the USPTO.

If a patent has expired due to nonpayment of a maintenance fee, the patentee may petition the Director to accept a delayed payment of the maintenance fee under 37 CFR 1.378. The Director may accept the payment of a maintenance fee after the expiration of the patent if the petitioner shows to the satisfaction of the Director that the delay in payment was unintentional. Petitions to accept unintentionally delayed payment must also be accompanied by the required maintenance fee and appropriate surcharge under 37 CFR 1.20(i). If the Director accepts the maintenance fee payment upon petition, then the patent is reinstated. If the USPTO denies a petition to accept delayed payment of a maintenance fee in an expired patent, the patentee may petition the Director to reconsider that decision under 37 CFR 1.378(e). This petition must be accompanied by the fee indicated in 37 CFR 1.17(f), which may be refunded if it is determined that the refusal to accept the maintenance fee was due to an error by the USPTO.

The rules of practice (37 CFR 1.33(d) and 1.363) permit applicants, patentees, assignees, or their representatives of record to specify a ''fee address'' for correspondence related to maintenance fees that is separate from the correspondence address associated with a patent or application. A fee address must be an address that is associated with a USPTO customer number. Customer numbers may be requested by using the Request for Customer Number form (PTO/SB/125), which is covered under OMB control number 0651–0035. Maintaining a correct and updated address is necessary so that fee-related correspondence from the USPTO will be properly received by the applicant, patentee, assignee, or authorized representative. If a separate fee address is not specified for a patent or application, the USPTO will direct fee-related correspondence to the correspondence address of record.

The USPTO offers forms to assist the public with providing information covered by this collection, including the information necessary to submit a patent maintenance fee payment (PTO/SB/45) and to designate or change a fee address (PTO/SB/47). The USPTO offers a total of three different versions of the form for petitions to accept unintentionally delayed payment of maintenance fee in an expired patent under 37 CFR 1.378(c). In addition to (i) the basic PDF that may be filled out electronically and then printed and mailed (or submitted online) (Form PTO/SB/66), the USPTO offers (ii) an enhanced PDF that is designed only to be submitted electronically through EFS-Web (PTO/SB/66—EFS-Web), and (iii) a Web-based ePetition, which the public can complete on a computer using a Web browser and then click a submit button to send the information to the USPTO over the Internet (ePetition). No forms are provided for the petitions under 37 CFR 1.377 and 1.378(e).

Customers may submit maintenance fee payments and surcharges incurred during the six-month grace period before patent expiration by using the Maintenance Fee Transmittal Form (PTO/SB/45) or by paying online through the USPTO Web site. However, to pay a maintenance fee after patent expiration, the maintenance fee payment and the appropriate surcharge must be filed together with a petition to accept unintentionally delayed payment. The USPTO accepts online maintenance fee payments by credit card, deposit account, or electronic funds transfer (EFT). Otherwise, non-electronic payments may be made by check, credit card, or deposit account.

II. Method of Collection

By mail, facsimile, hand delivery, or electronically to the USPTO.

III. Data

OMB Number: 0651–0016.

IC Instruments: The individual instruments in this collection, as well as their associated forms, are listed in the table below.

IC number	Form and function	Form #
1	Maintenance Fee Transmittal Form, electronic and paper	PTO/SB/45
2	Electronic Maintenance Fee Form, electronic	No Form Associated
3	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c)), electronic and paper.	PTO/SB/66
4	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))—EFS-Web, electronic.	PTO/SB/66
5	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))—ePetition, electronic.	ePetition
6	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377), electronic and paper.	No Form Associated
7	Petition for Reconsideration of Decision on Petition Refusing to Accept Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(e)), electronic and paper.	No Form Associated
8	''Fee Address'' Indication Form, electronic and paper	PTO/SB/47

Type of Review: Regular

Affected Public: Individuals or households; businesses or other for-profits; and not-for-profit institutions.

Estimated Number of Respondents: 525,309 responses per year. The USPTO estimates that approximately 25% of these responses will be from small entities.

Estimated Time per Response: The USPTO estimates that it will take the public approximately 20 seconds (0.006 hours) to 8 hours to submit the information in this collection, including the time to gather the necessary information, prepare the appropriate form or petition, and submit the completed request to the USPTO. The time per response, estimated annual

responses, and estimated annual hour burden associated with each instrument in this information collection is shown in the table below.

Estimated Total Annual Hour Burden: 18,123.42 hours.

Estimated Total Annual Cost Burden (Hourly): $3,263,347.08. The USPTO expects that the petitions included in this collection will be prepared by attorneys and that the other items in this collection will be prepared by paraprofessionals. Using the professional rate of $389 per hour for attorneys in private firms, the USPTO estimates that the respondent cost burden for attorneys submitting the petitions will total $1,470,420 per year. Using the paraprofessional rate of $125 per hour, the USPTO estimates that the respondent cost burden for paraprofessionals submitting the other items in this collection will total $1,792,927.08 per year, for a total annual respondent cost burden of $3,263,347.08.

IC No.	Item/form No.	Minutes (a)	Responses (yr) (b)	Burden (hrs/yr) (c) (a x b)/60	Rate ($/hr) (d)	Total cost ($/yr) (e) (c x d)
1	Maintenance Fee Transmittal Transactions (PTO/SB/45).	5	37,434	3,119.5	$125.00	$389,937.50
2	Electronic Maintenance Fee Transactions	0.333	375,555	2,086.42	125.00	260,802.08
3	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c)) (PTO/SB/66).	60	1,000	1,000	389.00	389,000.00
4	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c)) (PTO/SB/66)—EFS-Web.	60	500	500	389.00	194,500.00
5	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c)) (PTO/SB/66)—ePetition.	60	1,000	1,000	389.00	389,000.00
6	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377).	240	20	80	389.00	31,120.00
7	Petition for Reconsideration of Decision on Petition Refusing to Accept Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(e)).	480	150	1,200	389.00	466,800.00
8	"Fee Address" Indication Form (PTO/SB/47).	5	109,650	9,137.5	125.00	1,142,187.50
Totals			525,309	18,123.42		3,263,347.08

Estimated Total Annual Cost Burden (Non-Hourly): $3,801.42. This information collection has annual (non-hour) cost burden in the form of postage costs.

The public may submit the forms and petitions in this collection to the USPTO by mail through the United States Postal Service. If the submission is sent by first-class mail, the public may also include a signed certification of the date of mailing in order to receive credit for timely filing. The USPTO estimates that the average first-class postage cost for a mailed submission will be 49 cents and that approximately 7,758 submissions per year may be mailed to the USPTO, for a total postage cost of $3,801.42 per year.

IC No.	Item	Responses (a)	Postage cost (b)	Total non-hour cost burden (postage) (c) (a x b)
3	Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c)).	70	$0.49	$34.30
6	Petition to Review Refusal to Accept Payment of Maintenance Fee Prior to Expiration of Patent (37 CFR 1.377).	1	0.49	0.49
7	Petition for Reconsideration of Decision on Petition Refusing to Accept Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(e)).	11	0.49	5.39
8	"Fee Address" Indication Form	7,676	0.49	3,761.24
Totals		7,758		3,801.42

The total (non-hour) respondent cost burden for this collection in the form of postage costs is estimated to be $3,801.42 per year.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: February 20, 2015.

Marcie Lovett,

Records Management Division Director, USPTO, Office of the Chief Information Officer.

[FR Doc. 2015–04212 Filed 2–27–15; 8:45 am]

BILLING CODE 3510–16–P

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 15–C0003]

General Electric Company, Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of 16 CFR 1118.20(e). Published below is a provisionally-accepted Settlement Agreement with General Electric Company, containing a civil penalty of $3,500,000, within twenty (20) days of service of the Commission's final Order accepting the Settlement Agreement.

DATES: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by March 17, 2015.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 15–C0003 Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Room 820, Bethesda, Maryland 20814–4408.

FOR FURTHER INFORMATION CONTACT: Jennifer C. Argabright, Trial Attorney, Office of the General Counsel, Division of Compliance, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814–4408; telephone (301) 504–7808.

SUPPLEMENTARY INFORMATION: The text of the Agreement and Order appears below.

Dated: February 24, 2015.

Alberta E. Mills,

Acting Secretary.

UNITED STATES OF AMERICA CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of: GENERAL ELECTRIC COMPANY, CPSC Docket No.: 15–C0003

SETTLEMENT AGREEMENT

1. In accordance with the Consumer Product Safety Act, 15 U.S.C. §§ 2051–2089 (CPSA) and 16 CFR 1118.20, General Electric Company (''GE'' or ''Firm''), and the United States Consumer Product Safety Commission (''Commission''), through its staff, hereby enter into this Settlement Agreement (''Agreement''). The Agreement, and the incorporated attached Order, resolve staff's charges set forth below.

THE PARTIES

2. The Commission is an independent federal regulatory agency, established pursuant to, and responsible for the enforcement of, the CPSA, 15 U.S.C. §§ 2051–2089. By executing the Agreement, staff is acting on behalf of the Commission, pursuant to 16 CFR § 1118.20(b). The Commission issues the Order under the provisions of the CPSA.

3. GE is a corporation, organized and existing under the laws of the state of New York, with its principal place of business in Fairfield, CT. GE Appliances (''GEA'' or ''GE Appliances'') is an unincorporated business unit of GE that is located in Louisville, KY.

STAFF CHARGES

GE RANGES

4. Between June 2002 through December 2004, GE imported into the United States approximately 28,000 dual fuel ranges (the Range). The Range was sold through department and appliance stores nationwide for approximately $1,300 to $2,000 between June 2002 and December 2005.

5. The Range is a 30-inch wide GE Profile Dual Fuel Freestanding Range with an electric range with gas cooktop burners. The Range is a ''consumer product'' ''distributed in commerce,'' as those terms are defined or used in sections 3(a)(5), (8), and (11) of the CPSA, 15 U.S.C. § 2052(a)(5), (8), and (11). At all relevant times, GE was a ''manufacturer'' of the Range, as such term is defined or used in sections 3(a)(11) of the CPSA, 15 U.S.C. § 2052(a)(11).

6. The Range is defective because a connector in the wire harness at the rear of the Range can overheat, posing a fire and burn hazard to consumers.

7. GE first received notice of a possible Range failure in 2003, when a consumer reported to GE that she had called the fire department because the Range had caught fire while it was pre-heating. A GE technician noted that the wiring had shorted out. By the end of 2004, GE received four more consumer complaints of fire or melted wires. In 2004, GE technicians examined several of the Ranges involved in the consumer complaints and confirmed that the wiring harness at the rear of the Range could overheat, causing a fire hazard.

8. In December 2004, to reduce the risk of an overheated connector, GE redesigned the Range to remove the connectors in the wiring harness. By this time, GE had obtained sufficient information that reasonably supported the conclusion that the Range contained a defect or possible defect which could create a substantial product hazard or created an unreasonable risk of serious injury or death. GE was required to inform the Commission immediately of such defect or risk, as required by sections 15(b)(3) and (4) of the CPSA, 15 U.S.C. § 2064(b)(3) and (4).

9. After the redesign of the Range, GE continued to receive reports from consumers of overheated wiring and fires that occurred in the back of the Range.

10. Despite having information regarding the Range's defect or risk, GE failed to inform the Commission immediately of such defect or risk, as required by sections 15(b)(3) and (4) of the CPSA, 15 U.S.C. §§ 2064(b)(3) and (4).

11. GE did not file its Full Report with the Commission until February 25, 2009. GE recalled the Range on April 8, 2009. By that time, GE was aware of an additional eight reports of harness and wiring overheating in the back of the Range, including five in which the consumer reported that the unit or wiring caught fire. GE failed to update the Commission regarding these new incidents.

GE DISHWASHERS

12. Between July 2003 and December 2006, GE manufactured approximately 174,000 stainless steel tub dishwashers (the Dishwasher). The Dishwasher was sold through department and appliance stores nationwide for approximately $750 to $1,400 between July 2003 and October 2010.

13. The Dishwasher was sold under brand name of GE Profile or GE Monogram. The Dishwasher is a ''consumer product'' ''distributed in commerce,'' as those terms are defined or used in sections 3(a)(5), (8), and (11) of the CPSA, 15 U.S.C. § 2052(a)(5), (8), and (11). At all relevant times, GE was a ''manufacturer'' of the Dishwasher, as such term is defined or used in sections 3(a)(11) of the CPSA, 15 U.S.C. § 2052(a)(11).

14. The Dishwasher is defective because it can short circuit due to electrolytic condensate on the control board. The short circuit can result in an overheated connector in the dishwasher, posing a fire and burn hazard to consumers.

15. GE first received notice of a possible Dishwasher control-related incident in 2007, when a consumer reported to GE that his dishwasher had caught fire in the middle of the night due to an overheated control panel. In 2008 and 2009, GE received more reports of Dishwasher control-related fires, and GE paid out insurance settlements to several consumers based on these reports. Many of these reports explicitly alleged a fire that originated at the control panel within the Dishwasher's metal door.

16. Despite this information, GE did not file a Full Report concerning the Dishwasher with the Commission until September 14, 2010. GE recalled the Dishwasher on October 26, 2010.

17. In failing to inform the Commission about the Range or Dishwasher (together, ''Subject Products'') immediately, GE knowingly violated section 19(a)(4) of the CPSA, 15 U.S.C. § 2068(a)(4), as the term ''knowingly'' is defined in section 20(d) of the CPSA, 15 U.S.C. § 2069(d).

18. Pursuant to section 20 of the CPSA, 15 U.S.C. § 2069, GE is subject to civil penalties for its knowing failure to report, as required under section 15(b) of the CPSA, 15 U.S.C. § 2064(b).

RESPONSE OF GENERAL ELECTRIC COMPANY

19. GE does not admit the staff's charges set forth in paragraphs 4 through 18 above, including, but not limited to, the charge that the Subject Products contained a defect that could create a substantial product hazard or created an unreasonable risk of serious injury or death, and the charge that GE failed to notify the Commission in a timely manner, in accordance with section 15(b) of the CPSA, 15 U.S.C. § 2064(b).

20. GE enters into this Agreement to settle this matter without the delay and expense of litigation. GE enters into this Agreement and agrees to pay the amount referenced below in compromise of the staff's charges.

21. GE voluntarily notified the Commission in connection with the Ranges in February 2009. GE was (and is) not aware of any report of injury associated with the Ranges and reported issue. GE voluntarily notified the Commission in connection with the Dishwashers in August 2010. GE was (and is) not aware of any report of serious injury associated with the Dishwashers and reported issue. GE carried out voluntary recalls in cooperation with the Commission and acted to reduce the potential risk of injury.

22. At all relevant times, GEA has had a product safety compliance program, including dedicated product safety personnel, new product qualification design and testing safety-related requirements, written product safety compliance policies, and written procedures for notifying the Commission about potential safety issues, in accordance with section 15(b) of the CPSA. GEA's product safety compliance program, including its policies and procedures, has been enhanced over time, as appropriate.

AGREEMENT OF THE PARTIES

23. Under the CPSA, the Commission has jurisdiction over the matter involving the Products described herein and over GE.

24. The parties enter into the Agreement for settlement purposes only. The Agreement does not constitute an admission by GE or a determination by the Commission that GE violated the CPSA's reporting requirements.

25. In settlement of staff's charges, and to avoid the cost, distraction, delay, uncertainty, and inconvenience of protracted litigation or other proceedings, GE shall pay a civil penalty in the amount of three million, five hundred thousand dollars ($3,500,000) within twenty (20) calendar days after receiving service of the Commission's final Order accepting the Agreement. The payment shall be made by electronic wire transfer to the Commission via: *http://www.pay.gov*.

26. After staff receives this Agreement executed on behalf of GE, staff shall promptly submit the Agreement to the Commission for provisional acceptance. Promptly following provisional acceptance of the Agreement by the Commission, the Agreement shall be placed on the public record and published in the **Federal Register**, in accordance with the procedures set forth in 16 CFR § 1118.20(e). If the Commission does not receive any written request not to accept the Agreement within fifteen (15) calendar days, the Agreement shall be deemed finally accepted on the 16th calendar day after the date the Agreement is published in the **Federal Register**, in accordance with 16 CFR § 1118.20(f).

27. This Agreement is conditioned upon, and subject to, the Commission's final acceptance, as set forth above, and it is subject to the provisions of 16 C.F.R § 1118.20(h). Upon the later of: (i) Commission's final acceptance of this Agreement and service of the accepted Agreement upon GE, and (ii) the date of issuance of the final Order, this Agreement shall be in full force and effect and shall be binding upon the parties.

28. Effective upon the later of: (i) the Commission's final acceptance of the Agreement and service of the accepted Agreement upon GE, and (ii) the date of issuance of the final Order, for good and valuable consideration, GE hereby expressly and irrevocably waives and agrees not to assert any past, present, or future rights to the following, in connection with the matter described in this Agreement: (i) an administrative or judicial hearing; (ii) judicial review or other challenge or contest of the Commission's actions; (iii) a determination by the Commission of whether GE failed to comply with the CPSA and the underlying regulations; (iv) a statement of findings of fact and conclusions of law; and (v) any claims under the Equal Access to Justice Act.

29. GE represents and agrees that GEA has and shall maintain a compliance program designed to ensure compliance with sections 15(b) of the CPSA with respect to any consumer product imported, manufactured, and/or distributed by GEA. In addition to the program components set out in paragraph 22 of this Agreement, GE represents and agrees that GEA's compliance program contains and shall continue to contain the following elements: (i) written standards and policies; (ii) a mechanism for confidential employee reporting of compliance-related questions or concerns to either a compliance officer or to another senior manager with authority to act as necessary; (iii) effective communication of company compliance-related policies and procedures regarding CPSA sections 15(b) to all applicable employees through training programs or otherwise; (iv) GEA senior management responsibility for, and general board oversight of, compliance; and (v) retention of all compliance-related records for at least five (5) years, and availability of such records to staff upon reasonable request.

30. GE represents and agrees that GEA has and shall maintain and enforce a system of internal controls and procedures designed to ensure that, with respect to all consumer products imported, manufactured, and/or distributed by GEA: (i) information required to be disclosed by GE to the Commission is recorded, processed, and reported in accordance with applicable law; (ii) all reporting made to the Commission is timely, truthful, complete, accurate, and in accordance with applicable law; and (iii) prompt disclosure is made to GE's management of any significant deficiencies or material weaknesses in the design or operation of such internal controls that are reasonably likely to affect adversely, in any material respect, GEA's ability to record, process, and report to the Commission in accordance with applicable law.

31. Upon reasonable request of staff, GE shall cause GEA to provide written documentation of its internal controls and procedures, including, but not limited to, the effective dates of the procedures and improvements thereto. GE shall cause GEA to cooperate fully and truthfully with staff and shall make available all non-privileged information and materials, and personnel deemed necessary by staff to evaluate GE's compliance with the terms of the Agreement.

32. The parties acknowledge and agree that the Commission may publicize the terms of the Agreement and the Order. Any press release shall substantially conform to the terms of this Settlement Agreement.

33. GE represents that the Agreement: (i) is entered into freely and voluntarily, without any degree of duress or compulsion whatsoever; (ii) has been duly authorized; and (iii) constitutes the valid and binding obligation of GE, enforceable against GE in accordance with its terms. GE also represents that GE will not directly or indirectly receive any reimbursement, indemnification, insurance-related payment, or other payment in connection with the civil penalty to be paid by GE pursuant to the Agreement and Order. The individuals signing the Agreement on behalf of GE represent and warrant that they are duly authorized by GE to execute the Agreement.

34. The Commission signatories represent that they are signing the Agreement in their official capacities and that they are authorized to execute this Agreement.

35. The Agreement is governed by the laws of the United States.

36. Except as set forth in Paragraph 37, the Agreement and the Order shall apply to, and be binding upon, GE and each of its successors, transferees, and assigns, and a violation of the Agreement or Order may subject GE, and each of its successors, transferees and assigns, to appropriate legal action.

37. Paragraphs 29–31 of the Agreement shall apply to, and be binding upon, GE, unless and until GE no longer owns GEA, at which time Paragraphs 29–31 only shall apply to, and be binding upon, each of GE's successors, transferees, and assigns that acquire GEA.

38. The Agreement and the Order constitute the complete agreement between the parties on the subject matter contained therein.

39. The Agreement may be used in interpreting the Order. Understandings, agreements, representations, or interpretations apart from those contained in the Agreement and the Order may not be used to vary or contradict their terms. For purposes of construction, the Agreement shall be deemed to have been drafted by both of the parties and shall not, therefore, be construed against any party for that reason in any subsequent dispute.

40. The Agreement may not be waived, amended, modified, or otherwise altered, except as in accordance with the provisions of 16 CFR § 1118.20(h). The Agreement may be executed in counterparts.

41. If any provision of the Agreement or the Order is held to be illegal, invalid, or unenforceable under present or future laws effective during the terms of the Agreement and the Order, such provision shall be fully severable. The balance of the Agreement and the Order shall remain in full force and effect, unless the Commission and GE agree in writing that severing the provision materially affects the purpose of the Agreement and the Order.

GENERAL ELECTRIC COMPANY

Dated: *February 4, 2015*

By: _____

Kevin Nolan
Vice President, Technology
GE Appliances, a division of the General Electric Company
Buechel Bank Road
Louisville, KY 40225

Dated: *February 3, 2015*

By: _____

Eric A. Rubel
Counsel to General Electric Company
Arnold & Porter LLP
555 Twelfth Street, NW
Washington, DC 20004–1206

U.S. CONSUMER PRODUCT SAFETY COMMISSION

Stephanie Tsacoumis
General Counsel

Mary Boyle
Deputy General Counsel

Mary B. Murphy
Assistant General Counsel

Dated: *February 3, 2015*

By: _____

Jennifer C. Argabright, Trial Attorney
Division of Compliance
Office of the General Counsel

UNITED STATES OF AMERICA CONSUMER PRODUCT SAFETY COMMISSION

In the Matter of: General Electric Company

CPSC Docket No.: 15–C0003

ORDER

Upon consideration of the Settlement Agreement entered into between General Electric Company (GE), and the U.S. Consumer Product Safety Commission (Commission), and the Commission having jurisdiction over the subject matter and over GE, and it appearing that the Settlement Agreement and the Order are in the public interest, it is:

ORDERED that the Settlement Agreement be, and is, hereby, accepted; and it is

FURTHER ORDERED that GE shall comply with the terms of the Settlement Agreement and shall pay a civil penalty in the amount of three million, five hundred thousand dollars ($3,500,000) within twenty (20) days after service of the Commission's final Order accepting the Settlement Agreement. The payment shall be made by electronic wire transfer to the Commission via: *http://www.pay.gov*. Upon the failure of GE to make the foregoing payment when due, interest on the unpaid amount shall accrue and be paid by GE at the federal legal rate of interest set forth at 28 U.S.C. § 1961(a) and (b). If GE fails to make such payment or to comply in full with any other provision of the Settlement Agreement, such conduct will be considered a violation of the Settlement Agreement and Order.

Provisionally accepted and provisional Order issued on the 13th day of February, 2015.

BY ORDER OF THE COMMISSION:

_____

Alberta Mills, Acting Secretary
U.S. Consumer Product Safety Commission

[FR Doc. 2015–04154 Filed 2–27–15; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2014–ICCD–0158]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Student Assistance General Provisions—Subpart A—General

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before April 1, 2015.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2014–ICCD–0158 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 Beth Grebeldinger, 202–377–4018.

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: Student Assistance General Provisions—Subpart A—General.

OMB Control Number: 1845–0107.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Individuals or Households, Private Sector, State, Local and Tribal Governments.

Total Estimated Number of Annual Responses: 2,645,033.

Total Estimated Number of Annual Burden Hours: 448,252.

Abstract: The final regulations require an institution to report for each student who, during an award year, began attending or completed a program that leads to gainful employment in a recognized occupation the following information; information to identify the student and the location of the institution the student attended, the Classification of Instructional Program (CIP) code for each occupational training program that each student either began or completed, the completion date, the amount of private education loans and institutional financing incurred by each graduate, and whether a student matriculated into a higher credentialed program of study at the same or another institution. In addition, the final regulations will require the following disclosures to prospective students: the name and Standard Occupational Classification (SOC) code for of each occupational training program and links to the Department of Labor's O- Net site to obtain occupation profile data using a SOC code, or a representative sample of SOC codes for graduates of its program; information about on-time graduation rates for students completing the program; the total amount of tuition and fees charged for completing the program within the normal time it takes to complete the course requirements as published in the institution's catalog, along with the typical costs for books and supplies, and the cost of room and board, if applicable, including providing a Web link or access to the program cost information the institution makes available to all enrolled and prospective students under section 668.43(a). Beginning July 1, 2011, the placement rate information as determined under the institution's accrediting agency or State requirements, or the placement rate that will be determined in the future by the National Center for Education Statistics (NCES) and reported to the institution. In addition, the institution must disclose the median loan debt incurred by students who completed the program as provided by the Secretary, as well as any other information about the program provided by the Secretary. The institution must identify separately the median title IV, Higher Education Act (HEA) loan debt and the median loan debt from the private education loan debt and institutional financing plans. For each program, the institution must include the accreditation and licensing information provided to all currently enrolled as well as prospective students as posted on the institution's Web site.

Dated: February 25, 2015.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2015–04232 Filed 2–27–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

List of Correspondence From October 1, 2013, Through December 31, 2013

AGENCY: Office of Special Education and Rehabilitative Services; Department of Education.

ACTION: Notice.

SUMMARY: The Secretary is publishing the following list of correspondence from the U.S. Department of Education (Department) to individuals during the previous quarter. The correspondence describes the Department's interpretations of the Individuals with Disabilities Education Act (IDEA) or the regulations that implement the IDEA. This list and the letters or other documents described in this list, with personally identifiable information redacted, as appropriate, can be found at: *http://www2.ed.gov/policy/speced/guid/idea/index.html.*

FOR FURTHER INFORMATION CONTACT: Jessica Spataro or Mary Louise Dirrigl. Telephone: (202) 245–7605.

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

Individuals with disabilities can obtain a copy of this list and the letters or other documents described in this list in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting Jessica Spataro or Mary Louise Dirrigl at (202) 245–7605.

SUPPLEMENTARY INFORMATION: The following list identifies correspondence from the Department issued from October 1, 2013, through December 31, 2013. Under section 607(f) of the IDEA, the Secretary is required to publish this list quarterly in the **Federal Register**. The list includes those letters that contain interpretations of the requirements of the IDEA and its implementing regulations, as well as letters and other documents that the Department believes will assist the public in understanding the requirements of the law. The list identifies the date and topic of each letter and provides summary information, as appropriate. To protect the privacy interests of the individual or individuals involved, personally identifiable information has been redacted, as appropriate.

Part B—Assistance for Education of All Children With Disabilities

Section 612—State Eligibility

Topic Addressed: Least Restrictive Environment

○ Letter dated October 23, 2013, to University of Virginia, Curry School of Education Adapted Physical Education Director Luke E. Kelly, regarding physical education for children with disabilities ages 16 through 21.

Section 614—Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements

Topic Addressed: Evaluation Procedures

○ Letter dated December 20, 2013, to retired South Carolina Distinguished Professor of Education Jim Delisle, regarding students with high cognition who also require special education and related services.

Topic Addressed: Specific Learning Disabilities

○ Letter dated November 5, 2013, to Midcoast Advocacy advocate Buckley J. Hugo, regarding Maine's procedures for determining whether a child has a specific learning disability.

Topic Addressed: Individualized Education Programs

○ Letter dated December 20, 2013, to DePaul University, College of Law Special Education Advocacy Clinical Instructor Deborah Pergament, regarding the impact of a short-term teachers' strike on services for children with disabilities.

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 24, 2015.

Sue Swenson,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2015–04283 Filed 2–27–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a combined meeting of the Environmental Monitoring and Remediation Committee and Waste Management Committee of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico (known locally as the Northern New Mexico Citizens' Advisory Board [NNMCAB]). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, March 11, 2015, 2:00 p.m.–4:00 p.m.

ADDRESSES: NNMCAB Office, 94 Cities of Gold Road, Santa Fe, NM 87506.

FOR FURTHER INFORMATION CONTACT: Menice Santistevan, Northern New Mexico Citizens' Advisory Board, 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995–0393; Fax (505) 989–1752 or Email: *menice.santistevan@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Purpose of the Environmental Monitoring and Remediation Committee (EM&R): The EM&R Committee provides a citizens' perspective to NNMCAB on current and future environmental remediation activities resulting from historical Los Alamos National Laboratory (LANL) operations and, in particular, issues pertaining to groundwater, surface water and work required under the New Mexico Environment Department Order on Consent. The EM&R Committee will keep abreast of DOE–EM and site programs and plans. The committee will work with the NNMCAB to provide assistance in determining priorities and the best use of limited funds and time. Formal recommendations will be proposed when needed and, after consideration and approval by the full NNMCAB, may be sent to DOE–EM for action.

Purpose of the Waste Management (WM) Committee: The WM Committee reviews policies, practices and procedures, existing and proposed, so as to provide recommendations, advice, suggestions and opinions to the NNMCAB regarding waste management operations at the Los Alamos site.

Tentative Agenda

1. 2:00 p.m. Approval of Agenda
2. 2:02 p.m. Approval of Minutes from February 18, 2015
3. 2:05 p.m. Old Business
   - Update from Ad Hoc Committees on Draft Recommendations Fines and Fees (Alex Puglisi, Gerald Martinez, Manuel Pacheco)
   - Consideration and Action on Draft Recommendation 2015–01 ''Identification and Preparation of Disposition Site(s) To Enable the LANL Transuranic Disposal Operations To Remain Continually Operational''
   - Consideration and Action on Draft Recommendation 2015–02 ''Budget Priorities for Fiscal Year 2016 for LANL EM Cleanup Work''
4. 2:20 p.m. New Business
5. 2:30 p.m. Update from Executive Committee—Doug Sayre, Chair
6. 2:40 p.m. Update from DOE—Lee Bishop/Mike Gardipe, Co-Deputy Designated Federal Officers
7. 2:50 p.m. EM Clean-up Presentation by DOE—TBD
8. 3:30 p.m. Public Comment Period
9. 3:45 p.m. Sub-Committee Breakout Session
   - Mid-Year Review of Fiscal Year 2015 Work Plans
   - General Committee Business
10. 4:00 p.m. Adjourn

Public Participation: The NNMCAB's Committees welcome the attendance of the public at their combined committee meeting and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Menice Santistevan at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Committees either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Santistevan at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments. This notice is being published less than 15 days prior to the meeting date due to programmatic issues that had to be resolved prior to the meeting date.

Minutes: Minutes will be available by writing or calling Menice Santistevan at the address or phone number listed above. Minutes and other Board documents are on the Internet at: *http://www.nnmcab.energy.gov/.*

Issued at Washington, DC, on February 25, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–04256 Filed 2–27–15; 8:45 am]

BILLING CODE 6405–01–P

DEPARTMENT OF ENERGY

Energy Efficiency and Renewable Energy

Biomass Research and Development Technical Advisory Committee; Meeting

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

ACTION: Notice of open meeting; Correction.

SUMMARY: The Department of Energy (DOE), on February 17, 2015, published a notice of open meeting announcing an open meeting of the Biomass Research and Development Technical Advisory Committee. Due to member's availability, the meeting venue has been changed to a webinar and the date and time is now March 5, 2015, 1:30 p.m.–

5:30 p.m. As a result, the language is being corrected in this notice.

Corrections

In the **Federal Register** of February 17, 2015, in FR DOC. 2015–03133, on page 8298, please make the following corrections:

In the **DATES** heading, third column, second and third lines, replace text with ''Thursday, March 5, 2015, 1:30 p.m.–5:30 p.m. (EDT).

In the **ADDRESSES** heading, third column, fourth line, please remove ''Marriott Wardman Park, 2660 Woodley Rd. NW., Washington, DC 20008'' and replace with ''Please register for the Biomass Research and Development Technical Advisory Committee meeting for March 5, 2015, 1:30 p.m. at: *https://attendee.gotowebinar.com/register/6807084548871333889.* After registering, you will receive a confirmation email containing information about joining the webinar.''

Issued in Washington, DC, on February 24, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–04231 Filed 2–27–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Wind and Water Power Technologies Office; Notice of a Meeting

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

ACTION: Notice of External Merit Review Meeting for the Atmosphere to Electrons Initiative.

SUMMARY: The Atmosphere to Electrons (A2e) Initiative within the U.S. Department of Energy's (DOE) Office of Energy Efficiency and Renewable Energy intends to hold an External Merit Review in Washington, DC, on March 31 & April 1, 2015. The External Review Panel will review the current program planning and provide suggestion on the formulation of A2e strategy, goals and implementation approaches. The review panel will also assess the initiative's potential impact on the wind power industry and identify additional research initiatives and resources that might be required in the future.

DATES: DOE will hold the External Merit Review on Tuesday, March 31, from 8:30 a.m.–5:00 p.m., and Wednesday, April 1, from 8:30 a.m.–12:00 p.m.

ADDRESSES: The public meeting will be held at the Washington Marriott Georgetown, 1221 22nd St NW., Washington, DC, 20037.

Following the meeting a summary will be compiled by DOE and posted for public comment. For those interested in providing additional public comment, the summary will be posted at [*http://energy.gov/eere/wind/atmosphere-electrons*].

You may submit comments by email to [*samantha.rooney@nrel.gov*]. Include ''A2e External Merit Review'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Michael Derby, EERE, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585. Telephone: (202) 586–6830. Email: *michael.derby@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

Background

Atmosphere to Electrons (A2e) is a multi-year Department of Energy (DOE) research initiative targeting significant reductions in the cost of wind energy through an improved understanding of the complex physics of the wind resource and interaction with wind farms. Better insight into the flow physics and resource forecasting has the potential to increase wind farm energy capture, reduce annual operational costs, and improve project financing. Achieving these objectives requires a diverse set of expertise and significant R&D resources. The Wind and Water Power Technologies Office (WWPTO) has selected subject matter experts from its national laboratories at NREL, SNL, and PNNL to assist in the integrated program planning for the initiative based on DOE investments in world class computational and testing facilities as well as core expertise in topics critical to the success of the A2e initiative available at these laboratories. These national laboratories are engaging the wider wind energy stakeholder community (*e.g.,* industry, other national labs, other government agencies, universities, international partners) to develop a multi-year strategic plan that addresses wind plant performance under the A2e initiative.

Public Participation

The event is open to the public based upon space availability. After the meeting has concluded DOE will also accept public comments on the meeting summary as described above for purposes of developing the A2e portfolio, but will not respond individually to comments received.

Participants should limit information and comments to those based on personal experience, individual advice, information, or facts regarding this topic. It is not the object of this session to obtain any group position or consensus from the meeting participants. To most effectively use the limited time, please refrain from passing judgment on another participant's recommendations or advice, and instead, concentrate on your individual experiences.

Information on Services for Individuals With Disabilities

Individuals requiring special accommodations at the meeting, please contact Samantha Rooney no later than the close of business on March 17, 2015.

Issued in Washington, DC, on February 25, 2015.

Jose Zayas,

Director, Wind and Water Power Technologies Office, U.S. Department of Energy.

[FR Doc. 2015–04258 Filed 2–27–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2596–004.
Applicants: Fowler Ridge II Wind Farm LLC.
Description: Notification of Change in Status of Fowler Ridge II Wind Farm LLC.
Filed Date: 2/24/15.
Accession Number: 20150224–5136.
Comments Due: 5 p.m. ET 3/17/15.

Docket Numbers: ER13–769–001.
Applicants: Entergy Mississippi, Inc.
Description: Compliance filing per 35: Settlement and Updated Reimbursement Agreement Under ER13–769 to be effective 12/19/2013.
Filed Date: 1/23/15.
Accession Number: 20150123–5069.
Comments Due: 5 p.m. ET 3/2/15.

Docket Numbers: ER13–770–001.
Applicants: Entergy Louisiana, LLC.
Description: Compliance filing per 35: Settlement and Updated Reimbursement Agreement Under ER13–770 to be effective 12/19/2013.
Filed Date: 1/23/15.
Accession Number: 20150123–5070.
Comments Due: 5 p.m. ET 3/2/15.

Docket Numbers: ER15–1087–000.
Applicants: Midcontinent Independent System Operator, Inc., American Transmission Systems, Incorporated.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–02–24_SA 2748 ATC-Wisconsin Power and Light CFA to be effective 4/26/2015.

Filed Date: 2/24/15.

Accession Number: 20150224–5114.

Comments Due: 5 p.m. ET 3/17/15.

Docket Numbers: ER15–1088–000.

Applicants: Midcontinent Independent System Operator, Inc., American Transmission Systems, Incorporated.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–02–24_SA 765 Notice of Termination of Bill of Sale (ATC–WPL) to be effective 4/26/2015.

Filed Date: 2/24/15.

Accession Number: 20150224–5130.

Comments Due: 5 p.m. ET 3/17/15.

Docket Numbers: ER15–1089–000.

Applicants: Amplified Power & Gas, LLC.

Description: Notice of Cancellation of MBR Rate Schedule No. 1 of Amplified Power & Gas, LLC.

Filed Date: 2/24/15.

Accession Number: 20150224–5141.

Comments Due: 5 p.m. ET 3/17/15.

Docket Numbers: ER15–1093–000.

Applicants: Fowler Ridge II Wind Farm LLC.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 4/26/2015.

Filed Date: 2/24/15.

Accession Number: 20150224–5166.

Comments Due: 5 p.m. ET 3/17/15.

Take notice that the Commission received the following land acquisition reports:

Docket Numbers: LA14–4–000.

Applicants: Ashtabula Wind, LLC, Ashtabula Wind II, LLC, Ashtabula Wind III, LLC, Backbone Mountain Windpower, LLC, Baldwin Wind, LLC, Bayswater Peaking Facility, LLC, Blackwell Wind, LLC, Butler Ridge Wind Energy Center, LLC, Cimarron Wind Energy, LLC, Crystal Lake Wind, LLC, Crystal Lake Wind II, LLC, Crystal Lake Wind III, LLC, Day County Wind, LLC, Desert Sunlight 250, LLC, Desert Sunlight 300, LLC, Diablo Winds, LLC, Elk City Wind, LLC, Elk City II Wind, LLC, Energy Storage Holdings, LLC, Ensign Wind, LLC, ESI Vansycle Partners, L.P., Florida Power & Light Company, FPL Energy Burleigh County Wind, LLC, FPL Energy Cabazon Wind, LLC, FPL Energy Cape, LLC, FPL Energy Cowboy Wind, LLC, FPL Energy Green Power Wind, LLC, FPL Energy Hancock County Wind, LLC, FPL Energy Illinois Wind, LLC, FPL Energy Marcus Hook, L.P., FPL Energy MH50, L.P., FPL Energy Montezuma Wind, LLC, FPL Energy Mower County, LLC, FPL Energy New Mexico Wind, LLC, FPL Energy North Dakota Wind, LLC, FPL Energy North Dakota Wind II, LLC, FPL Energy Oklahoma Wind, LLC, FPL Energy Oliver Wind I, LLC, FPL Energy Oliver Wind II, LLC, FPL Energy Sooner Wind, LLC, FPL Energy South Dakota Wind, LLC, FPL Energy Stateline II, Inc., FPL Energy Vansycle, LLC, FPL Energy Wyman, LLC, FPL Energy Wyman IV, LLC, Garden Wind, LLC, Genesis Solar, LLC, Gray County Wind Energy, LLC, Hatch Solar Energy Center I, LLC, Hawkeye Power Partners, LLC, High Majestic Wind Energy Center, LLC, High Majestic Wind II, LLC, High Winds, LLC, Jamaica Bay Peaking Facility, LLC, Lake Benton Power Partners II, LLC, Langdon Wind, LLC, Limon Wind, LLC, Limon Wind II, LLC, Limon Wind III, LLC, Logan Wind Energy LLC, Mammoth Plains Wind Project, LLC, Mantua Creek Solar, LLC, Meyersdale Windpower LLC, Mill Run Windpower, LLC, Minco Wind, LLC, Minco Wind II, LLC, Minco Wind III, LLC, Minco Wind Interconnection Services, LLC, Mountain View Solar, LLC, NEPM II, LLC, NextEra Energy Duane Arnold, LLC, NextEra Energy Montezuma II Wind, LLC, NextEra Energy Point Beach, LLC, NextEra Energy Power Marketing, LLC, NextEra Energy Seabrook, LLC, NextEra Energy Services Massachusetts, LLC, Northeast Energy Associates, LP, North Jersey Energy Associates, a Limited Partnership, North Sky River Energy, LLC, Northern Colorado Wind Energy, LLC, Osceola Windpower, LLC, Osceola Windpower II, LLC, Palo Duro Wind Energy, LLC, Palo Duro Wind Interconnection Services, LLC, Paradise Solar Urban Renewal, L.L.C., Peetz Table Wind Energy, LLC, Pennsylvania Windfarms, LLC, Perrin Ranch Wind, LLC, Pheasant Run Wind, LLC, Red Mesa Wind, LLC, Seiling Wind, LLC, Seiling Wind II, LLC, Seiling Wind Interconnection Services, LLC, Sky River LLC, Somerset Windpower, LLC, Steele Flats Wind Project, LLC, Story Wind, LLC, Tuscola Bay Wind, LLC, Tuscola Wind II, LLC, Vasco Winds, LLC, Waymart Wind Farm, L.P., Wessington Wind Energy Center, LLC, White Oak Energy LLC, Wilton Wind II, LLC, Windpower Partners 1993, LLC.

Description: Errata to February 9, 2015 Quarterly Land Acquisition Report of the NextEra Energy Companies.

Filed Date: 02/23/2015.

Accession Number: 20150223–5260.

Comment Date: 5 p.m. ET 3/16/15.

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.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–04242 Filed 2–27–15; 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: EC15–77–000.

Applicants: TriEagle Energy, LP, Crius Energy, LLC.

Description: Joint Application for Authorization of Transaction Under Section 203 of TriEagle Energy, LP, et al.

Filed Date: 2/23/15.

Accession Number: 20150223–5265.

Comments Due: 5 p.m. ET 3/16/15.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG15–53–000.

Applicants: Beethoven Wind, LLC.

Description: Notice of Self-Certification of Beethoven Wind, LLC as an Exempt Wholesale Generator.

Filed Date: 2/24/15.

Accession Number: 20150224–5073.

Comments Due: 5 p.m. ET 3/17/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–107–008.

Applicants: South Carolina Electric & Gas Company.

Description: Compliance filing per 35: Order 1000 Regional Compliance Filing 2–23–15 to be effective 4/19/2013.

Filed Date: 2/23/15.

Accession Number: 20150223–5209.

Comments Due: 5 p.m. ET 3/16/15.

Docket Numbers: ER13–1864–001.

Applicants: Southwest Power Pool, Inc.

Description: Compliance filing per 35: SPP–MISO JOA Market-to-Market

Compliance Filing in ER13–1864 to be effective 3/1/2015.

Filed Date: 2/23/15.

Accession Number: 20150223–5244.

Comments Due: 5 p.m. ET 3/16/15.

Docket Numbers: ER13–187–010.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Compliance filing per 35: 2015–02–23_Regional Order 1000 Compliance Filing to be effective 6/1/2013.

Filed Date: 2/23/15.

Accession Number: 20150223–5231.

Comments Due: 5 p.m. ET 3/16/15.

Docket Numbers: ER15–509–001.

Applicants: Southwest Power Pool, Inc.

Description: Compliance filing per 35: Transmission Owner Selection Process Compliance Filing to be effective 1/26/2015.

Filed Date: 2/23/15.

Accession Number: 20150223–5245.

Comments Due: 5 p.m. ET 3/16/15.

Docket Numbers: ER15–1085–000.

Applicants: Union Electric Company.

Description: Tariff Withdrawal per 35.15: Notice of Cancellation of Rate Schedule No. 3 to be effective 4/30/2010.

Filed Date: 2/23/15.

Accession Number: 20150223–5246.

Comments Due: 5 p.m. ET 3/16/15.

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 24, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–04241 Filed 2–27–15; 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: ER13–738–003; *ER11–3097–007*; *ER10–1329–006*; *ER10–1277–006*; *ER10–1212–006*; *ER10–1211–006*; *ER10–1188–006*; *ER10–1186–006.*

Applicants: DTE Electric Company, DTE Energy Trading, Inc., DTE River Rouge No. 1, LLC, DTE Energy Supply, Inc., DTE East China, LLC, DTE Pontiac North LLC, DTE Stoneman, LLC, St. Paul Cogeneration, LLC.

Description: Notice of Change in Status of the DTE MBR Entities.

Filed Date: 2/20/15.

Accession Number: 20150220–5253.

Comments Due: 5 p.m. ET 3/13/15.

Docket Numbers: ER13–198–007.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing per 35: Compliance Filing per 1/22/15 Order in Docket Nos. ER13–198–004 to be effective 1/1/2014.

Filed Date: 2/23/15.

Accession Number: 20150223–5189.

Comments Due: 5 p.m. ET 3/16/15.

Docket Numbers: ER13–2477–006; *ER87–592–001*; *ER14–1777–002*; *ER13–2476–006*; *ER13–2475–006*; *ER13–1485–003*; *ER12–192–009*; *ER11–4266–010*; *ER11–3867–011*; *ER11–3866–011*; *ER11–3864–012*; *ER11–3861–010*; *ER11–3859–011*; *ER11–3857–011*; *ER10–3310–007*; *ER10–3299–006*; *ER10–3253–003*; *ER10–3240–003*; *ER10–3239–003*; *ER10–3237–003*; *ER10–3233–002*; *ER10–3232–001*; *ER10–3231–002*; *ER10–3230–003*; *ER10–1946–009.*

Applicants: Brayton Point Energy, LLC, Broad River Energy LLC, Dighton Power, LLC, ELWOOD ENERGY LLC, Empire Generating Co, LLC, EquiPower Resources Management, LLC, Kincaid Generation, L.L.C., Lake Road Generating Company, L.P., Liberty Electric Power, LLC, MASSPOWER, Milford Power Company, LLC, Richland-Stryker Generation LLC, New Harquahala Generating Company, LLC, Millenium Power Partners, L.P., New Athens Generating Company, LLC, Wheelabrator Baltimore, L.P., Wheelabrator Bridgeport, L.P., Wheelabrator Falls Inc., Wheelabrator Frackville Energy Co. Inc., Wheelabrator Millbury Inc., Wheelabrator North Andover Inc., Wheelabrator Portsmouth Inc., Wheelabrator Ridge Energy Inc., Wheelabrator Saugus Inc., Wheelabrator Shasta Energy Co. Inc., Wheelabrator South Broward Inc., Wheelabrator Westchester L.P.

Description: Supplement to January 20, 2015 Notice of Change in Status of the ECP MBR Sellers.

Filed Date: 2/20/15.

Accession Number: 20150220–5240.

Comments Due: 5 p.m. ET 3/13/15.

Docket Numbers: ER15–1082–000.

Applicants: Westwood Generation, LLC.

Description: Application for Limited Waiver of Westwood Generation, LLC.

Filed Date: 2/20/15.

Accession Number: 20150220–5261.

Comments Due: 5 p.m. ET 3/6/15.

Docket Numbers: ER15–1083–000.

Applicants: Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): NYISO filing of SA No. 2205 between NiMo and Covanta Niagara to be effective 12/30/2014.

Filed Date: 2/23/15.

Accession Number: 20150223–5106.

Comments Due: 5 p.m. ET 3/16/15.

Docket Numbers: ER15–1084–000.

Applicants: Duke Energy Progress, Inc., Duke Energy Florida, Inc., Duke Energy Carolinas, LLC.

Description: § 205(d) rate filing per 35.13(a)(2)(iii): OATT Attachment C Amendment to be effective 12/31/9998.

Filed Date: 2/23/15.

Accession Number: 20150223–5197.

Comments Due: 5 p.m. ET 3/16/15.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES15–12–000.

Applicants: Northern Maine Independent System Administrator, Inc.

Description: Application of Northern Maine Independent System Administrator, Inc. for Authorization to Issue Securities Pursuant to Section 204 of the Federal Power Act.

Filed Date: 2/18/15.

Accession Number: 20150218–5132.

Comments Due: 5 p.m. ET 3/11/15.

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 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 23, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–04207 Filed 2–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR15–17–000]

Marathon Pipe Line LLC; Notice of Petition for Declaratory Order

Take notice that on February 18, 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), Marathon Pipe Line LLC filed a petition for a declaratory order approving priority service and the overall rate structure and terms of service for an expansion of its crude oil pipeline from Patoka, Illinois to Lima, Ohio, 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 18, 2015.

Dated: February 24, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–04240 Filed 2–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13213–003; Project No. 13214–003]

Lock 14 Hydro Partners, LLC and Lock 12 Hydro Partners, LLC; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission (Commission or FERC) regulations, 18 Code of Federal Regulations (CFR) Part 380, the Office of Energy Projects has reviewed the applications for original licenses for the Heidelberg Hydroelectric Project (FERC Project No. 13213–003) and Ravenna Hydroelectric Project (FERC Project No. 13214–003). The proposed projects would be located on the Kentucky River in Kentucky. The Heidelberg Project would be located at the Kentucky River Authority's Lock and Dam No. 14, near the Town of Heidelberg, Lee County, Kentucky. The Ravenna Project would be located at the Kentucky River Authority's Lock and Dam No. 12, near the Town of Ravenna, Estill County, Kentucky. No lands managed by the Federal government are located within the project boundary of either project.

Staff prepared a multi-project environmental assessment (EA), which analyzes the potential environmental effects of licensing both projects, and concludes that licensing the projects, with appropriate environmental protection measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the EA is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits, in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 30 days from the date of this notice.

The Commission strongly encourages electronic filings. Please file comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.*

Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.*

You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please affix ''Heidelberg Hydroelectric Project No. 13213–003, and/or Ravenna Hydroelectric Project No. 13214–003'' as appropriate to all comments.

For further information, contact Michael Spencer at (202) 502–6093, or by email at *michael.spencer@ferc.gov.*

Dated: February 24, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–04243 Filed 2–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF15–7–000]

Eagle LNG Partners Jacksonville LLC; Notice of Intent To Prepare an Environmental Impact Statement for the Planned Jacksonville Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meeting

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will develop an environmental impact statement (EIS) examining the potential environmental effects of the Jacksonville Project

(Project) involving the construction and operation of a liquefied natural gas (LNG) production, storage, and export facility at a site on the St. Johns River in Jacksonville, Florida. The Commission will use this EIS in its decision-making process to determine whether to authorize the Project.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the Project. Your input will help the Commission staff determine what issues they need to evaluate in the EIS. Please note that the scoping period will close on March 26, 2015.

You may submit comments in written form or verbally. Further details on how to submit written comments are in the Public Participation section of this notice. If you sent comments on this Project to the Commission before the opening of this docket on November 26, 2014, you will need to file those comments in Docket No. PF15–7–000 to ensure they are considered as part of this proceeding. In lieu of or in addition to sending written comments, the Commission invites you to attend the public scoping meeting scheduled as follows: FERC Public Scoping Meeting, Jacksonville Project, March 12, 2015; 7:00 p.m. EST, Jacksonville Public Library, 303 North Laura Street, Jacksonville, FL 32202.

This notice is being sent to the Commission's current environmental mailing list for this Project. State and local government representatives should notify their constituents of this planned Project and encourage them to comment on their areas of concern.

The purpose of this scoping meeting is to provide the public an opportunity to learn more about the Commission's environmental review process, and to verbally comment on the Project. The scoping meeting will start at 7 p.m. and representatives from Eagle LNG will be present one hour prior to the start of the meeting to answer questions about the Project. Additionally, Eagle LNG has established an Internet Web site at *http://www.eaglelng.com/jacksonville-project/* that will be updated as the environmental review of its Project proceeds. Please note that free parking will be available at the Duval Street Parking Garage, located at 33 W. Duval Street. Metered street parking will also be available, and is free after 6 p.m.

Affected landowners and interested groups and individuals are encouraged to attend the scoping meetings and present comments on the issues they believe should be addressed in the EIS. A transcript of the meeting will be added to the Commission's administrative record to ensure that your comments are accurately recorded.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' is available for viewing on the FERC Web site (*www.ferc.gov*). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Summary of the Planned Project

Eagle LNG proposes to construct, own and operate the Jacksonville LNG facility located within the City of Jacksonville, Florida, on industrially zoned land adjacent to the St. Johns River.

The facility would receive domestically produced natural gas, transported through existing and expanded local utility pipelines, and utilize super-cooling to create LNG for temporary onsite storage. The Project would include three liquefaction trains, one (possibly two) LNG storage tanks, and a marine load-out facility and dock on the St. Johns River that could accommodate small to mid-size LNG vessels and bunkering barges. LNG would be periodically loaded for transport onto trucks, containers, or ocean-going vessels, and marketed for use in U.S. vehicular and high-horsepower engines, domestic ship fueling (marine bunkering), and international export.

As currently planned, the Jacksonville Project would consist of the following facilities:

- Three liquefaction trains, each with a capacity of 0.18 million tons per annum;
- inlet natural gas boost compression;
- interconnect piping (including potential non-jurisdictional expansion of existing public utility lines);
- one 30,283 cubic meter (m^3) single containment LNG storage tank;
- an LNG vessel docking and loading terminal;
- an LNG truck loading area;
- flare stack; and
- power, water, and communications facilities (including off-site non-jurisdictional facilities leading to the Project site).

The general location of the Project site is shown in Appendix 1.[1]

Land Requirements for Construction

The planned Jacksonville Project would encompass a 193 acre site along the St. Johns River that is currently zoned for industrial development by the City of Jacksonville, and located in an area that hosts other bulk fuel terminals. The Project site includes a submerged land lease covering lands extending approximately 600 feet from the shoreline into the St. Johns River. Based on the Project's initial design, the facility construction footprint would occupy approximately 40 of the 193 acres; laydown area requirements during construction are included within the 40-acres. Eagle LNG is still in the planning phase for the Jacksonville Project and the required property title assignments have not been finalized.

The EIS Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the authorization of LNG facilities under Section 3a of the Natural Gas Act. NEPA also requires us[2] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EIS on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EIS. We will consider all filed comments during the preparation of the EIS.

In the EIS we will discuss impacts that could occur as a result of the construction and operation of the planned Project under these general headings:

- Geology and soils;
- land use;
- water resources and wetlands;
- cultural resources;
- vegetation, fisheries, and wildlife;
- socioeconomics;
- air quality and noise;
- endangered and threatened species;
- public safety and reliability; and
- cumulative impacts.

We will also evaluate possible alternatives to the planned Project or portions of the Project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EIS. In addition, representatives from the FERC participated in the public open house sponsored by Eagle LNG in Jacksonville, Florida in January 2015 to explain the environmental review process and answer questions to interested stakeholders.

The EIS will present our independent analysis of the issues. We will publish and distribute the draft EIS for public comment. After the comment period, we will consider all timely comments and revise the document, as necessary, before issuing a final EIS. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section beginning on page 6 of this notice.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this Project to formally cooperate with us in the preparation of the EIS.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice. Currently, the U.S. Coast Guard (USCG), the U.S. Army Corps of Engineers (USACE), and the Florida Department of Environmental Protection (FDEP) have expressed their intention to participate as cooperating agencies in the preparation of the EIS.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the Florida State Division of Historical Resources (State Historic Preservation Office (SHPO)), and to solicit its views and those of other government agencies, interested Indian tribes, and the public on the Project's potential effects on historic properties.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the Project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction area, contractor storage yards, and access roads). Our EIS for this Project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the planned facilities and the environmental information provided by Eagle LNG. This preliminary list of issues may change based on your comments and our continued analysis. Issued identified include:

- Potential impacts on recreational fishing and aquatic resources in the vicinity of Bartram Island and along the St Johns River Shipping Channel;
- potential water quality impact from dredging and disposal;
- visual effects on surrounding areas;
- public safety and hazards associated with the transport of natural gas and LNG; and
- potential impacts and potential benefits of construction workforce on local housing, infrastructure, public services, and economy.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the Project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before March 26, 2015. This is not your only public input opportunity; please refer to the Environmental Review Process flowchart in Appendix 2.

For your convenience, there are three methods you can use to submit your comments to the Commission. In all instances, please reference the Project docket number (PF15–7–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically using the *eComment* (*http://www.ferc.gov/docs-filing/ecomment.asp*) feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings* (*http://www.ferc.gov/docs-filing/docs-filing.asp*). This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the *eFiling* (*http://www.ferc.gov/docs-filing/efiling.asp*) feature located on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.''* (*http://www.ferc.gov/docs-filing/eregistration.asp*). You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for Project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the Project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned Project.

Copies of the completed draft EIS will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (Appendix 3).

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[4] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register for Historic Places.

Becoming an Intervenor

Once Eagle LNG files its application with the Commission, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the ''Document-less Intervention Guide'' under the ''e-filing'' link on the Commission's Web site. Motions to intervene are more fully described at *http://www.ferc.gov/help/how-to/intervene.asp.* Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the Project.

Additional Information

Additional information about the Project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* PF15–7). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *http://www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: February 24, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–04206 Filed 2–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ15–4–001]

Orlando Utilities Commission; Notice of Filing

Take notice that on February 19, 2015, the Orlando Utilities Commission submitted its tariff filing per 35.28(e): Amendment to its Order No. 1000 Regional Compliance Filings, to be effective 1/1/2015.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on March 23, 2015.

Dated: February 24, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–04239 Filed 2–27–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14661–000]

Adam Robert Rousselle, II; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On February 5, 2015, Adam Robert Rousselle, II filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Nockamixon Dam Water Power Project (project) to be located on Tohickon Creek, in Bucks County, Pennsylvania. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) The existing Nockamixon dam, which is 1,511 feet long and approximately 112 feet high discharging into Tohickon Creek; (2) Nockamixon dam impounds a reservoir of 40,000 acre-feet with a surface area of 1,450 acres, at a pool elevation of 395.0 feet mean sea level; (3) a proposed reinforced concrete powerhouse housing three pump turbine generating units with a total installed capacity of 150 kilowatts; (4) a proposed 826-foot-long, 34.5-kilovolt primary transmission line connected to Metropolitan Edison Company; and (5) appurtenant facilities. The estimated annual generation of the project would be 834,000 kilowatthours.

Applicant Contact: Mr. Adam Robert Rousselle, II, 104 Autumn Trace Drive, New Hope, PA 18938, phone: 215–485–1708.

FERC Contact: Tim Looney; phone: (202) 502–6096.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior

registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov*, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14661–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14661) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: February 24, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–04244 Filed 2–27–15; 8:45 am]

BILLING CODE 6717–01–P

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice: 2015–0707]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

Form Title: EIB 92–64 Application for Exporter Short Term Single Buyer Insurance.

SUMMARY: The Export-Import Bank of the United States (Ex-Im Bank) is requesting an emergency approval for form EIB 92–64, Application for Exporter Short Term Single Buyer Insurance, in order to enhance the identification and classification of small businesses, as well as minority-, woman-, and veteran-owned businesses. The Bank will subsequently proceed with the regular authorization request for this form as required by the Paperwork Reduction Act of 1995.

The ''Application for Exporter Short Term Single Buyer Insurance'' form will be used by entities involved in the export of U.S. goods and services, to provide Ex-Im Bank with the information necessary to obtain legislatively required assurance of repayment and fulfills other statutory requirements. Export-Import Bank customers will be able to submit this form on paper or electronically.

The Export-Import Bank has made a change to the report to have the applicant provide the number of employees or annual sales volume. That information is needed to determine whether or not they meet the SBA's definition of a small business. The applicant already provides their name, address and industry code (NAICS). These additional pieces of information will allow Ex-Im Bank to better track the extent to which its support assists U.S. small businesses.

The other change that Ex-Im Bank has made is to require the applicant to indicate whether it is a minority-owned business, women-owned business and/or veteran-owned business. Although answers to the questions are mandatory, the company may choose any one of the three answers: Yes/No/Decline to Answer. The option of ''Decline to Answer'' allows a company to consciously decline to answer the specific question should they not wish to provide that information.

The application can be reviewed at: *www.exim.gov/pub/pending/EIB92–64.pdf*

DATES: Comments must be received on or before March 9, 2015 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *www.regulations.gov* or by mail to Michele Kuester, Export-Import Bank of the United States, 811 Vermont Ave. NW. Washington, DC 20571

SUPPLEMENTARY INFORMATION:

Title and Form Number: EIB 92–64 Application for Exporter Short Term Single Buyer Insurance.

OMB Number: 3048–0018.

Type of Review: Emergency.

Need and Use: The information requested enables the applicant to provide Ex-Im Bank with the information necessary to obtain legislatively required assurance of repayment and fulfills other statutory requirements.

Affected Public

This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 310.

Estimated Time per Respondent: 1.5 hours.

Annual Burden Hours: 465 hours.

Frequency of Reporting of Use: As needed.

Government Costs

Reviewing time per year: 465 hours.

Average Wages per Hour: $42.50.

Average Cost per Year (time*wages): $19,762.5.

Benefits and Overhead: 20%.

Total Government Cost: $23,715.

Bonita Jones-McNeil,

Agency Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2015–04220 Filed 2–27–15; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice 2015–0704]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

Form Title: EIB 92–36 Application for Issuing Bank Credit Limit (IBCL) Under Lender or Exporter-Held Policies.

SUMMARY: The Export-Import Bank of the United States (Ex-Im Bank) is requesting an emergency approval for form EIB 92–36, Application for Issuing Bank Credit Limit (IBCL) Under Lender or Exporter-Held Policies, in order to enhance the identification and classification of small businesses, as well as minority-, woman-, and veteran-owned businesses. The Bank will subsequently proceed with the regular authorization request for this form as required by the Paperwork Reduction Act of 1995.

This collection of information is necessary, pursuant to 12 U.S.C. Sec. 635(a)(1), to determine eligibility of the applicant for Ex-Im Bank assistance.

The Export-Import Bank has made a change to the report to have the financial institution provide specific information (industry code, number of employees and annual sales volume) needed to make a determination as to whether or not the exporter meets the SBA's definition of a small business. The financial institution already provides the exporter's name and address. These additional pieces of information will allow Ex-Im Bank to better track the extent to which its support assists U.S. small businesses.

The other change that Ex-Im Bank has made is to require the financial institution to indicate whether the exporter is a minority-owned business, women-owned business and/or veteran-owned business. Although answers to the questions are mandatory, the company may choose any one of the three answers: Yes/No/Decline to Answer. The option of ''Decline to Answer'' allows a company to consciously decline to answer the

specific question should they not wish to provide that information.

The application tool can be reviewed at: *http://www.exim.gov/pub/pending/eib92-36.pdf.*

DATES: Comments must be received on or before March 9, 2015 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *www.regulations.gov* or by mail to Michele Kuester, Export-Import Bank of the United States, 811 Vermont Ave. NW., Washington, DC 20571.

SUPPLEMENTARY INFORMATION:

Title and Form Number: EIB 92–36 Application for Issuing Bank Credit Limit (IBCL) Under Lender or Exporter-Held Policies.

OMB Number: 3048–0016.

Type of Review: Emergency.

Need and Use: This form is used by an insured exporter or lender (or broker acting on its behalf) in order to obtain approval for coverage of the repayment risk of an overseas bank. The information received allows Ex-Im Bank staff to make a determination of the creditworthiness of the foreign bank and the underlying export sale for Ex-Im Bank assistance under its programs.

Affected Public

This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 480.

Estimated Time per Respondent: 1.2 hours.

Annual Burden Hours: 576 hours.

Frequency of Reporting of Use: As needed

Government Expenses

Reviewing time per year: 480 hours.

Average Wages per Hour: $42.50.

Average Cost per Year: $20,400. (*time*wages*)

Benefits and Overhead: 20%.

Total Government Cost: $24,480.

Bonita Jones-McNeil,

Agency Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2015–04195 Filed 2–27–15; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice 2015–0708]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the U.S.

ACTION: Submission for OMB review and comments request.

Form Title: EIB 95–10, Application for Long Term Loan or Guarantee.

SUMMARY: The Export-Import Bank of the United States (Ex-Im Bank) is requesting an emergency approval for form EIB 95–10, Application for Long Term Loan or Guarantee, in order to enhance the identification and classification of small businesses, as well as minority-, woman-, and veteran-owned businesses. The Bank will subsequently proceed with the regular authorization request for this form as required by the Paperwork Reduction Act of 1995.

By neutralizing the effect of export credit insurance and guarantees offered by foreign governments and by absorbing credit risks that the private sector will not accept, Ex-Im Bank enables U.S. exporters to compete fairly in foreign markets on the basis of price and product. This collection of information is necessary, pursuant to 12 U.S.C. Sec. 635(a)(1), to determine eligibility of the applicant for Ex-Im Bank support.

The Export-Import Bank has made a change to the report to have the financial institution provide specific information (industry code, number of employees and annual sales volume) needed to make a determination as to whether or not the exporter meets the SBA's definition of a small business. The financial institution already provides the exporter's name and address. These additional pieces of information will allow Ex-Im Bank to better track the extent to which its support assists U.S. small businesses.

The other change that Ex-Im Bank has made is to require the financial institution to indicate whether the exporter is a minority-owned business, women-owned business and/or veteran-owned business. Although answers to the questions are mandatory, the company may choose any one of the three answers: Yes/No/Decline to Answer. The option of ''Decline to Answer'' allows a company to consciously decline to answer the specific question should they not wish to provide that information.

The application can be viewed at *www.exim.gov/pub/pending/eib95-10all.pdf*

DATES: Comments should be received on or before March 9, 2015 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *www.regulations.gov* or by mail to Michele Kuester, Export Import Bank of the United States, 811 Vermont Ave. NW., Washington, DC 20571.

SUPPLEMENTARY INFORMATION:

Titles and Form Number: EIB 95–10 Application for Long Term Loan or Guarantee.

OMB Number: 3048–0013.

Type of Review: Emergency.

Need and Use: The information collected will provide information needed to determine compliance and creditworthiness for transaction requests submitted to the Export Import Bank under its long term guarantee and direct loan programs.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 84.

Estimated Time per Respondent: 1.75 hours.

Annual Burden Hours: 147 hours.

Frequency of Reporting or Use: As needed.

Government Expenses:

Reviewing Time per Year: 147 hours.

Average Wages per Hour: $42.50.

Average Cost per Year: $6,248 (*time*wages*).

Benefits and Overhead: 20%.

Total Government Cost: $7,498.

Bonita Jones-McNeil,

Agency Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2015–04191 Filed 2–27–15; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice 2015–0701]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the U.S.

ACTION: Submission for OMB review and comments request.

Form Title: EIB 03–02, Application for Medium Term Insurance or Guarantee.

SUMMARY: The Export-Import Bank of the United States (Ex-Im Bank) is requesting an emergency approval for form EIB 03–02, Application for Medium Term Insurance or Guarantee, in order to enhance the identification and classification of small businesses, as well as minority-, woman-, and veteran-owned businesses. The Bank will subsequently proceed with the regular authorization request for this form as required by the Paperwork Reduction Act of 1995.

The purpose of this collection is to gather information necessary to make a determination of eligibility of a transaction for Ex-Im Bank assistance under its medium-term guarantee and insurance program.

The Export-Import Bank has made a change to the report to have the financial institution provide specific information (industry code, number of employees and annual sales volume) needed to make a determination as to whether or not the exporter meets the SBA's definition of a small business. The financial institution already provides the exporter's name and address. These additional pieces of information will allow Ex-Im Bank to better track the extent to which its support assists U.S. small businesses.

The other change that Ex-Im Bank has made is to require the financial institution to indicate whether the exporter is a minority-owned business, women-owned business and/or veteran-owned business. Although answers to the questions are mandatory, the company may choose any one of the three answers: Yes/No/Decline to Answer. The option of ''Decline to Answer'' allows a company to consciously decline to answer the specific question should they not wish to provide that information.

The form can be viewed at: *http://www.exim.gov/pub/pending/eib03-02.pdf*

DATES: Comments should be received on or before March 9, 2015 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *http://www.regulations.gov* (EIB:03–02) or by mail to Michele Kuester, Export-Import Bank of the United States, 811 Vermont Ave. NW., Washington, DC 20571.

SUPPLEMENTARY INFORMATION:

Titles and Form Number: EIB 03–02, Application for Medium Term Insurance or Guarantee.

OMB Number: 3048–0014.

Type of Review: Emergency.

Need and Use: The purpose of this collection is to gather information necessary to make a determination of eligibility of a transaction for Ex-Im Bank assistance under its medium-term guarantee and insurance program.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 400.

Estimated Time per Respondent: 1.2 hour.

Annual Burden Hours: 480 hours.

Frequency of Reporting or Use: As needed.

Government Expenses

Reviewing Time per Year: 700 hours.

Average Wages per Hour: $42.50.

Average Cost per Year: $29,750 (*time*wages*).

Benefits and Overhead: 20%.

Total Government Cost: $35,700.

Bonita Jones-McNeil,

Records Management Division, Office of the Chief Information Officer.

[FR Doc. 2015–04190 Filed 2–27–15; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice 2015–0703]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

Form Title: EIB 92–30 Report of Premiums Payable for Financial Institutions Only.

SUMMARY: The Export-Import Bank of the United States (Ex-Im Bank) is requesting an emergency approval for form EIB 92–30, Report of Premiums Payable for Financial Institutions Only, in order to enhance the identification and classification of small businesses, as well as minority-, woman-, and veteran-owned businesses. The Bank will subsequently proceed with the regular authorization request for this form as required by the Paperwork Reduction Act of 1995.

This collection of information is necessary, pursuant to 12 U.S.C. Sec. 635(a)(1), to determine eligibility of the export sales for insurance coverage. The Report of Premiums Payable for Financial Institutions Only is used to determine the eligibility of the shipment(s) and to calculate the premium due to Ex-Im Bank for its support of the shipment(s) under its insurance program. Export-Import Bank customers will be able to submit this form on paper or electronically.

The Export-Import Bank has made a change to the report to have the insured financial institution provide the industry code (NAICS) associated with each specific export as well as specific information needed to make a determination as to whether or not the exporter meets the SBA's definition of a small business. The insured financial institution already provides a short description of the goods and/or services being exported and the name and address of the exporter. These additional pieces of information will allow Ex-Im Bank to better track what exports it is covering with its insurance policy and the extent to which its support assists U.S. small businesses.

The other change that Ex-Im Bank has made is to require the insured financial institution to indicate whether the exporter is a minority-owned business, women-owned business and/or veteran-owned business. Although answers to the question are mandatory, the company may choose any one of the three answers: Yes/No/Decline to Answer. The option of ''Decline to Answer'' allows a company to consciously decline to answer the specific question should they not wish to answer.

The information collection tool can be reviewed at: *http://www.exim.gov/pub/pending/eib92-30.pdf*

DATES: Comments must be received on or before March 9, 2015 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *www.regulations.gov* or by mail to Michele Kuester, Export-Import Bank of the United States, 811 Vermont Ave. NW., Washington, DC 20571.

SUPPLEMENTARY INFORMATION:

Title and Form Number: EIB 92–30 Report of Premiums Payable for Financial Institutions Only.

OMB Number: 3048–0021.

Type of Review: Emergency.

Need and Use: This collection of information is necessary, pursuant to 12 U.S.C. Sec. 635(a)(1), to determine eligibility of the applicant for Ex-Im Bank assistance. The information collected enables Ex-Im Bank to determine the eligibility of the shipment(s) for insurance and to calculate the premium due to Ex-Im Bank for its support of the shipment(s) under its insurance program.

Affected Public

This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 215.

Estimated Time per Respondent: 30 minutes.

Annual Burden Hours: 1,290 hours.

Frequency of Reporting of Use: Monthly.

Government Expenses

Reviewing time per year: 860 hours.

Average Wages per Hour: $42.50.

*Average Cost per Year (time*wages):* $36,550.

Benefits and Overhead: 20%.

Total Government Cost: $43,860.

Bonita Jones-McNeil,

Agency Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2015–04196 Filed 2–27–15; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice: 2015–0702]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

Form Title: EIB 10–02 Application for Short-Term Express Credit Insurance Policy.

SUMMARY: The Export-Import Bank of the United States (Ex-Im Bank) is requesting an emergency approval for form EIB 10–02, Application for Short-Term Express Credit Insurance Policy, in order to enhance the identification and classification of small businesses, as well as minority-, woman-, and veteran-owned businesses. The Bank will subsequently proceed with the regular authorization request for this form as required by the Paperwork Reduction Act of 1995.

This collection of information is necessary, pursuant to 12 U.S.C. Sec. 635(a)(1), to determine eligibility of the applicant for Ex-Im Bank assistance.

The Export-Import Bank has made a change to the report to have the applicant provide the number of employees or annual sales volume. That information is needed to determine whether or not they meet the SBA's definition of a small business. The applicant already provides their name, address and industry code (NAICS). These additional pieces of information will allow Ex-Im Bank to better track the extent to which its support assists U.S. small businesses.

The other change that Ex-Im Bank has made is to require the applicant to indicate whether it is a minority-owned business, women-owned business and/or veteran-owned business. Although answers to the questions are mandatory, the company may choose any one of the three answers: Yes/No/Decline to Answer. The option of ''Decline to Answer'' allows a company to consciously decline to answer the specific question should they not wish to provide that information.

The application tool can be reviewed at: *http://exim.gov/pub/pending/eib10_02.pdf.*

DATES: Comments must be received on or before March 9, 2015 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *www.regulations.gov* or by mail to Michele Kuester, Export-Import Bank of the United States, 811 Vermont Ave. NW., Washington, DC 20571.

SUPPLEMENTARY INFORMATION:

Title and Form Number: EIB 10–02 Application for Short-Term Express Credit Insurance Policy.

OMB Number: 3048–0031.

Type of Review: Emergency.

Need and Use: This form is used by an exporter (or broker acting on its behalf) in order to obtain approval for coverage of the repayment risk of export sales. The information received allows Ex-Im Bank staff to make a determination of the eligibility of the applicant and the creditworthiness of one of the applicant's foreign buyers for Ex-Im Bank assistance under its programs.

Affected Public

This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 500.

Estimated Time per Respondent: 0.25 hours.

Annual Burden Hours: 125 hours.

Frequency of Reporting of Use: Once per year.

Government Expenses

Reviewing time per year: 1,000 hours.

Average Wages per Hour: $42.50.

Average Cost per Year: $42,250. (*time*wages*)

Benefits and Overhead: 20%.

Total Government Cost: $ 51,000.

Bonita Jones-McNeil,

Agency Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2015–04197 Filed 2–27–15; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice 2015–0705]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

Form Title: EIB 92–41 Application for Financial Institution Short-Term, Single-Buyer Insurance.

SUMMARY: The Export-Import Bank of the United States (Ex-Im Bank) is requesting an emergency approval for form EIB 92–41, Application for Financial Institution Short-Term, Single-Buyer Insurance, in order to enhance the identification and classification of small businesses, as well as minority-, woman-, and veteran-owned businesses. The Bank will subsequently proceed with the regular authorization request for this form as required by the Paperwork Reduction Act of 1995.

This collection of information is necessary, pursuant to 12 U.S.C. Sec. 635(a)(1), to determine eligibility of the underlying export transaction for Ex-Im Bank insurance coverage.

The Export-Import Bank has made a change to the report to have the insured financial institution provide specific information (industry code, number of employees and annual sales volume) needed to make a determination as to whether or not the exporter meets the SBA's definition of a small business. The insured financial institution already provides a short description of the goods and/or services being exported and the name and address of the exporter. These additional pieces of information will allow Ex-Im Bank to better track the extent to which its support assists U.S. small businesses.

The other change that Ex-Im Bank has made is to require the insured financial institution to indicate whether the exporter is a minority-owned business, women-owned business and/or veteran-owned business. Although answers to the questions are mandatory, the company may choose any one of the three answers: Yes/No/Decline to Answer. The option of ''Decline to Answer'' allows a company to consciously decline to answer the specific question should they not wish to answer.

The information collection tool can be reviewed at: *http://www.exim.gov/pub/pending/EIB92-41.pdf.*

DATES: Comments must be received on or before March 9, 2015 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *www.regulations.gov* or by mail to Michele Kuester, Export-Import Bank of the United States, 811 Vermont Ave. NW., Washington, DC 20571.

SUPPLEMENTARY INFORMATION:

Title and Form Number: EIB 92–41 Application for Financial Institution Short-Term, Single-Buyer Insurance.

OMB Number: 3048–0019.

Type of Review: Emergency.

Need and Use: The ''Application for Financial Institution Short-term Single-Buyer Insurance'' form will be used by financial institution applicants to provide Ex-Im Bank with the information necessary to determine if the subject transaction is eligible for Ex-Im Bank insurance coverage.

Affected Public

This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 215.

Estimated Time per Respondent: 1.6 hours.

Annual Burden Hours: 344.

Frequency of Reporting of Use: Annual.

Government Expenses

Reviewing time per year: 1,290 hours.

Average Wages per Hour: $42.50.

*Average Cost per Year (time*wages):* $54,825.

Benefits and Overhead: 20%.

Total Government Cost: $70,176.

Bonita Jones-McNeil,

Agency Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2015–04194 Filed 2–27–15; 8:45 am]

BILLING CODE 6690–01–P

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice 2015–0706]

Agency Information Collection Activities: Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

Form Title: EIB 92–50 Short-Term Multi-Buyer Export Credit Insurance Policy Applications (ST Multi-Buyer).

SUMMARY: The Export-Import Bank of the United States (Ex-Im Bank) is requesting an emergency approval for form EIB 92–50, Short-Term Multi-Buyer Export Credit Insurance Policy Applications (ST Multi-Buyer), in order to enhance the identification and classification of small businesses, as well as minority-, woman-, and veteran-owned businesses. The Bank will subsequently proceed with the regular authorization request for this form as required by the Paperwork Reduction Act of 1995.

This collection of information is necessary, pursuant to 12 U.S.C. Sec. 635(a)(1), to determine eligibility of the applicant for Ex-Im Bank assistance.

The Application for Short-Term Multi-Buyer Export Credit Insurance Policy will be used to determine the eligibility of the applicant and the transaction for Export-Import Bank assistance under its insurance program. Export-Import Bank customers will be able to submit this form on paper or electronically.

The Export-Import Bank has made a change to the report to have the applicant provide their number of employees or annual sales volume. That information is needed to determine whether or not they meet the SBA's definition of a small business. The applicant already provides their name, address and industry code (NAICS). These additional pieces of information will allow Ex-Im Bank to better track the extent to which its support assists U.S. small businesses.

The other change that Ex-Im Bank has made is to require the applicant to indicate whether it is a minority-owned business, women-owned business and/or veteran-owned business. Although answers to the questions are mandatory, the company may choose any one of the three answers: Yes/No/Decline to Answer. The option of ''Decline to Answer'' allows a company to consciously decline to answer the specific question should they not wish to provide that information.

The application tool can be reviewed at: *http://www.exim.gov/pub/pending/eib92-50.pdf.*

DATES: Comments must be received on or before March 9, 2015 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *www.regulations.gov* or by mail to Michele Kuester, Export-Import Bank of the United States, 811 Vermont Ave. NW., Washington, DC 20571.

SUPPLEMENTARY INFORMATION:

Title and Form Number: EIB 92–50 Export-Import Bank of the United States Short-Term Multi-Buyer Export Credit Insurance Policy Applications (ST Multi-Buyer).

OMB Number: 3048–0023.

Type of Review: Emergency.

Need and Use: The Application for Short-Term Multi-Buyer Export Credit Insurance Policy will be used to determine the eligibility of the applicant and the transaction for Export-Import Bank assistance under its insurance program.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 285.

Estimated Time per Respondent: 0.5 hours.

Annual Burden Hours: 143.

Frequency of Reporting of Use: As needed.

Government Reviewing Time per Year:

Reviewing time per year: 285 hours.

Average Wages per Hour: $42.50.

*Average Cost per Year (time*wages):* $12,113.

Benefits and Overhead: 20%.

Total Government Cost: $15,504.

Bonita Jones-McNeil,

Agency Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2015–04193 Filed 2–27–15; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

[3060–0174]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before May 1, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0174.

Title: Sections 73.1212, 76.1615 and 76.1715, Sponsorship Identification.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Parties: Business or other for profit entities; Individuals or households.

Number of Respondents and Responses: 22,900 respondents and 1,877,000 responses.

Estimated Time per Response: .0011 to .2011 hours.

Frequency of Response: Recordkeeping requirement; Third party disclosure requirement; On occasion reporting requirement.

Total Annual Burden: 249,043 hours.

Total Annual Cost: $34,623.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in sections 4(i), 317 and 507 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: The FCC is preparing a system of records, FCC/MB–2, ''Broadcast Station Public Inspection Files,'' to cover the personally identifiable information (PII) that may be included in the broadcast station public inspection files. Respondents may request materials or information submitted to the Commission be withheld from public inspection under 47 CFR 0.459 of the Commission's rules.

Privacy Impact Assessment(s): The FCC is preparing a PIA.

Needs and Uses: The information collection requirements that are approved under this collection are as follows:

47 CFR 73.1212 requires a broadcast station to identify at the time of broadcast the sponsor of any matter for which consideration is provided. For advertising commercial products or services, generally the mention of the name of the product or service constitutes sponsorship identification. In the case of television political advertisements concerning candidates for public office, the sponsor shall be identified with letters equal to or greater than four (4) percent of the vertical height of the television screen that airs for no less than four (4) seconds. In addition, when an entity rather than an individual sponsors the broadcast of matter that is of a political or controversial nature, licensee is required to retain a list of the executive officers, or board of directors, or executive committee, etc., of the organization paying for such matter. Sponsorship announcements are waived with respect to the broadcast of ''want ads'' sponsored by an individual but the licensee shall maintain a list showing the name, address and telephone number of each such advertiser. These lists shall be made available for public inspection.

47 CFR 73.1212(e) states that, when an entity rather than an individual sponsors the broadcast of matter that is of a political or controversial nature, the licensee is required to retain a list of the executive officers, or board of directors, or executive committee, etc., of the organization paying for such matter in its public file. Pursuant to the changes contained in 47 CFR 73.1212(e) and 47 CFR 73.3526(e)(19), this list, which could contain personally identifiable information, would be located in a public inspection file to be located on the Commission's Web site instead of being maintained in the public file at the station. Burden estimates for this change are included in OMB Control Number 3060–0214.

47 CFR 76.1615 states that, when a cable operator engaged in origination cablecasting presents any matter for which money, service or other valuable consideration is provided to such cable television system operator, the cable television system operator, at the time of the telecast, shall identify the sponsor. Under this rule section, when advertising commercial products or services, an announcement stating the sponsor's corporate or trade name, or the name of the sponsor's product is sufficient when it is clear that the mention of the name of the product constitutes a sponsorship identification. In the case of television political advertisements concerning candidates for public office, the sponsor shall be identified with letters equal to or greater than four (4) percent of the vertical height of the television screen that airs for no less than four (4) seconds.

47 CFR 76.1715 state that, with respect to sponsorship announcements that are waived when the broadcast/origination cablecast of ''want ads'' sponsored by an individual, the licensee/operator shall maintain a list showing the name, address and telephone number of each such advertiser. These lists shall be made available for public inspection.

Federal Communications Commission.

Sheryl D. Todd,

Deputy Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2015–04186 Filed 2–27–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0633 and 3060–1155]

Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before April 1, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and

to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <*http://www.reginfo.gov/public/do/PRAMain*>, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0633.

Title: 73.1230, 74.165, 74.432, 74.564, 74.664, 74.765, 74.832, 74.1265, Posting or Filing of Station License.

Form No.: Not applicable.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit Institutions; Federal Government and State, local or tribal government.

Number of Respondents and Responses: 2,784 respondents and 2,784 responses.

Estimated Time per Response: 0.083 hours.

Frequency of Response: On occasion reporting requirement, recordkeeping requirement, and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Section 154(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 231 hours.

Total Annual Cost: $24,860.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: In general there is no need for confidentiality with this collection of information.

Needs and Uses: On June 2, 2014, the Commission released a Second Report and Order, FCC 14–62, WT Docket Nos. 08–166 and 08–167 and ET Docket No. 10–24, ''Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698–806 MHz Band.'' This order expanded eligibility for low power auxiliary station licenses under Part 74 by adding two new categories of eligible entities: ''large venue owner or operator'' and ''professional sound company.'' To be eligible for a Part 74 license, a large venue owner or operator and a professional sound company must routinely use 50 or more low power auxiliary station devices, where the use of such devices is an integral part of major events or productions.

The Commission seeks OMB approval for a revision of this currently approved information collection to increase the number of respondents by 200 and the number of responses by 200 to reflect the estimated increase in licensed low power auxiliary station operators who will be subject to the requirement at section 74.832(j) to retain the station license in the licensee's files or post it at the transmitter or control point of the stations.

OMB Control No.: 3060–1155.

Title: Sections 15.713, 15.714, 15.715 and 15.717, TV White Space Broadcast Bands.

Form No.: Not Applicable.

Type of Review: Revision of an existing collection.

Respondents: Business or other for-profit entities; not-for-profit institutions; Federal government; and state, local or tribal government.

Number of Respondents and Responses: 2,000 respondents and 2,000 responses.

Estimated Time per Response: 2.0 hours.

Frequency of Response: On occasion reporting requirement, recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 47 U.S.C. 154(1), 302, 303(c), 303(f), and 307.

Total Annual Burden: 4,000 hours.

Total Annual Cost: $100,000.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission is not requesting respondents to submit confidential information to the Commission. Respondents may request confidential treatment of such information under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: On June 2, 2014, the Commission released a Second Report and Order, FCC 14–62, WT Docket Nos. 08–166 and 08–167 and ET Docket No. 10–24, ''Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698–806 MHz Band.'' This order expanded eligibility for low power auxiliary station licenses under Part 74 by adding two new categories of eligible entities: ''Large venue owner or operator'' and ''professional sound company.'' The Commission is now requesting OMB approval for a revision of this information collection to increase by 200 the number of licensed low power auxiliary station operators who will be able to register in the database under 47 CFR 15.713(h)(8) to reflect the estimated number of entities that will become eligible for a license under the Second Report and Order and which will register in the database. Because these newly-eligible licensees would likely have been able to register on an unlicensed basis under 47 CFR 15.713(h)(9) (and now will register as licensees instead), the Commission is also decreasing by 200 the number of unlicensed low power auxiliary station operators who will register in the database on an unlicensed basis under 47 CFR 15.713 (h)(9).

The Commission seeks Office of Management and Budget (OMB) approval for a revised information collection for an increase in the number of LPAS licensees that will register under 47 CFR 15.713(h)(8) and a decrease in the number of unlicensed wireless microphone users that will register on an unlicensed basis under 47 CFR 15.713(h)(9).

Federal Communications Commission.

Sheryl D. Todd,

Deputy Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2015–04157 Filed 2–27–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–xxxx]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this

opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before April 1, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov*; and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <*http://www.reginfo.gov/public/do/PRAMain*>, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–xxxx.

Title: Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies.

Form Number: N/A.

Type of Review: New collection.

Respondents: Individuals or households, business or other for-profit entities, not-for-profit institutions and State, local or Tribal governments.

Number of Respondents: 1,350 respondents; 3,597 responses.

Estimated Time per Response: .5 hours to 1 hour.

Frequency of Response: Third-party disclosure reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in Sections 1, 2, 4(i), 7, 201, 301, 303, and 309 of the Communications Act of 1934, as amended, and Sections 6003, 6213, and 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112–96, 126 Stat. 156, 47 U.S.C. 151, 152, 154(i), 157, 201, 301, 303, 309, 1403, 1433, and 1455(a).

Total Annual Burden: 3,535 hours.

Total Annual Cost: None.

Privacy Impact Assessment: This information collection may affect individuals or households. However, the information collection consists of third-party disclosures in which the Commission has no direct involvement. Personally identifiable information (PII) is not being collected by, made available to, or made accessible by the Commission. There are no additional impacts under the Privacy Act.

Nature and Extent of Confidentiality: No known confidentiality between third parties.

Needs and Uses: The Commission is requesting OMB approval for new disclosure requirements pertaining to Subpart CC of Part 1 of the Commission's rules. This Subpart was adopted to implement and enforce Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012. Section 6409(a) provides, in part, that ''a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.'' 47 U.S.C. 1455(a)(1). In Subpart CC, the Commission adopted definitions of ambiguous terms, procedural requirements, and remedies to provide guidance to all stakeholders on the proper interpretation of the provision and to enforce its requirements, reducing delays in the review process for wireless infrastructure modifications and facilitating the rapid deployment of wireless infrastructure.

The following are the information collection requirements in connection with Subpart CC of Part 1 of the Commission's rules:

- 47 CFR 1.40001(c)(3)(i)—To toll the 60-day review timeframe on grounds that an application is incomplete, the reviewing State or local government must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information meeting the standard under paragraph (c)(1) of Section 1.140001.
- 47 CFR 1.140001(c)(3)(iii)—Following a supplemental submission from the applicant, the State or local government will have 10 days to notify the applicant in writing if the supplemental submission did not provide the information identified in the State or local government's original notice delineating missing information. The timeframe for review is tolled in the case of second or subsequent notices of incompleteness pursuant to the procedures identified in paragraph (c)(3). Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.
- 47 CFR 1.140001(c)(4)—If a request is deemed granted because of a failure to timely approve or deny the request, the deemed grant does not become effective until the applicant notifies the applicable reviewing authority in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

These collections are necessary to effectuate the rule changes that implement and enforce the requirements of Section 6409(a).

Federal Communications Commission.

Sheryl D. Todd,

Deputy Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2015–04156 Filed 2–27–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0580]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before May 1, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0580.

Title: Section 76.1710, Operator Interests in Video Programming.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 1,500 respondents; 1,500 responses.

Estimated Time per Response: 15 hours.

Frequency of Response: Recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 Section 154(i) of the Communications Act of 1934, as amended.

Total Annual Burden: 22,500 hours.

Total Annual Costs: None.

Privacy Impact Assessment(s): No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality and respondents are not being asked to submit confidential information to the Commission.

Needs and Uses: 47 CFR 76.1710 requires cable operators to maintain records in their public file for a period of three years regarding the nature and extent of their attributable interests in all video programming services. The records must be made available to members of the public, local franchising authorities and the Commission on reasonable notice and during regular business hours. The records will be reviewed by local franchising authorities and the Commission to monitor compliance with channel occupancy limits in respective local franchise areas.

Federal Communications Commission.

Sheryl D. Todd,

Deputy Secretary, Office of the Secretary, Office of the Managing Director.

[FR Doc. 2015–04187 Filed 2–27–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[3060–1003]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before May 1, 2015. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Benish Shah, FCC, via email *PRA@fcc.gov* and to *Benish.Shah@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact *Benish.Shah@fcc.gov,* (202) 418–7866.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1003.

Title: Communications Disaster Information Reporting System (DIRS).

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions; and/or State, local or tribal governments.

Number of Respondents: 4,500 respondents; 39,500 responses.

Estimated Time per Response: 0.1 hours to 0.5 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Voluntary. Statutory authority for this information collection is contained in 47. U.S.C. Sections 154(i), 218 and 303(r) of the Communications Act of 1934, as amended.

Total Annual Burden: 5,950 hours.

Total Annual Cost: None.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: In accordance with 47 CFR 0.408.

Needs and Uses: In response to the events of September 11, 2001, the Federal Communications Commission (Commission or FCC) created an Emergency Contact Information System to assist the Commission in ensuring rapid restoration of communications capabilities after disruption by a terrorist threat or attack, and to ensure that public safety, public health, and other emergency and defense personnel have effective communications services available to them in the immediate aftermath of any terrorist attack within the United States. The Commission submitted, and OMB approved, a collection through which key communications providers could voluntarily provide contact information.

The Commission's Public Safety and Homeland Security Bureau (PSHSB) developed the Disaster Information Reporting System (DIRS) that uses electronic forms to collect Emergency Contact Information forms and through which participants may inform the Commission of damage to communications infrastructure and facilities due to major emergencies and may request resources for restoration. The Commission updated the process by increasing the number of reporting entities to ensure inclusion of wireless, wireline, broadcast, cable, VoIP, and broadband Internet access communications providers. The Commission is requesting a renewal of the currently approved collection. It is imperative that the Disaster Information Reporting System be in place so that the Commission has an accurate picture of the communications landscape during disasters.

Legal authority for this collection of information is contained in 47 U.S.C. 154(i), 218, 303(r) and 47 CFR 0.181(h).

Federal Communications Commission

Sheryl D. Todd,

Deputy Secretary.

[FR Doc. 2015–04185 Filed 2–27–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission

DATE AND TIME: Thursday, March 5, 2015 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This Meeting Will Be Open To The Public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes for February 12, 2015

Draft Advisory Opinion 2014–20: Make Your Laws PAC, Inc.

Audit Division Recommendation Memorandum on the Republican Party of Orange County (Federal) (RPOC) (A11–23)

Audit Division Recommendation Memorandum on the South Dakota Democratic Party (SDDP) (A11–20)

Audit Division Recommendation Memorandum on the Kentucky State Democratic Central Executive Committee (KDC) (A12–05)

Audit Division Recommendation Memorandum on the 2012 Democratic National Convention Committee, Inc.

Management and Administrative Matters

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Shawn Woodhead Werth, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shawn Woodhead Werth,

Secretary and Clerk of the Commission.

[FR Doc. 2015–04374 Filed 2–26–15; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 16, 2015.

A. Federal Reserve Bank of Cleveland (Nadine Wallman, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101–2566:

1. *Jeffrey Ball Family Control Group consisting of Jeffrey Ball, Nicholasville, Kentucky, Amber Ball, Nicholasville, Kentucky, Scott Haga, Lexington, Kentucky and Amy Haga, Lexington, Kentucky;* to retain and acquire 10 percent or more of the outstanding shares and thereby control of Citizens Commerce Bancshares, Versailles, Kentucky. Citizens Commerce Bancshares controls Citizens Commerce National Bank, Versailles, Kentucky.

Board of Governors of the Federal Reserve System, February 24, 2015.

Michael J. Lewandowski,

Assistant Secretary of the Board.

[FR Doc. 2015–04159 Filed 2–27–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[File No. 141 0141]

Novartis AG; Analysis of Proposed Consent Orders To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent orders—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before March 25, 2015.

ADDRESSES: Interested parties may file a comment at *https://ftcpublic.commentworks.com/ftc/novartisgskconsent* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Novartis AG GlaxoSmithKline—Consent Agreement; File No. 1410141'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/novartisgskconsent* by following the instructions on the Web-based form. If you prefer to file your comment on paper, write ''Novartis AG

GlaxoSmithKline—Consent Agreement; File No. 1410141'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Stephanie Bovee, Bureau of Competition, (202–326–2083), 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing consent orders to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for February 23, 2015), on the World Wide Web, at *http://www.ftc.gov/os/actions.shtm.*

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before March 25, 2015. Write ''Novartis AG GlaxoSmithKline—Consent Agreement; File No. 1410141'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, like anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which . . . is privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you have to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[1] Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/novartisgskconsent* by following the instructions on the Web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''Novartis AG GlaxoSmithKline—Consent Agreement; File No. 1410141'' on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW., Suite CC–5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW., 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before March 25, 2015. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see *http://www.ftc.gov/ftc/privacy.htm.*

[1] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

Analysis of Agreement Containing Consent Orders To Aid Public Comment

I. Introduction

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an Agreement Containing Consent Orders (''Consent Agreement'') from Novartis AG (''Novartis''), which is designed to remedy the anticompetitive effects of Novartis' proposed acquisition of oncology assets from GlaxoSmithKline PLC (''GSK''). The Commission has placed the proposed Consent Agreement on the public record for thirty days for receipt of comments from interested persons. Comments received during this period will become part of the public record. After thirty days, the Commission will again evaluate the proposed Consent Agreement, along with any comments received, in order to make a final decision as to whether it should withdraw from the proposed Consent Agreement, modify it, or make final the Decision and Order (''Order'').

Pursuant to an agreement dated April 22, 2014 (the ''Agreement''), Novartis proposes to acquire GSK's marketed oncology products and two pipeline oncology compounds for approximately $16 billion (the ''Transaction''). GSK currently has a BRAF inhibitor and an MEK inhibitor approved by the FDA, as well as the only BRAF/MEK combination therapy approved for sale in the United States. BRAF and MEK inhibitors are medicines that inhibit molecules associated with the development of cancer. Novartis has BRAF and MEK inhibitors in late-stage development, as well as a BRAF/MEK combination therapy that it expects to launch in the near future.

The Commission alleges in its Complaint that the Transaction, if consummated, would violate Section 7 of the Clayton Act, as amended, 15 U.S.C. 18, and Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. 45, by substantially lessening competition in U.S. markets for BRAF inhibitors and MEK inhibitors. The proposed Consent Agreement will remedy the alleged violations by preserving competition that the Transaction would otherwise eliminate.

Under the terms of the Consent Agreement, Novartis is required to divest all rights and assets related to LGX818, its BRAF inhibitor, and MEK162, its MEK inhibitor, to Array BioPharma Inc. (''Array'').

II. The Relevant Products and Markets

The relevant markets in which to analyze the Transaction are the development and sale of BRAF inhibitors and MEK inhibitors. BRAF and MEK inhibitors are orally administered, targeted oncology products. Physicians currently use BRAF and MEK inhibitors, increasingly in combination, to treat metastatic, late-stage melanoma. Last year in the United States, there were approximately 76,100 new cases of melanoma and 9,710 deaths caused by melanoma.[2] In addition to melanoma, researchers are studying BRAF and MEK inhibitors as potential treatments for a range of cancers, including ovarian cancer, colorectal cancer, and non-small cell lung cancer.

The United States is the relevant geographic market in which to assess the competitive effects of the Transaction because the FDA must approve BRAF and MEK inhibitors, as well as the use of the two inhibitors in combination, for marketing and sale in the United States. Accordingly, products sold outside of the United States, but not approved by the FDA, are not alternatives for U.S. consumers.

The BRAF and MEK inhibitor markets in the United States are highly concentrated. Tafinlar®, sold by GSK, and Zelboraf®, sold by F. Hoffman-La Roche AG (''Roche''), are currently the only FDA-approved BRAF inhibitors. Novartis' BRAF inhibitor in development, LGX818, is the only other product likely to begin competing with GSK and Roche in the near future. GSK's Mekinist® is currently the only FDA-approved MEK inhibitor, while Novartis' MEK162 is one of only a small number of MEK inhibitors in late-stage clinical development. GSK also sells the only FDA-approved BRAF/MEK combination therapy, which is comprised of Tafinlar and Mekinist. Aside from GSK, Roche and Novartis are the only companies with BRAF/MEK combinations in late-stage development.

III. Entry

Entry into U.S. markets for BRAF inhibitors and MEK inhibitors would not be timely, likely, or sufficient in magnitude, character, and scope to deter or counteract the anticompetitive effects of the Transaction. Like other oncology products, BRAF and MEK inhibitors must complete clinical trials and garner approval by the FDA before they can enter the U.S. markets. Development of new oncology medicines is expensive, time consuming, and has a high rate of failure. The time and resources required to develop and market a new oncology medicine make it unlikely that *de novo* entry into the relevant markets would be sufficient to offset the anticompetitive effects of the Transaction, and no firms currently have products in development that are likely to enter and prevent competitive harm from the Transaction.

IV. Effects of the Acquisition

Without a remedy, the Transaction will eliminate likely future competition between GSK and Novartis in the concentrated markets for BRAF and MEK inhibitors. Absent the acquisition, Novartis likely would have obtained FDA approval for and launched its LGX818 and MEK162 products in the near future in direct competition with GSK's combination offering for treating metastatic melanoma patients. The Transaction would also likely reduce the development of BRAF and MEK inhibitors to treat other types of cancer, because GSK and Novartis are currently developing their respective BRAF and MEK inhibitors for several of the same indications beyond melanoma. By eliminating the potential head-to-head competition between Novartis and GSK, the Transaction will likely result in higher prices for BRAF and MEK inhibitors and reduced choice for U.S. health care consumers.

V. The Consent Agreement

The proposed Consent Agreement effectively remedies the Transaction's anticompetitive effects by requiring Novartis to divest to Array all of its rights and assets related to LGX818 and MEK162. The divestiture will preserve the competition that otherwise would have been lost in the markets for BRAF and MEK inhibitors.

Array is a biopharmaceutical company headquartered in Boulder, Colorado, that focuses on the discovery, development, and commercialization of oncology medicines. Array is well suited to acquire LGX818 and MEK162 because it initially developed MEK162 and is currently a partner with Novartis in the development of both products. Array is a sophisticated company that possesses both the incentive and ability to develop and commercialize LGX818 and MEK162 either independently or with a new partner.

The Order requires Novartis to divest its rights and interests in LGX818 and MEK162 to Array no later than ten days after consummation of the proposed transaction or on the date that the Order becomes final, whichever is earlier. The divestiture includes regulatory approvals, intellectual property, assets related to ongoing clinical trials and manufacturing processes, and other confidential business information related to the divested compounds. To ensure that the divestiture is successful, the Order requires Novartis to provide transitional support to Array and to manufacture and supply the divested compounds while it transfers manufacturing processes to Array.

The Commission has agreed to appoint an Interim Monitor to ensure that Novartis complies with all of its obligations under the Consent Agreement and to keep the Commission informed about the status of the transfer of rights and assets to Array.

The Commission's goal in evaluating possible divestiture purchasers is to maintain the competitive environment that existed prior to the Transaction. If the Commission ultimately determines that Array is not an acceptable acquirer, or that the manner of the divestiture is unacceptable, then the parties must unwind the sale of rights and assets to Array and divest them to a Commission-approved acquirer within six months of the date that the Order becomes final. In that circumstance, the Commission may appoint a trustee to divest the rights and assets if the parties fail to divest them as required.

The purpose of this analysis is to facilitate public comment on the proposed Consent Agreement; it is not intended to constitute an official interpretation of the proposed Order or to modify its terms in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2015–04205 Filed 2–27–15; 8:45 am]

BILLING CODE 6750–01–P

[2] U.S. Department of Health and Human Services, National Institutes of Health, National Cancer Institute, ''Melanoma,'' *http://www.cancer.gov/cancertopics/types/melanoma.*

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0154; Docket 2015–0053; Sequence 4]

Federal Acquisition Regulation; Information Collection; Davis Bacon Act—Price Adjustment (Actual Method)

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning the Davis-Bacon Act price adjustment (actual method).

DATES: Submit comments on or before May 1, 2015.

ADDRESSES: Submit comments identified by Information Collection 9000–0154, Davis Bacon Act-Price Adjustment (Actual Method), by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.*

Submit comments via the Federal eRulemaking portal by searching the OMB control number 9000–0154. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0154, Davis Bacon Act-Price Adjustment (Actual Method)''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0154, Davis Bacon Act-Price Adjustment (Actual Method)'' on your attached document.

- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Hada Flowers/IC 9000–0154, Davis Bacon Act-Price Adjustment (Actual Method).

Instructions: Please submit comments only and cite Information Collection 9000–0154, Davis Bacon Act-Price Adjustment (Actual Method), in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Edward Loeb, Procurement Analyst, Federal Acquisition Policy Division, GSA, 202–501–0650, or via email *Edward.loeb@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

Government contracting officers may include FAR clause 52.222–32, Davis-Bacon Act—Price Adjustment (Actual Method) in fixed-price solicitations and contracts, subject to the Davis-Bacon Act under certain conditions. The conditions are that the solicitation or contract contains option provisions to extend the term of the contract and the contracting officer determines that the most appropriate method to adjust the contract price at option exercise is to use a computation method based on the actual increase or decrease from a new or revised Department of Labor Davis-Bacon Act wage determination.

The clause requires that a contractor submit at the exercise of each option to extend the term of the contract, a statement of the amount claimed for incorporation of the most current wage determination by the Department of Labor, and any relevant supporting data, including payroll records, that the contracting officer may reasonably require. The information is used by Government contracting officers to establish the contract price adjustment for the construction requirements of a contract, generally if the contract requirements are predominantly services subject to the Service Contract Act.

B. Annual Reporting Burden

Respondents: 842.
Responses per Respondent: 1.
Annual Responses: 842.
Hours per Response: 40.
Total Burden Hours: 33,680.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0154, Davis-Bacon Act—Price Adjustment (Actual Method), in all correspondence.

Dated: February 25, 2015.

Edward Loeb,

Acting Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2015–04238 Filed 2–27–15; 8:45 am]

BILLING CODE 6820–EP–P

GENERAL SERVICES ADMINISTRATION

[Notice-WW1–2015–01; Docket No. 2015–0006; Sequence No. 1]

World War One Centennial Commission; Notification of Upcoming Public Advisory Meeting

AGENCY: World War One Centennial Commission, GSA.

ACTION: Meeting notice.

SUMMARY: Notice of this meeting is being provided according to the requirements of the Federal Advisory Committee Act, 5 U.S.C. App. 10(a)(2). This notice provides the schedule and agenda for the March 12, 2015 meeting of the World War One Centennial Commission (the Commission). The meeting is open to the public.

DATES: *Effective:* March 2, 2015.

Meeting Date and Location: The meeting will be held on Thursday, March 12, 2015 starting at 10:30 a.m. Eastern Standard Time (EST), and ending no later than 12:30 p.m. Eastern Standard Time (EST). The meeting will be held at the office of the Jones Day Law firm at 51 Louisiana Ave. NW., Washington, DC 20001–2105. This location is handicapped accessible. The meeting will be open to the public and will also be available telephonically. Persons attending in person are requested to refrain from using perfume, cologne, and other fragrances (see *http://www.access-board.gov/about/policies/fragrance.htm* for more information). Persons wishing to listen to the proceedings may dial 712–432–1001 and enter access code 474845614. Note that this is not a toll-free number.

FOR FURTHER INFORMATION CONTACT: Daniel S. Dayton, Designated Federal Officer, World War 1 Centennial

Commission, 701 Pennsylvania Avenue NW., 123, Washington, DC 20004–2608, telephone number 202–380–0725 (Note: This is not a toll-free number).

Written comments may be submitted to the Commission and will be made part of the permanent record of the Commission. Comments must be received by 5:00 p.m. Eastern Standard Time (EST), Friday, March 6, 2015 and may be provided by email to *daniel.dayton@worldwar1centennial.org.* Requests to comment at the meeting must be received by 5:00 p.m. Eastern Standard Time (EST), Friday, March 6, 2015. Written presentations may be provided to Mr. Dayton at *daniel.dayton@worldwar1centennial.org* until Friday, March 6, 2015. Please contact Mr. Dayton at the email address above to obtain meeting materials.

SUPPLEMENTARY INFORMATION:

Background

The World War One Centennial Commission was established by Public Law 112–272, as a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes. Under this authority, the Committee will plan, develop, and execute programs, projects, and activities to commemorate the centennial of World War I, encourage private organizations and State and local governments to organize and participate in activities commemorating the centennial of World War I, facilitate and coordinate activities throughout the United States relating to the centennial of World War I, serve as a clearinghouse for the collection and dissemination of information about events and plans for the centennial of World War I, and develop recommendations for Congress and the President for commemorating the centennial of World War I. The Commission does not have an appropriation and is operated solely on donated funds.

Contact Daniel S. Dayton at *daniel.dayton@worldwar1centennial.org* to register to comment in person during the meeting's 30 minute public comment period. Registered speakers/organizations will be allowed 5 minutes and will need to provide written copies of their presentations.

Agenda: Thursday, March 12, 2015.

Old Business:

- Approval of minutes of previous meetings.
- Public Comment Period.

New Business:

- Introduction of Ex-Offico and Advisory Members.
- Report on the French Centenary.
- Discussion of recommendations to be made to the Congress and the President.
- World War 1 Washington Memorial Report.
- Fund Raising Report.
- Education Report.
- Kansas City Memorial Day invitation.

Dated: February 23, 2015.

Daniel S. Dayton,

Designated Federal Official, World War I Centennial Commission.

[FR Doc. 2015–04247 Filed 2–27–15; 8:45 am]

BILLING CODE 6820–95–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Subcommittee for Dose Reconstruction Reviews (SDRR), Advisory Board on Radiation and Worker Health (ABRWH or the Advisory Board), National Institute for Occupational Safety and Health (NIOSH)

Notice of Cancellation: A notice was published in the **Federal Register** on January 30, 2015, Volume 80, Number 20, Page 5117, announcing an Audio Conference Call of the ABRWH–SDRR on February 27, 2015. This meeting was canceled due to a lack of quorum for the meeting. Notice will be provided when the meeting is rescheduled in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463).

Contact Person for More Information: Theodore Katz, Designated Federal Officer, NIOSH, CDC, 1600 Clifton Road, Mailstop E–20, Atlanta Georgia 30333, Telephone (513) 533–6800, Toll Free 1 (800) CDC–INFO, Email *ocas@cdc.gov*.

This notice is published less than the required 15 days prior to the start of the announced meeting, in accordance with Section 102–3.150(b) of the GSA Final Rule (2001) that allows for exceptions to the meeting notification time requirement. Section 102–3.150(b) states the following: ''In exceptional circumstances, the agency or an independent Presidential advisory committee may give less than 15 calendar days'' notice, provided that the reasons for doing so are included in the advisory committee meeting notice published in the **Federal Register**.''

In this case, the agency is giving less than 15 days' notice due to the inability to have quorum for the meeting.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–04210 Filed 2–27–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Request for Public Comment: 60-Day Notice for Extension of Fast Track Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery: IHS Customer Service Satisfaction and Similar Surveys

AGENCY: Indian Health Service, HHS.

ACTION: Notice and request for comments. Request for extension of approval.

SUMMARY: The Indian Health Service (IHS), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on the ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery'' for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 et. seq.). This collection was developed as part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on service delivery. This notice announces our intent to submit this collection to the Office of Management and Budget (OMB) for approval and solicits comments on specific aspects for the proposed information collection. A copy of the draft supporting statement is available at *www.regulations.gov* (see Docket ID [IHS–2015–0002]).

DATES: Consideration will be given to all comments received by May 1, 2015.

ADDRESSES: Submit comments to Tamara Clay by one of the following methods:

- *Mail:* Tamara Clay, Information Collection Clearance Officer, Indian Health Service, 801 Thompson Avenue,

TMP, STE 450–30, Rockville, MD 20852.

- *Phone:* 301–443–4750.
- *Email: Tamara.Clay@ihs.gov.*
- *Fax:* 301–443–4750.

Comments submitted in response to this notice will be made available to the public by publishing them in the 30 day **Federal Register** notice for this information collection. For this reason, please do not include information of a confidential nature, such as sensitive personal information or proprietary information. If comments are submitted via email, the 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. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Tamara Clay through:

- *Mail:* Tamara Clay, Information Collection Clearance Officer, Indian Health Service, 801 Thompson Avenue, TMP, STE 450–30, Rockville, MD 20852.
- *Phone:* 301–443–4750.
- *Email: Tamara.Clay@ihs.gov.*
- *Fax:* 301–443–4750.

SUPPLEMENTARY INFORMATION: *Title:* Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery: IHS Customer Service Satisfaction and Similar Surveys.

Abstract: The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. Qualitative feedback is information that provides useful insights on perceptions and opinions, but is not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the agency's services will be unavailable.

The agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information is collected only to the extent necessary and is not retained;
- Information gathered will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Current Actions: Extension of approval for a collection of information.

Type of Review: Extension.

Affected Public: Individuals and households, businesses and organizations, and Tribal governments.

Estimated Number of Respondents: 105,000.

Below are projected annual average estimates for the next three years:

Average Expected Annual Number of Activities: 100.

Average Number of Respondents per Activity: 1,050.

Annual Responses: 105,000.

Frequency of Response: Once per request.

Average Minutes per Response: 10.

Burden Hours: 17,500.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of

collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information.

All written comments will be available for public inspection on Regulations.gov.

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.

Comment Due Date: Your comments regarding this information collection are best assured of having full effect if received within 30 days of the date of this publication.

Dated: February 20, 2015.

Robert G. McSwain,

Acting Director, Indian Health Service.

[FR Doc. 2015–04112 Filed 2–27–15; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Announcement of Requirements and Registration for ''A Wearable Alcohol Biosensor'' Challenge

Authority: 15 U.S.C. 3719.

Award Approving Official: Dr. Lawrence A. Tabak, Principal Deputy Director, National Institutes of Health (NIH).

SUMMARY: Through the ''A Wearable Alcohol Biosensor'' Challenge (the ''Challenge''), the National Institute on Alcohol Abuse and Alcoholism (NIAAA), a component of the National Institutes of Health (NIH), is searching for a wearable or otherwise discreet device capable of measuring blood alcohol level in real time. The advent of alcohol biosensors that can be worn discreetly and used by individuals in the course of their daily lives will advance the mission of NIAAA in the arenas of research, treatment, and rehabilitation. NIAAA has supported academic and small business grants and contracts to advance the development and use of alcohol biosensors in the past. Current technological developments in electronics, miniaturization, wireless technology, and biophysical techniques of alcohol detection in humans increase the likelihood of successful development of a useful alcohol biosensor in the near future. The NIH believes that this challenge will stimulate investment from public and private sectors in the development of functional alcohol biosensors that will be appealing to individuals, treatment providers, and researchers.

DATES:

Submission period begins March 2, 2015, 9:00 a.m. ET.

Submission period ends: December 1, 2015.

Judging period: January 2016.

Winners announced: On or after February 15, 2016.

The NIH will announce any changes to this timeline by amending this **Federal Register** notice.

FOR FURTHER INFORMATION CONTACT: M. Katherine Jung, Ph.D., Program Director, Division of Metabolism and Health Effects, National Institute on Alcohol Abuse and Alcoholism, Phone: 301–443–8744, Email *Kathy.jung@nih.gov.* F.L. Dammann, M.P.A., Management Analyst and Special Assistant to the Executive, National Institute on Alcohol Abuse and Alcoholism, Phone: 301–480–9433, Email: *fl.dammann@nih.gov.*

SUPPLEMENTARY INFORMATION:

Subject of Challenge

Current technologies for real time monitoring of alcohol consumption, used in criminal justice applications, have performed adequately, but have disadvantages for broader use.

NIAAA seeks the design and production of a wearable device to monitor blood alcohol levels in real time. The device should be inconspicuous, low profile, and appealing to the wearer. The design can take the form of jewelry, clothing, or any other format located in contact with the human body. A non-invasive technology is preferred.

Current technology for continuous alcohol monitoring takes a reading every 30 minutes. We are seeking a solution that improves on this interval and most closely approximates real time monitoring and data collection. The device should be able to quantitate blood alcohol level, interpret and store the data, or transmit it to a smartphone or other device by wireless transmission. Data storage and transmission must be completely secure in order to protect the privacy of the individual. The device should have the ability to verify standardization at regular intervals and to indicate loss of functionality. The power source should be dependable and rechargeable. A form of subject identification would be an added benefit. The device can be removable.

This is a *reduction to practice* challenge that requires written documentation and a working prototype of the submitted solution.

NIAAA is open to a range of design forms which can accomplish the above tasks.

Statutory Authority of the Funding Source

This Challenge is consistent with and advances the mission of NIAAA, as described in 42 U.S.C. 285n, to conduct and support biomedical and behavioral research, health services research, research training, and health information dissemination with respect to the prevention of alcohol abuse and the treatment of alcoholism, and to conduct a study of alternative approaches for alcoholism and alcohol abuse treatment and rehabilitation.

Eligibility Rules for the Challenge

1. To Participate

This Challenge is open to any ''Solver'' where ''Solver'' is defined as an individual, a group of individuals (*i.e.,* a team), or an entity. Whether singly or as part of a group or entity, individuals younger than 18 participating in the Challenge must provide parental consent and must abide by the Children's Online Privacy Protection Act.

2. To Win

To be eligible to win a prize under this Challenge, the Solver—

1. Shall have registered to participate in the Challenge at *www.challenge.gov.*

2. Shall have complied with all the requirements under this section on Eligibility.

3. In the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States; and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States. Note: Non-U.S. citizens and nonpermanent residents can participate as a member of a team that otherwise satisfies the eligibility criteria but will not be eligible to win a monetary prize (in whole or in part); however, their participation as part of a winning team, if applicable, may be recognized when results are announced.

4. In the case of an individual, he/she may not be an employee of the NIH; an individual involved in formulation of the Challenge and/or serving on the technical evaluation panel; any other individual involved with the design,

production, execution, distribution, or evaluation of this Challenge; or members of the individual's immediate family (specifically, a parent, stepparent, spouse, domestic partner, child, sibling, or step-sibling).

5. An individual, team, or entity that is currently on the Excluded Parties List (*https://www.epls.gov/*) will not be selected as a Finalist or prize winner.

6. In the case of an entity, may not be a federal entity; and in the case of an individual, may not be a federal employee acting within the scope of his or her employment.

7. Federal employees otherwise permitted to participate in the Challenge shall not work on their submission during assigned duty hours. Note: Federal ethical conduct rules may restrict or prohibit federal employees from engaging in certain outside activities, so any federal employee not excluded under the prior paragraph seeking to participate in this Challenge outside the scope of employment should consult his/her agency's ethics official prior to developing a submission.

8. Federal grantees may not use federal funds to develop Challenge submissions.

9. Federal contractors may not use federal funds from a contract to develop Challenge submissions or to fund efforts in support of a Challenge submission.

10. An individual shall not be deemed ineligible to win because the individual used federal facilities or consulted with federal employees during the Challenge provided that such facilities and/or employees, as applicable, are made available on an equitable basis to all individuals and teams participating in the Challenge. All questions regarding the Challenge should be directed to Dr. Jung or Mr. Dammann, identified above, and answers will be posted and updated as necessary at *http://www.niaaa.nih.gov/research/challenge-prize* under Frequently Asked Questions. Questions from Solvers that may reveal proprietary information related to solutions under development addressed to NIAAA will be held in strictest confidence.

Submission Requirements

The submission to the Challenge should include the following:

(1) The final solution set for challenge award must include *reduction to practice* of a working prototype of a wearable alcohol biosensor.

(2) Solutions should also include written evidence of successful data storage and retrieval, of consistent function, reliability and robust reproducibility of alcohol quantification. A detailed description of the proposed Solution must include an instructive account of the method of alcohol detection, interval of data sampling, the means of subject identification, proposed process of manufacture, verification of data security and integrity, and standardization of measurements.

(3) Image or images of the proposed wearable, to include overall dimensions.

(4) A video demonstrating the wearable's required capabilities.

Registration and Submission Process for Solvers

Solvers must register and submit their Solutions on *www.challenge.gov* Web site under the link for ''A Wearable Alcohol Biosensor''.

Amount of the Prize

First Prize: $200,000
Second Prize: $100,000

The NIH reserves the right to cancel, suspend, and/or modify this Challenge at any time through amendment to this **Federal Register** notice. In addition, the NIH reserves the right to not award any prizes if no solutions are deemed worthy. The award approving official for this Challenge is the NIH Principal Deputy Director.

Payment of the Prize

Prizes awarded under this competition will be paid by electronic funds transfer and may be subject to Federal income taxes. NIAAA will comply with the Internal Revenue Service withholding and reporting requirements, where applicable.

Basis Upon Which Winners Will Be Evaluated

Submissions will be judged by a qualified panel selected by NIAAA. The panel will evaluate submissions based on the following judging criteria:

1. Accuracy, reliability, and frequency of blood alcohol measurement
2. Functionality, accuracy, and integration of data collection, data transmission and data storage
3. Safeguards for privacy protection and data integrity
4. Plans for process of manufacture
5. Marketability and likelihood of bringing the product to market
6. Appeal and acceptability to wearers
7. Feasibility

The award is contingent upon experimental validation of the submitted Solution by the Seeker. During the judging period, the expert panel may request additional information or clarification in order to evaluate the entry.

Challenge Judges

Director, National Institute on Alcohol Abuse and Alcoholism
A senior staff member from the National Institute of Biomedical Imaging and Bioengineering
One or more members from the National Advisory Council of the National Institute on Alcohol Abuse and Alcoholism
Program Staff from the National Institute on Alcohol Abuse and Alcoholism

The challenge judges will be advised by a technical panel consisting of individuals with expertise in the following areas:

Chemistry
Engineering
Information Technology and Information System Security
Behavioral and Social Sciences
Development of vehicular alcohol detection systems

Additional Information

Intellectual Property: By submitting the Submission, each Solver warrants that he or she is the sole author and owner of any patentable works that the Submission comprises, that the works are wholly original with the Solver (or is an improved version of an existing work that the Solver has sufficient rights to use and improve), and that the Submission does not infringe on any copyright, patent or any other rights of any third party of which Solver is aware. To receive an award, Solvers will not be required to transfer their exclusive intellectual property rights to the NIH. Instead, Solvers will grant to the federal government a nonexclusive license to practice their solutions and use the materials that describe them. To participate in the Challenge, each Solver must warrant that there are no legal obstacles to providing a nonexclusive license of Solver's rights to the federal government. This license will grant to the United States government a nonexclusive, nontransferable, irrevocable, paid-up license to practice or have practiced for or on behalf of the United States throughout the world any invention made by the Solvers that covers the Submission. In addition, the license will grant to the federal government and others acting on its behalf, a paid-up, nonexclusive, irrevocable, worldwide license in any copyrightable works that the Submission comprises, including the right to reproduce, prepare derivative works, distribute copies to the public, and perform publicly and display publicly said copyrightable works.

Liability and Indemnification: By participating in this Challenge, each Solver agrees to assume any and all risks and waive claims against the federal government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in this Challenge, whether the injury, death, damage, or loss arises through negligence or otherwise. By participating in this Challenge, each Solver agrees to indemnify the federal government against third party claims for damages arising from or related to Challenge activities.

Insurance: Based on the subject matter of the Challenge, the type of work that it will possibly require, as well as an analysis of the likelihood of any claims for death, bodily injury, or property damage, or loss potentially resulting from competition participation. Solvers are not required to obtain liability insurance or demonstrate financial responsibility in order to participate in this Challenge.

Privacy, Data Security, Ethics, and Compliance: Solvers are required to identify and address privacy and security issues in their proposed projects and describe specific solutions for meeting them. In addition to complying with appropriate policies, procedures, and protections for data that ensures all privacy requirements and institutional policies are met, use of data should not allow the identification of the individual from whom the data was collected. Solvers are responsible for compliance with all applicable federal, state, local, and institutional laws, regulations, and policies. These may include, but are not limited to, Health Information Portability and Accountability Act (HIPAA) protections, Department of Health and Human Services (HHS) Protection of Human Subjects regulations, and Food and Drug Administration (FDA) regulations. It is the responsibility of the Solver to obtain approvals (*e.g.*, from an Institutional Review Board), if required. The following links are intended as a starting point for addressing regulatory requirements but should not be interpreted as a complete list of resources on these issues:

HIPAA

Main link: *http://www.hhs.gov/ocr/privacy/index.html.*
Summary of the HIPAA Privacy Rule: *http://www.hhs.gov/ocr/privacy/hipaa/understanding/summary/index.html.*
Summary of the HIPAA Security Rule: *http://www.hhs.gov/ocr/privacy/hipaa/understanding/srsummary.html.*

Human Subjects—HHS

Office for Human Research Protections: *http://www.hhs.gov/ohrp/index.html.*
Protection of Human Subjects Regulations: *http://www.hhs.gov/ohrp/humansubjects/guidance/45cfr46.html.*
Policy & Guidance: *http://www.hhs.gov/ohrp/policy/index.html.*
Institutional Review Boards &Assurances: *http://www.hhs.gov/ohrp/assurances/index.html.*

Human Subjects—FDA

Clinical Trials: *http://www.fda.gov/ScienceResearch/SpecialTopics/RunningClinicalTrials/default.htm.*
Office of Good Clinical Practice: *http://www.fda.gov/AboutFDA/CentersOffices/OfficeofMedicalProductsandTobacco/OfficeofScienceandHealthCoordination/ucm2018191.*

Consumer Protection—Federal Trade Commission

Bureau of Consumer Protection: *http://business.ftc.gov/privacy-and-security.*

Dated: February 23, 2015.

Lawrence A. Tabak,

Deputy Director, National Institutes of Health.

[FR Doc. 2015–04254 Filed 2–27–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; The Genetic Testing Registry

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on November 25, 2014, page 70194 and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The Office of the Director (OD), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: NIH Desk Officer.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments or request more information on the proposed project contact: Ms. Sarah Carr, Acting Director, Office of Clinical Research and Bioethics Policy, Office of Science Policy, NIH, 6705 Rockledge Dr., Suite 750, Bethesda, MD 20892, or call non-toll-free number (301) 496–9838, or Email your request, including your address to: *OCRBP-OSP@od.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Proposed Collection: The Genetic Testing Registry, 0925–0651, EXTENSION—Office of the Director (OD), National Institutes of Health (NIH).

Need and Use of Information Collection: Clinical laboratory tests are available for more than 5,000 genetic conditions. The Genetic Testing Registry (GTR) provides a centralized, online location for test developers, manufacturers, and researchers to voluntarily submit detailed information about the availability and scientific basis of their genetic tests. The GTR is of value to clinicians by providing information about the accuracy, validity, and usefulness of genetic tests. The GTR also highlights evidence gaps where additional research is needed.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 5,536.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
Laboratory Personnel Using Bulk Submission	Minimal Fields	190	29	18/60	1,653
	Optional Fields	159	29	14/60	1,076
Laboratory Personnel Not Using Bulk Submission.	Minimal Fields	116	29	30/60	1,682
	Optional Fields	97	29	24/60	1,125

Dated: February 23, 2015.

Lawrence A. Tabak,

Deputy Director, National Institutes of Health.

[FR Doc. 2015–04255 Filed 2–27–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Board of Scientific Advisors, March 11, 2015, 9:00 a.m. to March 11, 2015, 5:00 p.m., National Institutes of Health, Building 31, 31 Center Drive, Bethesda, MD 20892 which was published in the **Federal Register** on February 19, 2015, 80FR8889.

This Notice is being amended to change the start time of the meeting from 9:00 a.m. to 8:30 a.m. The meeting is open to the public.

Dated: February 24, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–04170 Filed 2–27–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of 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 National Advisory Environmental Health Sciences Council.

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.

Name of Committee: National Advisory Environmental Health Sciences Council.

Date: March 16, 2015.

Open: March 16, 2015, 11:00 a.m. to 3:00 p.m.

Agenda: Discussion of program policies and issues.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Contact Person: Gwen W Collman, Ph.D., Interim Director, Division of Extramural Research & Training, National Institutes of Health, Nat. Inst. of Environmental Health Sciences, 615 Davis Dr., KEY615/3112, Research Triangle Park, NC 27709, (919) 541–4980, *collman@niehs.nih.gov.*

This is the open session rescheduled from February 18–19, 2015 meeting, which was postponed due to inclement weather.

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.

Information is also available on the Institute's/Center's home page: *http://www.niehs.nih.gov/about/boards/naehsc/index.cfm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: February 24, 2015.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–04168 Filed 2–27–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of HHS-Certified Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines). The Mandatory Guidelines were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908); September 30, 1997 (62 FR 51118); April 13, 2004 (69 FR 19644); November 25, 2008 (73 FR 71858); December 10, 2008 (73 FR 75122); and on April 30, 2010 (75 FR 22809).

A notice listing all currently HHS-certified laboratories and IITFs is published in the **Federal Register** during the first week of each month. If any laboratory or IITF certification is suspended or revoked, the laboratory or IITF will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory or IITF has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end and will be omitted from the monthly listing thereafter.

This notice is also available on the Internet at *http://beta.samhsa.gov/workplace.*

FOR FURTHER INFORMATION CONTACT: Giselle Hersh, Division of Workplace Programs, SAMHSA/CSAP, Room 7–1051, One Choke Cherry Road,

Rockville, Maryland 20857; 240–276–2600 (voice), 240–276–2610 (fax).

SUPPLEMENTARY INFORMATION: The Mandatory Guidelines were initially developed in accordance with Executive Order 12564 and section 503 of Public Law 100–71. The ''Mandatory Guidelines for Federal Workplace Drug Testing Programs,'' as amended in the revisions listed above, requires strict standards that laboratories and IITFs must meet in order to conduct drug and specimen validity tests on urine specimens for federal agencies.

To become certified, an applicant laboratory or IITF must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory or IITF must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories and IITFs in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines. A HHS-certified laboratory or IITF must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA), which attests that it has met minimum standards.

In accordance with the Mandatory Guidelines dated November 25, 2008 (73 FR 71858), the following HHS-certified laboratories and IITFs meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

HHS-Certified Instrumented Initial Testing Facilities

Gamma-Dynacare Medical Laboratories, 6628 50th Street NW, Edmonton, AB Canada T6B 2N7, 780–784–1190.

HHS-Certified Laboratories

ACM Medical Laboratory, Inc., 160 Elmgrove Park, Rochester, NY 14624, 585–429–2264.

Aegis Analytical Laboratories, Inc., 345 Hill Ave., Nashville, TN 37210, 615–255–2400, (Formerly: Aegis Sciences Corporation, Aegis Analytical Laboratories, Inc., Aegis Analytical Laboratories).

Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, 504–361–8989/800–433–3823, (Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.).

Alere Toxicology Services, 450 Southlake Blvd., Richmond, VA 23236, 804–378–9130, (Formerly: Kroll Laboratory Specialists, Inc., Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.).

Baptist Medical Center-Toxicology Laboratory, 11401 I–30, Little Rock, AR 72209–7056, 501–202–2783, (Formerly: Forensic Toxicology Laboratory Baptist Medical Center).

Clinical Reference Lab, 8433 Quivira Road, Lenexa, KS 66215–2802, 800–445–6917.

DrugScan, Inc., 200 Precision Road, Suite 200, Horsham, PA 19044, 800–235–4890.

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662–236–2609.

Fortes Laboratories, Inc., 25749 SW Canyon Creek Road, Suite 600, Wilsonville, OR 97070, 503–486–1023.

Gamma-Dynacare Medical Laboratories*, A Division of the Gamma-Dynacare Laboratory Partnership, 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519–679–1630.

Laboratory Corporation of America Holdings, 7207 N. Gessner Road, Houston, TX 77040, 713–856–8288/800–800–2387.

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908–526–2400/800–437–4986, (Formerly: Roche Biomedical Laboratories, Inc.).

Laboratory Corporation of America Holdings, 1904 Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900/800–833–3984, (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group).

Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866–827–8042/800–233–6339, (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center).

LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927/800–873–8845, (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.).

MedTox Laboratories, Inc., 402 W. County Road D, St. Paul, MN 55112, 651–636–7466/800–832–3244.

MetroLab-Legacy Laboratory Services, 1225 NE 2nd Ave., Portland, OR 97232, 503–413–5295/800–950–5295.

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612–725–2088.

National Toxicology Laboratories, Inc., 1100 California Ave., Bakersfield, CA 93304, 661–322–4250/800–350–3515.

One Source Toxicology Laboratory, Inc., 1213 Genoa-Red Bluff, Pasadena, TX 77504, 888–747–3774, (Formerly: University of Texas Medical Branch, Clinical Chemistry Division; UTMB Pathology-Toxicology Laboratory).

Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800–328–6942, (Formerly: Centinela Hospital Airport Toxicology Laboratory).

Pathology Associates Medical Laboratories, 110 West Cliff Dr., Spokane, WA 99204, 509–755–8991/800–541–7891x7.

Phamatech, Inc., 15175 Innovation Drive, San Diego, CA 92128, 888–635–5840.

Quest Diagnostics Incorporated, 1777 Montreal Circle, Tucker, GA 30084, 800–729–6432, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories).

Quest Diagnostics Incorporated, 400 Egypt Road, Norristown, PA 19403, 610–631–4600/877–642–2216, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories).

Quest Diagnostics Incorporated, 8401 Fallbrook Ave., West Hills, CA 91304, 818–737–6370, (Formerly: SmithKline Beecham Clinical Laboratories).

Redwood Toxicology Laboratory, 3700650 Westwind Blvd., Santa Rosa, CA 95403, 800–255–2159.

Southwest Laboratories, 4625 E. Cotton Center Boulevard, Suite 177, Phoenix, AZ 85040, 602–438–8507/800–279–0027.

STERLING Reference Laboratories, 2617 East L Street, Tacoma, Washington 98421, 800–442–0438.

US Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755–5235, 301–677–7085.

*The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS' NLCP contractor continuing to have an active role in the performance

testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory (**Federal Register**, July 16, 1996) as meeting the minimum standards of the Mandatory Guidelines published in the **Federal Register** on April 30, 2010 (75 FR 22809). After receiving DOT certification, the laboratory will be included in the monthly list of HHS-certified laboratories and participate in the NLCP certification maintenance program.

Janine Denis Cook,

Chemist, Division of Workplace Programs, Center for Substance Abuse Prevention, SAMHSA.

[FR Doc. 2015–04216 Filed 2–27–15; 8:45 am]

BILLING CODE 4160–20–P

DEPARTMENT OF HOMELAND SECURITY

Department of Homeland Security (DHS) Cybersecurity Education and Awareness (CE&A) National Initiative for Cybersecurity Careers and Studies (NICCS) Cybersecurity Scholarships, Internships, Camps, Clubs, and Competitions Collection

AGENCY: Cybersecurity Education & Awareness Office, DHS.

ACTION: 30-Day notice and request for comments; new collection (request for a new OMB Control No.), 1601—NEW.

SUMMARY: The Department of Homeland Security, Cybersecurity Education & Awareness Office, will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). DHS previously published this information collection request (ICR) in the **Federal Register** on Friday, December 19, 2014 at 79 FR 75824 for a 60-day public comment period. No comments were received by DHS. The purpose of this notice is to allow additional 30 days for public comments.

DATES: Comments are encouraged and will be accepted until April 1, 2015. This process is conducted in accordance with 5 CFR 1320.1

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to OMB Desk Officer, Department of Homeland Security and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

SUPPLEMENTARY INFORMATION: Title II, Homeland Security Act, 6 U.S.C. 121(d)(1) To access, receive, and analyze law enforcement information, intelligence information and other information from agencies of the Federal Government, State and local government agencies . . . and Private sector entities and to integrate such information in support of the mission responsibilities of the Department. The following authorities also permit DHS to collect information of the type contemplated: Federal Information Security Management Act of 2002 (FISMA), 44 U.S.C. 3546; Homeland Security Presidential Directive (HSPD) 7, ''Critical Infrastructure Identification, Prioritization, and Protection'' (2003); and NSPD–54/HSPD–23, ''Cybersecurity Policy'' (2008).

In May 2009, the President ordered a Cyberspace Policy Review to develop a comprehensive approach to secure and defend America's infrastructure. The review built upon the Comprehensive National Cybersecurity Initiative (CNCI).

In response to increased cyber threats across the Nation, the National Initiative for Cybersecurity Education (NICE) expanded from a previous effort, the CNCI Initiative #8. NICE formed in 2010, and is a nationally coordinated effort comprised of over 20 federal departments and agencies, and numerous partners in academia and industry. NICE focuses on cybersecurity awareness, education, training and professional development. NICE seeks to encourage and build cybersecurity awareness and competency across the Nation and to develop an agile, highly skilled cybersecurity workforce.

The National Initiative for Cybersecurity Careers & Studies (NICCS) Portal is a national online resource for cybersecurity awareness, education, talent management, and professional development and training. NICCS Portal is an implementation tool for NICE. Its mission is to provide comprehensive cybersecurity resources to the public.

Any information received from the public in support of the NICCS Portal is completely voluntary. Organizations and individuals who do not provide information can still utilize the NICCS Portal without restriction or penalty. An organization or individual who wants their information removed from the NICCS Portal can email the NICCS Supervisory Office (SO). The NICCS SO email address, *niccs@hq.dhs.gov,* is provided in many places throughout the Web site. The organization or individual can send the SO a brief email stating their desire to remove their data.

Department of Homeland Security (DHS) Cybersecurity Education and Awareness (CE&A) intends for a portion of the collected information from the NICCS Cybersecurity Scholarships, Internships, Camps & Clubs, and Competitions Web Form to be displayed on a publicly accessible Web site called the National Initiative for Cybersecurity Careers and Studies (NICCS) Portal (*http://niccs.us-cert.gov/*). Information will be made available to the public to support the National Initiative for Cybersecurity Education (NICE) mission.

The information will be completely collected via electronic means using the web form collection instruments. Once data is inputted into the web form collection instruments it will be automatically formatted and emailed to the NICCS Supervisory Office (SO) for review and processing. Correspondence between the public and DHS CE&A will be via the NICCS SO official email address (*niccs@hq.dhs.gov*). Correspondence could include a confirmation to the public confirming the receipt and acceptance of their data entry. After this confirmation, correspondence will be limited to conversations initiated by the public.

All information collected from the NICCS Cybersecurity Scholarships, Internships, Camps & Clubs, and Competitions Web Form will be stored on the publicly accessible NICCS Portal. The following privacy documents address this collection request: DHS/ALL/PIA–006—DHS General Contacts List Privacy Impact Assessments (PIA) and DHS/ALL/SORN–002—Department of Homeland Security (DHS) Mailing and Other Lists Systems System of Records Notice (SORN). All information, excluding Points of Contacts (POC) names and email addresses, will be made available on the public-facing NICCS web Portal. There is no assurance of confidentiality provided to the respondents for this collection of information.

This is a new collection; therefore, there has been no increase or decrease in the estimated annual burden hours previously reported for this information collection.

The Office of Management and Budget is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including

whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Analysis

Agency: Cybersecurity Education & Awareness Office, DHS.

Title: Department of Homeland Security (DHS) Cybersecurity Education and Awareness (CE&A) National Initiative for Cybersecurity Careers and Studies (NICCS) Cybersecurity Scholarships, Internships, Camps, Clubs, and Competitions Collection.

OMB Number: 1601—NEW.

Frequency: Annually.

Affected Public: Private Sector.

Number of Respondents: 150.

Estimated Time per Respondent: 30 minutes.

Total Burden Hours: 75 hours.

Carlene C. Ileto,

Executive Director, Enterprise Business Management Office.

[FR Doc. 2015–04265 Filed 2–27–15; 8:45 am]

BILLING CODE 9110–9B–P

DEPARTMENT OF HOMELAND SECURITY

Office of the Secretary

[Docket No. DHS–2015–0004]

Privacy Act of 1974; Department of Homeland Security United States Immigration Customs and Enforcement—011 Immigration and Enforcement Operational Records System of Records

AGENCY: Privacy Office, DHS.

ACTION: Notice of amendment of Privacy Act system of records.

SUMMARY: In accordance with the Privacy Act of 1974 the Department of Homeland Security U.S. Immigration and Customs Enforcement proposes to update and reissue an existing system of records titled, ''Department of Homeland Security/Immigration and Customs Enforcement—011 Immigration and Enforcement Operational Records System of Records (ENFORCE).'' This system of records is being modified to add two new routine uses that support ICE's sharing of information with external parties. These routine uses allow ICE to share information from this system of records with: (1) Other domestic law enforcement agencies or agencies operating sex offender registries when an alien required to register as a sex offender is released from ICE custody or removed from the United States, and (2) other government agencies or public health entities to facilitate continuity of care and to assist with investigating and combating significant public health threats. The exemptions for the existing system of records notice will continue to be unchanged. This updated system will continue to be included in the Department of Homeland Security's inventory of record systems.

DATES: Submit comments on or before April 1, 2015. This amended system will be effective April 1, 2015.

ADDRESSES: You may submit comments, identified by docket number DHS–2015–0004 by one of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–343–4010.
- *Mail:* Karen L. Neuman, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Lyn Rahilly, Privacy Officer, U.S. Immigration and Customs Enforcement, 500 12th Street SW., Mail Stop 5004, Washington, DC 20536, phone: 202–732–3300, email: *ICEPrivacy@ice.dhs.gov;* or Karen Neuman, Chief Privacy Officer, Privacy Office, U.S. Department of Homeland Security, Washington, DC 20528, phone: 202–343–1717.

SUPPLEMENTARY INFORMATION:

I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of Homeland Security (DHS) U.S. Immigration and Customs Enforcement (ICE) proposes to update and reissue a current DHS system of records titled ''DHS/ICE—011 Immigration and Enforcement Operational Records (ENFORCE) System of Records.'' With this update, ICE is notifying the public of two new routine uses added to permit ICE's sharing of limited information with external parties. These routine uses allow ICE to share information from this system of records with: (1) Other domestic law enforcement agencies or agencies operating sex offender registries when an alien required to register as a sex offender is released from ICE custody or removed from the United States, and (2) other government agencies or public health entities to facilitate continuity of care for individuals upon release from ICE custody and to assist with investigating and combating significant public health threats.

Notifications To Support Sex Offender Registration Requirements

ICE is proposing new routine use HH that will authorize disclosure of information from this system of records ''to a domestic law enforcement agency or other agency operating a sex offender registry for the purpose of providing notice of an individual's release from DHS custody or removal from the United States, when the individual is required to register as a sex offender, in order to assist those agencies in updating sex offender registries and otherwise carrying out the sex offender registration requirements within their jurisdictions.''

ICE uses orders of supervision or orders of recognizance to release from custody criminal aliens who have been ordered removed from the United States but cannot be removed or further detained, or are released at the discretion of the agency. In these instances, ICE may set conditions for release. For aliens with a requirement to register as a sex offender with a sex offender registry, ICE's release conditions mandate that the alien enroll in a sexual deviancy counseling program and register as a sex offender, if applicable. Current federal laws impose registration requirements with sex offender registries and require offenders to keep their registration information current in each state, territorial, or tribal jurisdictions in which they live, work, or attend school, and, for initial registration purposes only, in the jurisdiction in which they were convicted, if such jurisdiction is different from the jurisdiction of residence.

With the publication of new routine use HH, ICE is proposing to notify

domestic law enforcement agencies or agencies that operate state sex offender registries when an alien sex offender is released from ICE custody into that agency's jurisdiction (either directly or when that jurisdiction is the alien's declared intended residence), or when the alien is removed from the United States. ICE would share limited information, such as biographic information and release conditions or restrictions with the recipients. Notifications are intended to help inform agencies of the alien's whereabouts from the time the alien is released until the alien reaches his or her intended jurisdiction of residence or country of removal. Notifications of removal of an alien from the United States will help ensure individuals are removed from sex offender registries so that law enforcement resources are not deployed in an attempt to locate the alien.

Continuity of Care and Public Health Investigations

ICE is proposing new routine use II that will authorize sharing of data from this system of records with ''federal, state, local, tribal, territorial, or foreign governmental agencies; multilateral governmental organizations; or other public health entities, for the purposes of protecting the vital interests of a data subject or other persons, including to assist such agencies or organizations during an epidemiological investigation, in facilitating continuity of care, preventing exposure to or transmission of a communicable or quarantinable disease of public health significance, or to combat other significant public health threats.''

In operating detention facilities, ICE's responsibilities include supporting public health actions, such as coordinating continuity of care for detainees with infectious diseases and facilitating public health investigations when faced with an infectious disease contact or outbreak. Though ICE may share with public health authorities specific health information from detainee medical records, which are maintained in the DHS/ICE—013 Alien Health Records system of records, it may be equally important in a public health context for ICE to share information about where the alien is currently located, which is maintained in the DHS/ICE—011 ENFORCE system of records. Sharing this location information with domestic and foreign agencies engaged in public health will support their mission to ensure continuity of care (*e.g.,* continued treatment for a highly infectious disease) and to conduct public health investigations. With the addition of routine use II, ICE will be authorized to share select biographic and detention information, including facility information and transfer or release dates, with other government agencies or public health entities to support continuity of care.

In facilitating public health investigations, ICE assists state and local health departments in identifying individuals who may have come in contact with or been exposed to a detainee diagnosed with an infectious disease. These public health authorities take the lead in conducting contact and outbreak investigations to identify, inform, evaluate, and treat exposed individuals, including other detainees, staff, visitors, detainees or inmates at previous detention facilities, household members, and other contacts in the community, and require custody information about the ill detainee and contact information about other potentially exposed individuals. With the addition of routine use II, ICE will be authorized to share with other government agencies or public health authorities biographic, detention, immigration encounter, and contact information, including location and other contact information on individuals who may have been exposed to an affected detainee, in order to investigate and limit the spread of a potential public health threats.

The exemptions for the existing system of records notice will continue to be applicable for this system of records notice. This updated system will continue to be included in DHS's inventory of record systems.

II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which the federal government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a ''system of records.'' A ''system of records'' is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. As a matter of policy, DHS extends administrative Privacy Act protections to all individuals when systems of records maintain information on U.S. citizens, lawful permanent residents, and visitors.

Below is the description of the amended DHS/ICE–011 Immigration and Enforcement Operational Records (ENFORCE) System of Records.

In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget and to Congress.

SYSTEM OF RECORDS

DHS/ICE–011

SYSTEM NAME:

Immigration and Enforcement Operational Records (ENFORCE)

SECURITY CLASSIFICATION:

Unclassified; Controlled Unclassified Information (CUI).

SYSTEM LOCATION:

Records are maintained at the U.S. Immigration Customs and Enforcement (ICE) Headquarters in Washington, DC, ICE field and attaché offices, and detention facilities operated by or on behalf of ICE, or that otherwise house individuals detained by ICE.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by this system include:

1. Individuals arrested, detained, and/or removed for criminal and/or administrative violations of the Immigration and Nationality Act, or individuals who are the subject of an ICE immigration detainer issued to another custodial agency;
2. Individuals arrested by ICE law enforcement personnel for violations of federal criminal laws enforced by ICE or DHS;
3. Individuals who fail to leave the United States after receiving a final order of removal, deportation, or exclusion, or who fail to report to ICE for removal after receiving notice to do so (fugitive aliens);
4. Individuals who are granted parole into the United States under section 212(d)(5) of the Immigration and Nationality Act (parolees);
5. Other individuals whose information may be collected or obtained during the course of an immigration enforcement or criminal matter, such as witnesses, associates, and relatives;
6. Attorneys or representatives who represent individuals listed in categories (1)–(4) above;
7. Persons who post or arrange bond for the release of an individual from ICE detention, or receive custodial property of a detained alien;
8. Personnel of other agencies who assisted or participated in the arrest or

investigation of an alien, or who are maintaining custody of an alien; and

9. Prisoners of the U.S. Marshals Service held in ICE detention facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in this system include:

1. Biographic, descriptive, historical and other identifying data, including but not limited to: Names; aliases; fingerprint identification number (FIN); date and place of birth; passport and other travel document information; nationality; aliases; Alien Registration Number (A-Number); Social Security number; contact or location information (*e.g.,* known or possible addresses, phone numbers); visa information; employment, educational, immigration, and criminal history; height, weight, eye color, hair color, and other unique physical characteristics (*e.g.,* scars and tattoos).

2. Biometric data: Fingerprints and photographs. DNA samples required by Department of Justice regulation (see 28 CFR part 28) to be collected and sent to the Federal Bureau of Investigation (FBI). DNA samples are not retained or analyzed by DHS.

3. Information pertaining to ICE's collection of DNA samples, limited to the date and time of a successful collection and confirmation from the FBI that the sample was able to be sequenced. ICE does not receive or maintain the results of the FBI's DNA analysis (*i.e.,* DNA sequences).

4. Case-related data, including: Case number, record number, and other data describing an event involving alleged violations of criminal or immigration law (location, date, time, event category, types of criminal or immigration law violations alleged, types of property involved, use of violence, weapons, or assault against DHS personnel or third parties, attempted escape and other related information; event categories describe broad categories of criminal law enforcement, such as immigration worksite enforcement, contraband smuggling, and human trafficking). ICE case management information, including: case category, case agent, date initiated, and date completed.

5. Birth, marriage, education, employment, travel, and other information derived from affidavits, certificates, manifests, and other documents presented to or collected by ICE during immigration and law enforcement proceedings or activities. This data typically pertains to subjects, relatives, and witnesses.

6. Detention data on aliens, including immigration detainers issued; transportation information; detention-related identification numbers; custodial property; information about an alien's release from custody on bond, recognizance, or supervision; detention facility; security classification; book-in/book-out date and time; mandatory detention and criminal flags; aggravated felon status; and other alerts.

7. Detention data for U.S. Marshals Service prisoners, including: Prisoner's name, date of birth, country of birth, detainee identification number, FBI identification number, state identification number, book-in date, book-out date, and security classification;

8. Limited health information relevant to an individual's placement in an ICE detention facility or transportation requirements (*e.g.,* general information on physical disabilities or other special needs to ensure that an individual is placed in a facility or bed that can accommodate his or her requirements). Medical records about individuals in ICE custody (*i.e.,* records relating to the diagnosis or treatment of individuals) are maintained in DHS/ICE—013 Alien Medical Records System of Records;

9. Progress, status, and final result of removal, prosecution, and other DHS processes and relating appeals, including: information relating to criminal convictions, incarceration, travel documents, and other information pertaining to the actual removal of aliens from the United States.

10. Contact, biographical, and identifying data of relatives, attorneys or representatives, associates, or witnesses of an alien in proceedings initiated and/or conducted by DHS including, but not limited to: name, date of birth, place of birth, telephone number, and business or agency name.

11. Data concerning personnel of other agencies that arrested, or assisted or participated in the arrest or investigation of, or are maintaining custody of an individual whose arrest record is contained in this system of records. This can include: name, title, agency name, address, telephone number, and other information.

12. Data about persons who post or arrange an immigration bond for the release of an individual from ICE custody, or receive custodial property of an individual in ICE custody. This data may include: name, address, telephone number, Social Security number, and other information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

8 U.S.C. 1103, 1225, 1226, 1324, 1357, 1360, and 1365(a)(b); Justice for All Act of 2004 (Pub. L. 108–405); DNA Fingerprint Act of 2005 (Pub. L. 109–162); Adam Walsh Child Protection and Safety Act of 2006 (Pub. L. 109–248); and 28 CFR part 28, ''DNA-Sample Collection and Biological Evidence Preservation in the Federal Jurisdiction.''

PURPOSE(S):

The purposes of this system are:

1. To support the identification, apprehension, and removal of individuals unlawfully entering or present in the United States in violation of the Immigration and Nationality Act, including fugitive aliens.

2. To support the identification and arrest of individuals (both citizens and non-citizens) who commit violations of federal criminal laws enforced by DHS.

3. To track the process and results of administrative and criminal proceedings against individuals who are alleged to have violated the Immigration and Nationality Act or other laws enforced by DHS.

4. To support the grant, denial, and tracking of individuals who seek or receive parole into the United States.

5. To provide criminal and immigration history information during DHS enforcement encounters, and background checks on applicants for DHS immigration benefits (*e.g.,* employment authorization and petitions).

6. To identify potential criminal activity, immigration violations, and threats to homeland security; to uphold and enforce the law; and to ensure public safety.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ) or other federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body, or to a court, magistrate, administrative tribunal, opposing counsel, parties, and witnesses, in the course of a civil or criminal proceeding before a court or adjudicative body when it is necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;

2. any employee of DHS in his/her official capacity;

3. any employee of DHS in his/her individual capacity when DOJ or DHS has agreed to represent the employee; or

4. the U.S. or any agency thereof, is a party to the litigation or has an interest in such litigation, and DHS determines that the records are both relevant and necessary to the litigation and the use of such records is compatible with the purpose for which DHS collected the records.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration or other federal government agencies pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised;

2. DHS 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 DHS or another agency or entity) or harm to the individual who relies upon the compromised information; and

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

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

H. To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, including to an actual or potential party or his or her attorney, or in connection with criminal law proceedings.

I. To other federal, state, local, or foreign government agencies, individuals, and organizations during the course of an investigation, proceeding, or activity within the purview of immigration and nationality laws to elicit information required by DHS/ICE to carry out its functions and statutory mandates.

J. To the appropriate foreign government agency charged with enforcing or implementing laws when there is an indication of a violation or potential violation of the law of another nation (whether civil or criminal), and to international organizations engaged in the collection and dissemination of intelligence concerning criminal activity.

K. To other federal agencies for the purpose of conducting national intelligence and security investigations.

L. To any federal agency, when appropriate, to enable such agency to make determinations regarding the payment of federal benefits to the record subject in accordance with that agency's statutory responsibilities.

M. To foreign governments for the purpose of coordinating and conducting the removal of aliens to other nations; and to international, foreign, and intergovernmental agencies, authorities, and organizations in accordance with law and formal or informal international arrangements.

N. To family members and attorneys or other agents acting on behalf of an alien, to assist those individuals in determining whether: (1) The alien has been arrested by DHS for immigration violations; (2) the location of the alien if in DHS custody; or (3) the alien has been removed from the United States, provided however, that the requesting individuals are able to verify the alien's date of birth or Alien Registration Number (A-Number), or can otherwise present adequate verification of a familial or agency relationship with the alien.

O. To the DOJ Executive Office of Immigration Review (EOIR) or their contractors, consultants, or others performing or working on a contract for EOIR, for the purpose of providing information about aliens who are or may be placed in removal proceedings so that EOIR may arrange for the provision of educational services to those aliens under EOIR's Legal Orientation Program.

P. To attorneys or legal representatives for the purpose of facilitating group presentations to aliens in detention that will provide the aliens with information about their rights under U.S. immigration law and procedures.

Q. To a federal, state, tribal, or local government agency to assist such agencies in collecting the repayment of recovery of loans, benefits, grants, fines, bonds, civil penalties, judgments or other debts owed to them or to the U.S. Government, and/or to obtain information that may assist DHS in collecting debts owed to the U.S. Government.

R. To the State Department in the processing of petitions or applications for immigration benefits and non-immigrant visas under the Immigration and Nationality Act, and all other immigration and nationality laws including treaties and reciprocal agreements; or when the State Department requires information to consider and/or provide an informed response to a request for information from a foreign, international, or intergovernmental agency, authority, or organization about an alien or an enforcement operation with transnational implications.

S. To the Office of Management and Budget (OMB) in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in the Circular.

T. To the U.S. Senate Committee on the Judiciary or the U.S. House of Representatives Committee on the Judiciary when necessary to inform members of Congress about an alien who is being considered for private immigration relief.

U. To a criminal, civil, or regulatory law enforcement authority (whether federal, state, local, territorial, tribal, international, or foreign) when the information is necessary for collaboration, coordination, and de-confliction of investigative matters, to avoid duplicative or disruptive efforts, and for the safety of law enforcement officers who may be working on related investigations.

V. To the U.S. Marshals Service concerning Marshals Service prisoners

that are or will be held in detention facilities operated by or on behalf of ICE in order to coordinate the transportation, custody, and care of these individuals.

W. To third parties to facilitate placement or release of an alien (*e.g.,* at a group home, homeless shelter) who has been or is about to be released from ICE custody but only such information that is relevant and necessary to arrange housing or continuing medical care for the alien.

X. To an appropriate domestic government agency or other appropriate authority for the purpose of providing information about an alien who has been or is about to be released from ICE custody who, due to a condition such as mental illness, may pose a health or safety risk to himself/herself or to the community. ICE will only disclose information about the individual that is relevant to the health or safety risk they may pose and/or the means to mitigate that risk (*e.g.,* the alien's need to remain on certain medication for a serious mental health condition).

Y. To the DOJ Federal Bureau of Prisons (BOP) and other federal, state, local, territorial, tribal, and foreign law enforcement or custodial agencies for the purpose of placing an immigration detainer on an individual in that agency's custody, or to facilitate the transfer of custody of an individual from ICE to the other agency. This will include the transfer of information about unaccompanied minor children to the U.S. Department of Health and Human Services (HHS) to facilitate the custodial transfer of such children from ICE to HHS.

Z. To DOJ, disclosure of DNA samples and related information as required by 28 CFR part 28.

AA. To DOJ, disclosure of arrest and removal information for inclusion in relevant DOJ law enforcement databases and for use in the enforcement federal firearms laws (*e.g.,* Brady Act).

BB. To federal, state, local, tribal, territorial, or foreign governmental or quasi-governmental agencies or courts to confirm the location, custodial status, removal, or voluntary departure of an alien from the United States, in order to facilitate the recipient agencies' exercise of responsibilities pertaining to the custody, care, or legal rights (including issuance of a U.S. passport) of the removed individual's minor children, or the adjudication or collection of child support payments or other debts owed by the removed individual.

CC. Disclosure to victims regarding custodial information, such as release on bond, order of supervision, removal from the United States, or death in custody, about an individual who is the subject of a criminal or immigration investigation, proceeding, or prosecution.

DD. To any person or entity to the extent necessary to prevent immediate loss of life or serious bodily injury, (*e.g.,* disclosure of custodial release information to witnesses who have received threats from individuals in custody.)

EE. To an individual or entity seeking to post or arrange, or who has already posted or arranged, an immigration bond for an alien to aid the individual or entity in (1) identifying the location of the alien, or (2) posting the bond, obtaining payments related to the bond, or conducting other administrative or financial management activities related to the bond.

FF. To appropriate federal, state, local, tribal, or foreign governmental agencies or multilateral governmental organizations when DHS is aware of a need to utilize relevant data for purposes of testing new technology and systems designed to enhance national security or identify other violations of law.

GG. To members of the public, disclosure of limited detainee biographical information for the purpose of (1) identifying whether the detainee is in ICE custody and the custodial location, and (2) facilitating the deposit of monies into detainees' accounts for telephone or commissary services in a detention facility.

HH. To a domestic law enforcement agency or other agency operating a sex offender registry for the purpose of providing notice of an individual's release from DHS custody or removal from the United States when the individual is required to register as a sex offender, in order to assist those agencies in updating sex offender registries and otherwise carrying out the sex offender registration requirements within their jurisdictions.

II. To federal, state, local, tribal, territorial, or foreign governmental agencies; multilateral governmental organizations; or other public health entities, for the purposes of protecting the vital interests of a data subject or other persons, including to assist such agencies or organizations during an epidemiological investigation, in facilitating continuity of care, preventing exposure to or transmission of a communicable or quarantinable disease of public health significance, or to combat other significant public health threats.

JJ. To the news media and the public, with the approval of the Chief Privacy Officer in consultation with counsel, when there exists a legitimate public interest in the disclosure of the information or when disclosure is necessary to preserve confidence in the integrity of DHS or is necessary to demonstrate the accountability of DHS's officers, employees, or individuals covered by the system, except to the extent it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information can be stored in case file folders, cabinets, safes, or a variety of electronic or computer databases and storage media.

RETRIEVABILITY:

Records may be retrieved by name, identification numbers including, but not limited to, A-Number, fingerprint identification number, Social Security number, case or record number if applicable, case related data, and/or combination of other personal identifiers including, but not limited to, date of birth and nationality.

SAFEGUARDS:

Records in this system are safeguarded in accordance with applicable rules and policies, including all applicable DHS automated systems security and access policies. Strict controls have been imposed to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

RETENTION AND DISPOSAL:

ICE is in the process of drafting a proposed record retention schedule for the information maintained in the Enforcement Integrated Database (EID). ICE anticipates retaining records of arrests, detentions, and removals in EID for one-hundred (100) years; records concerning U.S. Marshals Service prisoners for ten (10) years; fingerprints and photographs collected using Mobile IDENT for up to seven (7) days in the cache of an encrypted government laptop; Enforcement Integrated Database Data Mart (EID–DM), ENFORCE Alien Removal Module Data Mart (EARM–

DM), and ICE Integrated Decision Support (IIDS) records for seventy-five (75) years; user account management records (UAM) for ten (10) years following an individual's separation of employment from federal service; statistical records for ten (10) years; audit files for fifteen (15) years; and backup files for up to one (1) month.

ICE anticipates retaining records from the Fugitive Case Management System (FCMS) for ten (10) years after a fugitive alien has been arrested and removed from the United States; 75 years from the creation of the record for a criminal fugitive alien that has not been arrested and removed; ten (10) years after a fugitive alien reaches 70 years of age, provided the alien has not been arrested and removed and does not have a criminal history in the United States; ten (10) years after a fugitive alien has obtained legal status; ten (10) years after arrest and/or removal from the United States for a non-fugitive alien's information, whichever is later; audit files for 90 days; backup files for 30 days; and reports for ten (10) years or when no longer needed for administrative, legal, audit, or other operations purposes.

SYSTEM MANAGER AND ADDRESS:

Unit Chief, Law Enforcement Systems/Data Management, U.S. Immigration and Customs Enforcement, Office of Investigations Law Enforcement Support and Information Management Division, Potomac Center North, 500 12th Street SW., Washington, DC 20536.

NOTIFICATION PROCEDURE:

The Secretary of Homeland Security has exempted this system from the notification, access, and amendment procedures of the Privacy Act because it is a law enforcement system. However, ICE will consider individual requests to determine whether or not information may be released. Thus, individuals seeking notification of and access to any record contained in this system of records, or seeking to contest its content, may submit a request in writing to ICE's FOIA Officer, whose contact information can be found at *www.dhs.gov/foia* under ''contacts.''

When seeking records about yourself from this system of records or any other Departmental system of records your request must conform with the Privacy Act regulations set forth in 6 CFR part 5. You must first verify your identity, meaning that you must provide your full name, current address, and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, you may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, *http://www.dhs.gov* or 1–866–431–0486. In addition you should provide the following:

- An explanation of why you believe the Department would have information on you;
- Identify which component(s) of the Department you believe may have the information about you;
- Specify when you believe the records would have been created;
- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records; and
- If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying his/her agreement for you to access his/her records.

Without this bulleted information the component(s) may not be able to conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with applicable regulations.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Records in the system are supplied by several sources. In general, information is obtained from individuals covered by this system, and other federal, state, local, tribal, or foreign governments. More specifically, DHS/ICE–011 records derive from the following sources:

(a) Individuals covered by the system and other individuals (*e.g.,* witnesses, family members);

(b) Other federal, state, local, tribal, or foreign governments and government information systems;

(c) Business records;

(d) Evidence, contraband, and other seized material; and

(e) Public and commercial sources.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

The Secretary of Homeland Security has exempted portions of this system of records from subsections (c)(3) and (4); (d); (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), and (e)(8); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). In addition, the Secretary of Homeland Security has exempted portions of this system of records from subsections (c)(3); (d); (e)(1), (e)(4)(G), and (e)(4)(H) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2). These exemptions apply only to the extent that records in the system are subject to exemption pursuant to 5 U.S.C. 552a(j)(2) and (k)(2).

In addition, to the extent a record contains information from other exempt systems of records, DHS will rely on the exemptions claimed for those systems.

Karen L. Neuman,

Chief Privacy Officer, Department of Homeland Security.

[FR Doc. 2015–04266 Filed 2–27–15; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket Number FR–5822–N–01]

Announcement of Availability of Notice on Required Actions for Multifamily Housing Projects Receiving Failing Scores From HUD's Real Estate Assessment Center (REAC)

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Announcement of availability of notice on certain required actions for projects with failing REAC scores.

SUMMARY: Section 230 of HUD's Fiscal Year 2014 Appropriations Act and Section 226 of HUD's Fiscal Year 2015 Appropriations Act require HUD to take certain actions if a multifamily housing project with a section 8 contract or with a contract with similar project-based project assistance receives a failing score by REAC. This notice announces the availability on HUD's Web site of the notice specifying the required actions that HUD must take for multifamily projects receiving failing REAC scores. The notice is Housing Notice is H 2015–2, which can be found at *http://portal.hud.gov/hudportal/documents/huddoc?id=15-02hsgn.pdf.*

FOR FURTHER INFORMATION CONTACT: Brandt Witte, Office of Multifamily Housing Asset Management and Portfolio Oversight, Department of Housing and Urban Development, 451 7th Street SW., Room 6178, Washington, DC 20410–8000; telephone number 202–402–2614 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339.

SUPPLEMENTARY INFORMATION: HUD's Fiscal Year (FY) 2014 Appropriations

Act is found in Title II of Division L of the Consolidated Appropriations Act, 2014 (Pub. L. 113–76, approved January 17, 2014). HUD's FY 2015 Appropriations Act is found in Title II of Division K of the Consolidated and Further Continuing Appropriations Act of 2015 (Pub. L. 113–235, approved December 16, 2014). Section 230 of the general provisions of HUD's FY 2014 Appropriations Act and section 226 of the general provisions of HUD's FY 2015 Appropriations Act require HUD to take certain actions if a multifamily housing project with a section 8 contract or with a contract for similar project-based assistance receives a failing REAC physical inspection score.[1] The statutorily required actions apply to projects insured by HUD's Federal Housing Administration (FHA) and non-insured projects. The two statutory sections are identical. This notice advises the public that HUD has posted on its Web site the Office of Housing notice detailing the required actions that HUD must take in accordance with section 230. This notice can be found at the Web site shown under the Summary section of this notice.

Dated: February 24, 2015.

Biniam Gebre,

Acting Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 2015–04261 Filed 2–27–15; 8:45 am]

BILLING CODE 4210–67–P

[1] The Real Estate Assessment Center's (REAC) mission is to provide and promote the effective use of accurate, timely and reliable information assessing the condition of HUD's portfolio; to provide information to help ensure safe, decent and affordable housing; and to restore the public trust by identifying fraud, abuse and waste of HUD resources. REAC undertakes physical inspections of all HUD housing.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLOR930000. L16100000.DO0000.LXSSH0930000 .15XL1109AF, HAG 15–0052]

Notice of Intent To Prepare a Resource Management Plan and Associated Environmental Impact Statement for the San Juan Islands National Monument

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended, (NEPA) the Federal Land Policy and Management Act of 1976, as amended, (FLPMA) and Presidential Proclamation No. 8947 (Establishment of the San Juan Islands National Monument) (March 25, 2013), the Bureau of Land Management (BLM) Spokane District Office, Spokane, Washington, intends to prepare a Resource Management Plan (RMP) with an associated Environmental Impact Statement (EIS) for the San Juan Islands National Monument (Monument) and, by this notice, is announcing the beginning of the scoping process to solicit public comments and identify issues.

DATES: This notice initiates the public scoping process for the RMP with an associated EIS. Comments on issues may be submitted in writing until April 1, 2015. The dates and locations of any scoping meetings will be announced at least 15 days in advance through local media, newspapers, and the BLM Web site at: *http://www.blm.gov/or/plans.* In order to be included in the Draft EIS, all comments must be received prior to the close of the 30-day scoping period or 15 days after the last public meeting, whichever is later. We will provide additional opportunities for public participation upon publication of the Draft EIS.

ADDRESSES: You may submit comments on issues and planning criteria related to the San Juan Islands RMP/EIS by any of the following methods: Email: *blm_or_sanjuanislandsnm@blm.gov;* Fax: 503–808–6333; Mail: 1103 N Fancher Road, Spokane Valley, WA 99212.

Documents pertinent to this proposal may be examined at the Spokane District Office, 1103 North Fancher Road, Spokane Valley, WA 99212; the Wenatchee Field Office, 915 North Walla Walla Street, Wenatchee, WA 98801; and the Oregon State Office, Public Room, 1220 SW. Third Avenue, Portland, OR 97204.

FOR FURTHER INFORMATION CONTACT: Ms. Lauren Pidot, San Juan National Monument RMP Team Lead; telephone 503–808–6297; address 1103 North Fancher Road, Spokane Valley, WA 99212; email *blm_or_sanjuanislandsnm@blm.gov.* Contact Ms. Pidot to add your name to our mailing list. 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: This document provides notice that the BLM Spokane District Office, Washington, intends to prepare an RMP with an associated EIS for the Monument, announces the beginning of the scoping process, and seeks public input on issues and planning criteria. The planning area is located in San Juan, Whatcom, and Skagit Counties, Washington, and encompasses approximately 995 acres of public land. The Monument was established on March 25, 2013, by Presidential Proclamation (Proclamation) for the purposes of protecting objects of historical and scientific interest and enhancing areas of unique and varied natural, historical, and scientific resources for the benefit of all Americans. The Proclamation specified that the BLM ''shall prepare and maintain a management plan for the monument and shall establish an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.) to provide information and advice regarding the development of such plan.'' The purpose of the public scoping process is to determine relevant issues that will influence the scope of the environmental analysis, including alternatives, and guide the planning process.

Preliminary issues for the planning area have been identified by BLM personnel; Federal, State, and local agencies; and other stakeholders. The issues include those associated with the objects and resources for which the monument was designated, including cultural and ecological values and wildlife; opportunities for recreation and interpretation; traditional uses and tribal interests; land use authorizations, such as rights-of-way for access; and travel and transportation management. Preliminary planning criteria include: (1) The plan will adhere to the mandates of the Proclamation that established the Monument; (2) the plan will be developed in compliance with FLPMA, NEPA, and all other applicable laws, regulations, Executive and Secretarial Orders, and policies; (3) public participation and collaboration will be an integral part of the planning process; (4) the planning process will provide for ongoing consultation with Native American tribal governments and strategies for protecting traditional uses; (5) the BLM will work collaboratively with cooperating agencies and all other interested groups, agencies, and individuals; (6) the BLM will work collaboratively with the Monument Advisory Committee established for this planning process; and (7) the plan will recognize the jurisdiction of other Federal, State, and local agencies and will encourage cooperative partnerships

with these agencies to support land management in the Monument.

The BLM will use the NEPA public participation requirements to assist the agency in satisfying the public involvement requirements under Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C 306108 (as recodified)) pursuant to 36 CFR 800.2(d)(3). The information about historic and cultural resources within the area potentially affected by the proposed action will assist the BLM in identifying and evaluating impacts to such resources in the context of both NEPA and Section 106 of the NHPA. The BLM will consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, will be given due consideration. Federal, State, and local agencies, along with tribes and other stakeholders that may be interested in or affected by the proposed action, are invited to participate in the scoping process and, if eligible, may request or be asked by the BLM to participate as a cooperating agency.

You may submit comments on issues and planning criteria in writing to the BLM at any public scoping meeting, or you may submit them to the BLM using one of the methods listed in the **ADDRESSES** section above. To be most helpful, you should submit comments by the close of the 30-day scoping period or within 15 days after the last public meeting, whichever is later. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. The minutes and list of attendees for each scoping meeting will be available to the public and open for 30 days after the meeting to any participant who wishes to clarify the views he or she expressed. The BLM will evaluate identified issues to be addressed in the plan, and will place them into one of three categories:

1. Issues to be resolved in the plan;
2. Issues to be resolved through policy or administrative action; or
3. Issues beyond the scope of this plan.

The BLM will provide an explanation in the Draft RMP/EIS as to why an issue was placed in category two or three. The public is also encouraged to help identify any management questions and concerns that should be addressed in the plan. The BLM will work collaboratively with interested parties to identify the management decisions that are best suited to local, regional, and national needs and concerns.

The BLM will use an interdisciplinary approach to develop the plan in order to consider the variety of resource issues and concerns identified. Specialists with expertise in the following disciplines will be involved in the planning process: archaeology and cultural resources, geology, wildlife and fisheries, botany, recreation, and lands and realty.

Authority: 40 CFR 1501.7, 43 CFR 1610.2.

Jerome E. Perez,

Oregon/Washington State Director.

[FR Doc. 2015–04289 Filed 2–27–15; 8:45 am]

BILLING CODE 4310–33–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–776–779 (Third Review)]

Preserved Mushrooms From Chile, China, India, and Indonesia; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the antidumping duty orders on preserved mushrooms from Chile, China, India, and Indonesia would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission;[1] to be assured of consideration, the deadline for responses is April 1, 2015. Comments on the adequacy of responses may be filed with the Commission by May 14, 2015. For further information concerning the conduct of this proceeding 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, D, E, and F (19 CFR part 207).

DATES: Effective Date: March 2, 2015.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On December 2, 1998, the Department of Commerce issued an antidumping duty order on imports of preserved mushrooms from Chile (63 FR 66529) and on February 19, 1999, Commerce issued antidumping duty orders on imports of preserved mushrooms from China, India, and Indonesia (64 FR 8308–8312). Commerce subsequently revoked in part the order on imports from Indonesia (68 FR 39521, July 2, 2003). Following first five-year reviews by Commerce and the Commission, effective November 17, 2004, Commerce issued a continuation of the antidumping duty orders on imports of preserved mushrooms from Chile, China, India, and Indonesia (69 FR 67308). Following the second five-year reviews by Commerce and the Commission, effective February 28, 2010, Commerce issued a continuation of the antidumping duty orders on imports of preserved mushrooms from Chile, China, India, and Indonesia (75 FR 22369). The Commission is now conducting third reviews to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include

[1] No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117–0016/USITC No. 15–5–324, expiration date June 30, 2017. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by the Department of Commerce.

(2) The *Subject Countries* in these reviews are Chile, China, India, and Indonesia.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determinations, its full first five-year review determinations, and its expedited second five-year review determinations, the Commission found one *Domestic Like Product* consisting of preserved mushrooms corresponding to the scope of Commerce's investigations.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations, its full first five-year review determinations, and its expedited second five-year review determinations, the Commission defined the *Domestic Industry* to consist of all domestic producers of preserved mushrooms. Certain Commissioners defined the *Domestic Industry* differently in the original investigations.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written submissions.—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is April 1, 2015. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is May 14, 2015. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. Please be aware that the Commission's rules with respect to filing have changed. The most recent amendments took effect on July 25, 2014. *See* 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's Web site at *http://edis.usitc.gov.* Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Inability to provide requested information.—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information To Be Provided in Response to This Notice of Institution: If you are a domestic producer, union/worker group, or trade/business association; import/export *Subject Merchandise* from more than one *Subject Country;* or produce *Subject*

Merchandise in more than one *Subject Country,* you may file a single response. If you do so, please ensure that your response to each question includes the information requested for each pertinent *Subject Country.* As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise,* a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2008.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2014, except as noted (report quantity data in pounds, drained weight, and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (*i.e.,* the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2014 (report quantity data in pounds, drained weight, and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from each *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from each *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in any *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2014 (report quantity data in pounds, drained weight, and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in each *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in each *Subject Country* (*i.e.,* the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from each *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in each *Subject Country* after 2008, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to

the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in each *Subject Country,* and such merchandise from other countries.

(13) (Optional) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: February 25, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–04248 Filed 2–27–15; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. AA1921–167 (Fourth Review)]

Pressure Sensitive Plastic Tape From Italy; Institution of a Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the antidumping duty finding on pressure sensitive plastic tape from Italy would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission; [1] to be assured of consideration, the deadline for responses is April 1, 2015. Comments on the adequacy of responses may be filed with the Commission by May 14, 2015. For further information concerning the conduct of this proceeding 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, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* March 2, 2015.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On October 21, 1977, the Department of the Treasury issued an antidumping finding on imports of pressure sensitive plastic tape from Italy (42 FR 56110). Following first five-year reviews by Commerce and the Commission, effective February 17, 1999, Commerce issued a continuation of the antidumping duty finding on imports of pressure sensitive plastic tape from Italy (64 FR 51515, September 23, 1999). Following second five-year reviews by Commerce and the Commission, effective June 25, 2004, Commerce issued a second continuation of the antidumping duty finding on imports of pressure sensitive plastic tape from Italy (69 FR 35584). Following third five-year reviews by Commerce and the Commission, effective April 5, 2010, Commerce issued a continuation of the antidumping duty finding on imports of pressure sensitive plastic tape from Italy (75 FR 17124). The Commission is now conducting a fourth review to determine whether revocation of the finding would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by the Department of Commerce.

(2) The *Subject Country* in this review is Italy.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* The Commission did not make a like product determination *per se* in its original determination; however, the Commission considered the U.S. industry to consist of all domestic facilities that were devoted to the production of pressure sensitive plastic tape. In its expedited first and second five-year review determinations and in its full third five-year review determinations, the Commission found that the appropriate definition of the *Domestic Like Product* was the same as Commerce's scope: Pressure sensitive plastic tape measuring over 1⅜ inches in width and not exceeding 4 mils in thickness.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination, its expedited first and second five-year review determinations, and its full third five-year review determinations, the Commission defined the *Domestic Industry* as all producers of pressure sensitive plastic tape.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will

[1] No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117–0016/USITC No. 15–5–325, expiration date June 30, 2017. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written submissions.—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is April 1, 2015. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is May 14, 2015. All written submissions must conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. Please be aware that the Commission's rules with respect to filing have changed. The most recent amendments took effect on July 25, 2014. *See* 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's Web site at *http://edis.usitc.gov.* Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Inability to provide requested information.—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determination in the review.

Information To Be Provided In Response to this Notice of Institution: As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise,* a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty finding on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2008.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's

operations on that product during calendar year 2014, except as noted (report quantity data in square yards and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (*i.e.,* the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2014 (report quantity data in square yards and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2014 (report quantity data in square yards and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (*i.e.,* the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2008, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country,* and such merchandise from other countries.

(13) (Optional) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: February 25, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–04252 Filed 2–27–15; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–1059 (Second Review)]

Hand Trucks and Certain Parts Thereof From China; Institution of a Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act) to determine whether revocation of the antidumping duty order on hand trucks and certain parts thereof from China would be likely to lead to continuation or recurrence of material injury. Pursuant to section 751(c)(2) of the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission; [1] to be assured of consideration, the deadline for responses is April 1, 2015. Comments on the adequacy of responses may be

[1] No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117–0016/USITC No. 15–5–326, expiration date June 30, 2017. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

filed with the Commission by May 14, 2015. For further information concerning the conduct of this proceeding 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, D, E, and F (19 CFR part 207).

DATES: *Effective Date:* March 2, 2015.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*http://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On December 2, 2004, the Department of Commerce issued an antidumping duty order on imports of hand trucks and certain parts thereof from China (69 FR 70122–70123). Following first five-year reviews by Commerce and the Commission, effective April 28, 2010, Commerce issued a continuation of the antidumping duty order on imports of hand trucks and certain parts thereof from China (75 FR 22369). The Commission is now conducting a second review to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. It will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by the Department of Commerce.

(2) The *Subject Country* in this review is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determination and its expedited first five-year review determination, the Commission found a single *Domestic Like Product* comprised of finished hand trucks and certain hand truck parts corresponding to Commerce's scope of investigation.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination and its expedited first five-year review determination, the Commission found a single *Domestic Industry* consisting of all U.S. producers of the *Domestic Like Product* which, as stated above, consists of all finished hand trucks and hand truck parts corresponding to Commerce's scope of investigations.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will be deemed to consent, unless otherwise specified, for the Commission, its employees, and contract personnel to use the information provided in any other reviews or investigations of the same or comparable products which the Commission conducts under Title VII of the Act, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.

Written submissions.—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is April 1, 2015. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is May 14, 2015. All written submissions must

conform with the provisions of sections 201.8 and 207.3 of the Commission's rules and any submissions that contain BPI must also conform with the requirements of sections 201.6 and 207.7 of the Commission's rules. Please be aware that the Commission's rules with respect to filing have changed. The most recent amendments took effect on July 25, 2014. *See* 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's Web site at *http://edis.usitc.gov.* Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

Inability to provide requested information.—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determination in the review.

Information To Be Provided In Response to This Notice of Institution: As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise,* a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association, or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2008.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2014, except as noted (report quantity data in units and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (*i.e.,* the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2014 (report quantity data in units and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2014 (report quantity data in units and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (*i.e.,* the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2008, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country,* and such merchandise from other countries.

(13) (Optional) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: February 25, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–04245 Filed 2–27–15; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Comment Request for Information Collection for OMB 1205–0010, ETA 5159, Claims and Payment Activities Report; Extension Without Change

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, 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 collection of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

Currently, ETA is soliciting comments concerning the proposed extension, without change on the Claims and Payments Activities, Form ETA 5159.

DATES: Submit written comments to the office listed in the addressee section below on or before May 1, 2015.

ADDRESSES: Send comments to Thomas Stengle, U.S. Department of Labor, Employment and Training Administration, Office of Unemployment Insurance, 200 Constitution Avenue NW., Frances Perkins Bldg. Room S–4524, Washington, DC 20210, telephone number (202) 693–2991 (this is not a toll-free number). Individuals with hearing or speech impairment may access the telephone number above via TTY by calling the toll-free Federal Information relay Service at 1–877–889–56–27 (TTY/TDD). Email: *Stengle.Thomas@dol.gov.* To obtain a copy of the proposed information collection request (ICR), please contact the person above.

SUPPLEMENTARY INFORMATION:

I. Background

The ETA 5159 report contains information on claims activities including the number of initial claims, first payments, weeks claimed, weeks compensated, benefit payments and final payments. These data are used in budgetary and administrative planning, program evaluation, actuarial and program research, and reports to Congress and the public.

II. Review Focus

The Department is particularly interested in comments which:

* Evaluate whether the proposed collection of information is necessary to describe claims and payment activities, 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 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.

II. Current Actions

Type of Review: Extension without change.

Title: Claims and Payment Activities.

OMB Number: 1205–0010.

Affected Public: State Workforce Agencies.

Estimated Total Annual Respondents: 53.

Estimated Total Annual Responses: 636.

Average Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 1,272 hours per year.

Total Estimated Annual Other Cost Burden: $0.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the ICR; they will also become a matter of public record.

Portia Wu,

Assistant Secretary for Employment and Training Administration.

[FR Doc. 2015–04164 Filed 2–27–15; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Comment Request for Information Collection for OMB 1205–0430, Resource Justification Model (RJM); Extension With Revisions

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, 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.

Currently, ETA is soliciting comments concerning the proposed extension, with change on Resource Justification Model.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before May 1, 2015.

ADDRESSES: Send written comments to Thomas Stengle, Office of Unemployment Insurance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, telephone number (202) 693–2991 (this is not a toll-free number). Email address is *stengle.thomas@dol.gov* and fax number is (202) 693–2874 (this is not a toll-free number). To obtain a copy of the proposed information collection request (ICR), please contact the person listed above.

SUPPLEMENTARY INFORMATION:

I. Background

The collection of actual Unemployment Insurance (UI) administrative cost data from states' accounting records and projected expenditures for upcoming years is accomplished through the Resource Justification Model (RJM) data collection instrument. The data collected consists of program expenditures and hours worked by state staff, broken out by functional activity, for the most recent two years of expenditures. This actual cost data in combination with projected workloads is used by ETA's UI administrative resource allocation model to distribute to states UI program administration funds.

The RJM data collection instrument had not been reviewed since it was implemented in 2002 and both the states and DOL felt it would be beneficial to determine if the process could be modified to reduce the burden of assembling and reviewing the information and if the information collected is appropriate (because, for example, the increasing use of technology to administer the UI program has significantly changed the UI business model). The DOL partnered with the National Association of State Workforce Agencies (NASWA) to form a workgroup tasked with determining improvements to the RJM and three changes were agreed upon. The workgroup decided to reduce the categories of existing Non-Personal Services (NPS) categories from eight to three: Information technology (IT)/Communications, Non IT NPS, and Personal Service Contracts. The workgroup also decided to discontinue the requirement for states to submit hard copy note books containing the supporting documentation. Both of these changes reduce respondent burden. In addition, the workgroup decided to add a requirement for states to report separately Personal Services and Personal Benefits for IT expenditures, which did not exist previously.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- 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

Type of Review: Extension with revisions.

Title: Resource Justification Model.

OMB Number: 1205–0430.

Affected Public: State Workforce Agencies.

Estimated Total Annual Respondents: 53 State Workforce Agencies.

Frequency: Annually.

Estimated Total Responses: 53 respondents × 4 annual reports submitted = 212 responses.

Average Estimated Response Time: 109.5 hours (a reduction of 13.5 hours per response from the previously approved collection).

Total Estimated Burden Hours: 5,592 hours (a reduction of 715 hours from the previously approved collection).

Form/activity	Total respondents	Frequency	Total responses	Average time per response (hours)	Total estimated burden (hours)
Crosswalk	53	Annually	53	94.5	5,009
Account Summary	53	Annually	53	4.0	212
RJM 1–6	53	Annually	53	3.0	159
IT PS/PB Expenditures	53	Annually	53	8.0	424
Totals			212	109.5	5,804

Total Burden Cost (capital/startup): $15,000.

Total Burden Cost (operating/maintaining): $0.

We will summarize and/or include in the request for OMB approval of the ICR, the comments received in response

to this comment request; they will also become a matter of public record.

Portia Wu,

Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2015–04165 Filed 2–27–15; 8:45 am]

BILLING CODE 4510–FW–P

DEPARTMENT OF LABOR

Employment and Training Administration

Comment Request for Information Collection for Work Opportunity Tax Credit (WOTC) Program (OMB No. 1205–0371), Extension Without Revisions of a Currently Approved Collection

AGENCY: Employment and Training Administration (ETA), Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (Department), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the 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 [44 U.S.C. 3506(c)(2)(A)] (PRA). The PRA helps ensure that respondents can provide requested data in the desired format with minimal reporting burden (time and financial resources), collection instruments are clearly understood and the impact of collection requirements on respondents can be properly assessed.

Currently, the Office Workforce Investment in ETA is soliciting comments concerning the proposed request for an extension of a collection of Work Opportunity Tax Credit (WOTC) program forms without changes.

DATES: Submit written comments to the office listed in the addresses section below on or before May 1, 2015.

ADDRESSES: Send written comments to *Ms. Kimberly Vitelli, Chief Division of National Programs Tools and Technical Assistance (DNPTTA),* Room C–4510, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number: 202–693–3045 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD). Fax: 202–693–3015. Email: *vitelli.kimberly@dol.gov.* To obtain a copy of the proposed information collection request (ICR), please contact the person listed above.

FOR FURTHER INFORMATION CONTACT: Carmen Ortiz, WOTC National Coordinator at *ortiz.carmen@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Work Opportunity Tax Credit (WOTC) program was created by the Small Business Job Protection Act of 1996 (Pub. L. 104–188) and allows private-for-profit businesses, and 501(c) tax-exempt organizations that hire veterans, to obtain tax credits from the Internal Revenue Service (IRS) for hiring hard-to-employ members of nine target groups. State workforce agencies (SWAs) process these requests and issue employers the final determination that a new hire is in one of the nine target groups, which employers then use to claim the tax credit to the IRS. Other legislation that imposes requirements on the WOTC program include the Taxpayer Relief Act of 1997 (Pub. L. 105–34), which created the Welfare-to-Work Tax Credit for a two-year period. The WtWTC expired on December 2005 and its Long-term TANF Recipient group became part of the WOTC in 2006 by Pub. L 109–432. Additional legislation includes the Tax Relief and Health Care Act (Pub. L. 109–432) passed in 2006, the Small Business and Work Opportunity Tax Act (Pub. L. 110–28) passed in 2007, the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5), the VOW to Hire Heroes Act of 2011 (Pub. L. 112–56), the American Taxpayer Relief of 2012 (Pub. L. 112–240), the Tax Increase Prevention Act of 2014 (Pub. L. 113–295), and Section 51 of the Internal Revenue (IR) Code of 1986, as amended. Since its enactment, this program has experienced a series of authorization lapses and retroactive reauthorizations by Congress.

On December 19, 2014, President Obama signed into law the Tax Increase Prevention Act of 2014 (the Act) (Pub. L. 113–295). On December 31, 2013 the legislative authority of the WOTC program expired, and this Act amended Sec. 51 of the IR Code by retroactively reauthorizing WOTC, without any amendments/changes to the program or the current target groups, through December 31, 2014. This retroactive extension applies to new hires who began to work for an employer on or after January 1, 2014 and before January 1, 2015. Currently, the WOTC program's legislative authority expired on December 31, 2014.

This submission includes five WOTC program forms as follows: (1) A reporting form (ETA 9058); (2) two processing forms (ETA Forms 9061 (English and Spanish versions) and 9062; (3) and two administrative forms (ETA Forms 9063 and 9065). ETA Form 9058 is used by SWAs to report to ETA information on processing of WOTC certification requests. ETA Form 9061 or 9062 is used by employers to request certification for their new hires together with the IRS Form 8850. The SWAs use the information on these two forms to verify target group eligibility and process the employer's requests. SWAs use ETA Form 9063 to issue the final certifications to eligible employers or their representatives and ETA Form 9065 in their administrative quarterly internal audits. The design and format of ETA Form 9063 and 9065 is optional for the states. SWAs are no longer required to report to ETA the results of their internal audits (ETA 9065).

The data collected under this submission is necessary for effective federal administration of the WOTC program, including allowing ETA and IRS to oversee state administration of the tax credit. Uniform program administration procedures and forms assure that businesses, especially multistate businesses that utilize the WOTC tax credit, receive consistent treatment from state to state regarding eligibility determinations and processing of their certification requests, and that the statutory rules for receipt of this tax credit requests are administered in a consistent manner by the SWAs.

Since Public Laws 113–295 and 112–240 did not make any changes to the program or its target groups other than reauthorize the program through a specific period of time, the program's administrative, processing and reporting forms have not been revised or amended. These forms expire on June 30, 2015. ETA is requesting a 3-year expiration date of June 30, 2018.

II. Review Focus

The Department is particularly interested in comments which:

- 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 submissions of responses.

III. Current Actions

Type of Review: Extension without revisions.

Title: Work Opportunity Tax Credit (WOTC) program.

OMB Number: 1205–0371.

Affected Public: State Workforce Agencies (SWAs), private for profit employers, and since 2011, 501(c) tax-exempt organizations hiring veterans.

Estimated Total Annual Respondents: 990,052.

Annual Frequency: Quarterly, On Occasion, Annually.

Estimated Total Annual Responses: 2,420,624.

Average Time per Response: (For ETA Form 9058—1 hr; ETA Forms 9061–9063—.33; ETA Form 9065—1 hr.; and Record-Keeping—931 hrs.).

Estimated Total Annual Burden Hours: 847,445.

Total Estimated Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintaining): 0.

We will summarize and/or include in the request for OMB approval of the ICR, the comments received in response to this comment request; they will also become a matter of public record.

Portia Wu,

Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2015–04166 Filed 2–27–15; 8:45 am]

BILLING CODE 4510–FP–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2015–030]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the National Archives of the United States to preserve records of continuing value and agencies to destroy, after a specified period, records lacking administrative, legal, research, or other value. NARA publishes notice for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: NARA must receive requests for copies in writing by April 1, 2015. Once NARA has completed appraisal of the records is completed, we will send you a copy of the schedule. NARA staff usually prepare appraisal memoranda that contain additional information concerning the records covered by a proposed schedule. You may also request these, and we will provide them once we have completed the appraisal. Requesters will be given 30 days to submit comments.

ADDRESSES: You may request a copy of any records schedule identified in this notice by contacting Records Management Services (ACNR) using one of the following means:

Mail: NARA (ACNR), 8601 Adelphi Road, College Park, MD 20740–6001.

Email: *request.schedule@nara.gov.*

FAX: 301–837–3698.

Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. If you would also like the appraisal reports, please say so in your request.

FOR FURTHER INFORMATION CONTACT: Margaret Hawkins, Director, Records Management Services (ACNR), by mail at: National Archives and Records Administration; 8601 Adelphi Road; College Park, MD 20740–6001, by telephone at 301–837–1799, or by email at *request.schedule@nara.gov.*

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. These schedules provide for timely transfer into the National Archives of historically valuable records and authorize disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media-neutral unless specified otherwise. An item in a schedule is media-neutral when the disposition instructions may be applied to records regardless of the medium in which the records are created and maintained. Items included in schedules submitted to NARA on or after December 17, 2007, are media-neutral unless the item is limited to a specific medium. (See 36 CFR 1225.12(e).)

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending

1. Department of Defense, National Reconnaissance Office; Department of Defense, National Geospatial-Intelligence Agency; Department of Defense, National Security Agency (N1–525–13–1, 5 items, 5 temporary items). Routine budget, finance, contracts, and procurement records associated with a multi-mission ground station.

2. Department of Defense, National Reconnaissance Office; Department of Defense, National Geospatial-Intelligence Agency; Department of Defense, National Security Agency (N1–525–13–2, 4 items, 4 temporary items). Routine human resources records associated with a multi-mission ground station.

3. Department of Defense, National Reconnaissance Office; Department of Defense, National Geospatial-Intelligence Agency; Department of Defense, National Security Agency (N1–525–14–2, 3 items, 3 temporary items). Project files and routine information technology records associated with a multi-mission ground station.

4. Department of Defense, National Reconnaissance Office; Department of Defense, National Geospatial-Intelligence Agency; Department of Defense, National Security Agency (N1–525–14–3, 11 items, 11 temporary items). Routine environmental safety, health and wellness, facilities, and logistics records associated with a multi-mission ground station.

5. Department of Defense, National Reconnaissance Office; Department of Defense, National Geospatial-Intelligence Agency; Department of Defense, National Security Agency (N1–525–14–4, 7 items, 7 temporary items). Routine physical security records and information security records associated with a multi-mission ground station.

6. Department of Homeland Security, Transportation Security Administration (DAA–0560–2013–0001, 1 item, 1 temporary item). Master files of an electronic information system used to track the collection and disposal of hazardous materials collected at screening checkpoints.

7. Department of Homeland Security, Transportation Security Administration (DAA–0560–2013–0004, 1 item, 1 temporary item). Master files of an electronic information system used to track occupational health information.

8. Department of Homeland Security, Transportation Security Administration (DAA–0560–2013–0009, 2 items, 2 temporary items). Records related to performance audits at screening locations.

9. Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (DAA–0436–2012–0005, 2 items, 2 temporary items). Master files and outputs of an electronic information system used to process background checks for firearms purchases.

10. Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (DAA–0436–2012–0009, 2 items, 2 temporary items). Records related to the importation of firearms and ammunition.

11. Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (DAA–0436–2012–0010, 9 items, 9 temporary items). Records related to firearms registration and taxation. Records also include master files and outputs of electronic information systems used in the administration of a firearms registration program.

12. Department of Justice, Bureau of Alcohol, Tobacco, Firearms, and Explosives (DAA–0436–2012–0011, 2 items, 2 temporary items). Master files and outputs of an electronic information system used to manage investigative case files.

13. Department of State, Bureau of Diplomatic Security (N1–59–11–13, 7 items, 7 temporary items). Records of the Office of Investigations and Counterintelligence including assessments, reports, administrative files, and investigative case files.

14. Department of Transportation, Federal Highway Administration (DAA–0406–2013–0001, 2 items, 2 temporary items). Experimental project files and test and evaluation project files.

15. Department of Transportation, Federal Highway Administration (DAA–0406–2014–0001, 3 items, 3 temporary items). Content records of agency social networking Web sites.

16. Department of Transportation, Federal Highway Administration (DAA–0406–2014–0002, 3 items, 3 temporary items). Loan and grant files.

17. Department of Transportation, Federal Motor Carrier Safety Administration (DAA–0557–2013–0003, 1 item, 1 temporary item). Master files of an electronic information system used to track safety performance and compliance histories.

18. Export-Import Bank of the United States, Agency-wide (DAA–0275–2015–0001, 1 item, 1 temporary item). Compliance documents, final agreements, and other transaction records.

19. Federal Communications Commission, Office of Media Relations (DAA–0173–2015–0001, 1 item, 1 temporary item). Content records of agency social networking Web sites.

20. James Madison Memorial Fellowship Foundation, Agency-wide (N1–508–15–1, 17 items, 8 temporary items). Routine and uncaptioned photographs, compliance reports, fellowship applications, administrative files, recipient financial records, and Web site records. Proposed for permanent retention are records of executive leadership, publications, news releases, video recordings, and event photographs.

21. National Archives and Records Administration, Government-wide (DAA–GRS–2014–0002, 20 items, 20 temporary items). General Records Schedule for employee acquisition records including classification standards, position descriptions, classification appeals, job vacancy case files and application packages, interview records, political appointment records, special hiring authority program records, and pre-appointment records.

22. National Archives and Records Administration, Government-wide (DAA–GRS–2015–0002, 3 items, 3 temporary items). General Records Schedule for classified information nondisclosure agreements and files relating to the inadvertent release of privileged information to unauthorized parties.

23. Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects, Agency-wide (N1–596–15–1, 9 items, 4 temporary items). Records include correspondence, policy memorandums, and pilot project files. Proposed for permanent retention are records of the executive leadership, white papers, speeches, publications, and public presentations.

Dated: February 23, 2015.

Paul M. Wester Jr.,

Chief Records Officer for the U.S. Government.

[FR Doc. 2015–04235 Filed 2–27–15; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–302; NRC–2015–0042]

Duke Energy Florida, Inc.; Crystal River Unit 3 Nuclear Generating Plant

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of exemptions in response to a request from Duke Energy Florida, Inc. (DEF, the licensee) that would permit the licensee to reduce its emergency planning (EP) activities at the Crystal River Unit 3 Nuclear Generating Plant (CR–3). CR–3 has been shut down since September 26, 2009, and the final removal of fuel from the reactor vessel was completed on May 28, 2011. By letter dated February 20, 2013, DEF

submitted a certification to the NRC of permanent cessation of power operations and the removal of fuel from the reactor vessel. The licensee is seeking exemptions that would eliminate the requirements to maintain offsite radiological emergency plans and reduce some of the onsite EP activities based on the reduced risks at the permanently shutdown and defueled reactor. Offsite EP provisions would still exist using a comprehensive emergency management plan process. The NRC staff is issuing a final environmental assessment (EA) and final finding of no significant impact (FONSI) associated with the proposed exemptions.

DATES: The EA and FONSI referenced in this document are available on March 2, 2015.

ADDRESSES: Please refer to Docket ID NRC–2015–0042 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0042. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Michael D. Orenak, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–3229; email: *Michael.Orenak@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

Crystal River Unit 3 Nuclear Generating Plant (CR–3) is a permanently shutdown and defueled power reactor in the process of decommissioning. CR–3 is located in Citrus County, Florida, 80 miles north of Tampa, FL. Duke Energy Florida, Inc. (DEF, the licensee) is the holder of Facility Operating License No. DPR–72 for CR–3. CR–3 has been shut down since September 26, 2009, and the final removal of fuel from the reactor vessel was completed on May 28, 2011. By letter dated February 20, 2013, DEF submitted a certification to the NRC of permanent cessation of power operations and the removal of fuel from the reactor vessel. As a permanently shutdown and defueled facility, and pursuant to section 50.82(a)(2) of Title 10 of the *Code of Federal Regulations* (10 CFR), CR–3 is no longer authorized to be operated or to have fuel placed into its reactor vessel, but the licensee is still authorized to possess and store irradiated nuclear fuel. Irradiated fuel is currently stored onsite at CR–3 in a spent fuel pool (SFP). The licensee has requested exemptions from certain emergency planning (EP) requirements in 10 CFR part 50, ''Domestic Licensing of Production and Utilization Facilities,'' for CR–3. The NRC regulations concerning EP do not recognize the reduced risks after a reactor is permanently shut down and defueled. A permanently shutdown reactor, such as CR–3, must continue to maintain the same EP requirements as an operating power reactor under the existing regulatory requirements. To establish a level of EP commensurate with the reduced risks of a permanently shutdown and defueled reactor, DEF requires exemptions from certain EP regulatory requirements before it can change its emergency plans.

The NRC is considering issuance of exemptions to DEF from portions of 10 CFR 50.47, ''Emergency plans,'' and 10 CFR part 50, appendix E, ''Emergency Planning and Preparedness for Production and Utilization Facilities,'' which would permit DEF to modify its emergency plan to eliminate the requirements to maintain offsite radiological emergency plans and reduce some of the onsite EP activities based on the reduced risks at CR–3, due to its permanently shutdown and defueled status. Consistent with 10 CFR 51.21, the NRC has reviewed the requirements in 10 CFR 51.20(b) and 10 CFR 51.22(c) and determined that an environmental assessment (EA) is the appropriate form of environmental review for the requested action. Based on the results of the EA, which is provided in Section II of this document, the NRC has determined not to prepare an environmental impact statement for the proposed action, and is issuing a finding of no significant impact.

II. Environmental Assessment

Identification of the Proposed Action

The proposed action would exempt DEF from meeting certain requirements set forth in 10 CFR 50.47 and appendix E to 10 CFR part 50. More specifically, DEF requested exemptions from (1) certain requirements in 10 CFR 50.47(b) regarding onsite and offsite emergency response plans for nuclear power reactors, (2) certain requirements in 10 CFR 50.47(c)(2) to establish plume exposure and ingestion pathway EP zones for nuclear power reactors, and (3) certain requirements in 10 CFR part 50, appendix E, section IV, which establishes the elements that make up the content of emergency plans. The proposed action of granting these exemptions would result in the elimination of the requirements for the licensee to maintain offsite radiological emergency plans and reduce some of the onsite EP activities at CR–3, based on the reduced risks at the permanently shutdown and defueled reactor. However, requirements for certain onsite capabilities to communicate and coordinate with offsite response authorities will be retained. If necessary, offsite protective actions could still be implemented using a comprehensive emergency management plan (CEMP) process. A CEMP in this context, also referred to as an emergency operations plan (EOP), is addressed in the Federal Emergency Management Agency's Comprehensive Preparedness Guide (CPG) 101, ''Developing and Maintaining Emergency Operations Plans.'' The CPG 101 is the foundation for State, territorial, tribal, and local EP in the United States. It promotes a common understanding of the fundamentals of risk-informed planning and decisionmaking, and helps planners at all levels of government in their efforts to develop and maintain viable, all-hazards, all-threats emergency plans. An EOP is flexible enough for use in all emergencies. It describes how people and property will be protected; details regarding who is responsible for carrying out specific actions; identifies the personnel, equipment, facilities, supplies, and other resources available; and outlines how all actions will be coordinated. A CEMP is often referred to as a synonym for ''all hazards planning.''

The proposed action is in accordance with the licensee's application dated September 26, 2013, ''Permanently Defueled Emergency Plan and Emergency Action Level Scheme, and Request for Exemption to Certain Radiological Emergency Response Plan Requirements Defined by 10 CFR [Part] 50'' (ADAMS Accession No. ML13274A584), as supplemented by letters dated March 28, 2014, and August 28, 2014. In its letter dated March 28, 2014 (ADAMS Accession No. ML14098A072), DEF provided responses to the NRC staff's request for additional information concerning the proposed exemptions. In its letter dated August 28, 2014 (ADAMS Accession No. ML14251A237), DEF provided a supplement, which amended its request to align with the exemptions approved in Staff Requirements Memorandum to SECY–14–0066 (ADAMS Accession No. ML14219A366).

Need for the Proposed Action

The proposed action is needed for DEF to revise the CR–3 emergency plan to reflect the permanently shutdown and defueled status of the facility. The EP requirements currently applicable to CR–3 are for an operating power reactor. There are no explicit regulatory provisions distinguishing EP requirements for a power reactor that has been permanently shutdown from those for an operating power reactor. Therefore, since the 10 CFR part 50 license for CR–3 no longer authorizes operation of the reactor or emplacement or retention of fuel into the reactor vessel as specified in 10 CFR 50.82(a)(2), the occurrence of postulated accidents associated with reactor operation is no longer credible.

In its exemption request, the licensee identified six possible radiological accidents at CR–3 in its permanently shut down and defueled condition. These are (1) a fuel handling accident, (2) a radioactive waste handling accident, (3) a loss of SFP normal cooling (boil off), (4) a loss of SFP inventory with air-cooling, (5) an adiabatic heatup of the hottest fuel assembly, and (6) a loss of SFP inventory radiation dose. The NRC staff evaluated these possible radiological accidents in the Commission Paper (SECY) 14–0118, ''Request by Duke Energy Florida, Inc., for Exemptions from Certain Emergency Planning Requirements,'' dated October 29, 2014 (ADAMS Accession No. ML14219A444). In SECY–14–0118, the staff verified that DEF's analyses and calculations provide reasonable assurance that if the requested exemptions were granted, then (1) for a design-basis accident (DBA), an offsite radiological release will not exceed the Environmental Protection Agency's (EPA) Protective Action Guides (PAGs) at the exclusion area boundary, as detailed in the EPA ''PAG Manual, Protective Action Guides and Planning Guidance for Radiological Incidents,'' dated March 2013, which was issued as Draft for Interim Use and Public Comment; and, (2) in the unlikely event of a beyond DBA resulting in a loss of all SFP cooling, there is sufficient time to initiate appropriate mitigating actions, and in the unlikely event that a release is projected to occur, there is sufficient time for offsite agencies to take protective actions using a CEMP to protect the health and safety of the public. The Commission approved the NRC staff's recommendation to grant the exemptions in the Staff Requirements Memorandum to SECY–14–0118, dated December 30, 2014 (ADAMS Accession No. ML14364A111).

Based on these analyses, the licensee states that complete application of the EP rule, in its particular circumstances as a permanently shutdown and defueled reactor with sufficiently cooled spent fuel in its spent fuel pool, would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule. DEF also states that it would incur undue costs in the application of operating plant EP requirements for the maintenance of an emergency response organization in excess of that actually needed to respond to the diminished scope of credible accidents for a permanently shutdown and defueled reactor, with sufficiently cooled spent fuel in its spent fuel pool.

Environmental Impacts of the Proposed Action

The NRC staff concluded that the exemptions, if granted, will not significantly increase the probability or consequences of accidents at CR–3 in its permanently shutdown and defueled condition. There will be no significant change in the types of any effluents that may be released offsite. There will be no significant increase in the amounts of any effluents that may be released offsite. There will be no significant increase in individual or cumulative occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regards to potential non-radiological impacts, the proposed action does not have any foreseeable impacts to land, air, or water resources, including impacts to biota. In addition, there are also no known socioeconomic or environmental justice impacts associated with the proposed action. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.,* the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. Therefore, the environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

The proposed action does not involve the use of any different resources than those previously considered in the Final Environmental Statement for CR–3, dated May 1973 (ADAMS Accession No. ML091520178).

Agencies or Persons Consulted

The NRC staff did not enter into consultation with any other Federal agency or with the State of Florida regarding the environmental impact of the proposed action. On January 20, 2015, the Florida state representative was notified of this EA and FONSI and did not provide any comments.

III. Finding of No Significant Impact

The licensee has proposed exemptions from (1) certain requirements in 10 CFR 50.47(b) regarding onsite and offsite emergency response plans for nuclear power reactors; (2) certain requirements in 10 CFR 50.47(c)(2) to establish plume exposure and ingestion pathway EP zones for nuclear power reactors; and (3) certain requirements in 10 CFR part 50, appendix E, section IV, which establishes the elements that make up the content of emergency plans. The proposed action of granting these exemptions would result in the elimination of the requirements for the licensee to maintain offsite radiological emergency plans and reduce some of the onsite EP activities at CR–3, based on the reduced risks at the permanently shutdown and defueled reactor. However, requirements for certain onsite capabilities to communicate and coordinate with offsite response authorities will be retained.

Consistent with 10 CFR 51.21, the NRC conducted the EA for the proposed

action included in Section II of this document and incorporated by reference in this finding. On the basis of this EA, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has decided not to prepare an environmental impact statement for the proposed action.

This EA and FONSI is based on the licensee's letter dated September 26, 2013, as supplemented by letters dated March 28, 2014, and August 28, 2014. Otherwise, there are no other environmental documents associated with this review. These documents are available for public inspection as indicated above.

Dated at Rockville, Maryland, this 23rd day of February, 2015.

For the Nuclear Regulatory Commission.

Meena K. Khanna,

Chief, Plant Licensing IV–2 and Decommissioning Transition Branch, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–04288 Filed 2–27–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–247; NRC–2015–0038]

Entergy Nuclear Operations, Inc., Indian Point Nuclear Generating, Unit 2

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; opportunity to comment, request a hearing, and petition for leave to intervene.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating License No. DPR–26, issued to Entergy Nuclear Operations, Inc., for operation of the Indian Point Nuclear Generating, Unit 2. The proposed amendment would allow a revision to the acceptance criteria for the Surveillance Requirement 3.1.4.2 for Control Rod G–3. During the last two performances of this Surveillance on September 18, 2014, and December 11, 2014, Control Rod G–3 misalignment occurred with Shutdown Bank B group movement as displayed by the Individual Rod Position Indication and Plant Instrument Computer System. The proposed change is to defer subsequent testing of the Control Rod G–3 until repaired during the next refuel outage (March 2016) or forced outage long enough to repair the Control Rod.

DATES: Submit comments by April 1, 2015. Requests for a hearing or petition for leave to intervene must be filed by May 1, 2015.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0038. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: OWFN–12–H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

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

FOR FURTHER INFORMATION CONTACT: Douglas V. Pickett, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1364, email: *Douglas.Pickett@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0038 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0038.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The Proposed License Amendment Regarding a Change to Technical Specification 3.1.4, ''Reactivity Control Systems'', is available in ADAMS under Accession No. ML15044A471.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2015–0038 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

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

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

I. Introduction

The NRC is considering issuance of an amendment to Facility Operating License No. DPR–26, issued to Entergy Nuclear Operations, Inc., for operation of the Indian Point Nuclear Generating, Unit 2, located in Westchester County, New York.

The proposed amendment would allow a revision to the acceptance criteria for Surveillance Requirement 3.1.4.2 for Control Rod G–3. During the last two performances of this Surveillance on September 18, 2014, and December 11, 2014, Control Rod G–3 misalignment occurred with Shutdown Bank B group movement as displayed by the Individual Rod Position Indication and Plant Instrument Computer System. The proposed change is to defer subsequent testing of the Control Rod G–3 until repaired during the next refuel outage (March 2016) or forced outage long enough to repair the Control Rod.

Before any issuance of the proposed license amendment, the NRC will need to make the findings required by the

Atomic Energy Act of 1954, as amended (the Act), and NRC's regulations.

The NRC has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC's regulations in § 50.92 of Title 10 of the *Code of Federal Regulations* (10 CFR), this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed License amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the requirement to perform SR 3.1.4.2 testing on Control Rod G–3 until the next refuel outage or forced outage of sufficient duration. Performing a technical specification surveillance test is not an accident initiator and does not increase the probability of an accident occurring. Since the control rod remains operable, the proposed change does not affect or create any accident initiators or precursors. The proposed revision to the test frequency is based on the ability of the control rod to continue to be able to perform its design function. The safety analyses assume control rod full insertion be [by] de-energizing the CRDM coils and not the ability to move a full length control rod by its drive mechanism. The last rod drop test verified this ability so there is no increase in the consequences of an accident.

Therefore the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed License amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change revises the requirement to perform SR 3.1.4.2 testing on Control Rod G–3 by changing the frequency of the test. The proposed change does not involve installation of new equipment or modification of existing equipment, so that no new equipment failure modes are introduced. Also, the proposed change in test frequency does not result in a change to the way that the equipment or facility is operated so that no new accident initiators are created.

Therefore the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed License amendment involve a significant reduction in a margin of safety?

Response: No.

The conduct of performance tests on safety-related plant equipment is a means of assuring that the equipment is capable of performing its intended safety function and therefore maintaining the margin of safety established in the safety analysis for the facility. The proposed change revises the requirement to perform SR 3.1.4.2 testing on Control Rod G–3 by changing the frequency of the test. The proposed change is based [on] the fact that there have been no problems with past tests of the Control Rod G–3 indicating the [that] there are no problems with binding that could prevent the rod from inserting and a 12 hour surveillance on rod position that would indicate any changes in position. There are no indications that the trip function would not work assuring the reduction in margin of safety is not significant.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the license amendment request involves a No Significant Hazards Consideration.

The NRC is seeking public comments on this proposed determination that the license amendment request involves no significant hazards consideration. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day notice period if the Commission concludes the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

II. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this **Federal Register** notice, any person whose interest may be affected by this proceeding and who desires to participate as a party in the proceeding must file a written request for hearing or a petition for leave to intervene specifying the contentions which the person seeks to have litigated in the hearing with respect to the license amendment request. Requests for hearing and petitions for leave to intervene shall be filed in accordance with the NRC's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.*

As required by 10 CFR 2.309, a request for hearing or petition for leave to intervene must set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The hearing request or petition must specifically explain the reasons why intervention should be permitted, with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The hearing request or petition must also include the specific contentions that the requestor/petitioner seeks to have litigated at the proceeding.

For each contention, the requestor/petitioner must provide a specific statement of the issue of law or fact to be raised or controverted, as well as a brief explanation of the basis for the contention. Additionally, the requestor/petitioner must demonstrate that the issue raised by each contention is within the scope of the proceeding and is material to the findings that the NRC must make to support the granting of a license amendment in response to the application. The hearing request or petition must also include a concise statement of the alleged facts or expert opinion that support the contention and on which the requestor/petitioner

intends to rely at the hearing, together with references to those specific sources and documents. The hearing request or petition must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact, including references to specific portions of the application for amendment that the petitioner disputes and the supporting reasons for each dispute. If the requestor/petitioner believes that the application for amendment fails to contain information on a relevant matter as required by law, the requestor/petitioner must identify each failure and the supporting reasons for the requestor's/petitioner's belief. Each contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who does not satisfy these requirements for at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that person's admitted contentions, including the opportunity to present evidence and to submit a cross-examination plan for cross-examination of witnesses, consistent with NRC regulations, policies, and procedures. The Atomic Safety and Licensing Board will set the time and place for any prehearing conferences and evidentiary hearings, and the appropriate notices will be provided.

Hearing requests or petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

III. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available

between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to this action, see the application for license amendment dated February 12, 2015 (ADAMS Accession No. ML15044A471).

Attorney for licensee: Jeanne Cho, Assistant General Counsel, Entergy Nuclear Operations, Inc., 440 Hamiliton Avenue, White Plains, NY 10601.

NRC Branch Chief: Benjamin Beasley.

Dated at Rockville, Maryland, this 23rd day of February 2015.

For the Nuclear Regulatory Commission.

Douglas V. Pickett,

Senior Project Manager, Plant Licensing Branch I–1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–04292 Filed 2–27–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Notice of Meeting

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on March 5–7, 2015, 11545 Rockville Pike, Rockville, Maryland.

Thursday, March 5, 2015, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–9:45 a.m.: Preparation for Meeting with the Commission (Open)—The Committee will discuss topics in preparation for the meeting with the Commission.

10:00 a.m.–11:30 p.m.: Meeting with the Commission (Open)—The ACRS will meet with the Commission.

12:30 p.m.–2:30 p.m.: Industry Priorization and Scheduling (Open)—The Committee will hear presentations by and hold discussions with representatives of the staff regarding the review of draft SECY Paper on possible options for implementing risk-informed scheduling as described in COMGEA–12–0001/COMWDM–12–0002, ''Proposed Initiative to Improve Nuclear Safety and Regulatory Efficiency.''

2:45 p.m.–5:15 p.m.: Sequoyah Units 1 and 2 License Renewal Application (Open)—The Committee will hear presentations by and hold discussions with representatives of the staff and TVA regarding the safety evaluation associated with the license renewal application for Sequoyah, Units 1 and 2.

5:15 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open)—The Committee will discuss proposed ACRS reports on matters discussed during this meeting.

Friday, March 6, 2015, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–10:00 a.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee (Open/Closed)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS Meetings, and matters related to the conduct of ACRS business, including anticipated workload and member assignments. [**Note:** A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

10:00 a.m.–10:15 a.m.: Reconciliation of ACRS Comments and Recommendations (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations to comments and recommendations included in recent ACRS reports and letters.

10:30 a.m.–6:00 p.m.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports on matters discussed during this meeting.

Saturday, March 7, 2015, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland

8:30 a.m.–11:30 a.m.: Preparation of ACRS Reports (Open)—The Committee will continue its discussion of proposed ACRS reports.

11:30 a.m.–12:00 p.m.: Miscellaneous (Open)—The Committee will continue its discussion related to the conduct of Committee activities and specific issues that were not completed during previous meetings.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 13, 2014 (79 FR 59307–59308). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff (Telephone: 301–415–5844, Email: *Quynh.Nguyen@nrc.gov*), five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the

Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

Thirty-five hard copies of each presentation or handout should be provided 30 minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the Cognizant ACRS Staff one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the Cognizant ACRS Staff with a CD containing each presentation at least 30 minutes before the meeting.

In accordance with Subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552b(c), certain portions of the March 6th meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room at *pdr.resource@nrc.gov,* or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html* or *http://www.nrc.gov/reading-rm/doc-collections/ACRS/.*

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–8066), between 7:30 a.m. and 3:45 p.m. (ET), at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated at Rockville, Maryland, this 23rd day of February 2015.

For the Nuclear Regulatory Commission.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 2015–04295 Filed 2–27–15; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Proposed Submission of Information Collection for OMB Review; Comment Request; Annual Reporting (Form 5500 Series)

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of intention to request extension of OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) intends to request that the Office of Management and Budget (OMB) extend approval, under the Paperwork Reduction Act of 1995, of its collection of information for annual financial and actuarial reporting under 29 CFR part 4010 (OMB control number 1212–0049, expires June 30, 2015). This notice informs the public of PBGC's intent and solicits public comment on the collection of information.

DATES: Comments must be submitted by May 1, 2015.

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

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the Web site instructions for submitting comments.
- *Email: paperwork.comments@pbgc.gov.*
- *Fax:* 202–326–4224.
- *Mail or Hand Delivery:* Regulatory Affairs Group, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026.

PBGC will make all comments available on its Web site at *http://www.pbgc.gov.*

Copies of the collection of information and comments may be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC, at the above address or by visiting the Disclosure Division or calling 202–326–4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.)

FOR FURTHER INFORMATION CONTACT: Grace Kraemer, Attorney, or Catherine B. Klion, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026; 202–326–4024. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: Section 4010 of the Employee Retirement Income Security Act of 1974 (ERISA) requires each member of a controlled group to submit financial and actuarial information to PBGC under certain circumstances. PBGC's regulation on Annual Financial and Actuarial Information (29 CFR part 4010) specifies the items of identifying, financial, and actuarial information that filers must submit. PBGC reviews the information that is filed and enters it into an electronic database for more detailed analysis. Computer-assisted analysis of this information helps PBGC to anticipate possible major demands on the pension insurance system and to focus PBGC resources on situations that pose the greatest risk to the system. Because other sources of information are not as current as the 4010 information and do not reflect a plan's termination liability, 4010 filings play a major role in PBGC's ability to protect participant and premium-payer interests.

ERISA section 4010 and PBGC's 4010 regulation specify that each controlled group member must provide PBGC with certain financial information, including audited (if available) or (if not) unaudited financial statements. They also specify that the controlled group must provide PBGC with certain actuarial information necessary to determine the liabilities and assets for all PBGC-covered plans. All non-public information submitted is protected from disclosure. Reporting is accomplished through PBGC's secure e–4010 web-based application.

OMB has approved the 4010 collection of information under control number 1212–0049 through June 30, 2015. PBGC intends to require that OMB extend approval of this collection of information for three years. 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.

PBGC estimates that approximately 300 controlled groups will be subject to 4010 reporting requirements. PBGC further estimates that the total annual burden of this collection of information will be 2,620 hours and $5,088,000.

PBGC is soliciting public comments 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 methodologies 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.

Issued in Washington, DC, this 24th day of February 2015.

Judith Starr,

General Counsel, Pension Benefit Guaranty Corporation.

[FR Doc. 2015–04251 Filed 2–27–15; 8:45 am]

BILLING CODE 7709–02–P

POSTAL SERVICE

Privacy Act of 1974; System of Records

AGENCY: Postal Service™.

ACTION: Notice of modification to existing system of records.

SUMMARY: The United States Postal Service® (Postal Service) is proposing to modify a General Privacy Act System of Records (SOR) to support the sharing of employment and wage data with the Bureau of Labor Statistics (BLS) for their Occupational Employment Statistics (OES) program. These data are used for the development of employment and wage estimates for over 800 occupations.

DATES: These revisions will become effective without further notice on April 1, 2015 unless comments received on or before that date result in a contrary determination.

ADDRESSES: Comments may be mailed or delivered to the Privacy and Records Office, United States Postal Service, 475 L'Enfant Plaza SW., Room 9517, Washington, DC 20260–1101. Copies of all written comments will be available at this address for public inspection and photocopying between 8 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Matthew J. Connolly, Chief Privacy Officer, Privacy and Records Office, 202–268–8582 or *privacy@usps.gov.*

SUPPLEMENTARY INFORMATION: This notice is in accordance with the Privacy Act requirement that agencies publish their systems of records in the **Federal Register** when there is a revision, change, or addition, or when the agency establishes a new system of records. The Postal Service™ has determined that one General Privacy Act System of Records should be revised to modify categories of records in the system, purpose(s), routine uses of records maintained in the system, including categories of users and the purpose of such uses, and retrievability.

Background

Pursuant to agreements that will protect the use of Postal Service data, the Postal Service intends to provide the Bureau of Labor Statistics (BLS) with employment and wage data pertaining to USPS employees. These data are used in BLS's OES program and, in conjunction with data obtained from the Office of Personnel Management, are used to develop employment and wage estimates.

The OES program produces employment and wage estimates for over 800 occupations. These estimates include the number of jobs in certain occupations and estimates of the wages paid to with respect to those jobs. Through its program, BLS maintains a comprehensive source of regularly produced occupational employment and wage information available for the nation as a whole, for individual States, and for metropolitan areas. OES data is used to develop information regarding current and projected employment needs, job opportunities, job placement aids, and state education and workforce development plans. Jobseekers can use OES data to analyze occupational wages and cost of living data by U.S area. Employment and wage estimate data are also used by academic and government researchers to study labor markets and wage and employment trends. BLS is now developing occupational employment and wage estimates and is requesting USPS occupational data which includes occupational titles and occupational codes.

Rationale for Changes to USPS Privacy Act Systems of Records

The Postal Service is proposing modifications to SOR 100.400. Categories of records is being amended to reflect that the Postal Service maintains a unique occupation code and an occupation title for each employee, as well as annual salary, hourly rate, and the Rate Schedule Code (RSC), which is used to identify an employee's pay type. Pay type refers to any kind of wage that an employer is allotting to an employee. This can include, but is not limited to, holiday pay, overtime pay, annual leave pay, sick leave pay, severance pay, etc. Purpose is being modified to permit the Postal Service to maintain annual salary, hourly rate, and pay type information for the purpose of statistical research and reporting. The Postal Service is also adding a routine use explaining that the disclosure of these data may be made to BLS for the development of occupational estimates for federal employees. Retrievability is being revised to indicate the data can now be retrieved by occupation code and/or occupation title.

III. Description of Changes to Systems of Records

Pursuant to 5 U.S.C. 552a (e)(11), interested persons are invited to submit written data, views, or arguments on this proposal. A report of the proposed modifications has been sent to Congress and to the Office of Management and Budget for their evaluations. The Postal Service does not expect this amended system of records to have any adverse effect on individual privacy rights. The affected system is as follows:

USPS 100.400

SYSTEM NAME: Personnel Compensation and Payroll Records

Accordingly, for the reasons stated, the Postal Service proposes changes in the existing system of records as follows:

USPS 100.400

SYSTEM NAME:

Personnel Compensation and Payroll Records.

CATEGORIES OF RECORDS IN THE SYSTEM

[*CHANGE TO READ*]

1. *Employee and family member information:* Names(s), Social Security Number(s), Employee Identification Number, date(s) of birth, postal assignment information, work contact information, home address(es) and phone number(s), finance number(s), occupation code, occupation title, duty location, and pay location.

2. *Compensation and payroll information:* Records related to payroll, annual salary, hourly rate, Rate Schedule Code (RSC) or pay type, payments, deductions, compensation, and benefits; uniform items purchased; proposals and decisions under monetary awards; suggestion programs and contest; injury compensation; monetary claims for personal property loss or damage; and garnishment of wages.

* * * * *

PURPOSE

* * * * *

[*CHANGE TO READ*]

9. To support statistical research and reporting.

ROUTINE USES OF RECORDS IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES

* * * * *

[*CHANGE TO READ*]

k. Disclosure of employment and wage data records about current Postal Service employees may be made to the Bureau of Labor Statistics for use in their Occupational Employment Statistics program for the purpose of developing estimates of the number of jobs in certain occupations, and estimates of the wages paid to them.

* * * * *

RETRIEVABILITY

[*CHANGE TO READ*]

By employee name, Social Security Number, Employee Identification Number, occupation code, occupation title, or duty or pay location.

* * * * *

Stanley F. Mires,

Attorney, Federal Requirements.

[FR Doc. 2015–04211 Filed 2–27–15; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Form 13F. SEC File No. 270–22, OMB Control No. 3235–0006.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Section 13(f) [1] of the Securities Exchange Act of 1934 [2] (the ''Exchange Act'') empowers the Commission to: (1) Adopt rules that create a reporting and disclosure system to collect specific information; and (2) disseminate such information to the public. Rule 13f–1 [3] under the Exchange Act requires institutional investment managers that exercise investment discretion over accounts that have in the aggregate a fair market value of at least $100,000,000 of certain U.S. exchange-traded equity securities, as set forth in rule 13f–1(c), to file quarterly reports with the Commission on Form 13F.[4]

The information collection requirements apply to institutional investment managers that meet the $100 million reporting threshold. Section 13(f)(6) of the Exchange Act defines an ''institutional investment manager'' as any person, other than a natural person, investing in or buying and selling securities for its own account, and any person exercising investment discretion with respect to the account of any other person. Rule 13f–1(b) under the Exchange Act defines ''investment discretion'' for purposes of Form 13F reporting.

The reporting system required by Section 13(f) of the Exchange Act is intended, among other things, to create in the Commission a central repository of historical and current data about the investment activities of institutional investment managers, and to improve the body of factual data available to regulators and the public.

The Commission staff estimates that 5,044 respondents make approximately 20,176 responses under the rule each year. The staff estimates that on average, Form 13F filers spend 80.8 hours/year to prepare and submit the report. In addition, the staff estimates that 204 respondents file approximately 816 amendments each year. The staff estimates that on average, Form 13F filers spend 4 hours/year to prepare and submit amendments to Form 13F. The total annual burden of the rule's requirements for all respondents therefore is estimated to be 408,371 hours [(407,555 hours (5,044 filers × 80.8 hours)) + (816 hours (204 filers × 4 hours))].

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act. The estimate is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: February 24, 2015.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–04222 Filed 2–27–15; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78m(f).

[2] 15 U.S.C. 78a *et seq.*

[3] 17 CFR 240.13f–1.

[4] 17 CFR 249.325.

SECURITIES AND EXCHANGE COMMISSION

[Extension: Rule 35d–1; SEC File No. 270–491, OMB Control No. 3235–0548]

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

Rule 35d–1 (17 CFR 270.35d–1) under the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*) defines as ''materially deceptive and misleading'' for purposes of Section 35(d), among other things, a name suggesting that a registered investment company or series thereof (a ''fund'') focuses its investments in a particular type of investment or investments, in investments in a particular industry or group of industries, or in investments in a particular country or geographic region, unless, among other things, the fund adopts a certain investment policy. Rule 35d–1 further requires either that the investment policy is fundamental or that the fund has adopted a policy to provide its shareholders with at least 30 days prior notice of any change in the investment policy (''notice to shareholders''). The rule's notice to shareholders provision is intended to ensure that when shareholders purchase shares in a fund based, at least in part, on its name, and with the expectation that it will follow the investment policy suggested by that name, they will have sufficient time to decide whether to redeem their shares in the event that the

fund decides to pursue a different investment policy.

The Commission estimates that there are approximately 11,400 open-end and closed-end funds that have names that are covered by the rule. The Commission estimates that of these 11,400 funds, approximately 32 will provide prior notice to shareholders pursuant to a policy adopted in accordance with this rule per year. The Commission estimates that the annual burden associated with the notice to shareholders requirement of the rule is 20 hours per response, for an annual total of 640 hours per year.

Estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms. The collection of information under rule 35d–1 is mandatory. The information provided under rule 35d–1 will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: February 24, 2015.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–04223 Filed 2–27–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 19d–2. SEC File No. 270–204, OMB Control No. 3235–0205.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 19d–2—Applications for Stays of Final Disciplinary Sanction (17 CFR 240.19d–2) under the Securities Exchange Act of 1943 (15 U.S.C. 78a *et seq.*) (''Exchange Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 19d–2 under the Exchange Act prescribes the form and content of applications to the Commission by persons desiring stays of final disciplinary sanctions and summary action of self-regulatory organizations (''SROs'') for which the Commission is the appropriate regulatory agency.

It is estimated that approximately three respondents will utilize this application procedure annually, with a total burden of nine hours, based upon past submissions. The staff estimates that the average number of hours necessary to comply with the requirements of Rule 19d–2 is 3 hours.

Based on the most recent available information, the Commission staff estimates that the internal labor cost to respondents of complying with the requirements of Rule 19d–2 is $990 per response. Therefore, the Commission staff estimates that the total internal labor cost per respondent is $990 (1 response/respondent/year × $990 cost/response), for a total annual internal labor cost to all respondents of $2,970 ($990 cost/respondent × 3 respondents).

Estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms. The collection of information under rule 19d–2 is mandatory. The information provided under rule 19d–2 will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street, NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: February 24, 2015.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–04221 Filed 2–27–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74358; File No. SR–DTC–2015–01]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing of Proposed Rule Change To Discontinue the Prospectus Repository System Service

February 24, 2015.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Act'') and Rule 19b–4 [2] thereunder, notice is hereby given that on February 13, 2015, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of a proposal to discontinue the Prospectus Repository System Service (''PRS'') and delete the PRS Terms of Use (''Terms of Use'') from DTC's Rules and Procedures (''Rules''), as more fully described below.[3]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Terms not otherwise defined herein have their respective meanings set forth in the Rules.

rule change. The text of these statements may be examined at the places specified in Item IV below. DTC has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to discontinue PRS.

PRS was implemented in 2003 and enables DTC Participants (''Participants'') and DTC-authorized third parties (Participants and such DTC-authorized third parties, collectively referred to as ''Users'')[4] to access prospectuses and official statements relating to new issues of corporate and municipal securities (''Documents'') available in electronic format from a DTC-maintained Web site.[5] Due to the fact that PRS currently has few Users and many of the Documents made available via PRS are available to the public via electronic sources outside of DTC, it is no longer necessary or cost-effective for DTC or the industry to have DTC continue to maintain PRS. Therefore, DTC proposes to discontinue PRS and delete the Terms of Use from the Rules.

Effective Date

The effective date of the proposed rule change would be announced via a DTC Important Notice.

2. Statutory Basis

The proposed rule change would discontinue an underutilized service and eliminate the associated costs to DTC of maintaining it. Therefore, by precluding the need for DTC to allocate resources in this regard, the proposed rule change is consistent with the provisions of: (i) Section 17A(b)(3)(F)[6] of the Act which requires that the rules of the clearing agency be designed, *inter alia,* to promote the prompt and accurate clearance and settlement of securities transactions, and (ii) Rule 17Ad–22(d)(6)[7] promulgated under the Act which requires, *inter alia,* that a clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to, as applicable, be cost-effective in meeting the requirements of participants while maintaining safe and secure operations.

(B) Clearing Agency's Statement on Burden on Competition

DTC does not believe that the proposed rule change would have any impact, or impose any burden, on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments relating to the proposed rule change have not yet been solicited or received. DTC will notify the Commission of any written comments received by DTC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–DTC–2015–01 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–DTC–2015–01. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of DTC and on DTCC's Web site (*http://dtcc.com/legal/sec-rule-filings.aspx*). 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–DTC–2015–01 and should be submitted on or before March 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–04184 Filed 2–27–15; 8:45 am]

BILLING CODE 8011–01–P

[4] Third-party Users of PRS include syndicate members, correspondent banks, paying agents, transfer agents, and certain legal counsel and financial advisors. Individual investors do not have access to PRS.

[5] Securities Exchange Act Release No. 47410 (February 26, 2003); 68 FR 10558 (March 5, 2003) (SR–DTC–2002–13).

[6] 15 U.S.C. 78q–1(b)(3)(F).

[7] 17 CFR 240.17Ad–22(d)(6).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74360; File No. SR–BYX–2015–11]

Self-Regulatory Organizations; BATS Y-Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Eliminate Rule 13.4, ''Assigning of Registered Securities in the Name of a Member or Member Organization''

February 24, 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 12, 2015, BATS Y-Exchange, Inc. (the ''Exchange'' or ''BYX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to eliminate Rule 13.4, ''Assigning of Registered Securities in the Name of a Member or Member Organization.''

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to eliminate Rule 13.4, ''Assigning of Registered Securities in the Name of a Member or Member Organization,'' which permits the Exchange to establish a signature guarantee program. In sum, a signature guarantee program allows an investor who seeks to transfer or sell securities held in physical certificate form to have their signature on the certificate ''guaranteed.'' Rule 13.4 permits Members to guarantee their signatures by authorizing one or more of their employees to assign registered securities in the Member's name and to guarantee assignments of registered securities on behalf of the Member where the security had been signed by one of the partners of the Member or by one of the authorized officers of the Member by executing and filing with the Exchange a separate Power of Attorney, also known as a traditional signature card program. Transfer agents often insist that a signature be guaranteed before they accept the transaction because it limits their liability and losses if a signature turns out to be forged.

Rule 17Ad–15 under the Act permits transfer agents to reject signature guarantees from eligible guarantor institutions that are not part of a signature guarantee program.[5] The rule encouraged a movement away from the traditional signature card programs administered by the exchanges towards signature guarantee programs that use a medallion imprint or stamp which evidences their participation in the program and is an acceptable signature guarantee (''Medallion Signature Guarantee Program'').[6] The Commission has also noted that:

> [a]n investor can obtain a signature guarantee from a financial institution—such as a commercial bank, savings bank, credit union, or broker dealer—that participates in one of the Medallion signature guarantee programs. . . . If a financial institution is not a member of a recognized Medallion Signature Guarantee Program, it would not be able to provide signature guarantees. Also, if [an investor is] not a customer of a participating financial institution, it is likely the financial institution will not guarantee [the investor's] signature. Therefore, the best source of a Medallion Guarantee would be a bank, savings and loan association, brokerage firm, or credit union with which [the investor does] business.[7]

In response to Rule 17Ad–15, certain exchanges have decommissioned or amended their rules to no longer provide for traditional signature card program.[8] While the Exchange adopted Rule 13.4 as part of its Form 1 exchange application,[9] it has never offered, and does not now intend to offer, a signature guarantee service. The move towards Medallion Signature Guarantee Programs has also rendered traditional card programs as provided for under Exchange Rule 13.4 obsolete. Therefore, the Exchange proposes to eliminate Rule 13.4.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act[10] and furthers the objectives of Section 6(b)(5) of the Act,[11] in that it is 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, in general, protect investors and the public interest by eliminating unnecessary confusion with respect to the Exchange's rules. Rule 17Ad–15 encouraged a movement away from the traditional signature card programs administered by the exchanges towards certain Medallion Signature Guarantee Programs. In response, certain exchanges have decommissioned or amended their rules to no longer provide for a traditional signature card program.[12] The Exchange has never

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* 17 CFR 240.17Ad–15; Securities Exchange Act Release No. 30146 (January 10, 1992), 57 FR 1082 (February 24, 1992) (adopting Rule 17Ad–15).

[6] *See, e.g.,* Securities Exchange Act Release No. 33669 (February 23, 1994), 59 FR 10189 (March 3, 1994) (SR–MSTC–93–13) (''[t]his newly adopted Rule 17Ad–15 rule rendered [Midwest Securities Trust Company's (''MSTC'')] Signature Distribution Program and Signature Guarantee Program obsolete. Therefore, to avoid costs that produce no benefits, MSTC eliminated its Signature Distribution and Signature Guarantee Programs and deleted MSTC Rule 5, Sections 1 and 2 which govern these programs'').

[7] *See* ''Signature Guarantees: Preventing the Unauthorized Transfer of Securities,'' *http://www.sec.gov/answers/sigguar.htm.*

[8] *See* Securities Exchange Act Release No. 34188 (June 9, 1994), 59 FR 30820 (June 15, 1994) (SR–MSTC–93–13) (order approving the elimination of MSTC's signature guarantee program stating that Rule 17Ad–15 rendered it obsolete); Securities Exchange Act Release No. 32590 (July 7, 1993), 58 FR 37978 (July 14, 1993) (order approving SR–PHLX–92–39 eliminating the PHLX's signature guarantee program in light of Rule 17Ad–15) (noting that ''[b]y eliminating its signature guarantee program, PHLX will streamline the signature guarantee process. In place of the cumbersome signature card system, PHLX will require participation in a Rule 17Ad–15 Signature Guarantee Program''). In 2006, the Philadelphia Stock Exchange, Inc. (currently Nasdaq OMX PHLX LLC) (''PHLX'') eliminated Rules 327–340 regarding signature guarantees in their entirety from its rulebook, noting that they are ''being deleted as obsolete because they refer to the delivery and settlement of securities, which is not done by the Exchange, but by registered clearing agencies.'' Securities Exchange Act Release No. 54329 (August 17, 2006), 71 FR 504538 (August 25, 2006) (SR–PHLX–2006–43); Securities Exchange Act Release No. 54538 (September 28, 2006), 71 FR 59184 (October 6, 2006 (order approving SR–PHLX–2006–43).

[9] *See* Securities Exchange Act Release Nos. 58375 (August 18, 2008), 73 FR 49498 (August 21, 2008) (File No. 10–182) (In the Matter of the Application of the BATS Exchange, Inc. for Registration as a National Securities Exchange, Findings, Opinion, and Order of the Commission); 62716 (August 13, 2010), 75 FR 51295 (August 19, 2010) (File No. 10–198) (In the Matter of the Application of the BATS Y-Exchange, Inc. for Registration as a National Securities Exchange, Findings, Opinion, and Order of the Commission).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] *See* Securities Exchange Act Release No. 34188 (June 9, 1994), 59 FR 30820 (June 15, 1994) (SR–MSTC–93–13) (order approving the elimination of MSTC's signature guarantee program stating that Rule 17Ad–15 rendered it obsolete); Securities Exchange Act Release No. 32590 (July 7, 1993), 58 FR 37978 (July 14, 1993) (SR–PHLX–92–39) (order

Continued

offered, and does not now intend to offer, a signature guarantee service. Also, the move towards Medallion Signature Guarantee Programs has rendered traditional card programs as provided for under Exchange Rule 13.4 obsolete. Therefore, the Exchange believes eliminating Rule 13.4 would clarify the Exchange's rules by eliminating rules that account for services the Exchange does not provide. The Exchange also believes the elimination of unnecessary and obsolete rules removes impediments to the perfection of the mechanisms for a free and open market system consistent with the requirements of Section 6(b)(5) of the Act.[13]

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition. Rule 17Ad–15 encouraged a movement away from the traditional signature card programs administered by the exchanges towards certain Medallion Signature Guarantee Programs. In response, certain exchanges have decommissioned or amended their rules to no longer provide for a traditional signature card program.[14] An investor may still obtain a signature guarantee from a financial institution that participates in one of the Medallion Signature Guarantee Programs. The Exchange has never offered, and does not intend to offer, a signature guarantee service. Also, the move towards Medallion Signature Guarantee Programs has rendered traditional card programs as provided for under Exchange Rule 13.4 obsolete. Therefore, the Exchange believes eliminating Rule 13.4 would not impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

approving SR–PHLX–92–39 eliminating the PHLX's signature guarantee program in light of Rule 17Ad–15).

[13] 15 U.S.C. 78f(b)(5).

[14] *See* Securities Exchange Act Release No. 34188 (June 9, 1994), 59 FR 30820 (June 15, 1994) (SR–MSTC–93–13) (order approving the elimination of MSTC's signature guarantee program stating that Rule 17Ad–15 rendered it obsolete); Securities Exchange Act Release No. 32590 (July 7, 1993), 58 FR 37978 (July 14, 1993) (SR–PHLX–92–39) (order approving SR–PHLX–92–39 eliminating the PHLX's signature guarantee program in light of Rule 17Ad–15).

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) of the Act[15] and paragraph of Rule 19b–4(f)(6) thereunder.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rules change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–BYX–2015–11 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 No. SR–BYX–2015–11. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–BYX–2015–11 and should be submitted on or before March 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–04183 Filed 2–27–15; 8:45 am]

BILLING CODE 8011–01–P

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74362; File No. SR–ICEEU–2015–005]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing of a Proposed Rule Change Relating to CDS Procedures for CDX North America Index CDS Contracts

February 24, 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 12, 2015, ICE Clear Europe Limited (''ICE Clear Europe'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared primarily by ICE Clear Europe. 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 principal purpose of the proposed rule change is to amend the ICE Clear Europe CDS Procedures (the ''CDS Procedures'') to incorporate contract terms for the CDX North America index CDS contracts (the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

''CDX.NA Contracts'') to be cleared by ICE Clear Europe.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICE Clear Europe included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. ICE Clear Europe 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

ICE Clear Europe submits proposed amendments to its CDS Procedures to (i) revise the CDS Procedures to add a new section containing contract terms applicable to the CDX.NA Contracts that ICE Clear Europe proposes to accept for clearing; (ii) make conforming changes throughout the CDS Procedures to reference the CDX.NA Contracts; and (iii) make certain other clarifications, corrections and updates to the CDS Procedures (including for iTraxx Contracts and Single Name Contracts), as discussed in more detail herein. ICE Clear Europe also proposes to make certain modifications to its CDS Risk Model Description and CDS End-of-Day Price Discovery Policy (the ''CDS Pricing Policy'') to accommodate clearing of CDX.NA Contracts, as described herein.

ICE Clear Europe proposes to amend Paragraphs 1, 4, 6, 9, 10 and 11 of the CDS Procedures. Each of these changes is described in detail as follows. All capitalized terms not defined herein are defined in the ICE Clear Europe Clearing Rules (the ''Rules'').

In paragraph 1 of the CDS Procedures, references have been added to the defined terms ''iTraxx Contract'' and ''CDX.NA Contract,'' as such terms are set out in revised paragraphs 9 and 10 of the CDS Procedures, respectively. The definition of ''Original Annex Date'' has been modified to apply to CDX.NA Contracts in substantially the same manner it applies to iTraxx Contracts. In addition, the definition of ''Protocol Excluded Reference Entity'' in former paragraph 10.3 has been changed to ''Protocol Excluded Corporate Reference Entity'' and moved to paragraph 1, to reflect that such term is only used in the context of corporate reference entities. Accordingly, the definition has been revised to mean an Eligible Single Name Reference Entity that is a Standard European Corporate (as specified in the List of Eligible Single Name Reference Entities) and is an Excluded Reference Entity (as defined in the 2014 CDD Protocol). (Conforming changes have been made to references to that definition throughout the CDS Procedures.) In addition, a correction has been made to the cross-reference in definition of ''New Trade'' to properly refer to the definition set out in the applicable Contract Terms for the relevant contract.

In addition, amendments were also made to use the defined terms ''Component Transaction'' and ''Clearing'' (each as defined in the ICE Clear Europe Rules) throughout the Procedures in lieu of the undefined terms. Finally, various conforming references to the new or revised defined terms have been made throughout the CDS Procedures, various provisions of the CDS Procedures have been renumbered, and certain cross-references to prior paragraph 1.71 have been corrected.

Various clarifications have been made in Paragraph 9 of the CDS Procedures, which sets out the contract terms for iTraxx Contracts. Specifically, paragraph 9.1 was modified to clarify that it specifies the additional Contract Terms applicable to all iTraxx Contracts cleared by the Clearing House. Paragraph 9.2(c)(i), which applies to iTraxx Contracts which are governed by the Standard iTraxx 2014 CDS Supplement, has been modified to make certain additional clarifications relating to initial payments and spun-out trades. Paragraph 9.2(c)(i)(B) has been added to reflect current clearing house (and market) practice that initial payments under cleared iTraxx Contracts (other than those for which a bilateral transaction is already recorded in Deriv/SERV) are made on the business day following the trade date (or, if later, the business day following the date of acceptance for clearing). New paragraph 9.2(c)(i)(D), which addresses the reference obligation for a spun-out trade following a restructuring credit event, is substantially the same as the corresponding language in paragraph 9.3(c)(i)(D) for contracts subject to the Standard iTraxx Legacy CDS Supplement and was inadvertently omitted from prior amendments. A cross-reference in paragraph 9.2(c)(i)(E) has been updated. New paragraph 9.2(c)(i)(F) provides that paragraph 5.7 of the Standard iTraxx 2014 CDS Supplement, which contains restrictions on delivery of Credit Event Notices and Successor Notices, does not apply to iTraxx Contracts (as the appropriate restrictions in the context of a cleared transaction are already addressed in the Rules and CDS Procedures, including Rule 1505).

As set forth in paragraph 9.2(c)(ii), changes have also been made to the terms of the iTraxx 2014 Confirmation with respect to iTraxx Contracts that are governed by the Standard iTraxx 2014 CDS Supplement. These amendments include a clarification that references to the 2014 Credit Derivatives Definitions in the standard supplement and confirmation will be interpreted for cleared contracts as though they have the meaning ascribed to that term in the Rules and Procedures. In addition, a provision that there are no ''Omitted Reference Entities'' for purposes of the standard confirmation has been removed as that term is not used in the standard supplement and confirmation and is therefore unnecessary.

Similar clarifications have been made in paragraph 9.3, which relates to iTraxx Contracts which are governed by the Standard iTraxx Legacy CDS Supplement. Specifically, new paragraph 9.3(c)(i)(B) contains the same clarification discussed above with respect to the initial payment date for a contract. Paragraph 9.3(c)(i)(D) contains a correction that the treatment therein of reference obligations for spun-out trades applies for reference entities subject to both Sections A and B of the Standard iTraxx Legacy CDS Supplement (that is, both protocol-excluded and non-excluded entities). Subparagraph (F) provides that restrictions under the standard supplement as to delivery of Credit Event Notices and Succession Event Notices do not apply, as the issue is otherwise addressed under the Rules and CDS Procedures, as discussed above. In paragraph 9.3(c)(ii)(E), a reference to there being no ''Omitted Reference Entities'' has also been removed for the reasons noted above.

New paragraph 10 of the CDS Procedures has been added to set out the contract terms for CDX.NA Contracts. Paragraph 10.1 provides that different sub-provisions of paragraph 10 will apply to CDX.NA Contracts depending on whether the Original Annex Date for the relevant index series falls before or after the Protocol Effective Date.

New paragraph 10.2 applies to CDX.NA Contracts with an Original Annex Date on or after the Protocol Effective Date (*i.e.,* for transactions in the September 2014 or later versions of the index). New definitions have been added to subparagraph (a), including definitions for ''CDX.NA Contract'',

''CDX.NA Publisher'', ''CDX.NA Terms Supplement'', ''Eligible CDX.NA Index'', ''List of Eligible CDX.NA Indices'', and ''Relevant CDX.NA Terms Supplement'', which largely track the analogous definitions in paragraph 9 with respect to iTraxx Europe Contracts. Paragraph 10.2(b) incorporates defined terms from the Relevant CDX.NA Terms Supplement and also contains an inconsistency provision which provides that paragraph 10.2 governs over the CDX.NA 2014 CDS Supplement and CDX.NA 2014 Confirmation. Paragraph 10.2(c) contains certain amendments to the Standard CDX.NA 2014 CDS Supplement and CDX.NA 2014 Confirmation, which are generally consistent with the amendments to the iTraxx 2014 Terms Supplement and iTraxx 2014 Confirmation in paragraph 9.2(c) and are generally designed to accommodate the requirements of clearing and make the standard contract terms consistent with the Rules and Procedures. In addition, paragraph 10.2(c)(i)(E) addresses the application of the defined term ''Index Party'' in the standard supplement in the context of a cleared transaction, and paragraphs 10.2(c)(ii)(E)–(F) have been added to refer to certain transaction terms specified in the List of Eligible CDX.NA Indices for the relevant index and tenor. Paragraph 10.2(c)(i)(G) clarifies that as with iTraxx Contracts, de minimis cash settlement under the standard supplement does not apply. Paragraph 10.2(c) also indicates the transaction terms that must be specified in the submission of a trade for clearing.

New paragraph 10.3 applies to CDX.NA Contracts with an Original Annex Date before the Protocol Effective Date (*i.e.,* for transactions in older versions of the index). Paragraph 10.3 contains definitions and provisions generally similar to those in paragraph 10.2, and makes comparable amendments to the Standard CDX.NA Legacy CDS Supplement and the CDX.NA Legacy Confirmation.

New paragraph 10.4 contains procedures for updating the CDX.NA index version following a Credit Event or Succession Event. These provisions are generally consistent with the comparable provisions for iTraxx contracts in paragraph 9.8. New paragraph 10.4(b) adds a similar procedure for implementing a new version of the CDX.NA standard terms supplement, if and when published, where contracts referencing the old and new versions of the supplement are determined by the Clearing House to be fungible.

Existing paragraph 10, which contains contract terms for Single Name Contracts, has been renumbered as paragraph 11 and cross references have been updated accordingly. In addition, various clarifying amendments have been made to this paragraph. The definitions of ''STEC Contract'' and ''Non-STEC Single Name Contract'' have been amended to clarify that the relevant Reference Entity type will be specified in the List of Eligible Single Name Reference Entities. The definition of ''Single Name Contract Reference Obligations'' has been amended to clarify that the applicable reference obligation will be specified in the List of Eligible Single Name Reference Entities and may differ between 2003-type CDS Contracts and 2014-type CDS Contracts. For 2014-type CDS Contracts, the reference obligation may be designated as the Senior Level Standard Reference Obligation that is specified from time to time on the SRO List published under the 2014 ISDA Definitions.

Paragraph 11.6(a)(i)(C) is amended by adding a subsection (2) that makes a clarification as to the initial payment date for Single Name Contracts that corresponds to the change in payment date discussed above for iTraxx Contracts. A change is made in paragraph 11.6(a)(ii) to conform to the changes made to the definition of Single Name Contract Reference Obligation discussed above.

In general, the Clearing House's existing risk methodology applicable to index CDS will also apply to the CDX.NA Contracts. However, ICE Clear Europe proposes to make certain amendments to its CDS Risk Model Description and CDS Pricing Policy to address CDX.NA Contracts.

In the CDS Risk Model Description, the index decomposition offset methodology, which is used to determine portfolio margin benefits from correlated long and short positions, is proposed to be modified to address multi-region risk factors. Under the revised methodology, portfolio margin benefits are provided first for risk factors within the same region. After the same-region risk analysis is completed, any cross-region benefits for index risk factors are determined. Cross-region benefits apply only to index risk factors. The revised description thus addresses scenarios in which margin offsets may be provided between appropriately correlated positions in iTraxx Contracts and positions in CDX.NA Contracts. The revisions also provide that where risk factor profits and losses are calculated in different currencies, they will be converted into the same base currency (Euro) for purposes of calculation of portfolio margin benefits.

ICE Clear Europe also proposes to amend its CDS Pricing Policy to cover the CDX.NA Contracts. The amendments include submission requirements with respect to CDX.NA Contracts and changes to reflect that certain determinations with respect to firm trades for CDX.NA Contracts are made as of the North American end-of-day.

2. Statutory Basis

ICE Clear Europe believes that the proposed rule change, and in particular the proposed clearing of the proposed CDX.NA Contracts, is consistent with the requirements of Section 17A of the Act [3] and regulations thereunder applicable to it, including the standards under Rule 17Ad–22.[4] The proposed change is principally designed to permit the clearing of CDX.NA index CDS Contracts, as well as make certain clarifications and other amendments to the CDS Procedures applicable to other CDS Contracts. The CDX.NA Contract is a broad-based index CDS contract generally similar to the iTraxx Contract currently cleared by the Clearing House, with similar terms and conditions. The new index CDS contracts will be cleared in the same manner as the iTraxx Contracts, consistent with ICE Clear Europe's existing clearing arrangements and related financial safeguards and protections. In ICE Clear Europe's view, clearing of the CDX.NA Contracts, under such terms and arrangements, is consistent with the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts and transactions cleared by ICE Clear Europe, the safeguarding of securities and funds in the custody or control of ICE Clear Europe and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.[5] The additional changes set forth in the proposed amendments, which generally make clarifications and corrections to the CDS Procedures for existing iTraxx and Single Name Contracts, are also consistent with this standard.

The proposed amendments to the CDS Procedures, including clearing of the CDX.NA Contracts, will also satisfy the relevant requirements of Rule 17Ad–22,[6] as discussed below.

Financial Resources. ICE Clear Europe will apply its existing margin methodology for index CDS contracts to

[3] 15 U.S.C. 78q–1.

[4] 17 CFR 240.17Ad–22.

[5] 15 U.S.C. 78q–1(b)(3)(F).

[6] 17 CFR 240.17Ad–22.

the CDX.NA Contracts, with the modifications described herein to the CDS Risk Model Description. In ICE Clear Europe's view, the Clearing House's margin requirements, as revised, will provide sufficient margin to cover its credit exposure to its clearing members from clearing such contracts, consistent with the requirements of Rule 17Ad–22(b)(2) and Rule 17Ad–22(d)(14).[7] In addition, ICE Clear Europe believes the CDS Guaranty Fund, under its existing methodology, will, together with the required margin, provide sufficient financial resources to support the clearing of CDX.NA Contracts, consistent with the requirements of Rule 17Ad–22(b)(3).[8]

Operational Resources. ICE Clear Europe will have the operational and managerial capacity to clear the CDX.NA Contracts as of the commencement of clearing, consistent with the requirements of Rule 17Ad–22(d)(4).[9] ICE Clear Europe believes that its existing systems used for index CDS contracts are appropriately scalable to handle the clearing of the CDX.NA Contracts.

Settlement. ICE Clear Europe will use its existing settlement procedures (including for physical settlements), account structures and approved financial institutions as used in other index CDS for the CDX.NA Contracts. Although CDX.NA Contracts will be denominated in US dollars, ICE Clear Europe's existing settlement systems are sufficient to handle such settlements in such currency. ICE Clear Europe believes that clearing of such contracts will therefore be consistent with the requirements of Rule 17Ad–22(d)(5), (12) and (15).[10]

Default Procedures. ICE Clear Europe's existing Rules and default management policies and procedures for CDS will apply to the CDX.NA Contracts. ICE Clear Europe believes that the Rules and procedures allow for it to take timely action to contain losses and liquidity pressures and to continue meeting its obligations in the event of clearing member insolvencies or defaults, including in respect of CDX.NA Contracts, in accordance with Rule 17Ad–22(d)(11).[11]

B. Self-Regulatory Organization's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed rule change, including the clearing of the CDX.NA Contracts, would have any impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purpose of the Act. ICE Clear Europe does not anticipate that its commencement of clearing for the CDX.NA Contracts, or the other amendments with respect to its other CDS contracts, will adversely affect the trading market for those contracts or for CDS more generally. Specifically, allowing clearing of the CDX.NA Contracts will provide market participants with the additional choice to have their transactions in these types of contracts cleared, and should generally promote the further development of the market for these contracts. ICE Clear Europe does not believe that the other amendments will materially affect the cost of clearing for the relevant contracts or adversely affect access to clearing in those contracts for Clearing Members or their customers. Moreover, ICE Clear Europe will apply its existing fair and objective criteria for eligibility to clear CDS to clearing of the CDX.NA Contracts. Accordingly ICE Clear Europe does not believe that the amendments will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the rule change have not been solicited or received. ICE Clear Europe will notify the Commission of any written comments received by ICE Clear Europe.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove the proposed rule change or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*) or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–SR–ICEEU–2015–005 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–ICEEU–2015–005. 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 filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's Web site at *https://www.theice.com/clear-europe/regulation.*

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–ICEEU–2015–005 and should be submitted on or before March 23, 2015.

[7] 17 CFR 240.17Ad–22(b)(2), (d)(14).

[8] 17 CFR 240.17Ad–22(b)(3).

[9] 17 CFR 240.17Ad–22(d)(4).

[10] 17 CFR 240.17Ad–22(d)(5), (12) and (15).

[11] 17 CFR 240.17Ad–22(d)(11).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–04188 Filed 2–27–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74359; File No. SR–BATS–2015–14]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Eliminate Rule 13.4, ''Assigning of Registered Securities in the Name of a Member or Member Organization''

February 24, 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 12, 2015, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to eliminate Rule 13.4, ''Assigning of Registered Securities in the Name of a Member or Member Organization.''

The text of the proposed rule change is available at the Exchange's Web site at *www.batstrading.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to eliminate Rule 13.4, ''Assigning of Registered Securities in the Name of a Member or Member Organization,'' which permits the Exchange to establish a signature guarantee program. In sum, a signature guarantee program allows an investor who seeks to transfer or sell securities held in physical certificate form to have their signature on the certificate ''guaranteed.'' Rule 13.4 permits Members to guarantee their signatures by authorizing one or more of their employees to assign registered securities in the Member's name and to guarantee assignments of registered securities on behalf of the Member where the security had been signed by one of the partners of the Member or by one of the authorized officers of the Member by executing and filing with the Exchange a separate Power of Attorney, also known as a traditional signature card program. Transfer agents often insist that a signature be guaranteed before they accept the transaction because it limits their liability and losses if a signature turns out to be forged.

Rule 17Ad–15 under the Act permits transfer agents to reject signature guarantees from eligible guarantor institutions that are not part of a signature guarantee program.[5] The rule encouraged a movement away from the traditional signature card programs administered by the exchanges towards signature guarantee programs that use a medallion imprint or stamp which evidences their participation in the program and is an acceptable signature guarantee (''Medallion Signature Guarantee Program'').[6] The Commission has also noted that:

> [a]n investor can obtain a signature guarantee from a financial institution—such as a commercial bank, savings bank, credit union, or broker dealer—that participates in one of the Medallion signature guarantee programs. . . . If a financial institution is not a member of a recognized Medallion Signature Guarantee Program, it would not be able to provide signature guarantees. Also, if [an investor is] not a customer of a participating financial institution, it is likely the financial institution will not guarantee [the investor's] signature. Therefore, the best source of a Medallion Guarantee would be a bank, savings and loan association, brokerage firm, or credit union with which [the investor does] business.[7]

In response to Rule 17Ad-15, certain exchanges have decommissioned or amended their rules to no longer provide for traditional signature card program.[8] While the Exchange adopted Rule 13.4 as part of its Form 1 exchange application,[9] it has never offered, and does not now intend to offer, a signature guarantee service. The move towards Medallion Signature Guarantee Programs has also rendered traditional card programs as provided for under Exchange Rule 13.4 obsolete. Therefore,

[12] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* 17 CFR 240.17Ad–15; Securities Exchange Act Release No. 30146 (January 10, 1992), 57 FR 1082 (February 24, 1992) (adopting Rule 17Ad–15).

[6] *See, e.g.,* Securities Exchange Act Release No. 33669 (February 23, 1994), 59 FR 10189 (March 3, 1994) (SR–MSTC–93–13) (''[t]his newly adopted Rule 17Ad-15 rule rendered [Midwest Securities Trust Company's (''MSTC'')] Signature Distribution Program and Signature Guarantee Program obsolete. Therefore, to avoid costs that produce no benefits, MSTC eliminated its Signature Distribution and Signature Guarantee Programs and deleted MSTC Rule 5, Sections 1 and 2 which govern these programs'').

[7] *See* ''Signature Guarantees: Preventing the Unauthorized Transfer of Securities,'' *http://www.sec.gov/answers/sigguar.htm.*

[8] *See* Securities Exchange Act Release No. 34188 (June 9, 1994), 59 FR 30820 (June 15, 1994) (SR–MSTC–93–13) (order approving the elimination of MSTC's signature guarantee program stating that Rule 17Ad-15 rendered it obsolete); Securities Exchange Act Release No. 32590 (July 7, 1993), 58 FR 37978 (July 14, 1993) (order approving SR–PHLX–92–39 eliminating the PHLX's signature guarantee program in light of Rule 17Ad-15) (noting that ''[b]y eliminating its signature guarantee program, PHLX will streamline the signature guarantee process. In place of the cumbersome signature card system, PHLX will require participation in a Rule 17Ad-15 Signature Guarantee Program''). In 2006, the Philadelphia Stock Exchange, Inc. (currently Nasdaq OMX PHLX LLC) (''PHLX'') eliminated Rules 327—340 regarding signature guarantees in their entirety from its rulebook, noting that they are ''being deleted as obsolete because they refer to the delivery and settlement of securities, which is not done by the Exchange, but by registered clearing agencies.'' Securities Exchange Act Release No. 54329 (August 17, 2006), 71 FR 504538 (August 25, 2006) (SR–PHLX–2006–43); Securities Exchange Act Release No. 54538 (September 28, 2006), 71 FR 59184 (October 6, 2006 (order approving SR–PHLX–2006–43).

[9] *See* Securities Exchange Act Release Nos. 58375 (August 18, 2008), 73 FR 49498 (August 21, 2008) (File No. 10–182) (In the Matter of the Application of the BATS Exchange, Inc. for Registration as a National Securities Exchange, Findings, Opinion, and Order of the Commission); 62716 (August 13, 2010), 75 FR 51295 (August 19, 2010) (File No. 10–198) (In the Matter of the Application of the BATS Y-Exchange, Inc. for Registration as a National Securities Exchange, Findings, Opinion, and Order of the Commission).

the Exchange proposes to eliminate Rule 13.4.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act [10] and furthers the objectives of Section 6(b)(5) of the Act,[11] in that it is 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, in general, protect investors and the public interest by eliminating unnecessary confusion with respect to the Exchange's rules. Rule 17Ad–15 encouraged a movement away from the traditional signature card programs administered by the exchanges towards certain Medallion Signature Guarantee Programs. In response, certain exchanges have decommissioned or amended their rules to no longer provide for a traditional signature card program.[12] The Exchange has never offered, and does not now intend to offer, a signature guarantee service. Also, the move towards Medallion Signature Guarantee Programs has rendered traditional card programs as provided for under Exchange Rule 13.4 obsolete. Therefore, the Exchange believes eliminating Rule 13.4 would clarify the Exchange's rules by eliminating rules that account for services the Exchange does not provide. The Exchange also believes the elimination of unnecessary and obsolete rules removes impediments to the perfection of the mechanisms for a free and open market system consistent with the requirements of Section 6(b)(5) of the Act.[13]

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition. Rule 17Ad–15 encouraged a movement away from the traditional signature card programs administered by the exchanges towards certain Medallion Signature Guarantee Programs. In response, certain exchanges have decommissioned or amended their rules to no longer provide for a traditional signature card program.[14] An investor may still obtain a signature guarantee from a financial institution that participates in one of the Medallion Signature Guarantee Programs. The Exchange has never offered, and does not intend to offer, a signature guarantee service. Also, the move towards Medallion Signature Guarantee Programs has rendered traditional card programs as provided for under Exchange Rule 13.4 obsolete. Therefore, the Exchange believes eliminating Rule 13.4 would not impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

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) of the Act [15] and paragraph of Rule 19b–4(f)(6) thereunder.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File No. SR–BATS–2015–14 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 No. SR–BATS–2015–14. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File No. SR–BATS–2015–14 and should be submitted on or before March 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–04182 Filed 2–27–15; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] *See* Securities Exchange Act Release No. 34188 (June 9, 1994), 59 FR 30820 (June 15, 1994) (SR–MSTC–93–13) (order approving the elimination of MSTC's signature guarantee program stating that Rule 17Ad–15 rendered it obsolete); Securities Exchange Act Release No. 32590 (July 7, 1993), 58 FR 37978 (July 14, 1993) (SR–PHLX–92–39) (order approving SR–PHLX–92–39 eliminating the PHLX's signature guarantee program in light of Rule 17Ad–15).

[13] 15 U.S.C. 78f(b)(5).

[14] *See* Securities Exchange Act Release No. 34188 (June 9, 1994), 59 FR 30820 (June 15, 1994) (SR–MSTC–93–13) (order approving the elimination of MSTC's signature guarantee program stating that Rule 17Ad–15 rendered it obsolete); Securities Exchange Act Release No. 32590 (July 7, 1993), 58 FR 37978 (July 14, 1993) (SR–PHLX–92–39) (order approving SR–PHLX–92–39 eliminating the PHLX's signature guarantee program in light of Rule 17Ad–15).

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74357; File No. SR–CHX–2015–01]

Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Concerning the Use of Market Data Feeds by the Exchange

February 24, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 [2] thereunder, notice is hereby given that, on February 12, 2015, the Chicago Stock Exchange, Inc. (''CHX'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the 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

CHX proposes to clarify for Participants and non-Participants the Exchange's use of data feeds for order handling and execution, order routing and regulatory compliance.[3] On July 16, 2014, the Exchange filed a proposed rule change that described its use of the consolidated market data disseminated by the securities information processors (''SIP data feeds'') for all operational and regulatory compliance purposes (the ''initial rule filing'') with the Securities and Exchange Commission (the ''Commission'').[4] The Exchange now submits this supplemental filing.[5] The Exchange has designated this proposed rule change as non-controversial and provided the Commission with the notice required by Rule 19b–4(f)(6)(iii) under the Act.[6]

The text of this proposed rule change is available on the Exchange's Web site at (*www.chx.com*) and in 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 CHX included statements concerning the purpose of and basis for the proposed rule changes 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 CHX 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 June 5, 2014, Chair White requested that all national securities exchanges develop proposed rule changes to disclose their use of data feeds to execute and route orders and comply with regulatory requirements.[7] In addition, on June 20, 2014, the Commission's Division of Trading and Markets requested that the Exchange file proposed rule changes that disclose its usage of particular market data feeds, among other things.[8] In response to these requests, the Exchange filed an initial rule filing with the Commission on July 16, 2014.[9] The Exchange now submits this supplemental filing concerning the use of SIP data feeds for the CHX Routing Services,[10] which is not yet operational, and the pricing of cross orders marked Midpoint Cross.[11]

Initial Rule Filing

Under the initial rule filing, the Exchange adopted Article 1, Rule 4, which provides that the consolidated market data disseminated by the securities information processors shall be the only market data feed utilized by the Exchange for all operational and regulatory compliance purposes.[12] The Exchange also noted the following:

- The SIP data feeds are the only data feeds utilized by the Exchange to calculate the National Best Bid and Offer (''NBBO'') for the purposes of compliance with Regulation NMS and Regulation SHO. The Exchange does not utilize direct feeds from away markets for such purposes.
- In addition to the SIP data feeds, the Exchange uses its own internal data for operational and regulatory compliance purposes.
- The Exchange does not ignore or modify SIP quote data for the purposes of establishing the NBBO under any circumstances where the SIP data feed shows an uncrossed market.[13]
- The Exchange does not offer outbound routing of orders, but that if the Exchange were to adopt such functionality in the future, the Exchange would only utilize the SIP data feeds for routing purposes.
- The Exchange does not offer pegged orders that have limit prices that track the NBBO.

The Exchange continues to utilize the SIP data feeds for all operational and regulatory compliance purposes, as described under initial filing, and submits the following updates and points of clarification.

CHX Routing Services

On September 8, 2014, the Exchange filed SR–CHX–2014–15, through which the Exchange adopted rules concerning the CHX Routing Services, an outbound order routing service that is not yet operational.[14] As described in the initial rule filing, the CHX Routing Services will only utilize the SIP data feeds for order routing purposes.

Thus, the Exchange proposes to amend Article 1, Rule 4(a) to explicitly provide that the consolidated market

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] CHX Article 1, Rule 1(s) defines ''Participant,'' in pertinent part, as ''any Participant Firm that holds a valid Trading Permit and any person associated with a Participant Firm who is registered with the Exchange under Articles 16 and 17 as a Market Maker Trader or Institutional Broker Representative, respectively. A Participant shall be considered a 'member' of the Exchange for purposes of the Exchange Act.''

[4] *See* Securities Exchange Act Release No. 72711 (July 29, 2014), 79 FR 45570 (August 5, 2014) (SR–CHX–2014–10). Other national securities exchanges filed similar proposals. *See e.g.,* Securities Exchange Act Release Nos. 72710 (July 29, 2014), 79 FR 45511 (August 5, 2014) (SR–NYSE–2014–38), and 72684 (July 28, 2014), 79 FR 44956 (August 1, 2014) (SR–NASDAQ–2014–072).

[5] The Exchange understands that other national securities exchanges will file similar proposed rule changes with the Commission to further describe their use of data feeds for order handling and execution, order routing and regulatory compliance.

[6] 17 CFR 240.19b–4(f)(6)(iii).

[7] *See* Mary Jo White, Chair, Securities and Exchange Commission, Speech at Sandler O'Neil & Partners L.P. Global Exchange and Brokerage Conference (June 5, 2014).

[8] *See* letter from Stephen Luparello, Division of Trading and Markets, Securities and Exchange Commission, to John K. Kerin, Chief Executive Officer and President, Chicago Stock Exchange, Inc., dated June 20, 2014.

[9] *See supra* note 4.

[10] *See* Exchange Act Release No. 73150 (September 19, 2014), 79 FR 57603 (September 25, 2014) (SR–CHX–2014–15).

[11] CHX Article 1, Rule 2(b)(2)(D) defines ''Midpoint Cross'' as follows:

a cross order modifier with an instruction to execute it at the midpoint between the NBBO. If the NBBO is locked at the time a Midpoint Cross is received, the Midpoint Cross will execute at the locked NBBO. If the NBBO is crossed at the time a Midpoint Cross is received, the Midpoint Cross will be automatically cancelled. A Midpoint Cross order may only be executed in an increment permitted by Article 20, Rule 4(a)(7)(b).

[12] At the time SR–CHX–2014–10 was filed, the SIP data feeds were the only data feeds utilized by the Exchange for operational and regulatory compliance purposes.

[13] Where the SIP data feeds show a crossed NBBO, the Exchange's NBBO calculation protocol ignores crossing quotes and executes orders up to the first uncrossed NBBO. *See* paragraph .01(d) of CHX Article 20, Rule 5

[14] *See supra* note 10.

data disseminated by the securities information processor shall be the only market data feeds utilized by the Exchange for the handling, execution and routing of orders, as well as for the regulatory compliance processes related to those functions.[15]

Midpoint Cross

Under the initial rule filing, the Exchange noted that it does not offer pegged orders that have limit prices that track the NBBO. To clarify, the Exchange has never offered *single-sided orders* that are continuously repriced to follow changes to the NBBO (''single-sided pegged orders''). The Exchange does, however, offer Midpoint Cross, which is a cross order (*i.e.,* two-sided order) modifier that instructs the Matching System to execute the order at the midpoint of the NBBO.[16] Unlike single-sided pegged orders, cross orders marked Midpoint Cross are not continuously repriced to follow changes to the NBBO because cross orders are always handled Immediate Or Cancel (''IOC'').[17]

Mechanically, upon receipt of a cross order marked Midpoint Cross, the Matching System will utilize the NBBO calculated from the SIP data feed and internal CHX book data in the subject security to identify the NBBO midpoint price. The Matching System utilizes the internal CHX book data in the subject security, in addition to the SIP data feed, because the internal CHX book data always reflects the most recent CHX quote(s) in the subject security, which may not yet be reflected in the SIP data feed. Assuming that the order is otherwise executable within the CHX book, the Matching System will immediately execute the order at the NBBO midpoint. Incidentally, the Exchange clarifies that it does not ignore or modify SIP quote data concerning *away market quotes* under any circumstances where the SIP data feed shows an uncrossed market. The Exchange may, however, ignore SIP quote data regarding its own market if the Exchange's internal data in the subject security is different from what is received from the SIP, such as when pricing the Midpoint Cross order.

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.[18] In particular, the proposal is consistent with Section 6(b)(5) of the Act,[19] because it would 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. Specifically, the Exchange believes that the proposed update and clarifications concerning the Exchange's use of the SIP data feeds in the context of the CHX Routing Services and the Midpoint Cross order modifier will enhance transparency concerning the operation of the Exchange. This will, in turn, promote the public confidence and strengthen the national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change implicates any competitive issues. To the contrary, the Exchange anticipates that other national securities exchanges will also make similar clarifications concerning their respective use of data feeds and this proposed rule will ensure consistent treatment of this subject matter in the respective rulebooks.

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, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[20] and Rule 19b–4(f)(6) thereunder.[21]

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–CHX–2015–01 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CHX–2015–01. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CHX–

[15] The Exchange may utilize other data feeds in conducting manual reviews of Matching System activity.

[16] *See supra* note 11.

[17] *See* CHX Article 1, Rule 2(a)(2).

[18] 15 U.S.C. 78f(b).

[19] 15 U.S.C. 78f(b)(5).

[20] 15 U.S.C. 78s(b)(3)(A).

[21] 17 CFR 240.19b–4(f)(6). 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.

2015–01 and should be submitted on or before March 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–04181 Filed 2–27–15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74363; File No. SR–BX–2015–013]

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) and (e) With Respect to Transactions in Securities Priced at $1 per Share or More

February 24, 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, 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 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 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) and (e) to modify the fees and rebates assessed under the rule applicable to transactions in securities priced at $1 or more. Specifically, the Exchange proposes to clarify and make uniform throughout BX Rule 7018(a) the term ''Midpoint pegging'', as well as in BX Rule 7018(e) regarding credits for retail orders. The Exchange also proposes to include within BX Rule 7018(a) a specific line item for a credit for an ''Order with Midpoint pegging that removes liquidity'' of $0.0005 per share executed. The Exchange believes that these proposed changes increase transparency as to how a member's credit is determined, clarify the fee schedule, and do not change the overall current rate for such credits except for the one minor change noted above.[3]

Changing the language for non-displayed orders entered by a member that provides an average daily volume of 3.5 million or more shares (but less than 5 million shares) of non-displayed liquidity to include ''other than orders with Midpoint pegging'' instead of ''including those pegged to the midpoint'' results in no actual change. Currently, a member would never receive the $0.0024 per share executed charge for an order with Midpoint pegging because instead the member would have qualified for the $0.0005 per share executed charge for an order with Midpoint pegging entered by a member that provides an average daily volume of 2 million or more shares of non-displayed liquidity during the month.

Additionally, the Exchange proposes to define ''price improvement'' to mean instances when the accepted price of an order differs from the executed price of an order and incorporate it where applicable in BX Rule 7018(a) and (e). The accepted price is the price the matching engine assigns an order based on the instructions submitted by the member. It may differ from a customer's limit price because of the order type (*e.g.*, pegging and post only orders) or for regulatory reasons (*e.g.*, Reg SHO, Reg NMS compliance or other regulatory restrictions). The accepted price of an order will not be more aggressive than the customer's limit price, and is often the same as the customer's submitted limit price. An order can execute up to its accepted price and this is the least advantageous price at which an order can execute. Any execution price that is different than the accepted price must be more advantageous than the accepted price. Thus, executions where the accepted price does not equal the execution price are situations when the order is receiving price improvement versus its accepted price.

The Exchange also proposes to change the fee assessed for BTFY and BCRT orders in securities listed on The NASDAQ Stock Market LLC (''NASDAQ'') (''Tape C''), the New York Stock Exchange (''NYSE'') (''Tape A'') and on exchanges other than NASDAQ and the NYSE (''Tape B'') (collectively, the ''Tapes'').

BTFY[4] is a routing option under which orders check the order execution and trade reporting system owned and operated by BX (the ''System'') for available shares only if so instructed by the entering firm and are thereafter routed to destinations on the System routing table. If shares remain unexecuted after routing, they are posted to the System book. Once on the System book, should the order subsequently be locked or crossed by another market center, the System will not route the order to the locking or crossing market center.

BCRT[5] is a routing option under which orders check the System and then route to PSX and NASDAQ. If shares remain unexecuted, they are posted to the System book or cancelled. Once on the System book, should the order subsequently be locked or crossed by another market center, the System will not route the order to the locking or crossing market center.

For BTFY and BCRT orders, the Exchange currently passes through all fees and rebates for orders that execute on PSX or NASDAQ. BTFY and BCRT orders executed on BX result in a pass through charge of $0.0025 or $0.0026 per share executed on PSX[6] and $0.0030 per share executed on

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[22] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The addition of the language concerning price improvement to BX Rule 7018 merely reflects how the system for credits and fees already currently operates, which is why this new language does not change the overall current rates for such credits.

[4] *See* BX Rule 4758(a)(v).

[5] *See* BX Rule 4758(a)(vii).

[6] *See* NASDAQ OMX PHLX LLC Pricing Schedule, Section VIII(a)(1).

NASDAQ.[7] The Exchange is proposing to now assess a set charge of $0.0030 per share executed for BTFY orders that execute on NYSE, NASDAQ or PSX and $0.0007 per share executed for BTFY orders executed on any other venue. The Exchange is also proposing to now assess a set charge of $0.0030 per share executed for BCRT orders that executes on PSX or NASDAQ in lieu of passing through credits and rebates.

BX is proposing to eliminate pass through fees and assess a set fee of $0.0030 per share executed for both BTFY and BCRT. The Exchange currently passes through any routing fees charged and rebates to NASDAQ or PSX for these orders, which currently is $0.0030 per share executed on NASDAQ and varies by tape on PSX but also may vary based on changes to those exchange's respective fee schedules.

2. Statutory Basis

BX believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[8] in general, and with Sections 6(b)(4) and 6(b)(5) of the Act,[9] 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.

The Exchange believes that the proposed changes (i) to make the term ''Midpoint pegging'' uniform throughout BX Rule 7018(a) and (e), to define ''price improvement' to mean instances when the accepted price of an order differs from the executed price of an order and incorporate it where applicable in BX Rule 7018(a) and (e), (ii) to include within BX Rule 7018(a) a specific line item for a credit for an ''Order with Midpoint pegging that removes liquidity'' of $0.0005 per share executed, and (iii) to change the language for non-displayed orders entered by a member that provides an average daily volume of 3.5 million or more shares (but less than 5 million shares) of non-displayed liquidity to include ''other than orders with Midpoint pegging'' instead of ''including those pegged to the midpoint'' are reasonable because they increase transparency as to how a member's charges and credits are determined. The Exchange also believes that these changes are consistent with an equitable allocation of fees and are not unfairly discriminatory because the overall current rate for such credits will not change except for the one minor change noted above and they apply uniformly to all market participants to whom the fee schedule is applicable.

Additionally, the Exchange believes that the proposed changes to the charges assessed for BTFY and BCRT orders in securities of any Tape that execute on PSX are reasonable because they more closely align the fee received with the costs associated with providing routing services. The Exchange incurs costs in operating and supporting the routing function, which are in addition to the fees of other exchanges that it incurs when a routed order executes on another venue. To cover such costs, the Exchange assesses the proposed fee for other routed orders, such as BSTG and BSCN orders, which are assessed a charge of $0.0030 per share executed.[10] Thus, the current pass through fee results in a discount to the fee assessed for use of the routing function for other routed orders.

The Exchange also believes that the proposed changes are reasonable because they remove complexity from the fee schedule and assess a fee that is not dependent on knowing what the current liquidity removal rates are on PSX and NASDAQ. The Exchange believes that the proposed changes to BTFY and BCRT order fees are equitably allocated because all member firms that receive an execution on PSX and NASDAQ will be assessed a fee that is more closely aligned with the costs incurred by the Exchange, as noted above. Also, the Exchange believes that the proposed changes to BTFY and BCRT order fees as to PSX do not discriminate unfairly because they eliminate a distinction in the fees whereby discounted fees are charged for use of the Exchange's routing functionality. Moreover, the proposed changes do not discriminate unfairly because they eliminate a distinction in the routing fees whereby some fees are fixed and others are based on fee assessed by other markets. As noted above, most routing fees are based on a set fee, and are not tied to the fees of other markets.

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.[11] 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 changes to routing fees and credits do not impose a burden on competition because the Exchange's routing services are optional and are the subject of competition from other exchanges and broker-dealers that offer routing services, as well as the ability of members to develop their own routing capabilities. The standardization of fees for execution of BTFY and BCRT orders that route from BX to PSX or NASDAQ are reflective of a need to better align the fees received with the costs incurred in operating and supporting the routing function. It removes an unnecessarily complex process to determine the fee assessed with a set fee, which is consistent with other BX routing fees. Under the current fees, a member firm must know what the fee schedule is on PSX and NASDAQ at any given time. Thus, the changes will simplify the fee schedule by providing certainty to the fee assessed. For these reasons, the Exchange does not believe that any of the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets. Moreover, because there are numerous competitive alternatives to the use of the Exchange, it is likely that BX will lose market share as a result of the changes if they are unattractive to market participants. Finally, the changes relating to Midpoint pegging

[7] *See* NASDAQ Rule 7018(a).

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(4) and (5).

[10] For a description of BSTG and BSCN routing strategies, *see* BX Rules 4758(a)(1)(A)(iii) and (iv).

[11] 15 U.S.C. 78f(b)(8).

also will not result in any burden on competition because they serve to clarify and enhance the understanding of members as to how rates are assigned.

Accordingly, BX does not believe that the proposed rule changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing change has become effective pursuant to Section 19(b)(3)(A) of the Act [12] and paragraph (f) of Rule 19b–4 [13] 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.

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–2015–013 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–2015–013. 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–2015–013, and should be submitted on or before March 23, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–04189 Filed 2–27–15; 8:45 am]

BILLING CODE 8011–01–P

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f).

[14] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Government/Industry Aeronautical Charting Forum Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces the bi-annual meeting of the Federal Aviation Administration (FAA) Aeronautical Charting Forum (ACF) to discuss informational content and design of aeronautical charts and related products, as well as instrument flight procedures development policy and design criteria.

DATES: The ACF is separated into two distinct groups. The Instrument Procedures Group (IPG) will meet April 28, 2015 from 8:30 a.m. to 5:00 p.m. The Charting Group will meet April 29 and 30, 2015 from 8:30 a.m. to 5:00 p.m.

ADDRESSES: The meeting will be hosted by Pragmatics, Inc. Company at 1761 Business Center Drive, Reston, VA 20190.

FOR FURTHER INFORMATION CONTACT: For information relating to the Instrument Procedures Group, contact Thomas E. Schneider, FAA, Flight Procedures Standards Branch, AFS–420, 6500 South MacArthur Blvd., P.O. Box 25082, Oklahoma City, OK 73125; telephone: (405) 954–5852.

For information relating to the Charting Group, contact Valerie S. Watson, FAA, National Aeronautical Navigation Products (AeroNav Products), Quality Assurance & Standards, AJV–344, 1305 East-West Highway, SSMC4, Station 3409, Silver Spring, MD 20910; telephone: (301) 427–5155.

SUPPLEMENTARY INFORMATION: Pursuant to § 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the FAA Aeronautical Charting Forum to be held from April 28 through April 30, 2015, from 8:30 a.m. to 5:00 p.m. at Pragmatics Inc. Company, at their offices at 1761 Business Center Drive, Reston, VA 20190.

The Instrument Procedures Group agenda will include briefings and discussions on recommendations regarding pilot procedures for instrument flight, as well as criteria, design, and developmental policy for instrument approach and departure procedures.

The Charting Group agenda will include briefings and discussions on recommendations regarding aeronautical charting specifications, flight information products, and new aeronautical charting and air traffic control initiatives. Attendance is open to the interested public, but will be limited to the space available.

Please note the following special security requirements for access to the Pragmatics, Inc. Corporation Headquarters. A picture I.D. is required of all U.S. citizens. All foreign national participants are required to have a passport. Additionally, not later than March 30, 2015, foreign national attendees must provide their name, country of citizenship, company/organization representing, and country of the company/organization. Send the information to: Steve VanCamp, Pragmatics Inc., FAA, Aviation Safety—Flight Standards Service, AFS–420, 6500 South MacArthur Blvd., P.O. Box 25082, Oklahoma City, OK, 73125 or via Email (preferred) to: *steve.ctr.vancamp@faa.gov.* Foreign nationals who do not provide the required information will

not be allowed entrance—NO EXCEPTIONS.

The public must make arrangements by April 8, 2015, to present oral statements at the meeting. The public may present written statements and/or new agenda items to the committee by providing a copy to the person listed in the **FOR FURTHER INFORMATION CONTACT** section not later than April 7, 2015. Public statements will only be considered if time permits.

Issued in Washington, DC, on February 23, 2015.

Valerie S. Watson,

Co-Chair, Aeronautical Charting Forum.

[FR Doc. 2015–04177 Filed 2–27–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Ninety-Third Meeting: RTCA Special Committee 159, Global Positioning Systems (GPS)

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

ACTION: Meeting notice of RTCA Special Committee 159, Global Positioning Systems (GPS).

SUMMARY: The FAA is issuing this notice to advise the public of the ninety-third meeting of the RTCA Special Committee 159, Global Positioning Systems (GPS).

DATES: The meeting will be held March 16–20, 2015 from 9:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1150 18th Street NW., Suite 910, Washington, DC 20036

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 330–0652/(202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of Special Committee 159. The agenda will include the following:

Working Group Sessions

March 16

- All day, Working Group 2, GPS/WAAS, MacIntosh—NBAA Room and Colson Board Rooms

March 17

- All Day, Working Group 4, GPS/Precision Landing, MacIntosh—NBAA Room
- Afternoon—1:00–5:00 p.m. Working Group 2C, GPS/Inertial, Colson Board Room

March 18

- All Day, Working Group 4, GPS/Precision Landing, MacIntosh—NBAA Room
- All Day, Working Group 2C, GPS/Inertial, Garmin Room
- Afternoon—1:00–5:00 p.m., Working Group 6, GPS/Interference, Colson Board Room

March 19

- All Day, Working Group 4, GPS/GPS/Precision Landing Guidance MacIntosh—NBAA Room
- All Day, Working Group 2C, GPS/Inertial, Garmin Room
- Morning—9:00–12:00/Noon p.m., Working Group 6, GPS/Interference, Colson Board Room
- Afternoon—1:00–5:00 p.m. Working Group 7, GPS/Antennas, Colson Board Room

March 20

- Chairman's Introductory Remarks
- Approval of Summary of the Ninety-Second Meeting held October 10, 2014, RTCA Paper No. 229–14/SC159–1022
- Review Working Group (WG) Progress and Identify Issues for Resolution
  - GPS/3rd Civil Frequency (WG–1)
  - GPS/WAAS (WG–2)
  - GPS/GLONASS (WG–2A)
  - GPS/Inertial (WG–2C)
  - GPS/Precision Landing Guidance (WG–4)
  - GPS/Airport Surface Surveillance (WG–5)
  - GPS/Interference (WG–6)
  - GPS/Antennas (WG–7)
- Review of EUROCAE Activities
- Review/Approve Response to FAA's GPS Adjacent-Band Compatibility Study Methodology and Assumptions
- SC–159 Terms of Reference—Review/Approve Update
- GLONASS MOPS—Third Draft—Discussion
- GNSS Intentional Interference and Spoofing Study Team (GIISST)—Briefing
- Assignment/Review of Future Work
- Other Business
- Date and Place of Next Meeting
- Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on February 24, 2015.

Mohannad Dawoud

Management Analyst, NextGen, Program Oversight and Administration, Federal Aviation Administration.

[FR Doc. 2015–04297 Filed 2–27–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Federal Motor Vehicle Motor Theft Prevention Standard; General Motors Corporation

AGENCY: National Highway Traffic Safety Administration, Department of Transportation (DOT).

ACTION: Grant of petition for exemption.

SUMMARY: This document grants in full the General Motors Corporation's (GM) petition for an exemption of the Chevrolet Spark vehicle line in accordance with 49 CFR part 543, *Exemption from Vehicle Theft Prevention Standard.* This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of 49 CFR part 541, *Federal Motor Vehicle Theft Prevention Standard* (Theft Prevention Standard).

DATES: The exemption granted by this notice is effective beginning with the 2016 model year (MY).

FOR FURTHER INFORMATION CONTACT: Ms. Deborah Mazyck, Office of International Policy, Fuel Economy, and Consumer Standards, NHTSA, W43–443, 1200 New Jersey Avenue SE., Washington, DC 20590. Ms. Mazyck's phone number is (202) 366–4139. Her fax number is (202) 493–2990.

SUPPLEMENTARY INFORMATION: In a petition dated November 7, 2014, GM requested an exemption from the parts-marking requirements of the Theft Prevention Standard for the Chevrolet Spark vehicle line beginning with MY 2016. The petition requested an exemption from parts-marking pursuant to 49 CFR part 543, Exemption from Vehicle Theft Prevention Standard, based on the installation of an antitheft device as standard equipment for the entire vehicle line.

Under 49 CFR part 543.5(a), a manufacturer may petition NHTSA to grant an exemption for one vehicle line

per model year. In its petition, GM provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for the Chevrolet Spark vehicle line. GM will install the PASS-Key III+ antitheft device as standard equipment on the Chevrolet Spark vehicle line. The PASS-Key III+ is a passive, transponder-based, electronic immobilizer device. GM stated that it will offer two types of ignition systems on its Chevrolet Spark vehicle line. Specifically, GM stated that the Spark vehicle line will be offered with a keyed ignition or a keyless ignition system; however the basic antitheft functionality and immobilization features will be the same. The keyless ignition system will be installed as standard equipment on its BEV (battery electric vehicle) and LTZ model vehicles. The keyed ignition system will be installed as standard equipment on its LS and LT models.

The major components of the keyed ignition system are the PASS-Key III+ controller module, engine control module (ECM), electronically-coded ignition key, immobilizer exciter module, radio frequency (RF) receiver, and passive antenna module. The optional keyless ignition system components are the PASS-Key III+ controller module, ECM, immobilizer exciter module, engine controller, radio frequency (RF) receiver, and passive antenna module, low frequency antennas and electronic key (remote key fob). The remote key fob also contains buttons to perform normal remote keyless door entry functions. GM stated that the device will provide protection against unauthorized use (*i.e.,* starting and engine fueling), but will not provide any visible or audible indication of unauthorized vehicle entry (*i.e.,* flashing lights or horn alarm).

GM's submission is considered a complete petition as required by 49 CFR 543.7, in that it meets the general requirements contained in § 543.5 and the specific content requirements of § 543.6.

The PASS-Key III+ device is designed to be active at all times without direct intervention by the vehicle operator (*i.e.,* no separate intentional action to specifically turn on the security system is needed to achieve protection). With the keyed ignition system, activation of the device occurs when the ignition has been turned off and the key removed. Deactivation of the immobilizer occurs when a valid key and matching immobilization code is verified, allowing the engine to start and continue normal operations. GM stated that the PASS-Key III+ uses a special ignition key and decoder module. The key's electrical code must be sensed and be properly decoded by the PASS-Key III+ controller module before the vehicle can be operated. The conventional code of the key is used to unlock and release the transmission shift lever and steering wheel.

GM further stated that the ignition key contains electronics in the head of the key, providing billions of possible electronic combinations. The electronics in the head of the key receive energy and data from the antenna module. Upon receipt of the data, the key will calculate a response to the data using an internal encryption algorithm and transmit the response back to the vehicle. The antenna module then translates the radio frequency signal received from the key into a digital signal and passes the signal on to the controller module. The controller module then compares the received response to an internally calculated value. If the values match, the key is recognized as valid and a password is then transmitted through a serial data link to the ECM to enable fueling and vehicle starting. GM also stated that a secondary data challenge and response process using another encryption algorithm must be validated by the engine controller to allow continued operation. If an invalid key code is received, the PASS-Key III+ controller module will send a ''Disable Password'' to the engine control module and starting, ignition, and fuel will be inhibited.

With the keyless ignition system, activation of the device occurs when the operator pushes the engine Start/Stop switch to the ''OFF'' position. Deactivation of the immobilizer device occurs when a valid key and matching immobilization code is verified, allowing the engine to start and continue normal operations. Specifically, the electronic key resides in the form of a remote key fob. When the operator pushes the engine Start/Stop button to begin vehicle operation, the vehicle transmits data and a vehicle identifier within the passenger compartment of the vehicle thru low-frequency antennas, controlled by the passive antenna module. The electronic key receives the data and compares its vehicle identifier with the identifier previously assigned to the vehicle. If the vehicle identifier matches, the electronic key will transmit a response through the RF channel to a vehicle mounted receiver. The PASS-Key III+ control module receives the RF transmission and compares the received response with an internally calculated response. If the values match, the key is recognized as valid and a password is then transmitted through a serial data link to the ECM to enable fueling and vehicle starting. If a valid key is not detected, the system will not transmit a password to the ECM to allow operation of the vehicle. Additionally, if an invalid electronic key code is received, the vehicle will not be allowed to transition from the ''Off'' mode to the ''Accessory'', ''On'', or ''Start'' mode positions inhibiting starting, ignition, and fuel flow of the vehicle.

In addressing the specific content requirements of 543.6, GM provided information on the reliability and durability of its proposed device. To ensure reliability and durability of the device, GM conducted tests based on its own specified standards. GM provided information on the specific tests it uses to validate the integrity, durability and reliability of the PASS-Key III+ device and believes that the device is reliable and durable since the components must operate as designed after each test. GM also stated that the design and assembly processes of the PASS-Key III+ subsystem and components are validated for 10 years of vehicle life and 150,000 miles of performance.

GM stated that the PASS-Key III+ device has been designed to enhance the functionality and theft protection provided by its first, second and third generation PASS-Key, PASS-Key II, and PASS-Key III devices. GM also referenced data provided by the American Automobile Manufacturers Association (AAMA) in support of the effectiveness of GM's PASS-Key devices in reducing and deterring motor vehicle theft. Specifically, GM stated that the AAMA's comments referencing the agency's Preliminary Report on ''Auto Theft and Recovery Effects of the Anti-Car Theft Act of 1992 and the Motor Vehicle Theft Law Enforcement Act of 1984'', (Docket 97–042; Notice 1), showed that between MYs 1987 and 1993, the Chevrolet Camaro and Pontiac Firebird vehicle lines experienced a significant theft rate reduction after installation of a Pass-Key like antitheft device as standard equipment on the vehicle lines.

GM also noted that theft data have indicated a decline in theft rates for vehicle lines equipped with comparable devices that have received full exemptions from the parts-marking requirements. GM stated that the theft data, as provided by the Federal Bureau of Investigation's National Crime Information Center (NCIC) and compiled by the agency, show that theft rates are lower for exempted GM models equipped with the PASS-Key like systems than the theft rates for earlier models with similar appearance and

construction that were parts-marked. Based on the performance of the PASS-Key, PASS-Key II, and PASS-Key III devices on other GM models, and the advanced technology utilized in PASS-Key III+, GM believes that the PASS-Key III+ device will be more effective in deterring theft than the parts-marking requirements of 49 CFR part 541.

Additionally, GM stated that the PASS-Key III+ is installed as standard equipment on the GMC Terrain vehicle line. The agency notes that the GMC Terrain vehicle line has been equipped with the device since introduction of its MY 2010 vehicles. GM was granted an exemption from the parts-marking requirements by the agency for the GMC Terrain vehicle line beginning with the 2010 MY (See 74 FR 3132, January 16, 2009). The average theft rate for the GMC Terrain vehicle line, based on NHTSA's theft data, using 3 MYs theft data (MYs 2010- 2012) is 0.3235, which is substantially below the median theft rate established by the agency.

GM further stated that it believes that PASS-Key III+ devices will be more effective in deterring theft than the parts-marking requirements and that the agency should find that inclusion of the PASS-Key III+ device on the Chevrolet Spark vehicle line is sufficient to qualify it for full exemption from the parts-marking requirements.

Based on the evidence submitted by GM, the agency believes that the antitheft device for the Chevrolet Spark vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR 541).

Pursuant to 49 U.S.C. 33106 and 49 CFR 543.7 (b), the agency grants a petition for exemption from the parts-marking requirements of Part 541 either in whole or in part, if it determines that, based upon substantial evidence, the standard equipment antitheft device is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of Part 541. The agency finds that GM has provided adequate reasons for its belief that the antitheft device for the Chevrolet Spark vehicle line is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard (49 CFR part 541). This conclusion is based on the information GM provided about its device.

The agency concludes that the device will provide the four of the five types of performance listed in § 543.6(a)(3): Promoting activation; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

GM's proposed device lacks an audible or visible alarm. Therefore, this device cannot perform one of the functions listed in 49 CFR 543.6(a)(3), that is, to call attention to unauthorized attempts to enter or move the vehicle. Based on comparison of the reduction in the theft rates of Chevrolet Corvettes using a passive antitheft device along with an audible/visible alarm system to the reduction in theft rates for the Chevrolet Camaro and the Pontiac Firebird models equipped with a passive antitheft device without an alarm, GM finds that the lack of an alarm or attention-attracting device does not compromise the theft deterrent performance of a device such as PASS-Key III+ device. In these instances, the agency has concluded that the lack of an audible or visible alarm has not prevented these antitheft devices from being effective protection against theft.

For the foregoing reasons, the agency hereby grants in full GM's petition for exemption for the Chevrolet Spark vehicle line from the parts-marking requirements of 49 CFR part 541. The agency notes that 49 CFR part 541, Appendix A–1, identifies those lines that are exempted from the Theft Prevention Standard for a given model year. 49 CFR 543.7(f) contains publication requirements incident to the disposition of all Part 543 petitions. Advanced listing, including the release of future product nameplates, the beginning model year for which the petition is granted and a general description of the antitheft device is necessary in order to notify law enforcement agencies of new vehicle lines exempted from the parts-marking requirements of the Theft Prevention Standard.

If GM decides not to use the exemption for this line, it should formally notify the agency. If such a decision is made, the line must be fully marked according to the requirements under 49 CFR 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if GM wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Part 543.7(d) states that a Part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, Part 543.9(c)(2) provides for the submission of petitions ''to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption.''

The agency wishes to minimize the administrative burden that Part 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting Part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis.* Therefore, NHTSA suggests that if the manufacturer contemplates making any changes, the effects of which might be characterized as *de minimis,* it should consult the agency before preparing and submitting a petition to modify.

Under authority delegated in 49 CFR 1.95.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2015–04161 Filed 2–27–15; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2014–0054; Notice 2]

Ford Motor Company, Grant of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition.

SUMMARY: Ford Motor Company (Ford) has determined that certain model year (MY) 2010–2014 Transit Connect vehicles do not fully comply with paragraph S5.1 of Federal Motor Vehicle Safety Standard (FMVSS) No. 205, *Glazing Materials.* Ford has filed an appropriate report dated March 31, 2014, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.*

ADDRESSES: For further information on this decision contact Luis Figueroa, Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5287, facsimile (202) 366–5930.

SUPPLEMENTARY INFORMATION:

I. Ford's Petition: Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR part 556, Ford submitted a petition for an exemption from the

notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of Ford's petition was published, with a 30-Day public comment period, on June 19, 2014 in the **Federal Register** (79 FR 35224). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: *http://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2014–0054.''

II. Vehicles Involved: Affected are approximately 174,453 Transit Connect vehicles built from March 20, 2009 through September 2, 2013 at the plant in Kocaeli, Turkey as well those built from August 1, 2013 through February 28, 2014 at the plant in Valencia, Spain.

III. Noncompliance: Ford explains that the noncompliance is that subject vehicles do not fully meet the requirements of paragraph S5.1 of FMVSS No. 205 because the windshields installed in the vehicles do not include the ''A↓S1'' upper boundary markings specified in Section 7 of ANSI/SAE Z 26.1–1996 *Marking of Safety Glazing Materials* which is incorporated by reference in FMVSS No. 205.

IV. Rule Requirements: FMVSS No. 205 incorporates ANSI Z26.1–1996 and other industry standards in paragraph S.5.1 by reference. Paragraph S6 of FMVSS No. 205 specifically requires manufacturers to mark the glazing material in accordance with Section 7 of ANSI Z26.1–1996 and to add other markings required by NHTSA. With respect to the subject noncompliance, Section 7 of ANSI Z26.1–1996 specifies that in addition to the item of glazing number and other required markings, the manufacturer shall include the ''A↓S1'' upper boundary which will identify the item of glazing, and the area that meets Test 2 of ANSI Z26.1 (1996). The direction of the arrow will point to the direction of the area that complies with Test 2 of ANSI Z26.1 (1996).

V. Summary of Ford's Analyses: Ford stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

(A) The windshield glazing of the affected vehicles otherwise meets all marking and performance requirements of FMVSS No. 205 and ANSI Z26.1–1996. Because all transparent sections of the affected glazing fully meet all of the applicable performance requirements, Ford does not believe the absence of the ''A↓S1'' upper boundary markings impact the ability of the glazing to satisfy the stated purpose or affect the performance of the glazing intended by FMVSS No. 205.

(B) No other related FMVSSs are affected. The vision zones used for all other related FMVSSs are all in clear areas of the glazing and the vehicles are fully compliant to FMVSS No. 103 *Windshield Defrosting and Defogging Systems and* FMVSS No. 104 *Windshield Wiping and Washing Systems.*

(C) The windshields are appropriately marked with the AS1 marking adjacent to the Manufacturer's Trademark, as required by ANSI/SAE Z26.1–1996.

(D) Ford made reference to a previous petition for inconsequential noncompliance that addressed labeling issues that NHTSA granted.

Ford also stated that it is not aware of any field or owner complaints, accidents, or injuries attributed to this condition.

Ford has additionally informed NHTSA that it has corrected the noncompliance so that all future production vehicles will comply with FMVSS No. 205.

In summation, Ford believes that the described noncompliance of the subject vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt Ford from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

NHTSA Decision

NHTSA Analysis: FMVSS No. 205 specifies labeling and performance requirements for automotive glazing. FMVSS No. 205 incorporates ANSI Z26.1 (1996) and other industry standards by reference (S.5.1). Paragraph S6 of FMVSS No. 205 requires manufacturers to mark glazing material in accordance with Section 7 of ANSI Z26.1 (1996) and to add other specific markings required by NHTSA. Section 7 of ANSI Z26.1 (1996) specifies that in addition to other required markings, glazing which in a single sheet of material are intentionally made with an area having a luminous transmittance of not less than 70% (Test 2—Luminous Transmittance) adjoining an area that has less than 70% luminous transmittance, shall be permanently marked at the edge of the area that complies with Test 2 with the item of glazing number and an arrow pointing in the direction of the area that is intended to comply with Test 2, *e.g.,* ''AS↓1''.

According to the petition, Ford manufactured the affected MY 2010–2014 Transit Connect vehicles with windshields that lack the arrow marking designating the area intended to comply with Test 2. NHTSA believes that the missing arrow is inconsequential to vehicle safety since Ford has certified that the glazing complies with all other labeling and performance requirements of FMVSS No. 205, including the item of glazing number. Ford has also informed NHTSA that all future Transit Connect vehicles will fully comply with FMVEE No. 205.

NHTSA believes that the absence of the ''A↓S1'' upper boundary markings, poses little if any risk to motor vehicle safety because in this particular instance the area having a luminous transmittance of less than 70% is readily apparent without the upper boundary markings.

NHTSA Decision: In consideration of the foregoing, NHTSA has decided that Ford has met its burden of persuasion that the FMVSS No. 205 noncompliance is inconsequential to motor vehicle safety. Accordingly, Ford's petition is hereby granted and Ford is exempted from the obligation of providing notification of, and a remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that Ford no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve Ford distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Ford notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Jeffrey M. Giuseppe,

Acting Director, Office of Vehicle Safety Compliance.

[FR Doc. 2015–04151 Filed 2–27–15; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2012–0144; Notice 2]

General Motors, LLC; Ruling on Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Ruling on petition.

SUMMARY: General Motors, LLC (GM) has determined that certain model year 2013 Chevrolet Malibu passenger cars manufactured between June 21, 2011 and July 24, 2012, do not fully comply with paragraphs S3.1.4.1 (a) and (b) of Federal Motor Vehicle Safety Standard (FMVSS) No. 102, *Transmission Shift Position Sequence, Starter Interlock, and Transmission Braking Effect.* GM has filed an appropriate report dated August 3, 2012, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.*

ADDRESSES: For further information on this decision contact Mr. Vince Williams, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–2319, facsimile (202) 366–5930.

SUPPLEMENTARY INFORMATION:

I. *GM's Petition:* Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), GM submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

Notice of receipt of GM's petition was published, with a 30-day public comment period, on September 30, 2013, in the **Federal Register** (78 FR 60019.) No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: *http://www.regulations.gov/.* Then follow the online search instructions to locate docket number ''NHTSA–2012–0144.''

II. *Vehicles Involved:* Affected are approximately 23,910 model year 2013 Chevrolet Malibu passenger cars manufactured between June 21, 2011 and July 24, 2012.

III. *Noncompliance:* GM explains that the noncompliance is that in the subject vehicles, because the primary shift lever position backlight in the console shift indicator can fail to illuminate, the transmission shift position selected in relation to the other gears is not always provided under the required conditions specified in S3.1.4.1 (a) and (b).

IV. *Rule Text:* Paragraph S3.1.4.1 (a) and (b) of FMVSS No. 102 specifically states:

S3.1.4 Identification of shift positions and of shift position sequence.

S3.1.4.1 Except as specified in S3.1.4.3, if the transmission shift position sequence includes a park position, identification of shift positions, including the positions in relation to each other and the position selected, shall be displayed in view of the driver whenever any of the following conditions exist:

(a) The ignition is in a position where the transmission can be shifted; or

(b) The transmission is not in park.

V. *Summary of GM's Analyses:* GM stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

1. There is minimal risk that the operator will shift the vehicle out of park without being aware that the transmission shift position sequence display is not illuminated since the condition can only be initiated at key-up (engine crank). The condition cannot be initiated while driving.

2. The condition corrects on the next ignition cycle. Throughout our investigation it never repeated on consecutive ignition cycles.

3. The gear selected is always provided in a redundant display located in the instrument panel (IP) cluster.

a. The up-level IP cluster is utilized in 85% of the vehicle production and displays the gear selected in relation to the other gears for 3 seconds whenever the vehicle is shifted. After 3 seconds the IP cluster displays only the gear selected.

b. 15% of production has the base IP cluster which displays only the gear selected.

4. The system is designed to minimize the risk that the operator will shift to an unintended gear.

a. When shifting, a secondary motion (button push on shifter) is required to help prevent mis-shift. A button on the shift lever must be depressed when shifting from:

i. PARK to any other gear:

ii. REVERSE to any other gear: or

iii. DRIVE to PARK or REVERSE

b. NEUTRAL gear selection from DRIVE does not require a secondary motion (button push on shifter), making location of NEUTRAL easier in a panic situation.

c. The gear selected is provided as a secondary display in the IP cluster and the shifter in the subject vehicle utilizes a linear shift pattern (used on U.S. vehicles for more than 50 years). Since the relationship between PARK, REVERSE, NEUTRAL and DRIVE is well understood by the driving public, this should assist the operator in determining the shift lever's position in relationship to the other gear positions even when not illuminated.

d. Brake Transmission Shift Interlock (BTSI) helps to assure the driver is not caught unaware when shifting from PARK since the operator must first apply the brake.

e. On the subject vehicles miss-shifting is prevented while the vehicles are in motion. At speeds above 10 MPH, shifting from DRIVE to REVERSE or PARK; or shifting from REVERSE to PARK or DRIVE, is electronically inhibited.

5. The frequency of the condition occurring is rare and random.

a. As of 25 July 2012, there were only ten reported incidents which occurred on seven of 285 captured test fleet (CTF) vehicles. The condition was reported twice on two of the CTF vehicles and did not occur on consecutive ignition cycles.

b. During the investigation, it took more than a week of testing during which approximately 1000 ignition cycles were conducted on each of four CTF vehicles reported to have the condition in order to recreate the occurrence.

c. Warranty claims as of 25 July 2012

i. U.S. Warranty 3 of 8,573 vehicles

ii. China Warranty 2 of 11,872 vehicles

iii. Korea Warranty 3 of 4,968 vehicles

d. None of the Warranty claims or CTF reports indicated that the operator had experienced a mis-shift condition.

e. No claims were discovered related to injury or crash.

f. As of August 1, 2012, GM found no Vehicle Owner's Questionnaires (VOQs) resulting from the subject condition during its search of the NHTSA database.

6. GM stated its belief that NHTSA granted a similar petition in the past.

On August 16, 2013 GM additionally informed NHTSA in an email message that it corrected the noncompliance on August 3, 2012 so that all future production would comply with FMVSS No. 102.

In summation, GM believes that the described noncompliance of the subject vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt from providing recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as

required by 49 U.S.C. 30120 should be granted.

VI. *NHTSA's Decision:* NHTSA has reviewed GM's analyses that the subject noncompliance is inconsequential to motor vehicle safety. GM has identified an intermittent condition during which the automatic transmission positions on the console-mounted transmission control will not be illuminated at key startup. FMVSS No. 102, paragraph S3.1.4.1 requires the indicator to display identification of an automatic transmission's positions, including the position selected and the positions in relation to each other in view of the driver. FMVSS No. 101, paragraph S5.3.1(b) and Table 1 require the automatic transmission control position indicator to be illuminated whenever the headlamps are activated. GM stated that the failure of illumination is very rare, has occurred only at startup (not during driving), and has never been found to repeat on consecutive ignition cycles. However, when it does occur, the transmission position indicator on the console will not be illuminated throughout that operating period. The indicator identifies P,R,N,D or M (M1–M6) and, except when the noncompliance occurs at key startup, is illuminated as required.

FMVSS No. 102 paragraph S3.1.4 permits a redundant display providing some or all of the required information. GM identified two instrument clusters used in the affected vehicles that provide different amounts of redundant information. The transmission position selected is always displayed on both clusters. In addition, for vehicles other than the base model (approximately 15 percent of the affected vehicles), the cluster display includes the position selected and the positions in relation to each other for three seconds whenever the transmission is shifted.

The redundant display on the cluster identifies the transmission position selected for all affected vehicles. It is likely that drivers will become accustomed to looking at the instrument cluster rather than looking down at the console to confirm the desired transmission position, *i.e.,* ''D,'' has been selected. So the lack of illumination on the console at startup may go unnoticed. In a panic situation, an inexperienced driver may not be familiar with the other positions, *i.e.,* how to shift from ''D'' to ''N'' to recover control of the vehicle if an unintended acceleration occurs. Since the cluster of 85 percent of the vehicles displays this information for 3 seconds after every shift, this frequent reminder is considered sufficient to alert the driver about the relationship to the other transmission positions. The 15 percent (base models) are not so equipped and present an unreasonable risk to safety.

In consideration of the foregoing, NHTSA has decided that for all except the base model vehicles, GM has met its burden of persuasion that the subject FMVSS No. 102 noncompliance is inconsequential to motor vehicle safety. Accordingly, GM's petition is hereby partially granted and GM is exempted from the obligation of providing notification of, and a remedy for the subject noncompliance for the non-base model Malibu vehicles (approximately 85 percent of the affected vehicles) under 49 U.S.C. 30118 and 30120.

For the base model Malibu vehicles (approximately 15 percent of the affected vehicles), NHTSA has decided that GM has not met its burden of persuasion that the FMVSS No. 102 noncompliance is inconsequential to motor vehicle safety. Accordingly, for those vehicle's GM's petition is hereby denied and GM is obligated to provide notification of, and a remedy for, the subject noncompliance under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the 23,910 model year 2013 Chevrolet Malibu passenger cars that GM no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after GM notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Nancy Lummen Lewis,

Associate Administrator for Enforcement.

[FR Doc. 2015–04150 Filed 2–27–15; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Notice and Request for Comments

AGENCY: Surface Transportation Board.

ACTION: 60-day notice of request for extension: Notifications of Trails Act Agreement and Substitute Sponsorship.

SUMMARY: As required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3519 (PRA), the Surface Transportation Board (STB or Board) gives notice of its intent to seek from the Office of Management and Budget (OMB) an extension of approval for the collection: Notifications of Trails Act Agreement and Substitute Sponsorship.

Under 16 U.S.C. 1247(d) and its regulations, the STB will issue a Certificate of Interim Trail Use (CITU) or Notice of Interim Trail Use (NITU) to a prospective trail sponsor who offers to assume managerial, tax, and legal responsibility for a right-of-way that a rail carrier would otherwise abandon. The CITU/NITU permits parties, for 180 days, to negotiate for a railbanking agreement. If parties reach an agreement, the CITU/NITU automatically authorizes railbanking/interim trail use. If no agreement is reached, then upon expiration of the negotiation period, the CITU/NITU authorizes the railroad to exercise its option to fully abandon the line without further action by the Board.

Pursuant to 49 CFR 1152.29, parties must jointly notify the Board when a trail use agreement has been reached, and must identify the exact location of the right-of-way subject to the agreement, including a map and milepost marker information. The rules also require parties to file a petition to modify or vacate the CITU/NITU if the trail use agreement applies to less of the right-of-way than covered by the CITU/NITU. Finally, the rules require that a substitute trail sponsor must acknowledge that interim trail use is subject to restoration and reactivation at any time.

Comments are requested concerning: (1) The accuracy of the Board's burden estimates; (2) ways to enhance the quality, utility, and clarity of the information collected; (3) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology when appropriate; and (4) whether the collection of information is necessary for the proper performance of the functions of the Board, including whether the collection has practical utility. Submitted comments will be summarized and included in the Board's request for OMB approval.

Description of Collection

Title: Notifications of Trails Act Agreement and Substitute Sponsorship

OMB Control Number: 2140–0017.

STB Form Number: None.

Type of Review: Extension without change.

Respondents: Parties to an interim trail use agreement; substitute trail sponsors.

Number of Respondents: 40.

Estimated Time per Response: 1 hour.

Frequency: On occasion.

Total Burden Hours (annually including all respondents): 40 hours.

Total ''Non-hour Burden'' Cost: None identified. Filings are submitted electronically to the Board.

Needs and Uses: The submissions ensure that the affected public and the agency will have notice whenever a trails use agreement is reached or modified. They also ensure that any trail sponsor, including any substitute trail sponsor, acknowledges that interim trail use is subject to restoration and reactivation at any time.

Retention Period: Information in this report will be maintained in the Board's files for 10 years, after which it is transferred to the National Archives.

DATES: Comments on this information collection should be submitted by May 1, 2015.

ADDRESSES: Direct all comments to Chris Oehrle, Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001, or to *PRA@stb.dot.gov.* When submitting comments, please refer to ''Notifications of Trails Act Agreement and Substitute Sponsorship.'' For further information regarding this collection, contact *PRA@stb.dot.gov.* [Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877–8339.] Filings made in responses to this collection are available on the Board's Web site at *www.stb.dot.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA, a federal agency conducting or sponsoring a collection of information must display a currently valid OMB control number. A collection of information, which is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c), includes agency requirements or requests that persons submit reports, keep records, or provide information to the agency, third parties, or the public. Under § 3506(c)(2)(A) of the PRA, federal agencies are required to provide, prior to an agency's submitting a collection to OMB for approval, a 60-day notice and comment period through publication in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information.

Dated: February 25, 2015.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2015–04250 Filed 2–27–15; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Agency Information Collection Activities; Proposals, Submissions, and Approvals; Proposed Collection of Information: Application by Voluntary Guardian of Incapacitated Owner of United States Savings Bonds or Savings Notes

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the ''Application by Voluntary Guardian of Incapacitated Owner of United States Savings Bonds or Savings Notes''.

DATES: Written comments should be received on or before May 1, 2015 to be assured of consideration.

ADDRESSES: Direct all written comments and requests for further information to Bureau of the Fiscal Service, Bruce A. Sharp, 200 Third Street A4–A, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov.*

SUPPLEMENTARY INFORMATION:

Title: Application by Voluntary Guardian of Incapacitated Owner of United States Savings Bonds or Savings Notes.

OMB Number: 1530–0031 (Previously approved as 1535–0036 as a collection conducted by Department of the Treasury/Bureau of the Public Debt.)

Transfer of OMB Control Number: The Bureau of Public Debt (BPD) and the Financial Management Service (FMS) have consolidated to become the Bureau of the Fiscal Service (Fiscal Service). Information collection requests previously held separately by BPD and FMS will now be identified by a 1530 prefix, designating Fiscal Service.

Form Number: PD F 2513.

Abstract: The information is requested to establish the right of a voluntary guardian to conduct transactions on behalf of a mentally incapacitated bond or note owner.

Current Actions: Extension of a currently approved collection.

Type of Review: Regular.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 7,650.

Estimated Time per Respondent: 20 minutes.

Estimated Total Annual Burden Hours: 2,600.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 23, 2015.

Bruce A. Sharp,

Bureau Clearance Officer.

[FR Doc. 2015–04257 Filed 2–27–15; 8:45 am]

BILLING CODE 4810–AS–P

FEDERAL REGISTER

Vol. 80 Monday,

No. 40 March 2, 2015

Part II

Department of Health and Human Services

48 CFR Chapter 3

Health and Human Services Acquisition Regulation; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

48 CFR Chapter 3

Health and Human Services Acquisition Regulation

AGENCY: Department of Health and Human Services.

ACTION: Proposed rule.

SUMMARY: The Department of Health and Human Services (HHS) is proposing to amend its Federal Acquisition Regulation (FAR) Supplement, the HHS Acquisition Regulation (HHSAR), to update its regulation to current FAR requirements; to remove information from the HHSAR that consists of material that is internal administrative and procedural in nature; to add or revise definitions; to correct certain terminology; and to delete outdated material or material duplicative of the FAR.

DATES: Comments are due on or before May 1, 2015.

ADDRESSES: Submit comments in response to Health and Human Services Acquisition Regulation, parts 301 through 370 by any of the following methods:

Regulations.gov: *http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by entering ''Health and Human Services Acquisition Regulation, parts 301 through 370'' under the heading ''Enter Keyword or ID'' and selecting ''Search.'' Select the link ''Submit a Comment'' that corresponds with ''Health and Human Services Acquisition Regulation, parts 301 through 370.'' Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''Health and Human Services Acquisition Regulation, parts 301 through 370'' on your attached document.

Fax: 202–260–4823.

Mail: HHS/ASFR/OGAPA/Division of Acquisition, ATTN: Deborah Griffin, Room 537H, Hubert Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

Instructions: Please submit comments only and cite Health and Human Services Acquisition Regulation, parts 301 through 370, in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Deborah Griffin, Procurement Analyst, Department of Health and Human Services, Office of the Assistant Secretary for Financial Resources, Office of Grants and Acquisition Policy and Accountability, Division of Acquisition, *Deborah.griffin@hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The HHS made substantive changes in its Federal Acquisition Regulation (FAR) Supplement, the HHS Acquisition Regulation or HHSAR, in November 2009 (74 FR 62396 on November 27, 2009). On April 26, 2010, HHS published in the **Federal Register** correcting amendments at 75 FR 2150. Since then numerous changes have been made to both statutory and regulatory (FAR) framework and requirements. Some of these new requirements were included in specific appropriations acts. This proposed rule changes the HHSAR to conform to these new requirements and to align the requirements with the current FAR. In addition, the procedural materials that were deemed internal or non-regulatory in nature are moved to internal procedures. Further changes are proposed to permit the various HHS operational divisions (OPDIVs) or staff divisions (STAFFDIVs) the necessary flexibility in meeting their respective missions. OPDIV provisions and clauses were collected and are tailored for department-wide application.

The updated HHSAR includes HHS initiatives designed to change the purpose and content of the HHSAR. The objective is to improve the efficiency and effectiveness of various phases of the acquisition lifecycle, creating the framework for innovation and maximum flexibility. The updated HHSAR will contain only requirements of law, HHS policies, delegations of FAR authorities, deviations from FAR requirements, and policies/procedures that have a significant effect beyond the internal procedures of HHS or a significant cost or administrative impact on entities pursuing business opportunities with HHS. The information removed from the HHSAR consists of internal administrative and procedural information, referred to as internal procedures. In addition, the information removed does not have a significant effect beyond HHS internal operating procedures. The internal procedures will contain internal guidance, procedures, processes, and instructions but they will not be published in the Code of Federal Regulations. This framework which separates laws, policies, and other requirements impacting our industry partners from internal operating procedures will enable HHS to more rapidly convey internal administrative and procedural information to the acquisition workforce.

II. Proposed Rule

The following summarizes changes to the HHSAR.

Part 301—HHS Acquisition Regulation System

Part 301 is revised as follows:

The nomenclature of the Contracting Officer's Technical Representative (COTR) was changed to Contracting Officer's Representative (COR) throughout the HHSAR. The training requirements for both Contracting Officers and CORs were deleted. The use of the term ''project officer'' has been removed throughout the HHSAR. The authority citations are corrected for all HHSAR parts.

The prescription at Section 301.106(c) (Office of Management and Budget approval under the Paperwork Reduction Act) regarding the Paperwork Reduction Act was moved to Part 311 and OMB clearance numbers were updated.

Section 301.270 (Executive Committee for Acquisition) is deleted as unnecessary for the regulation and reflecting only internal procedures.

Subpart 301.4 (Deviations from the FAR) is strengthened to enforce the appropriate use of deviations.

Subsection 301.602–3 (Ratification of unauthorized commitments), paragraph (b), is modified to strengthen the language.

Subpart 301.6 (Career Development, Contracting Authority, and Responsibilities) is extensively modified to make clear that all procurement authority stems from the SPE by delegation, ultimately, from the Head of the Agency, who can delegate authority to issue warrants to a level no lower than the HCA. The internal procedures were deleted.

Part 302—Definitions of Words and Terms

Part 302 is revised as follows:

Section 302.101 (Definitions) is revised to clarify roles and responsibilities with HHS organizational changes. Definitions that already appear in the FAR were removed as duplicative.

Subparts 302.70 (Common HHSAR Acronyms and Abbreviations) and 302.71 (HHS Standard Templates and Formats) are removed as unnecessary.

Part 303—Improper Business Practices and Personal Conflicts of Interest

Part 303 is revised as follows:

Subsection 303.104–7 (Violations or possible violations of the Procurement

Integrity Act) is revised to remove internal procedures for processing a Procurement Integrity Act violation and to remove the requirement for a review by a Senior Executive Service employee.

Section 303.203 (Reporting suspected violations of the Gratuities clause) is revised to remove internal procedures for processing a report of a suspected violation.

Section 303.303 (Reporting suspected antitrust violations) is removed as internal procedures.

Subpart 303.4 (Contingent Fees) is deleted as unnecessary.

Subpart 303.10 (Contractor Code of Business Ethics and Conduct) is added to move Section 303.1003 (Requirements) to its proper subject placement and Section 303.1003 is revised to remove internal procedures for processing a report of a suspected violation of criminal law.

Part 304—Administrative Matters

Part 304 is revised as follows:

Section 304.602 (General) is modified to remove the internal procedures regarding contract reporting.

Section 304.604 (Responsibilities) is revised to remove the internal procedures and to note the importance of accuracy and timeliness in the Federal Procurement Data System reporting.

Subsection 304.803–70 (Contract/order file organization and use of checklists) is removed as unnecessary.

Subsection 304.804–70 (Contract closeout audits) is removed as unnecessary.

Subpart 304.13 (Personal Identity Verification) is removed as unnecessary and a policy statement is added for clarification.

Subpart 304.70 (Acquisition Instrument Identification Numbering System) is revised and renumbered as 304.16 (Unique Procurement Instrument Identifiers).

Subpart 304.71 (Review and Approval of Proposed Contract Actions) and Section 304.7100 (Policy) is revised to clarify contract reviews and to remove internal procedures.

Subpart 304.72 (Affordable Care Act Prevention and Public Health Fund—Reporting Requirements) is added to address information required by the Prevention and Public Health Fund (PPHF).

Part 305—Publicizing Contract Actions

Part 305 is revised as follows:

Subpart 305.2 (Synopsis of Proposed Contract Actions) is removed as unnecessary.

Section 305.303 (Announcement of contract awards), paragraph (a), is revised to remove a separate threshold for HHS and rely on the FAR. The internal procedures are removed.

Section 305.502 (Authority) is revised to remove language redundant to the FAR and to specify that published advertisements in print media require approval above the contracting officer.

Subpart 305.70 (Publicizing Requirements Funded from the Affordable Care Act Prevention and Public Health Fund) is added.

Part 306—Competition Requirements

Part 306 is revised as follows:

Section 306.202 (Establishing or maintaining alternative sources) is revised to include reference to the HHS Department Competition Advocate.

Subsection 306.302–1 (Only one responsible source and no other supplies or services will satisfy agency requirements), paragraph (a)(2)(iv), is deleted; the information is considered internal procedures. Also, information is added for the Bioshield Program.

Subsection 306.302–7 (Public interest) is revised to clarify the procedures for the signature of the Secretary for a determination and findings for public interest.

Section 306.303 (Justifications) is deleted; the information is considered internal procedures.

Section 306.304 (Approval of the justification) is deleted; the information is considered internal procedures.

Section 306.501 (Requirement) is revised to identify the HHS Department Competition Advocate.

Section 306.502 (Duties and responsibilities) is deleted; the information is considered internal procedures.

Part 307—Acquisition Planning

Part 307 is revised as follows:

Sections 307.104 (General procedures), 307.104–70 (Acquisition strategy), and 307.104–71 (Purpose and timing) are deleted.

Section 307.105 (Contents of written acquisition plans) is revised to clarify that HHS requires a written acquisition plan for all acquisitions above the simplified acquisition threshold.

Subsection 307.108–70 (Telecommuting of contractor employees) is deleted; this language is redundant; the FAR language is sufficient.

Subpart 307.70 (Considerations in Selecting an Award Instrument) is deleted; this information is considered internal procedures.

Subpart 307.71 (Acquisition Plan) is deleted; this information is considered internal procedures.

Part 308—Required Sources of Supplies and Services

Part 308 is revised as follows:

Section 308.404 (Use of Federal Supply Schedule) is deleted; the FAR language is sufficient.

Section 308.405–6 (Limited source justification and approval) is revised; information considered internal procedures is removed.

Subpart 308.8 (Acquisition of Printing and Related Supplies) is added to provide guidance on Government printing and electronic communications.

Part 309—Contractor Qualifications

Part 309 is revised as follows:

Section 309.402 (Policy) is deleted.

Section 309.403 (Definitions) is updated to provide current HHS definitions.

Section 309.404 (List of parties excluded from Federal procurement and non-procurement programs) is revised to change the title to System for Award Management (SAM) Exclusions. This revision reflects the current FAR language.

Section 309.405 (Effect of listing. Compelling Reason Determinations) is revised to change the title and updated to reflect current HHS terminology.

Sections 309.406 (Debarment) and 306.407 (Suspension) are revised.

Section 309.470 (Reporting of suspected causes for debarment or suspension or the taking of evasive actions) is revised to clarify and update the contracting officer's responsibilities to report and coordinate suspected causes for debarment or suspension or the taking of evasive actions.

Subsection 309.470–1 (Situations where reports are required) is revised and Subsection 309.470–2 (Contents of reports) is deleted; the information deleted is considered internal procedures.

Part 310—Market Research

Part 310 is revised as follows:

Section 310.001 (Policy) is revised to instruct contracting offices to follow the FAR.

Part 311—Describing Agency Needs

Part 311 is revised as follows:

Section 311.7000 (Defining electronic information technology (EIT) requirements) is revised to clarify the contracting officer's role in identifying the agency needs for EIT supplies and services; information considered internal procedures is deleted.

Section 311.7001 (Section 508 accessibility standards for HHS Web site content and communications materials) is moved to Part 339 and updated.

Subpart 311.71 (Accessibility of Meetings, Conferences, and Seminars to Persons with Disabilities) is relocated from Part 370.

Subpart 311.72 (Conference Funding and Sponsorship) is relocated from Part 370.

Subpart 311.73 (Contractor Collection of Information) is relocated from Part 301.

Part 312—Acquisition of Commercial Items

Part 312 is revised as follows:

Section 312.101 (Policy) is revised to emphasize that the HHS Strategic Sourcing Program shall be utilized when possible.

Section 312.202(d) (Market research and description of agency need) is revised to identify that the requiring activity specifies electronic and information technology (EIT) supplies and services subject to Section 508 and to move Section 508 requirements to Part 339.

Part 313—Simplified Acquisition Procedures

Part 313 is revised as follows:

Section 313.003 (Policy) is revised by moving language related to Section 508 to Part 339.

Subpart 313.1 (Procedures) is deleted; this language is duplicative of the FAR.

Section 313.301 (Government-wide commercial purchase card), paragraph (b), is revised to reference the HHS Purchase Card Program; the remaining procedural language is removed.

Section 313.303 (Blanket purchase agreements) and Subsection 313.305–5 (Purchases under blanket purchase agreements) are deleted; this information is not current.

Subpart 313.5 (Test Program for Certain Commercial Items) is deleted; this is considered procedural information.

Part 314—Sealed Bidding

Part 314 is revised as follows:

Section 314.103 (Policy) is revised by moving language related to Section 508 to Part 339.

Subpart 314.2 (Solicitation of Bids) is deleted; the FAR language is sufficient.

Subsection 314.404–1 (Cancellation of invitations after opening) in Section 314.404 (Rejection of bids) is revised to retain and clarify the HCA authority for rejection of bids and cancellations of invitations after opening.

Section 314.407 (Mistakes in bids) is revised to retain and clarify the head of the contracting activity authority for mistakes in bid both before award and afterward and information considered internal procedures is removed.

Part 315—Contracting By Negotiation

Part 315 is revised as follows:

The term ''Technical Evaluation Panel'' is removed and replaced with ''Source Selection Evaluation Team'' throughout this part and material that is deemed redundant to the FAR has been deleted.

Section 315.201 (Exchanges with industry before receipt of proposals) is determined to be internal procedures and is removed.

Subsection 315.204–5 (Part IV—Representations and instructions), paragraph (c)(2), is deleted and the internal procedures are removed.

Section 315.208 (Submission, modification, revision, and withdrawal of proposals) is revised to update how the Government will handle proposals after the exact time specified for receipt.

Section 315.209 (Solicitation Provisions and Contract Clauses) is deleted.

Section 315.304 (Evaluation factors and significant subfactors) is revised to move the text related to EIT acquisitions to Part 339, and the internal procedures are removed.

Section 315.305 (Proposal evaluation) is revised and the internal procedures are removed.

Sections 315.306 (Exchanges with offerors after receipt of proposals) and 315.307 (Proposal revisions) are removed.

Section 315.370 (Finalization of details with the selected source) is deleted as unnecessary; it is redundant to FAR 15.206.

Section 315.371 (Contract preparation and award) contains internal procedures which are removed.

Section 315.372 (Preparation of negotiation memorandum) contains internal procedures which are removed.

Subsection 315.404–2 (Information to support proposal analysis) is revised and internal procedures are removed.

Subsection 315.404–4 (Profit) is revised and the internal procedures related to developing weighted guidelines are removed.

Section 315.605 (Content of unsolicited proposals) is revised to clarify the requirements on the submitter of an unsolicited proposal. The requirement for a certification has been deleted and a warranty has been added to conform to current Federal law. This changes the government's remedy from a criminal sanction to a contract remedy.

Subsection 315.606–1 (Receipt and initial review) is revised for clarity.

Section 315.609 (Limited Use of Data) is deleted.

Subpart 315.70 (Acquisition of Electronic Information Technology) is moved to Part 339.

Part 316—Types of Contracts

Part 316 is revised as follows:

Section 316.603 (Letter contracts) is revised to limit letter contract modifications as prescribed in the FAR.

Section 316.307 (Contract clauses) is revised to clarify the application of the cost principle in accordance with the governing statute.

Section 316.505 (Ordering) is revised to clarify the role of the Competition Advocate as the task order ombudsman.

Subsection 316.603–70 (Procedure for requesting authority to issue a letter contract) is deleted as unnecessary.

Subsection 316.603–71 (Approval for modifications to letter contracts) is moved to 316.603–3 in part and is otherwise deleted as unnecessary.

Subpart 316.7 (Agreements) is deleted as unnecessary.

Part 317—Special Contracting Methods

Part 317 is revised as follows:

Section 317.104 (General) is revised to identify the Senior Procurement Executive as the designated agency approving official.

Subsection 317.105–1 (Uses), paragraph (a), is revised to update current thresholds for cancellation ceilings.

Section 317.107 (Options) is revised to update guidance on the use of options for multi-year contracts.

Section 317.204 (Contracts), paragraph (e), is revised to provide guidance on contract periods exceeding the 5-year limitation provided in FAR 17.204(e).

Section 317.207 (Exercise of Options) is deleted; the information for current Section 508 policy is provided in Part 339.

Subpart 317.5 (Interagency Acquisitions Under the Economy Act) is deleted; this information is considered internal procedures.

Subpart 317.70 (Multi-agency and Intra-agency Contracts) is deleted; this information is considered internal procedures.

Part 319—Small Business Programs

Part 319 is revised as follows:

Section 319.201 (General policy) language is revised to align with the FAR.

Subsection 319.202–2 (Locating small business sources) is removed as unnecessary.

Subsection 319.270–1 (Mentor Protégé Program) is revised to change the section heading to ''Mentor Protégé Program Solicitation provision and contract clause.''

Subpart 319.5 (Set-asides for Small Business) is deleted; the FAR coverage is sufficient.

Subpart 319.7 (Subcontracting with Small Business, Small Disadvantaged Business, and Women-Owned Small Business Concerns) is removed as unnecessary.

Part 322—Application of Labor Laws to Government Acquisitions

Part 322 is revised as follows:

Section 322.810 (Solicitation provisions and contract clauses) is revised to correct the clause prescriptions.

Part 323—Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace

Part 323 is revised as follows:

Section 323.7000 (Scope of subpart) is revised to clarify the applicable policy for safety and health situations.

Section 323.7001 (Policy) is revised to clarify guidance for safety and health situations.

Section 323.7002 (Actions required) is revised by removing information regarding roles other than the contracting officer.

Subpart 323.71 (Sustainable Acquisition Requirements) is revised by adding sustainable acquisition requirements. This additional information provides policy and a new provision prescription for offerors to describe their approaches for meeting the requirements of FAR 23.1 (Sustainable Acquisition Policy).

Part 324—Protection of Privacy and Freedom of Information

Part 324 is revised as follows:

Sections 324.000 (Scope of subpart) and 324.102 (General) are removed; this information is considered internal procedures.

Section 324.103 (Procedures) is revised to change the section heading to ''Procedures for the Privacy Act'' and to ensure that the statement of work/performance work schedule specifies the system of record and the disposition of the system of record.

Section 324.104 (Restrictions on Contractor Access to Government or Third Party Information) is added to provide information on restrictions on contractor access to Government or third party information.

Section 324.105 (Contract clauses) is added to prescribe the clause at 352.224–70 (Privacy Act) and 352.224–71 (Confidential Information).

Subpart 324.2 (Freedom of Information Act) is deleted; the FAR is sufficient.

Subpart 324.70 (Health Insurance Portability and Accountability Act of 1996 (HIPAA)) is added to provide coverage for the Health Insurance Portability and Accountability Act of 1996 and subtitle D of title IV of the Health Information Technology for Economic and Clinical Health Act (HITECH Act).

Pursuant to the Health Insurance Portability and Accountability Act of 1996, Public Law 104–191 (August 21, 1996) and the Health Information Technology for Economic and Clinical Health (HITECH) Act, enacted as part of the American Recovery and Investment Act, Public Law 111–5 (February 17, 2009), the Department issued regulations at 45 CFR parts 160 to 164 (HIPAA Rules).

The HIPAA Rules apply to ''covered entities'' and in part to ''business associates,'' as defined at 160.103. Covered entities are health plans, health care clearinghouses, and any health care provider who transmits health information in electronic form in connection with transactions for which the Secretary of HHS has adopted standards under the HIPAA statute. In general, business associates are persons or organizations that perform certain functions or activities on behalf of, or provides certain services to, covered entities that involve the use or disclosure of protected health information. When covered entities use contractors to perform services or activities that involve protected health information, the HIPAA Privacy and Security Rules require that covered entities enter into an agreement with business associates, commonly called business associate agreements, which must include specified terms set forth in these rules.

A covered entity that is a single legal entity and that conducts both covered and non-covered functions may elect to be a ''hybrid entity,'' as defined at 164.103. A covered function is an activity that makes a person or organization a covered entity. To be a hybrid entity, a covered entity must designate in writing its operations that perform covered functions as one or more ''health care components,'' as defined at 164.103. After making this designation, most of the requirements of the HIPAA rules will apply only to the health care components. A covered entity that is a hybrid entity must include a component that performs business associate-like activities within its health care component(s) so that such component is directly subject to the HIPAA Rules.

The Department is a covered entity. However, because the Department has elected to be a hybrid entity, most Department activities are not subject to the HIPAA Rules. At this time, the designated HHS' HCCs fall into the following categories: the CMS Medicare fee-for-service program, the Indian Health Service, the Commissioned Corps and the CDC World Trade Center Health Program. Even when a covered entity is a hybrid entity, the duty to enter into agreements or contracts that include certain terms remains with the covered entity rather than the health care component. For operational purposes it may be the covered entity's HCC(s) that perform the contract function on behalf of the covered entity.

This proposed rule references the terms that the HHS HCCs on behalf of the Department must include in their contracts with their business associates. In complying with the HIPAA Rules, the HCCs and their business associates shall interpret the HIPAA Rules consistent with the Department's interpretations as found on the HHS Office for Civil Rights Web site at *http://www.hhs.gov/ocr/privacy.* In particular, HCCs should reference the Sample Business Associate Agreement (BAA) Provisions at *http://www.hhs.gov/ocr/privacy/hipaa/understanding/coveredentities/contractprov.html* as they develop their business associate contracts.

The required business associate contract terms apply where the Department is required to enter into a business associate contract pursuant to the HIPAA Rules. We note that the definition of business associate includes ''subcontractors.'' However, under 45 CFR 164.502(e)(1)(i), a covered entity is not required to have a business associate contract with a subcontractor; this would be the responsibility of the business associate. Also, under 45 CFR 164.504(e)(3)(i)(A) and (B), the business associate contract terms are not required if the business associate is another government agency (*e.g.,* a state agency) and certain conditions are met. Also, under 164.504(e)(3)(ii), the business associate contract terms are not required where the business associate is required by law to perform business associate functions or activities on behalf of the HCC or to provide certain services to a HCC, and certain other conditions are met. For example the Department of Justice is required by law to provide legal services to HHS.

Part 326—Other Socioeconomic Programs

Part 326 is added as follows:

Subpart 326.5 (Indian Preference in Employment, Training, and Subcontracting Opportunities) is added to provide information on the Indian

preference in employment, training, and subcontracting opportunities. This information is moved from part 370.

Subpart 326.6 (Acquisitions Under the Buy Indian Act) is added to provide information on acquisitions under the Buy Indian Act. This information is moved from part 370.

Subpart 326.7 (Acquisitions Requiring the Native American Graves Protection and Repatriation Act) is added to provide information on acquisitions requiring the Native American Graves Protection and Repatriation Act. This information is moved from part 342.

Part 327—Rights, Data, and Copyrights

Part 327 is revised as follows:

Subsection 327.404–70 (Solicitation provision and contract clause), is revised to clarify that the contractor may publish results of its work.

Part 328—Bonds and Insurance

Part 328 is deleted; the FAR is deemed sufficient.

Part 330—Cost Accounting Standards

Part 330 is revised as follows:

Subsection 330.201–5 (Waiver) is revised and internal procedures are removed.

Part 331—Contract Cost Principles and Procedures

Part 331 is revised as follows:

Section 331.101–70 (Salary Rate Limitation) is revised to update how HHS appropriated funds are to be used, and direct users to Office of Personnel Management for the rate tables.

Section 331.102–70 (Pricing of adjustments) contains internal procedures and is removed.

Part 332—Contract Financing

Part 332 is revised as follows:

Section 332.402 (General) is revised to clarify the HCA responsibility for advance payments.

Section 332.403 (Applicability) is deleted as unnecessary.

Section 332.407 (Interest) is revised and internal procedures are removed.

Section 332.409 (Contracting Officer action) and Subsection 332.409–1 (Recommendation for approval) are deleted as unnecessary.

Section 332.702 (Policy), Section 332.703 (Contract funding requirements), and Subsection 332.703–71 (Incrementally funded cost-reimbursement contracts) are added to address contract funding issues.

Subsection 332.703–70 (Funding contracts during a continuing resolution) is removed since continuing resolution and their associated requirements change with each resolution.

Subsection 332.703–71 (Incrementally funded cost-reimbursement contracts) is added.

Subsection 332.703–72 (Incremental Funding Table) is added to provide a contract mechanism to track funding on an incrementally funded contract.

Section 332.704 (Limitation of cost or funds) is deleted as unnecessary.

Section 332.706 (Solicitation provision and contract clauses) is added to prescribe the clause at 352.232–70 (Incremental Funding).

Subsection 332.706–2 (Provision and clauses for limitation of cost or funds) is added to prescribe additional requirements for cost-reimbursement contract for severable services using incremental funding.

Part 333—Protests, Disputes, and Appeals

Part 333 is revised as follows:

Sections 333.102 (General) and 333.103 (Protests to the agency) are revised to remove internal procedures.

Sections 333.104 (Protests to GAO), 333.211 (Contracting Officer's decision), 333.212 (Contracting Officer's duties upon appeal), 333.212–70 (Formats), and 333.213 (Obligation to continue performance) are internal procedures and are deleted.

Subsection 333.215–70 (Contract clauses) is revised to reference the clause at 352.233–72 in all solicitations and contracts and to correct the clause prescriptions.

Part 334—Major System Acquisition

Part 334 is revised as follows:

Section 334.200 (Definitions) is deleted.

Section 334.201 (Policy) is revised to provide the HHS contract value thresholds for the requirement of EVMS.

Section 334.203 (Solicitation provisions and contract clauses) and Subsection 334.203–70 (HHS solicitation provisions and contract clauses) are deleted.

Part 335—Research and Development Contracting

Part 335 is revised as follows:

Subsection 335.070–1 (Policy) is revised to relax the prior mandates in order to provide the contracting officer more flexibility regarding cost-sharing contracts.

Subsection 335.070–2 (Amount of cost-sharing) is revised to provide the contracting officer more flexibility regarding fees or profits in cost-sharing contracts.

Subsection 335.070–4 (Contract award) is deleted as unnecessary.

Section 335.071 (Special determinations and findings affecting research and development contracting) is deleted as an unnecessary determinations and findings.

Section 335.072 (Key Personnel) is added to emphasize the importance of Key Personnel in research and development contracting.

Part 336—Construction and Architect-Engineer Contracts

Part 336 is added.

Part 337—Service Contracting—General

Part 337 is revised as follows:

Section 337.103 (Contracting Officer Responsibility) is revised as follows:

- Paragraphs (d)(1), (2), and (3), are revised to prescribe clauses to comply with Federal law.
- Paragraph (d)(4) is added to provide direction to the Indian Health Service contracting officers in complying with the Indian Child Protection And Family Violence Act (25 U.S.C. 3201 *et seq.*).
- Paragraph (e) is added to prescribe a clause that requires contractors who deliver services to beneficiaries of HHS programs to do so in a non-discriminatory fashion.
- Paragraph (f) is added to prescribe the use of the new key personnel clause at 352.237–75.

Section 337.103–70 (Solicitation provision and contract clause) is moved to Section 337.103 (Contracting Officer Responsibility) to align with FAR numbering.

Part 339—Acquisition of Information Technology

Revised Part 339 as follows:

Section 339.101 (Policy) is revised to clarify that contracting officers shall collaborate with the requiring activity for the acquisition of information technology supplies, services, and systems.

Section 339.201 (Clarification) and Subsection 339.201–70 (Required provision and contract clause) are deleted; the information is obsolete.

Section 339.203 (Approval of exceptions) is revised and the title is changed to (Applicability) to align with the FAR.

Sections 339.203–70 (Contract clauses), 339.204 (Exceptions), 339.204–1 (Approval of exceptions), and 339.205 (Section 508 accessibility standards for contracts) are added to provide updated information for electronic and information technology supplies and services and the requirements for compliance with Section 508 of the Rehabilitation Act.

Subparts 339.70 (Use of General Services Administration Blanket Purchase Agreements for Independent Risk Analysis Services) and 339.71

(Information Security Management) are internal procedures and are deleted.

Part 342—Contract Administration

Part 342 is revised as follows:

Section 342.302 (Contract administration functions) is revised as follows:

- Paragraph (c)(1) is deleted;
- Paragraph (c)(2) is deleted and the clause prescription is moved to Part 337 and renumbered;
- Paragraph (c)(3) is deleted because it prescribes the use of clause 352.242–71 (Tobacco-Free Facilities) which is also deleted; and
- Paragraph (c)(4) is deleted and the clause prescription is moved to Part 326 and renumbered.

Section 342.705 (Final indirect cost rates) is revised to clarify the HHS component named as the cognizant Federal agency within HHS.

Subpart 342.70 (Contract Monitoring) is revised by removing information from Sections 342.7000 (Purpose), 342.7001 (Contract monitoring responsibilities), and 342.7002 (Procedures to be followed when a contractor fails to perform); this information is considered internal procedures.

Section 342.7003 (Withholding of contract payments) is deleted; the FAR is sufficient.

Subpart 342.71 (Administrative Actions for Cost Overruns) is removed.

Part 352—Solicitation Provisions and Contract Clauses

Part 352 is revised as follows:

Clause 352.201–70 (Paperwork Reduction Act) is re-numbered 352.211–3 and relocated to Part 311.

Clause 352.202–1 (Definitions) is deleted.

Clause 352.203–70 (Anti-Lobbying) related to Subpart 303.8 (Limitation on the Payment of Funds to Influence Federal Transactions) is updated.

Clause 352.204–70 (Prevention and Public Health Fund—Reporting Requirements) is added.

Clause 352.208–70 (Printing and Duplication) is added.

Clause 352.211–1 (Accessibility of meetings, conferences, and seminars to persons with disabilities) formerly 352.270–7 is relocated from part 370.

Clause 352.211–2 (Conference sponsorship request and conference materials disclaimer) formerly 352.270–1 is relocated from Part 370.

Clause 352.211–3 (Paperwork Reduction Act) formerly 352.201–70 is relocated from part 301.

Clause 352.215–1 (Instructions to offerors—competitive acquisition) is deleted.

Clause 352.215–70 (Late Proposals and Revisions) is revised.

Clause 352.216–70 (Additional Cost Principles) is revised to correct the prescription citation.

Clause 352.219–70 (Mentor-protégé program) is revised.

Clause 352.222–70 (Contractor cooperation in equal employment opportunity investigations) is corrected.

Clause 352.223–70 (Safety and health) is updated.

Provision 352.223–71 (Instructions to Offerors—Sustainable Acquisition) is added.

Clause 352.224–70 (Privacy Act) is updated.

Clause 352.224–71 (Confidential Information) is added.

Clauses 352.226–1 (Indian Preference), 352.226–2 (Indian Preference Program), and 352.226–3 (Native American Graves Protection and Repatriation Act) are added. These clauses are moved from Parts 370 and 342 and renumbered.

Clause 352.227–70 (Publications and Publicity) is revised to clarify that the contractor may publish results of its work. In addition, paragraph (b) of the clause is revised. Paragraph ''c'' is added to clarify the advertising of products or services provided under the contract.

Clause at 352.231–70 (Salary Rate Limitation) is revised.

Clause 352.231–71 (Pricing of adjustments) is deleted as unnecessary.

Clause 352.232–70 (Incremental funding) is revised.

Clauses 352.233–70 (Choice of Law (overseas)) and 352.233–71 (Litigation and claims) are revised.

Provisions 352.234–1 (Notice of Earned Value Management System—Pre-Award Integrated Baseline Review) and 352.234–2 (Notice of Earned Value Management System—Post-Award Integrated Baseline Review) are deleted; the FAR provisions are sufficient.

Clauses 352.234–3 (Full Earned Value Management System) and 352.234–4 (Partial Earned Value Management System) are deleted; the FAR clauses are sufficient.

Clause 352.236–70 (Design-Build Contracts) is added with an Alternate I to be used for Fast Track procedures.

Clauses 352.237–70 (Pro-Children Act), 352.237–71 (Crime Control Act—reporting of child abuse), and 352.237–72 (Crime Control Act—requirement for background checks) are updated. Clauses 352.237–73 (Indian Child Protection and Family Violence Act), 352.237–74 (Non-discrimination in Service Delivery), and 352.237–75 (Key Personnel) are added.

Clause 352.239–70 (Standard for Security Configurations) is deleted; the clause is obsolete.

Clause 352.239–71 (Standard for Encryption Language) is deleted; the clause is obsolete.

Clause 352.239–72 (Security Requirements for Federal Information Technology Resources) is deleted; the clause is obsolete.

Provision 352.239–73 (Electronic and Information Technology and Accessibility Notice) is revised to provide updated information for electronic and information technology supplies and services and the requirements for compliance with Section 508 of the Rehabilitation Act.

Clause 352.239–74 (Electronic and Information Technology Accessibility) is added.

Clause 352.242–70 (Key Personnel) is renumbered as 352.237–75.

Clause 352.242–71 (Tobacco Free Facilities) is deleted. The clause is no longer necessary.

Clause at 352.242–72 (Native American Graves Protection and Repatriation Act) is renumbered as 352.236–3.

Clause 352.242–73 (Withholding of Contract Payments) is deleted; the FAR is sufficient.

Clause 352.242–74 (Final decisions on audit findings) is deleted; the FAR is sufficient.

Clause 352.270–1 (Accessibility of Meetings, Conferences, and Seminars to Persons with Disabilities) is moved to 352.211–1;

Clause 352.270–2 (Indian preference) is moved to 352.226–1.

Clause 352.270–3 (Indian preference program) is moved to 352.226–2.

Provision 352.270–4a (Notice to Offerors, Protection of Human Subjects) is revised to update the Federal-wide assurance requirement and provide for the inclusion of an Alternate to this provision.

Clause at 352.270–4b (Protection of Human Subjects) is revised to update the Federal-wide assurance requirement.

Provision 352.270–5a (Notice to Offerors of Requirement for Compliance with the Public Health Service Policy on Humane Care and Use of Laboratory Animals) is updated.

Clause 352.270–5b (Care of Live Vertebrate Animals) is updated.

Clause 352.270–6 (Restrictions on Use of Human Subjects) is revised to update the reference to the Institutional Review Board.

Clause 352.270–7 (Conference Sponsorship Request and Conference Materials Disclaimer) is moved to 352.211–2.

Clause 352.270–8 (Prostitution and related activities) is deleted.

Clause 352.270–9 (Non-discrimination for conscience) is updated.

Provision 352.270–10 (Notice to Offerors—Protection of Human Subjects, Research Involving Human Subjects Committee (RIHSC) Approval of Research Protocols Required) is added.

Clause 352.270–11 (Protection of Human Subjects, Research Involving Human Subjects Committee (RIHSC) Approval of Research Protocols Required) is added.

Clause 352.270–12 (Needle Exchange) is added.

Clause 352.270–13 (Continued Ban on Funding Abortion and Continued Ban on Funding of Human Embryo Research) is added.

Part 353—Forms

Form HHS 674, Structured Approach Profit/Fee Objective is deleted. There are no forms; therefore, the part is reserved.

Part 370—Special Programs Affecting Acquisition

Part 370 is revised as follows:

Subpart 370.1 (Accessibility of Meetings, Conferences, and Seminars to Persons with Disabilities) is moved to part 311.

Subpart 370.2 (Indian Preference in Employment, Training, and Subcontracting Opportunities) is moved to part 326.

Subpart 370.3 (Acquisitions Involving Human Subjects) is revised to update the policy in section 370.301 and the Federal-wide assurance in 370.302.

Section 370.303 (Notice to offerors) is revised as follows:

- Paragraph (a) is revised to provide for the inclusion of an Alternate to the provision at 352.270–4a (Notice to Offerors, Protection of Human Subjects).
- Paragraph (d) is added to provide a prescription for the provision added at 352.270–10 (Notice to Offerors—Protection of Human Subjects, Research Involving Human Subjects Committee (RIHSC) Approval of Research Protocols Required) in FDA solicitations that involve human subjects research such that the research will be reviewed and approved by the Research Involving Human Subjects Committee (RIHSC).

Section 370.304 (Contract clauses) is revised as follows:

- Paragraph (c) is added to provide a prescription for the clause added at 352.270–11 (Protection of Human Subjects, Research Involving Human Subjects Committee (RIHSC) Approval of Research Protocols Required) in FDA solicitations that involve human subjects research such that the research will be reviewed and approved by the Research Involving Human Subjects Committee (RIHSC).
- Paragraph (d) is added to provide a prescription for the clause added at 352.270–12 (Needle Exchange).
- Paragraph (e) is added to provide a prescription for the clause added at 352.270–13 (Continued Ban on Funding Abortion and Continued Ban on Funding of Human Embryo Research).

Subpart 370.4 (Acquisitions Involving the Use of Laboratory Animals) is revised to update the policy in Section 370.401 (Policy) and the assurances in Section 370.402 (Assurances).

Sections 370.403 (Notice to offerors) and 370.404 (Contract clause) are revised to correct the provision and clause prescriptions.

Subpart 370.5 (Acquisitions Under the Buy Indian Act) is moved to part 326.

Subpart 370.6 (Conference Funding and Sponsorship) is moved to part 311.

Subpart 370.7 (Acquisitions under the Leadership Act) is revised for editorial corrections.

III. Executive Order 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, is not subject to review under section 6(b) of Executive Order 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

These changes to the HHSAR 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.* The proposed rule improves HHS acquisition by removing duplicative regulatory language, provisions and clauses, and procedural information, and provides departmental level regulation and provisions and clauses. Businesses, both small and large, can respond to uniform acquisition regulation, reducing their costs. As a result of these changes, the proposed rule should have a positive effect on small businesses allowing them to more readily compete for HHS contracts.

The Initial Regulatory Flexibility Analysis (IRFA) is summarized as follows:

INITIAL REGULATORY FLEXIBILITY ANALYSIS

This initial regulatory flexibility analysis has been prepared consistent with 5 U.S.C. 603.

1. Description of the reasons why action is being taken.

The Department of Health and Human Services (HHS) is proposing to amend its Federal Acquisition Regulation (FAR) Supplement, the HHS Acquisition Regulation (HHSAR), to update its regulation to current FAR requirements; to move internal guidance which is procedural in nature to Procedures, Guidance and Instructions (PGI), to add or revise definitions; to correct certain terminology and to delete outdated material or material duplicative of the FAR.

2. Statement of the objectives of, and the legal basis for, the rule.

HHS made substantive changes in its Federal Acquisition Regulation (FAR) Supplement, the HHS Acquisition Regulation or HHSAR, in November, 2009, (74 FR 62396 on November 27, 2009). On April 26, 2010, HHS published in the **Federal Register** correcting amendments at 75 FR 2150. Since then numerous changes have been made to both statutory and regulatory (FAR) framework and requirements. Some of these new requirements were included in specific appropriations acts. This publication of the proposed rule changes the HHSAR to conform to these new requirements and to align the requirements with the current FAR. In addition, the procedural materials that were deemed internal or non-regulatory in nature are moved to procedures, guidance, and instructions documents. Further changes are proposed to permit the various HHS operational divisions (OPDIVS) or staff divisions (STAFFDIVS) the necessary flexibility in meeting their respective missions. OPDIV provisions and clauses were collected and are tailored for department-wide application.

3. Description of and, where feasible, an estimate of the number of small entities to which the rule will apply.

HHS awarded approximately 95 thousand contract actions in FY2014; over 44 percent (42,232) of those actions were for small businesses acting as prime contractors; therefore, it is estimated that the rule will apply to over 42,000 small entities. The primary industry sectors affected are as represented in the chart below:

HHS FY2014 3-DIGIT NAICS TOTAL SMALL BUSINESS DOLLARS

221 (UTILITIES)	$485,385.87
236 (CONSTRUCTION OF BUILDINGS)	164,277,302.92
325 (CHEMICAL MANUFACTURING) Total	262,207,229.87
334 (COMPUTER AND ELECTRONIC PRODUCT MANUFACTURING)	313,625,169.91
336 (TRANSPORTATION EQUIPMENT MANUFACTURING)	66,756,387.08
339 (MISCELLANEOUS MANUFACTURING)	29,127,192.37
423 (MERCHANT WHOLESALERS, DURABLE GOODS)	33,254,853.30
424 (MERCHANT WHOLESALERS, NONDURABLE GOODS)	21,355,796.73
443 (ELECTRONICS AND APPLIANCE STORES)	69,190,516.74
493 (WAREHOUSING AND STORAGE)	16,489,155.73
511 (PUBLISHING INDUSTRIES (EXCEPT INTERNET))	49,671,265.41
517 (TELECOMMUNICATIONS)	9,648,511.61
518 (DATA PROCESSING, HOSTING AND RELATED SERVICES)	104,142,979.21
519 (OTHER INFORMATION SERVICES)	36,729,861.34
524 (INSURANCE CARRIERS AND RELATED ACTIVITIES)	7,734,506.42
531 (REAL ESTATE)	2,107,755.53
541 (PROFESSIONAL, SCIENTIFIC, AND TECHNICAL SERVICES)	2,812,475,258.21
561 (ADMINISTRATIVE AND SUPPORT SERVICES)	221,619,313.74
611 (EDUCATIONAL SERVICES)	19,831,346.95
621 (AMBULATORY HEALTH CARE SERVICES)	86,140,044.62
Total	4,326,869,833.56

4. Description and estimate of compliance requirements including differences in cost, if any, for different groups of small entities.

The proposed rule will improve HHS acquisition by removing duplicative regulatory language, provisions and clauses, and procedures, guidance, and information (PGI) from HHS OPDIVS, and provides departmental level regulation, provisions and clauses, and PGI. This will enable businesses, both small and large, to respond to a uniform acquisition regulation and PGI, reducing their costs and decreasing their burden for compliance. After removing outdated reporting requirements, HHS found there were fewer data collections with less burden than the current HHSAR contains. The remaining compliance requirements do not require an update to computer software, nor does it impose additional recordkeeping or reporting responsibilities. As a result of these changes, the proposed rule should have a positive effect on small businesses allowing them to more readily compete for HHS contracts. There are no differences anticipated for the costs for compliance requirements for small businesses.

5. Identification, to the extent practicable, of all relevant Federal rules which may duplicate, overlap, or conflict with the rule.

The proposed rule does not duplicate, overlap, or conflict with any other Federal rules. As detailed in #2 above, language has been updated to comply with current FAR requirements, added where appropriate and necessary to supplement FAR, and removed where duplicative of FAR.

6. Description of any significant alternatives to the rule which accomplish the stated objectives of applicable statutes and which minimize any significant economic impact of the rule on small entities.

There are no viable alternatives. The rule is being amended to update the regulation to current FAR requirements and to delete outdated material so that the rule as a whole will be statutorily correct. As cited in paragraph 4 above, the economic burden on both large and small businesses will be decreased. Consideration was given to amending the HHSAR by prioritizing parts. It was determined that this would leave regulations in place that were outdated and inconsistent with FAR requirements governing one aspect of an acquisition, while another aspect would be done in accordance with updated regulation consistent with the FAR. The outdated and the updated regulation could be contradictory and certainly could result in acquisitions open to legal controversy leading not only to delays in acquisitions, but also improper acquisitions. This would be beneficial to neither the Government nor industry, including small businesses. Therefore, it is believed that the approach taken of amending of the HHSAR in whole is the most practical and benefits both Government and industry.

The Department of HHS, Division of Acquisition (DA), will submit a copy of the Initial Regulatory Flexibility Analysis (IRFA) to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the DA. HHS invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

HHS 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 in correspondence.

V. Paperwork Reduction Act

A. The Paperwork Reduction Act (44 U.S.C. chapter 35) applies. The proposed rule contains 6 information collection requirements. Accordingly, HHS has submitted requests for approval of the new information collection requirements concerning this rule to the Office of Management and Budget. The information collection requirements are discussed as follows:

1. HHSAR 311.7101(a) (Responsibilities) and the clause at 352.211–1 (Accessibility of meetings, conferences and seminars to persons with disabilities) require contractors to provide a plan describing the contractor's ability to meet the accessibility standards in 28 CFR part 36.

HHSAR 311.7202(b) (Responsibilities) and the clause at 352.211–2 (Conference sponsorship request and conference materials disclaimer) require contractors to provide funding disclosure and a content disclaimer statement on conference materials. As a result of these clauses, HHS contractors providing conference, meeting, or seminars services are required to provide specific information to HHS.

Public reporting burden for this collection of information is estimated to average 1 hour 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 annual reporting burden is estimated as follows:

Respondents: 1,157.

Responses per respondent: 1.

Total annual responses: 1,157.

Preparation hours per response: 1 hour.

Total response burden hours: 1,157 hours.

Total annual cost of compliance: $47,668.

2. HHSAR 311.7300 (Policy) and the clause at 352.211–3 (Paperwork Reduction Act) require contractors to not proceed with the collection of information on surveys, questionnaires, and other information requests until the contractor is provided an Office of Management and Budget (OMB) clearance from the contracting officer.

Public reporting burden for this collection of information is estimated to average 2.2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows:

Respondents: 20,088,262.

Responses per respondent: 1.

Total annual responses: 20,088,262.

Preparation hours per response: 2.2.

Total response burden hours: 9,021,953.

Total annual cost of compliance: $371,704,464.

3. HHSAR 337.103(d)(3) (Contracting Officer Responsibility) and the clause at 352.237–72 (Crime Control Act-Requirement for Background Checks) require persons engaged in a covered profession or activity under an HHS contract or subcontract to report any suspected child abuse incident. The report requirement is provided by the Childhelp USA, National Child Abuse Hotline.

Public reporting burden for this collection of information is estimated to average 1 hour 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 annual reporting burden is estimated as follows:

Respondents: 40.

Responses per respondent: 4.

Total annual responses: 160.

Preparation hours per response: 1.

Total response burden hours: 160.

Total annual cost of compliance: $6,592.

4. HHSAR 337.103(d)(4) (Contracting Officer Responsibility) and the clause at 352.237–73 (Indian Child Protection and Family Violence Act) require contractors to provide information for a background check.

Public reporting burden for this collection of information is estimated to average 1 hour 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 annual reporting burden is estimated as follows:

Respondents: 40.

Responses per respondent: 4.

Total annual responses: 160.

Preparation hours per response: 1.

Total response burden hours: 160.

Total annual cost of compliance: $6,592.

5 HHSAR 370.301 (Policy), the provision at 352.270–4a (Protection of Human Subjects), the clause at 352.270–4b (Protection of Human Subjects), the provision at 352.270–10 (Notice to Offerors—Protection of Human Subjects, Research Involving Human Subjects Committee (RIHSC) Approval of Research Protocols Required), and the clause at 352.270–11 (Protection of Human Subjects—Research Involving Human Subjects Committee (RIHSC) Approval of Research Protocols Required), require contractors to provide an acceptable federal-wide assurance to HHS when engaging in human subject research in performance of a contract.

Public reporting burden for this collection of information is estimated to average .50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows:

Respondents: 4,644.

Responses per respondent: 1.

Total annual responses: 4,644.

Preparation hours per response: .50.

Total response burden hours: 2,322.

Total annual cost of compliance: $95,666.

6. HHSAR 370.401 (Policy), the provision at 352.270–5a (Notice to Offerors of Requirement for Compliance with the Public Health Service Policy on Humane Care and Use of Laboratory Animals), and the clause at 352.270–5b (Care of Live Vertebrate Animals) require contractors to provide an acceptable animal welfare assurance.

Public reporting burden for this collection of information is estimated to average 2.7 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows:

Respondents: 36.

Responses per respondent: 4.

Total annual responses: 41.

Preparation hours per response: 2.7.

Total response burden hours: 111.

Total annual cost of compliance: $4,573.

B. Public comment is sought regarding: Whether the proposed collections of information are necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, email your request, including your address, phone number, and document identifier, to *Information.collectionclearance@hhs.gov.* Written comments and recommendations for the proposed information collections must be directed to the Office of the Secretary, Paperwork Clearance Officer at the above email address within 60-days of this notice.

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

List of Subjects in 48 CFR Parts 301 Through 370

Government procurement.

Dated: February 10, 2015.

Angela Billups,

Associate Deputy Assistant Secretary for Acquisition.

For the reasons stated in the preamble, HHS proposes revising 48 CFR chapter 3, parts 301 through 370, as set forth below.

Title 48—Federal Acquisition Regulations System

CHAPTER 3—HEALTH AND HUMAN SERVICES

SUBCHAPTER A—GENERAL

PART 301—HHS ACQUISITION REGULATION SYSTEM
PART 302—DEFINITIONS OF WORDS AND TERMS
PART 303—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST
PART 304—ADMINISTRATIVE MATTERS

SUBCHAPTER B—COMPETITION AND ACQUISITION PLANNING

PART 305—PUBLICIZING CONTRACT ACTIONS
PART 306—COMPETITION REQUIREMENTS
PART 307—ACQUISITION PLANNING
PART 308—REQUIRED SOURCES OF SUPPLIES AND SERVICES
PART 309—CONTRACTOR QUALIFICATIONS
PART 310—MARKET RESEARCH
PART 311—DESCRIBING AGENCY NEEDS
PART 312—ACQUISITION OF COMMERCIAL ITEMS

SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES

PART 313—SIMPLIFIED ACQUISITION PROCEDURES
PART 314—SEALED BIDDING
PART 315—CONTRACTING BY NEGOTIATION
PART 316—TYPES OF CONTRACTS
PART 317—SPECIAL CONTRACTING METHODS

SUBCHAPTER D—SOCIOECONOMIC PROGRAMS

PART 319—SMALL BUSINESS PROGRAMS
PART 322—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS
PART 323—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE
PART 324—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION
PART 326—OTHER SOCIOECONOMIC PROGRAMS

SUBCHAPTER E—GENERAL CONTRACTING REQUIREMENTS

PART 327—PATENTS, DATA, AND COPYRIGHTS
PART 328—BONDS AND INSURANCE
PART 330—COST ACCOUNTING STANDARDS
PART 331—CONTRACT COST PRINCIPLES AND PROCEDURES
PART 332—CONTRACT FINANCING
PART 333—PROTESTS, DISPUTES, AND APPEALS

SUBCHAPTER F—SPECIAL CATEGORIES OF CONTRACTING

PART 334—MAJOR SYSTEM ACQUISITION
PART 335—RESEARCH AND DEVELOPMENT CONTRACTING
PART 336—CONSTRUCTION AND ARCHITECT–ENGINEER CONTRACTS
PART 337—SERVICE CONTRACTING—GENERAL
PART 339—ACQUISITION OF INFORMATION TECHNOLOGY

SUBCHAPTER G—CONTRACT MANAGEMENT

PART 342—CONTRACT ADMINISTRATION

SUBCHAPTER H—CLAUSES AND FORMS

PART 352—SOLICITATION PROVISIONS AND CONTRACT CLAUSES
PART 353—FORMS

SUBCHAPTERS I, J, K AND L [RESERVED]

SUBCHAPTER M—HHS SUPPLEMENTATIONS

PART 370—SPECIAL PROGRAMS AFFECTING ACQUISITION

SUBCHAPTER A—GENERAL

PART 301—HHS ACQUISITION REGULATION SYSTEM

Subpart 301.1 Purpose, Authority, and Issuance

Sec.
301.101 Purpose.
301.103 Authority.
301.106 Office of Management and Budget approval under the Paperwork Reduction Act.

Subpart 301.2—[Reserved]

Subpart 301.4—Deviations From the FAR

301.401 Deviations.

Subpart 301.6—Career Development, Contracting Authority, and Responsibilities

301.602 Contracting Officers.
301.602–3 Ratification of unauthorized commitments.
301.603 Selection, appointment, and termination of appointment of contracting officers.
301.603–1 General.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 301.1—Purpose, Authority, and Issuance

301.101 Purpose.

(a) The Department of Health and Human Services (HHS) Acquisition Regulation (HHSAR) establishes uniform HHS acquisition policies and procedures that implement and supplement the Federal Acquisition Regulation (FAR).

(b)(1) The HHSAR contains HHS policies that govern the acquisition process or otherwise control acquisition relationships between HHS' contracting activities and contractors. The HHSAR contains—

(i) Requirements of law;

(ii) HHS-wide policies;

(iii) Deviations from FAR requirements; and

(iv) Policies that have a significant effect beyond the internal procedures of HHS or a significant cost or administrative impact on contractors or offerors.

(2) Relevant internal procedures, guidance, and information not meeting the criteria in paragraph (b)(1) of this section are issued by HHS in other announcements, internal procedures, guidance, or information.

301.103 Authority.

(b) The Assistant Secretary for Financial Resources (ASFR) prescribes the HHSAR under the authority of 5 U.S.C. 301 and section 205(c) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 121(c)(2)), as delegated by the Secretary).

(c) The HHSAR is issued in the Code of Federal Regulations (CFR) as chapter 3 of title 48, Department of Health and Human Services Acquisition Regulation. It may be referenced as ''48 CFR chapter 3.''

301.106 Office of Management and Budget approval under the Paperwork Reduction Act.

(a) The Paperwork Reduction Act of 1980 (44 U.S.C 3501 *et seq.*) imposes a requirement on Federal agencies to obtain approval from the Office of Management and Budget (OMB) before collecting the same information from 10 or more members of the public.

(b) The following OMB control numbers apply to the information collection and recordkeeping requirements contained in this chapter:

HHSAR Segment	OMB Control No.
311.7101(a)	TBD
311.7300	TBD
327.404–70(c)	TBD
337.103(d)(3)	TBD
337.103(d)(4)	TBD
370.301	TBD
370.401	TBD
352.211–1	TBD
352.211–3	TBD
352.227–71	TBD
352.237–72	TBD
352.237–73	TBD
352.270–4a	TBD
352.270–4b	TBD
352.270–10	TBD
352.270–11	TBD
352.270–5a	TBD
352.270–5b	TBD

Subpart 301.2—[Reserved]

Subpart 301.4—Deviations from the FAR

301.401 Deviations.

Contracting officers are not permitted to deviate from the FAR or HHSAR without seeking proper approval. With full acknowledgement of FAR 1.102(d) regarding innovative approaches, any deviation to FAR or the HHSAR requires approval by the Senior Procurement Executive (SPE).

Subpart 301.6—Career Development, Contracting Authority, and Responsibilities

301.602 Contracting Officers.

301.602–3 Ratification of unauthorized commitments.

(b) *Policy.* (1) The Government is not bound by agreements with, or contractual commitments made to, prospective contractors by individuals who do not have delegated contracting authority. Unauthorized commitments do not follow the appropriate process for the expenditure of Government funds. Consequently, the Government may not be able to ratify certain actions, putting a contractor at risk for taking direction from a Federal official other than the contracting officer. See FAR 1.602–1. Government employees responsible for unauthorized commitments are subject to disciplinary action. Contractors perform at their own risk when accepting direction from unauthorized officials. Failure to follow statutory and regulatory processes for the expenditure of Government funds is a very serious matter.

(2) The head of the contracting activity (HCA) is the official authorized to ratify an unauthorized commitment. No other re-delegations are authorized.

(c) *Limitations.* (5) The HCA shall coordinate the request for ratification with the Office of General Counsel, General Law Division and submit a copy to the Department SPE.

301.603 Selection, appointment, and termination of appointment of contracting officers.

301.603–1 General.

(a) The Agency head has delegated broad authority to the Chief Acquisition Officer, who in turn has further delegated this authority to the SPE. The SPE has further delegated specific acquisition authority to the Operating and Staff Division heads and the HCAs. The HCA (non-delegable) shall select, appoint, and terminate the appointment of contracting officers.

(b) To ensure proper control of redelegated acquisition authorities, HCAs shall maintain a file containing successive delegations of HCA authority through the contracting officer level.

PART 302—DEFINITIONS OF WORDS AND TERMS

Subpart 302.1—Definitions

Sec.
302.101 Definitions.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 302.1—Definitions

302.101 Definitions.

(a) *Agency head or head of the agency,* unless otherwise stated, means the head of the Staff Division (STAFFDIV) or Operating Division (OPDIV).

(b) *Contracting Officer's Representative (COR)* is a Federal employee designated in writing by a contracting officer to act as the contracting officer's representative in monitoring and administering specified aspects of contractor performance *after* award of a contract or order. In accordance with local procedures, STAFFDIV or OPDIVs may designate CORs for firm fixed-price contracts or orders. COR's responsibilities may include verifying that:

(1) The contractor's performance meets the standards set forth in the contract or order;

(2) The contractor meets the contract or order's technical requirements by the specified delivery date(s) or within the period of performance; and

(3) The contractor performs within cost ceiling stated in the contract or order. CORs must meet the training and certification requirements specified in 301.604.

(c) *Head of the Contracting Activity (HCA)* is an official having overall responsibility for managing a contracting activity—*i.e.,* the organization within a STAFFDIV or OPDIV or other HHS organization which has been delegated broad authority regarding the conduct of acquisition functions.

PART 303—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

Subpart 303.1—Safeguards

Sec.
303.101 Standards of conduct.
303.101–3 Agency regulations.
303.104–7 Violations or possible violations of the Procurement Integrity Act.

Subpart 303.2—Contractor Gratuities to Government Personnel

303.203 Reporting suspected violations of the Gratuities clause.

Subpart 303.6—Contracts With Government Employees or Organizations Owned or Controlled by Them

303.602 Exceptions.

Subpart 303.7—Voiding and Rescinding Contracts

303.704 Policy.

Subpart 303.8—Limitation on the Payment of Funds to Influence Federal Transactions

303.808–70 Solicitation provision and contract clause.

Subpart 303.10—Contractor Code of Business Ethics and Conduct

303.1003 Requirements.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 303.1—Safeguards

303.101 Standards of conduct.

303.101–3 Agency regulations.

(a)(3) The HHS Standards of Conduct are prescribed in 45 CFR part 73.

303.104–7 Violations or possible violations of the Procurement Integrity Act.

(a)(1) The contracting officer shall submit to the head of the contracting activity (HCA) for review and concurrence the determination (along with supporting documentation) that a reported violation or possible violation of the statutory prohibitions has no impact on the pending award or selection of a contractor for award.

(2) The contracting officer shall refer the determination that a reported violation or possible violation of the statutory prohibitions has an impact on the pending award or selection of a contractor, along with all related information available, to the HCA. The HCA shall—

(i) Refer the matter immediately to the Associate Deputy Assistant Secretary (DAS) for Acquisition for review, who may consult with the appropriate legal office representative and the Office of Inspector General as appropriate; and

(ii) Determine the necessary action in accordance with FAR 3.104–7(c) and (d). The HCA shall obtain the approval or concurrence of the Associate DAS for Acquisition before proceeding with an action.

(b) The HCA (non-delegable) shall act with respect to actions taken under the Federal Acquisition Regulation (FAR) clause at 52.203–10, Price or Fee Adjustment for Illegal or Improper Authority.

Subpart 303.2—Contractor Gratuities to Government Personnel

303.203 Reporting suspected violations of the Gratuities clause.

HHS personnel shall report suspected violations of the clause at FAR 52.203–3, Gratuities, to the Contracting Officer, who will in turn report the matter to the OGC Ethics Division for disposition.

Subpart 303.6—Contracts With Government Employees or Organizations Owned or Controlled by Them

303.602 Exceptions.

The HCA (non-delegable) is the official authorized to approve an exception to the policy stated in FAR 3.601.

Subpart 303.7—Voiding and Rescinding Contracts

303.704 Policy.

(a) For purposes of implementing FAR subpart 3.7, the HCA (non-delegable) shall exercise the authorities granted to the ''agency head or designee.''

Subpart 303.8—Limitation on the Payment of Funds to Influence Federal Transactions

303.808–70 Solicitation provision and contract clause.

The contracting officer shall insert the clause at 352.203–70, Anti-lobbying, in solicitations and contracts that exceed the simplified acquisition threshold.

Subpart 303.10—Contractor Code of Business Ethics and Conduct

303.1003 Requirements.

(b) The contracting officer, when notified of a possible contractor violation, in accordance with FAR 3.1003(b), shall notify the Office of Inspector General and the HCA.

(c)(2) The contracting officer shall specify the title of HHS' OIG hotline poster and the Web site where the poster can be obtained in paragraph (b)(3) of the clause at FAR 52.203–14.

PART 304—ADMINISTRATIVE MATTERS

Subpart 304.6—Contract Reporting

Sec.
304.602 General.
304.604 Responsibilities.

Subpart 304.13—Personal Identity Verification

304.1300 Policy.

Subpart 304.16 Unique Procurement Instrument Identifiers

304.1600 Scope of subpart.

Subpart 304.70—[Reserved]

Subpart 304.71—Review and Approval of Proposed Contract Actions

304.7100 Policy.

Subpart 304.72 Affordable Care Act Prevention and Public Health Fund—Reporting Requirements

Sec.
304.7200 Scope of subpart.
304.7201 Procedures.
304.7202 Contract clause.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 304.6—Contract Reporting

304.602 General.

Follow internal department procedures for reporting information to the Federal Procurement Data System (FPDS) and for resolving technical or policy issues relating to FPDS contract reporting.

304.604 Responsibilities.

The Department of Health and Human Services (HHS) acquisition officials and staff shall report their contract information in FPDS accurately and timely.

Subpart 304.13—Personal Identity Verification

304.1300 Policy.

To ensure compliance with Homeland Security Presidential Directive-12: Policy for a Common Identification Standard for Federal Employees and Contractors (HSPD–12) and the Presidential Cross Agency Priority for strong authentication, contracting officers shall provide in each acquisition those HSPD–12 requirements necessary for contract performance.

Subpart 304.16—Unique Procurement Instrument Identifiers

304.1600 Scope of subpart.

This subpart provides guidance for assigning identification numbers to solicitation or contract actions. The Senior Procurement Executive shall be responsible for establishing a numbering system within the department that conforms to Federal Acquisition Regulation subpart 4.16.

Subpart 304.70—[Reserved]

Subpart 304.71—Review and Approval of Proposed Contract Actions

304.7100 Policy.

In accordance with internal Operating Division or Staff Division policy the head of the contracting activity (non-delegable) shall establish review and approval procedures for proposed contract actions to ensure that—

(a) Contractual documents are in conformance with law, established policies and procedures, and sound business practices;

(b) Contract actions properly reflect the mutual understanding of the parties; and

(c) The contracting officer is informed of deficiencies and items of questionable acceptability, and takes corrective action.

Subpart 304.72—Affordable Care Act Prevention and Public Health Fund—Reporting Requirements

304.7200 Scope of subpart.

This subpart implements Section 220 of Pub. L. 112–74, FY 2012 Labor, HHS and Education Appropriations Act, which requires, semi-annual reporting on the use of funds from the Prevention and Public Health Fund (PPHF), Pub. L. 111–148, sec. 4002. Contractors that receive awards (or modifications to existing awards) with a value of $25,000 or more funded, in whole or in part, from the Prevention and Public Health Fund, shall report information specified in the clause at 352.204–70, including, but not limited to—

(a) The dollar amount of contractor invoices;

(b) The supplies delivered and services performed; and

(c) Specific information on subcontracts with a value of $25,000 or more.

304.7201 Procedures.

(a) In any contract action funded in whole or in part by the PPHF, the contracting officer shall indicate that the contract action is being made under the PPHF, and indicate which products or services are funded under the PPHF. This requirement applies whenever PPHF funds are used, regardless of the contract instrument.

(b) To maximize transparency of PPHF funds that shall be reported by the contractor, the contracting officer shall structure contract awards to allow for separately tracking PPHF funds. For example, the contracting officer may consider awarding dedicated separate contracts when using PPHF funds or establishing contract line item number structures to prevent commingling of PPHF funds with other funds.

(c) Contracting officers shall ensure that the contractor complies with the reporting requirements of 352.204–70, Prevention and Public Health Fund—Reporting Requirements. Upon receipt of each report, the contracting officer shall review it for completeness, address

any clarity or completeness issues with the contractor, and submit the final approved report in Section 508 compliant format to an Assistant Secretary for Public Affairs point-of-contact for posting on HHS' PPHF Web site at *http://www.hhs.gov/open/recordsandreports/prevention/index.html* no later than 30 days after the end of the reporting period. If the contractor fails to comply with the reporting requirements, the contracting officer shall exercise appropriate contractual remedies.

(d) The contracting officer shall make the contractor's failure to comply with the reporting requirements a part of the contractor's performance information under FAR subpart 42.15.

304.7202 Contract clause.

Insert the clause at 352.204–70, Prevention and Public Health Fund—Reporting Requirements, in all solicitations and contract actions funded in whole or in part with PPHF funds, except classified solicitations and contracts. This includes, but is not limited to, awarding or modifying orders against existing or new contracts issued under FAR subparts 8.4 and 16.5 that will be funded with PPHF funds. Contracting officers shall include this clause in any existing contract or order that will be funded with PPHF funds. This clause is not required for any contract or order which contains a prior version of the clause at 352.204–70.

SUBCHAPTER B—COMPETITION AND ACQUISITION PLANNING

PART 305—PUBLICIZING CONTRACT ACTIONS

Subpart 305.3—Synopses of Contract Awards

Sec.
305.303 Announcement of contract awards.

Subpart 305.5—Paid Advertisements

305.502 Authority.

Subpart 305.70—Publicizing Requirements Funded From the Affordable Care Act Prevention and Public Health Fund

305.7001 Scope.
305.7002 Applicability.
305.7003 Publicizing preaward.
305.7004 Publicizing postaward.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 305.3—Synopses of Contract Awards

305.303 Announcement of contract awards.

(a) *Public announcement.* The contracting officer shall report awards, not exempt under Federal Acquisition Regulation (FAR) 5.303, to the Office of the Assistant Secretary for Legislation (Congressional Liaison Office.)

Subpart 305.5—Paid Advertisements

305.502 Authority.

Written approval at least one level above the contracting officer shall be obtained prior to placing advertisements or notices in newspapers.

Subpart 305.70—Publicizing Requirements Funded From the Affordable Care Act Prevention and Public Health Fund

305.7001 Scope.

Pursuant to appropriations acts, this subpart prescribes requirements for posting presolicitation and award notices for actions funded in whole or in part from the Prevention and Public Health Fund (PPHF). The requirements of this subpart enhance transparency to the public.

305.7002 Applicability.

This subpart applies to all actions funded in whole or in part by the PPHF.

305.7003 Publicizing preaward.

Notices of all proposed contract actions, funded in whole or in part by the PPHF, shall be identified on HHS' Prevention and Public Health Fund Web site at *http://www.hhs.gov/open/recordsandreports/prevention/index.html* no later than 1 day after issuance of the solicitation or other request for proposal or quotation document. When applicable, the notice shall provide a link to the full text; for example, a link to the FedBizOpps notice required by FAR 5.201.

305.7004 Publicizing postaward.

Notices of contract actions exceeding $25,000, funded in whole or in part by the PPHF, shall be identified on HHS' PPHF Web site at *http://www.hhs.gov/open/recordsandreports/prevention/index.html* no later than 5 days after the contract action occurs.

PART 306—COMPETITION REQUIREMENTS

Subpart 306.2—Full and Open Competition After Exclusion of Sources

Sec.
306.202 Establishing or maintaining alternative sources.

Subpart 306.3—Other Than Full and Open Competition

306.302 Circumstances permitting other than full and open competition.
306.302–1 Only one responsible source and no other supplies or services will satisfy agency requirements.
306.302–7 Public interest.

Subpart 306.5—Competition Advocates

306.501 Requirement.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 306.2—Full and Open Competition after Exclusion of Sources

306.202 Establishing or maintaining alternative sources.

(a) The reference to the ''agency head'' in FAR 6.202(a) shall mean the Department Competition Advocate (CA).

(b)(1) The contracting officer shall prepare the required determination and findings (D&F). See FAR 6.202(b)(1) based on the data provided by program personnel. The appropriate CA (non-delegable) shall sign the D&F.

Subpart 306.3—Other Than Full and Open Competition

306.302 Circumstances permitting other than full and open competition.

306.302–1 Only one responsible source and no other supplies or services will satisfy agency requirements. See FAR 6.302–1.

For acquisitions covered by 42 U.S.C. 247d–6a(b)(2)(A), ''available from only one responsible source'' shall be deemed to mean ''available from only one responsible source or only from a limited number of responsible sources''.

306.302–7 Public interest.

(a) *Authority.* (2) *Agency head,* in this instance, means the Secretary.

(c) *Limitations.* The contracting officer shall prepare a written request for approval and provide it through appropriate acquisition channels, including the head of the contracting activity and Associate Deputy Assistant Secretary for Acquisition, to the Secretary. The request shall include a D&F for the Secretary's signature that contains all pertinent information to support the justification for using the authority in 41 U.S.C. 3304(a)(7), and a letter for the Secretary's signature notifying Congress of the determination to award a contract under that authority.

Subpart 306.5—Competition Advocates

306.501 Requirement.

The Department Competition Advocate for Health and Human Services (HHS) is located in the Division of Acquisition.

PART 307—ACQUISITION PLANNING

Sec.
307.105 Contents of written acquisition plans.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

307.105 Contents of written acquisition plans.

Federal Acquisition Regulation 7.105 specifies the content requirements for a written Acquisition Plan (AP). The Department of Health and Human Services requires a written AP for all acquisitions above the simplified acquisition threshold.

PART 308—REQUIRED SOURCES OF SUPPLIES AND SERVICES

Subpart 308.4—Federal Supply Schedules

Sec.
308.405–6 Limited source justification and approval.

Subpart 308.8—Acquisition of Printing and Related Supplies

308.800 Scope of subpart.
308.801 Definitions.
308.802 Policy.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 308.4—Federal Supply Schedules

308.405–6 Limited source justification and approval.

(d)(1) As required by Federal Acquisition Regulation (FAR) 8.405–1 or 8.405–2, the responsible program office must provide a written justification whenever it requests an acquisition under the Federal Supply Service program that restricts consideration of the number of schedule contractors or to an item peculiar to one manufacturer.

Subpart 308.8—Acquisition of Printing and Related Supplies

308.800 Scope of subpart.

This subpart provides the Department of Health and Human Services (HHS) policy for the acquisition of Government printing and related supplies. The HHS Office of the Assistant Secretary for Public Affairs is responsible for the review and clearance of print and electronic publications, printing and related supplies, audiovisual products, and communication service contracts. See FAR 8.802 for exceptions.

308.801 Definitions.

The terms ''printing'' and ''duplicating/copying'' are defined in the Government Printing and Binding Regulations of the Joint Committee on Printing. The regulations are available at *http://www.gpo.gov.*

308.802 Policy.

In accordance with FAR 8.802(b), the Central Printing and Publications Management Organization at Program Support Center is the HHS designated central printing authority.

308.803 Solicitation provision and contract clause.

The contracting officer shall insert the clause at 352.208–70, Printing and Duplication, in all solicitations, contracts, and orders over the simplified acquisition threshold, unless printing or increased duplication is authorized by statute.

PART 309—CONTRACTOR QUALIFICATIONS

Subpart 309.4—Debarment, Suspension, and Ineligibility

Sec.
309.403 Definitions.
309.404 System for Award Management (SAM) exclusions.
309.405 Effect of listing (compelling reason determinations).
309.406 Debarment.
309.406–3 Procedures.
309.407 Suspension.
309.407–3 Procedures.
309.470 Reporting of suspected causes for debarment or suspension or the taking of evasive actions.
309.470–1 Situations where reports are required.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 309.4—Debarment, Suspension, and Ineligibility

309.403 Definitions.

The following definitions apply to this subpart:

Acquiring agency's head or designee, as used in this subpart is the head of the contracting activity (HCA). The HCA may make the required justifications or determinations and take the necessary actions specified in FAR 9.405, 9.406, and 9.407, only after obtaining the written approval of the Suspension or Debarment Official, as appropriate.

Suspension and Debarment Official means the Deputy Assistant Secretary for Grants and Acquisition Policy and Accountability.

309.404 System for Award Management (SAM) exclusions.

(c) For actions made by HHS pursuant to FAR 9.406 and 9.407, the Office of Recipient Integrity Coordination shall perform the actions required by FAR 9.404(c).

309.405 Effect of listing (compelling reason determinations).

(a) The HCA (non-delegable) may, with the written concurrence of the Suspension and Debarment Official, make the determinations referenced in FAR 9.405(a) regarding contracts.

(1) If a contracting officer considers it necessary to award a contract, or consent to a subcontract with a debarred or suspended contractor, the contracting officer shall prepare a determination, including all pertinent documentation, and submit it through appropriate acquisition channels to the HCA. The documentation shall include the date by which approval is required and a compelling reason for the proposed action. Compelling reasons for award of a contract or consent to a subcontract with a debarred or suspended contractor include the following:

(i) Only the cited contractor can provide the property or services, and

(ii) The urgency of the requirement dictates that HHS conduct business with the cited contractor.

(2) If the HCA decides to approve the requested action, the HCA shall request the concurrence of the Suspension and Debarment Official and, if given, shall inform the contracting officer in writing of the determination within the required time period.

309.406 Debarment.

309.406–3 Procedures.

Refer all matters appropriate for consideration by an agency Suspension and Debarment Official as soon as practicable to the appropriate Suspension and Debarment Official identified in 309.403. Any person may refer a matter to the Suspension and Debarment Official.

309.407 Suspension.

309.407–3 Procedures.

Refer all matters appropriate for consideration by an agency Suspension and Debarment Official as soon as practicable to the appropriate Suspension and Debarment Official identified in 309.403. Any person may refer a matter to the Suspension and Debarment Official.

309.470 Reporting of suspected causes for debarment or suspension or the taking of evasive actions.

309.470–1 Situations where reports are required.

The contracting officer shall report to the HCA and the Associate Deputy Assistant Secretary for Acquisition whenever the contracting officer—

(a) Knows or suspects that a contractor is committing or has committed any of the acts described in FAR 9.406–2 or 9.407–2; or

(b) Suspects a contractor is attempting to evade the prohibitions of debarment or suspension imposed under FAR 9.405, or any other comparable regulation, by changes of address,

multiple addresses, formation of new companies, or by other devices.

PART 310—MARKET RESEARCH

Sec.
310.001 Policy.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

310.001 Policy.

The HHS contracting offices shall conduct market research as prescribed in Federal Acquisition Regulation part 10.

PART 311—DESCRIBING AGENCY NEEDS

Subpart 311.70—Section 508 Accessibility Standards

Sec.
311.7000 Defining electronic information technology Requirements (see part 339).

Subpart 311.71—Accessibility of Meetings, Conferences, and Seminars to Persons with Disabilities

311.7100 Policy.
311.7101 Responsibilities.
311.7102 Contract clause.

Subpart 311.72—Conference Funding and Sponsorship

311.7200 Policy.
311.7201 Funding and sponsorship.
311.7202 Contract clause.

Subpart 311.73—Contractor Collection of Information

311.7300 Policy.
311.7301 Contract clause.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 311.70—Section 508 Accessibility Standards

311.7000 Defining electronic and information technology requirements (see part 339).

The contracting officer shall ensure that requiring activities specify agency needs for electronic and information technology (EIT) supplies and services, and document market research document EIT requirements, and identify the applicable Section 508 accessibility standards. See FAR 11.002(f) and subpart 39.2.

Subpart 311.71—Accessibility of Meetings, Conferences, and Seminars to Persons with Disabilities

311.7100 Policy.

(a) It is HHS policy that all meetings, conferences, and seminars be accessible to persons with disabilities. For the purpose of this policy, accessibility is defined as both physical access to meeting, conference, and seminar sites, and access to aids and services enabling individuals with sensory disabilities to fully participate in meetings, conferences, and seminars.

(b) This policy applies to all contracts requiring contractors to conduct meetings, conferences, or seminars open to the public or involving HHS personnel, but not ad hoc meetings necessary or incidental to contract performance.

311.7101 Responsibilities.

(a) The contractor shall submit a plan assuring that any meeting, conference, or seminar held will meet or exceed the minimum accessibility standards set forth in 28 CFR part 36.

(b) The contracting officer representative (COR) shall obtain, review, and approve the contractor's plan submitted in response to paragraph (a) of the contract clause at 352.211–1, Accessibility of Meetings, Conferences, and Seminars to Persons with Disabilities; a consolidated or master plan for contracts requiring numerous meetings, conferences, or seminars is acceptable. Prior to approving the plan, the COR shall consult with the operating division (OPDIV) or other designated organization responsible for monitoring compliance with the Architectural Barriers Act of 1968 and the Americans with Disabilities Act of 1990, to ensure that the contractor's plan meets the accessibility requirements of the contract clause. The COR shall request the responsible organization review and determine the adequacy of the contractor's plan, and respond to the COR, in writing, within 10 working days of receiving the request.

311.7102 Contract clause.

The contracting officer shall insert the clause at 352.211–1, Accessibility of Meetings, Conferences, and Seminars to Persons with Disabilities, in solicitations, contracts, and orders requiring the contractor to conduct meetings, conferences, or seminars in accordance with 311.7100(b).

Subpart 311.72—Conference Funding and Sponsorship

311.7200 Policy.

HHS policy requires that all conferences the agency funds or sponsors shall: be consistent with HHS missions, objectives, and policies; represent an efficient and effective use of taxpayer funds; and withstand public scrutiny.

311.7201 Funding and sponsorship.

Funding a conference through a HHS contract does not automatically imply HHS sponsorship, unless the conference is funded entirely by the agency. Also, HHS staff attendance or participation at a conference does not imply HHS conference sponsorship. Accordingly, for non-conference contracts funded entirely by HHS prior to a contractor claiming HHS sponsorship, the contractor must provide the contracting officer a written request for permission to designate HHS the conference sponsor. The OPDIV or STAFFDIV (operating division or staff division) head, or designee, shall approve such requests. The determination on what constitutes a ''conference contract'' or a ''non-conference contract'' shall be made by the contracting officer.

311.7202 Contract clause.

To ensure that a contractor:

(a) Properly requests approval to designate HHS the conference sponsor, where HHS is not the sole provider of conference funding; and

(b) Includes an appropriate Federal funding disclosure and content disclaimer statement for conference materials, the contracting officer shall include the clause at 352.211–2, Conference Sponsorship Request and Conference Materials Disclaimer, in solicitations, contracts, and orders providing funding which partially or fully supports a conference.

Subpart 311.73—Contractor Collection of Information

311.7300 Policy.

In accordance with the Paperwork Reduction Act (PRA), contractors shall not proceed with collecting information from surveys, questionnaires, or interviews until the COR obtains an Office of Management and Budget clearance and the contracting officer issues written approval to proceed. For any contract involving a requirement to collect or record information calling either for answers to identical questions from 10 or more persons other than Federal employees, or information from Federal employees which is outside the scope of their employment, for use by the Federal government or disclosure to third parties, the contracting officer must comply with the PRA of 1995 (44 U.S.C. 3501 *et seq.*).

311.7301 Contract clause.

The contracting officer shall insert the clause at 352.211–3, Paperwork Reduction Act, in solicitations, contracts, and orders that require a contractor to collect the same information from 10 or more persons.

PART 312—ACQUISITION OF COMMERCIAL ITEMS

Subpart 312.1—Acquisition of Commercial Items—General

Sec.
312.101 Policy.

Subpart 312.2—Special Requirements for the Acquisition of Commercial Items

312.202(d) Market research and description of agency need.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 312.1—Acquisition of Commercial Items—General

312.101 Policy.

Contracting offices shall use the HHS Strategic Sourcing Program to the maximum extent possible. See HHSAR part 307 (Acquisition Planning).

Subpart 312.2—Special Requirements for the Acquisition of Commercial Items

312.202(d) Market research and description of agency need.

Whenever a requiring activity specifies electronic and information technology (EIT) supplies and services subject to Section 508 of the Rehabilitation Act of 1973, as amended, the requiring activity shall acquire commercially available supplies and services to the maximum extent possible while ensuring Section 508 compliance. See part 339.

SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES

PART 313—SIMPLIFIED ACQUISITION PROCEDURES

Sec.
313.003 Policy.

Subpart 313.3—Simplified Acquisition Methods

313.301 Government-wide commercial purchase card.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

313.003 Policy.

Electronic and information technology (EIT) supplies and services acquired pursuant to Federal Acquisition Regulation part 13 shall comply with Section 508 of the Rehabilitation Act of 1973, as amended. See part 339.

Subpart 313.3—Simplified Acquisition Methods

313.301 Government-wide commercial purchase card.

(b) Make all HHS transactions utilizing the Government-wide commercial purchase card in accordance with the HHS Purchase Card Program.

PART 314—SEALED BIDDING

Subpart 314.1—Use of Sealed Bidding

Sec.
314.103 Policy.

Subpart 314.4—Opening of Bids and Award of Contract

314.404 Rejection of bids.
314.404–1 Cancellation of invitations after opening.
314.407 Mistakes in bids.
314.407–3 Other mistakes disclosed before award.
314.407–4 Mistakes after award.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 314.1—Use of Sealed Bidding

314.103 Policy.

Electronic and information technology (EIT) supplies and services acquired using sealed-bid procedures shall comply with Section 508 of the Rehabilitation Act of 1973, as amended. See part 339.

Subpart 314.4—Opening of Bids and Award of Contract

314.404 Rejection of bids.

314.404–1 Cancellation of invitations after opening.

(c) The head of the contracting activity (HCA) shall make the agency head determinations specified in FAR 14.404–1.

314.407 Mistakes in bids.

314.407–3 Other mistakes disclosed before award.

(e) The HCA has the authority to make determinations under paragraphs (a), (b), (c), and (d) of FAR 14.407–3.

314.407–4 Mistakes after award.

(c) The HCA has the authority to make administrative determinations in connection with alleged post-award mistakes.

PART 315—CONTRACTING BY NEGOTIATION

Subpart 315.2—Solicitation and Receipt of Proposals and Information

Sec.
315.204–5 Part IV—Representations and instructions.
315.208 Submission, modification, revision, and withdrawal of proposals.

Subpart 315.3—Source Selection

315.303–70 Policy.
315.304 Evaluation factors and significant subfactors.
315.305 Proposal evaluation.

Subpart 315.4—Contract Pricing

315.404 Proposal analysis.
315.404–2 Information to support proposal analysis.

Subpart 315.6—Unsolicited Proposals

315.605 Content of unsolicited proposals.
315.606 Agency procedures.
315.606–1 Receipt and initial review.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 315.2—Solicitation and Receipt of Proposals and Information

315.204–5 Part IV—Representations and instructions.

(c) *Section M, Evaluation factors for award.* (1) The requiring activity shall develop technical evaluation factors and submit them to the contracting officer as part of the acquisition plan or other acquisition request documentation for inclusion in a solicitation. The requiring activity shall indicate the relative importance or weight of the evaluation factors based on the requirements of an individual acquisition.

(2) Only a formal amendment to a solicitation can change the evaluation factors.

315.208 Submission, modification, revision, and withdrawal of proposals.

(b) In addition to the provision in Federal Acquisition Regulation (FAR) 52.215–1, Instructions to Offerors—Competitive Acquisition, if the head of the contracting activity (HCA) determines that biomedical or behavioral R & D acquisitions are subject to conditions other than those specified in FAR 52.215–1(c)(3), the HCA may authorize for use in competitive solicitations for R & D, the provision at 352.215–70, Late Proposals and Revisions. This is an authorized FAR deviation.

(2) When the provision at 352.215–70 is included in the solicitation and if the HCA intends to consider a proposal or proposals received after the exact time specified for receipt, the contracting officer, with the assistance of cost or technical personnel as appropriate, shall determine in writing that the proposal(s) meets the requirements of the provision at 352.215–70.

Subpart 315.3—Source Selection

315.303–70 Policy.

(a) If an operating division (OPDIV) is required by statute to use peer review for technical review of proposals, the requirements of those statutes, any implementing regulatory requirements, the Federal Advisory Committee Act, and as applicable, any approved Department of Health and Human Services (HHS) Acquisition Regulation (HHSAR) deviation(s) from this subpart take precedence over the otherwise applicable requirements of this subpart.

(b) The statutes that require such review and implementing regulations are as follows: National Institutes of Health—42 U.S.C. 289a and 42 CFR part 52h; Substance Abuse and Mental Health Services Administration—42 U.S.C. 290aa–3, and Agency for Healthcare Research and Quality—42 U.S.C. 299c–1.

315.304 Evaluation factors and significant subfactors.

When acquiring Electronic and Information Technology supplies and services (EIT) using negotiated procedures, contracting officers shall comply with Section 508 of the Rehabilitation Act of 1973, as amended.

315.305 Proposal evaluation.

(c) *Use of non-Federal evaluators.* (1) Except when peer review is required by statute as provided in 315.303–70(a), decisions to disclose proposals to non-Federal evaluators shall be made by the official responsible for appointing Source Selection Evaluation Team members in accordance with OPDIV procedures. The avoidance of organizational and personal conflicts of interest must be taken into consideration when making the decision to use non-Federal evaluators.

(2) When a solicited proposal will be disclosed outside the Government to a contractor or a contractor employee for evaluation purposes, the following or similar conditions shall be part of the written agreement with the contractor prior to disclosure:

CONDITIONS FOR EVALUATING PROPOSALS

The contractor agrees that it and its employees, as well as any subcontractors and their employees (in these Conditions, ''evaluator'') will use the data (trade secrets, business data, and technical data) contained in the proposal for evaluation purposes only. The foregoing requirement does not apply to data obtained from another source without restriction. Any notice or legend placed on the proposal by either HHS or the offeror shall be applied to any reproduction or abstract provided to the evaluator or made by the evaluator. Upon completion of the evaluation, the evaluator shall return to the Government the furnished copy of the proposal or abstract, and all copies thereof, to the HHS office which initially furnished the proposal for evaluation. The evaluator shall not contact the offeror concerning any aspects of a proposal's contents.

Subpart 315.4—Contract Pricing

315.404 Proposal analysis.

315.404–2 Information to support proposal analysis.

(a)(2) When some or all information sufficient to determine the reasonableness of the proposed cost or price is already available or can be obtained from the cognizant audit agency, or by other means including data obtained through market research (See FAR part 10 and HHSAR part 310) the contracting officer may request less-than-complete field pricing support (specifying in the request the information needed) or may waive in writing the requirement for audit and field pricing support by documenting the file to indicate what information will be used. When field-pricing support is required, contracting officers shall make the request through the HCA.

Subpart 315.6—Unsolicited Proposals

315.605 Content of unsolicited proposals.

(d) *Warranty by offeror.* To ensure against contacts between HHS personnel and prospective offerors that would exceed the limits of advance guidance set forth in FAR 15.604 and potentially result in an unfair advantage to an offeror, the prospective offeror of an unsolicited proposal must include the following warranty in any unsolicited proposal. Contracting officers receiving an unsolicited proposal without this warranty shall not process the proposal until the offeror is notified of the missing language and given an opportunity to submit a proper warranty. If no warranty is provided in a reasonable time, the contracting officer shall reject the unsolicited proposal, notify the offeror of the rejection, and document the actions in the file.

UNSOLICITED PROPOSAL

WARRANTY BY OFFEROR

This is to warrant that—

(a) This proposal has not been prepared under Government supervision;

(b) The methods and approaches stated in the proposal were developed by this offeror;

(c) Any contact with Department of Health and Human Services personnel has been within the limits of appropriate advance guidance set forth in FAR 15.604; and

(d) No prior commitments were received from HHS personnel regarding acceptance of this proposal.

Date: _____

Organization: _____

Name: _____

Title: _____

(This warranty shall be signed by a responsible management official of the proposing organization who is a person authorized to contractually obligate the organization.)

315.606 Agency procedures.

(a) The HCA is responsible for establishing procedures to comply with FAR 15.606(a).

(b) The HCA or designee shall be the point of contact for coordinating the receipt and processing of unsolicited proposals.

315.606–1 Receipt and initial review.

(d) OPDIVs may consider an unsolicited proposal even though an organization initially submitted it as a grant application. However, OPDIVs shall not award contracts based on unsolicited proposals that have been rejected for grant awards due to lack of scientific merit.

PART 316—TYPES OF CONTRACTS

Subpart 316.3—Cost-Reimbursement Contracts

Sec.

316.307 Contract clauses.

Subpart 315.5—Indefinite Delivery Contracts

316.505 Ordering.

Subpart 316.6—Time-and Materials, Labor-Hour, and Letter Contracts

316.603 Letter Contracts.

316.603–3 Limitations.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 316.3—Cost-Reimbursement Contracts

316.307 Contract clauses.

(a)(1) If a contract for research and development is with a hospital (profit or nonprofit), the contracting officer shall modify the ''Allowable Cost and Payment'' clause at FAR 52.216–7 by deleting from paragraph (a) the words ''Federal Acquisition Regulation (FAR) subpart 31.2'' and substituting ''45 CFR part 75.''

(2) The contracting officer shall also insert the clause at 352.216–70, Additional Cost Principles, in solicitations and contracts with a hospital (profit or non-profit) when a cost-reimbursement contract is contemplated.

Subpart 316.5—Indefinite-Delivery Contracts

316.505 Ordering.

(b)(8) The Department of Health and Human Services (HHS) Competition Advocate is the task-order and delivery-order ombudsman for the department. Ombudsmen for each of the HHS contracting activities shall be designated in writing by the head of the contracting activity. See part 306.

Subpart 316.6—Time-and-Materials, Labor-Hour, and Letter Contracts

316.603 Letter contracts.

316.603–3 Limitations.

An official one level above the contracting officer shall make the written determination, to be included in the contract file, that no other contract type is suitable and to approve all letter contract modifications. No letter contract or modification can exceed the limits prescribed in FAR 16.603–2(c).

PART 317—SPECIAL CONTRACTING METHODS

Subpart 317.1—Multi-Year Contracting

Sec.
317.104 General.
317.105 Policy.
317.105–1 Uses.
317.107 Options.
317.108 Congressional notification.

Subpart 317.2—Options

317.204 Contracts.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 317.1—Multi-Year Contracting

317.104 General.

(b) The Senior Procurement Executive (SPE) is the agency approving official for determinations under Federal Acquisition Regulation (FAR) 17.104(b).

317.105 Policy.

317.105–1 Uses.

(a) Each head of the contracting activity determination to use multi-year contracting, as defined in FAR 17.103, is limited to individual acquisitions where the full estimated cancellation ceiling does not exceed 20 percent of the total contract value over the multi-year term or $12.5 million, whichever is less. Cancellation ceiling provisions shall conform to the requirements of FAR 17.106–1(c). The determination is not delegable and shall address the issues in FAR 17.105–1(a).

(b)(1) SPE approval is required for any—

(i) Individual determination to use multi-year contracting with a cancellation ceiling in excess of the limits in 317.105–1(a); or

(ii) Class determination (see FAR subpart 1.7).

(2) A determination involving a cancellation ceiling in excess of the limits in 317.105–1(a) shall present a well-documented justification for the estimated cancellation ceiling. When the estimated cancellation ceiling exceeds $12.5 million, the determination shall accompany a draft congressional notification letter pursuant to FAR 17.108 and 317.108.

317.107 Options.

When included as part of a multi-year contract, use of options shall not extend the performance of the original requirement beyond 5 years. Options may serve as a means to acquire related services (severable or non-severable) and, upon their exercise, shall receive funding from the then-current fiscal year's appropriation.

317.108 Congressional notification.

(a) The SPE is the agency head for the purposes of FAR 17.108(a). Upon SPE approval of the determination required by 317.105–1(b)(1), the SPE will finalize and sign the congressional notification letter and provide it to the appropriate House and Senate committees.

Subpart 317.2—Options

317.204 Contracts.

(e)(1) *Information technology contracts.* Notwithstanding FAR 17.204(e), the 5-year limitations apply also to information technology contracts unless a longer period is authorized by statute.

(2) *Requests to exceed 5-year limitation.* A request to exceed the 5-year limitation specified in FAR 17.204(e) must provide all the following information:

(i) Clearly explain the contract(s) and organization(s) covered by the request.

(ii) Support the need for and reasonableness of the extension.

(3) *Approval authority.* Requests to exceed the 5-year limitations specified in FAR 17.204(e) must be approved by:

(i) The HCA; and

(ii) The HHS SPE.

SUBCHAPTER D—SOCIOECONOMIC PROGRAMS

PART 319—SMALL BUSINESS PROGRAMS

Subpart 319.2—Policies

Sec.
319.201 General policy.
319.270–1 Mentor Protégé Program Solicitation provision and contract clause.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 319.2—Policies

319.201 General policy.

(d) The functional management responsibilities for HHS' small business program are delegated to the Office of Small and Disadvantaged Business Utilization (OSDBU) Director.

(e)(1) The Department of Health and Human Services (HHS) OSDBU Director shall exercise full management authority over the small business program. The small business specialist (SBS) shall review and make recommendations for all acquisitions, unless exempted by statute, that are not being set aside for small business in accordance with Federal Acquisition Regulation (FAR) 19.502. The review must take place prior to issuing the solicitation.

(2) Within the Indian Health Service (IHS), the primary SBSs are responsible for IHS' overall implementation of the HHS small business program; however, each IHS contracting office will assign a small business technical advisor (SBTA) to perform those functions and responsibilities necessary to implement the small business program. The primary IHS SBS shall assist and provide guidance to respective SBTAs.

319.270–1 Mentor Protégé Program Solicitation provision and contract clause.

(a) The contacting officer shall insert the provision at 352.219–70, Mentor-Protégé Program, in solicitations that include the clause at FAR 52.219–9, Small Business Subcontracting Plan. The provision requires offerors to provide the Contracting Officer a copy of their HHS Office of OSDBU-approved mentor-protégé agreement in response to a solicitation.

(b) The contacting officer shall insert the clause at 352.219–71, Mentor-Protégé Program Reporting Requirements, in contracts that include the clause at FAR 52.219–9, Small Business Subcontracting Plan, and which are awarded to a contractor with an HHS OSDBU-approved mentor-protégé agreement.

PART 322—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

Subpart 322.8—Equal Employment Opportunity

Sec.
322.810 Solicitation provisions and contract clauses.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 322.8—Equal Employment Opportunity

322.810 Solicitation provisions and contract clauses.

(h) The contracting officer shall insert the clause at 352.222–70, Contractor Cooperation in Equal Employment Opportunity Investigations, in solicitations, contracts, and orders that include the clause at FAR 52.222–26, Equal Opportunity.

PART 323—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

Subpart 323.70—Safety and Health

Sec.
323.7000 Scope of subpart.
323.7001 Policy.
323.7002 Actions required.

Subpart 323.71—Sustainable Acquisition Requirements

323.7100 Policy.
323.7101 Applicability.
323.7102 Procedures.
323.7103 Solicitation Provision.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

323.7000 Scope of subpart.

This subpart provides procedures for administering safety and health requirements.

323.7001 Policy.

The contracting officer shall follow the guidance in this subpart when additional requirements for safety and health are necessary for an acquisition.

323.7002 Actions required.

Contracting activities. The contracting officer shall insert the clause at 352.223–70, Safety and Health, or a clause substantially the same, in solicitations and contracts that involve hazardous materials or hazardous operations for the following types of requirements:

(a) Services or products.

(b) Research, development, or test projects.

(c) Transportation of hazardous materials.

(d) Construction, including construction of facilities on the contractor's premises.

Subpart 323.71—Sustainable Acquisition Requirements

323.7100 Policy.

This subpart provides procedures for sustainable acquisitions and use of the following: Designated recycled content; energy efficient, environmentally preferred, Electronic Product Environmental Assessment Tool (EPEAT)-registered, bio-based, water efficient, non-ozone depleting products and services; and alternate fuel vehicles and fuels. The Department of Health and Human Services (HHS) has designated product and service codes for supplies and services having sustainable acquisition attributes. See FAR part 23.

323.7101 Applicability.

It is HHS policy to include a solicitation provision and to include an evaluation factor for an offeror' Sustainable Action Plan when acquiring sustainable products and services. This applies only to new contracts and orders above the micro-purchase threshold. Such contracts and orders include, but are not limited to: Office supplies; construction, renovation or repair; building operations and maintenance; landscaping services; pest management; electronic equipment, including leasing; fleet maintenance; janitorial services; laundry services; cafeteria operations; and meetings and conference services. If using a product or service code designated for supplies or services having sustainable acquisition attributes, but a review of the requirement determines that no opportunity exists to acquire sustainable acquisition supplies or services, document the determination in the contract file and make note in the solicitation.

323.7102 Procedures.

(a) When required by the solicitation, offerors or quoters must include a Sustainable Acquisition Plan in their technical proposal addressing the environmental products and services for delivery under the resulting contract.

(b) The contracting officer shall incorporate the final Sustainable Acquisition Plan into the contract.

(c) The contracting officer shall ensure that sustainability is included as an evaluation factor in all applicable new contracts and orders when the acquisition utilizes a product or service code designated by HHS for supplies or services having sustainable acquisition attributes.

323.7103 Solicitation Provision.

The contracting officer shall insert the provision at 352.223–71, Instruction to Offerors—Sustainable Acquisition, in solicitations above the micro-purchase threshold when the acquisition utilizes a product or service code designated by HHS as having sustainable acquisition attributes.

PART 324—PROTECTION OF PRIVACY AND FREEDOM OF INFORMATION

Subpart 324.1—Protection of Individual Privacy

Sec.
324.103 Procedures for the Privacy Act.
324.104 Restrictions on Contractor Access to Government or Third Party Information.
324.105 Contract clauses.

Subpart 324.70—Health Insurance Portability and Accountability Act of 1996 (HIPAA)

324.7000 Scope of subpart.
324.7001 Policy on Compliance with HIPAA Business Associate Contract Requirements.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 324.1—Protection of Individual Privacy

324.103 Procedures for the Privacy Act.

(a) The contracting officer shall review all acquisition request documentation to determine whether the requirements of the Privacy Act of 1974 (5 U.S.C. 552a) are applicable. The Privacy Act requirements apply when a contract or order requires the contractor to design, develop, or operate any Privacy Act system of records on individuals to accomplish an agency function. When applicable, the contracting officer shall include the two Privacy Act clauses required by FAR 24.104 in the solicitation and contract or order. In addition, the contracting officer shall include the two FAR Privacy Act clauses, and other pertinent information specified in this subpart, in any modification which results in the Privacy Act requirements becoming applicable to a contract or order.

(b) The contracting officer shall ensure that the statement of work or performance work statement (SOW or PWS) specifies the system(s) of records or proposed system(s) of records to which the Privacy Act and the implementing regulations are applicable or may be applicable. The contracting officer shall send the contractor a copy of 45 CFR part 5b, which includes the rules of conduct and other Privacy Act requirements.

(c) The contracting officer shall ensure that the contract SOW or PWS

specifies for both the Privacy Act and the Federal Records Act the disposition to be made of the system(s) of records upon completion of contract performance. The contract SOW or PWS may require the contractor to destroy the records, remove personal identifiers, or turn the records over to the contracting officer. If there is a legitimate need for a contractor to keep copies of the records after completion of a contract, the contractor must take measures, as approved by the contracting officer, to keep the records confidential and protect the individuals' privacy.

(d) For any acquisition subject to Privacy Act requirements, the requiring activity prior to award, or the COR, after award, shall prepare and have published in the **Federal Register** a ''system notice,'' describing the Department of Health and Human Services' (HHS) intent to establish a new system of records on individuals, to make modifications to an existing system, or to disclose information in regard to an existing system. The requiring activity shall attach a copy of the system notice to the acquisition plan or other acquisition request documentation. If a system notice is not attached, the contracting officer shall inquire about its status and shall obtain a copy from the requiring activity for inclusion in the contract file. If a notice for the system of records has not been published in the **Federal Register**, the contracting officer may proceed with the acquisition but shall not award the contract until the system notice is published and the contracting officer verifies its publication.

324.104 Restrictions on Contractor Access to Government or Third Party Information.

The contracting officer shall establish the restrictions that govern the contractor employees' access to Government or third party information in order to protect the information from unauthorized use or disclosure.

324.105 Contract clauses.

(a) The contracting officer shall insert the clause at 352.224–70, Privacy Act, in solicitations, contracts, and orders that require the design, development, or operation of a system of records to notify the contractor that it and its employees are subject to criminal penalties for violations of the Privacy Act (5 U.S.C. 552a(i)) to the same extent as HHS employees. The clause also requires the contractor to ensure each of its employees knows the prescribed rules of conduct in 45 CFR part 5b and each contractor employee is aware that he or she is subject to criminal penalties for violations of the Privacy Act. These requirements also apply to all subcontracts awarded under the contract or order that require the design, development, or operation of a system of records.

(b) The contracting officer shall insert the clause at 352.224–71, Confidential Information, in solicitations, contracts, and orders that require access to Government or to third party information.

Subpart 324.70—Health Insurance Portability and Accountability Act of 1996

324.7000 Scope of subpart.

All individually identifiable health information that is Protected Health Information or ''PHI'', as defined in 45 CFR 160.103 shall be administered in accordance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) as amended, subtitle D of title IV of the Health Information Technology for Economic and Clinical Health Act (HITECH Act), and the corresponding implementing regulations at 45 CFR parts 160 and 164. The term ''HIPAA'' is used in this part to refer to the HIPAA and HITECH statutes and the implementing regulations. HIPAA includes standards and implementation specifications for the security and privacy of certain individually identifiable health information known as Protected Health Information (PHI).

324.7001 Policy on Compliance with HIPAA business associate contract requirements.

''HIPAA'' refers to the provisions of part C of title XI of the Social Security Act, 42 U.S.C. 1320d *et seq.,* section 264 of the Health Insurance Portability and Accountability Act of 1996, as amended, and subtitle D of title IV of the Health Information Technology for Economic and Clinical Health Act (HITECH Act), as amended, and the HIPAA Rules at 45 CFR parts 160 through 164. HHS is a HIPAA ''covered entity'' that is a ''hybrid entity'' as these terms are defined at §§ 160.103 and 164.103 respectively. As such, only the portions of HHS that the Secretary has designated as ''health care components'' (HCC) as defined at § 164.103, are subject to HIPAA. HHS' HCCs may utilize persons or entities known as ''business associates,'' as defined at § 160.103. Generally, ''business associate'' means a ''person'' as defined by § 160.103 (including contractors, and third-party vendors, etc.) if or when the person or entity:

(a) Creates, receives, maintains, or transmits ''protected health information'' (PHI), as the term is defined at 160.103, on behalf of an HHS HCC to carry out HHS HIPAA-covered functions; or

(b) Provides certain services to an HHS HCC that involves PHI. Where the Department as a covered entity is required by 45 CFR 164.502(e)(1) and 164.504(e) and, if applicable, §§ 164.308(b)(3) and 164.314(a), to enter into a HIPAA business associate contract, the relevant HCC contracting officer, acting on behalf of the Department, shall ensure that such contract meets the requirements at § 164.504(e)(2) and, if applicable, § 164.314(a)(2).

PART 326—OTHER SOCIOECONOMIC PROGRAMS

Subpart 326.5—Indian Preference in Employment, Training, and Subcontracting Opportunities

Sec.
326.501 Statutory requirements.

Subpart 326.6—Acquisitions Under the Buy Indian Act

326.600 Scope of subpart.
326.601 Policy.
326.602 Definitions.
326.603 Requirements.
326.604 Competition.
326.605 Responsibility determinations.

Subpart 326.7—Acquisitions Requiring the Native American Graves Protection and Repatriation Act

326.700 Scope of subpart.
326.701 Applicability.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 326.5—Indian Preference in Employment, Training, and Subcontracting Opportunities

326.501 Statutory requirements.

Any contract or subcontract pursuant to subchapter II, chapter 14, title 25 United States Code, the Act of April 16, 1934 (48 Stat. 596), as amended, or any other Act authorizing Federal contracts with or grants to Indian organizations or for the benefit of Indians, shall, to the greatest extent feasible, comply with Section 7(b) of the Indian Self-Determination and Education Assistance Act, Pub. L. 93–638, 88 Stat. 2205, 25 U.S.C. 450e(b) which provides preferences and opportunities for training and employment in connection with the administration of such contracts, and preference in the award of subcontracts in connection with the administration of such contracts to Indian organizations and to Indian-owned economic enterprises as defined

in section 1452 of title 25, United States Code.

326.502 Definitions.

For purposes of this subpart, the following definitions shall apply:

(a) *Indian* means a person who is a member of an Indian tribe. If the contractor has reason to doubt that a person seeking employment preference is an Indian, the contractor shall grant the preference but shall require the individual provide evidence within 30 days from the tribe concerned that the person is a member of the tribe.

(b) *Indian tribe* means an Indian tribe, pueblo, band, nation, or other organized group or community, including any Alaska Native Village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688, 43 U.S.C. 1601), which the United States recognizes as eligible for special programs and services because of its status as Indian.

(c) *Indian organization* means the governing body of any Indian tribe, or entity established or recognized by such governing body, in accordance with the Indian Financing Act of 1974 (88 Stat. 77, 25 U.S.C. 1451).

(d) *Indian-owned economic enterprise* means any Indian-owned commercial, industrial, or business activity established or organized for the purpose of profit, provided that such Indian ownership shall constitute not less than 51 percent of the enterprise, and the ownership shall encompass active operation and control of the enterprise.

(e) *Indian reservation* includes Indian reservations, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act (85 Stat. 688, 43 U.S.C. 1601 *et seq.*)

(f) *On or near an Indian reservation* means on a reservation or reservations or within that area surrounding an Indian reservation(s) where a person seeking employment could reasonably commute to and from in the course of a work day.

326.503 Compliance enforcement.

The contracting officer shall promptly investigate and resolve written complaints of noncompliance with the requirements of the clauses at 352.226–1, Indian Preference and 352.226–2, Indian Preference Program filed with the contracting activity.

326.504 Tribal preference requirements.

(a) When the contractor will perform work under a contract on an Indian reservation, the contracting officer may supplement the clause at 352.226–2, Indian Preference Program by adding specific Indian preference requirements of the tribe on whose reservation the contractor will work. The contracting activity and the tribe shall jointly develop supplemental requirements for the contract. Supplemental preference requirements shall represent a further implementation of the requirements of section 7(b) of Pub. L. 93–638 and require the approval of the affected program director and the appropriate legal office, or a regional attorney, before the contracting officer adds them to a solicitation and resultant contract. Any supplemental preference requirements the contracting officer adds to the clause at 352.226–2, Indian Preference Program shall also clearly identify in the solicitation the additional requirements.

(b) Nothing in this part shall preclude tribes from independently developing and enforcing their own tribal preference requirements. Such independently-developed tribal preference requirements shall not, except as provided in paragraph (a) of this section, become a requirement in contracts covered under this subpart, and shall not conflict with any Federal statutory or regulatory requirement concerning the award and administration of contracts.

326.505 Applicability.

The contracting officer shall insert the clause at 352.226–1, Indian Preference, and the clause at 352.226–2, Indian Preference Program, in contracts to implement section 7(b) of Pub. L. 93–638 for all Department of Health and Human Services (HHS) activities. Contracting activities shall use the clauses as follows, except for those exempted solicitations and contracts issued and or awarded pursuant to Title I of Pub. L. 93–638 (25 U.S.C. 450 *et seq.*):

(a) The contracting officer shall insert the clause at 352.226–1, Indian Preference, in solicitations, contracts, and orders when—

(1) The award is (or will be) pursuant to an act specifically authorizing such awards with Indian organizations; or

(2) The work is specifically for the benefit of Indians and is in addition to any incidental benefits which might otherwise accrue to the general public.

(b) The contracting officer shall insert the clause at 352.226–2, Indian Preference Program, in solicitations, contracts, and orders when—

(1) The dollar amount of the acquisition is expected to equal or exceed $650,000 for non-construction work or $1.5 million for construction work;

(2) The solicitation, contract, or order includes the Indian Preference clause; and

(3) The contracting officer makes the determination, prior to solicitation, that performance will take place in whole or in substantial part on or near an Indian reservation(s). In addition, the contracting officer may insert the Indian Preference Program clause in solicitations, contracts, and orders below the $650,000 or $1.5 million level for non-construction or construction contracts, respectively, but which meet the requirements of paragraphs (b)(2) and (3) of this section, and in the opinion of the contracting officer, offer substantial opportunities for Indian employment, training, and subcontracting.

Subpart 326.6—Acquisitions Under the Buy Indian Act

326.600 Scope of subpart.

This subpart sets forth the policy on preferential acquisition from Indians under the negotiation authority of the Buy Indian Act. This subpart applies only to acquisitions made by or on behalf of Indian Health Service (IHS).

326.601 Policy.

(a) IHS shall utilize the negotiation authority of the Buy Indian Act to give preference to Indians whenever authorized and practicable. The Buy Indian Act, 25 U.S.C. 47, prescribes the application of the advertising requirements of 41 U.S.C. 6101 to the acquisition of Indian supplies. As specified in 25 U.S.C. 47, the Buy Indian Act provides that, so far as practicable, the Government shall employ Indian labor and, at the discretion of the Secretary of the Interior, purchase products of Indian industry (including, but not limited to printing, notwithstanding any other law) from the open market.

(b) Due to the transfer of authority from the Department of the Interior to HHS, the Secretary of HHS may use the Buy Indian Act to acquire products of Indian industry in connection with the maintenance and operation of Indian hospital and health facilities, and for the overall conservation of Indian health. This authority is exclusively delegated to IHS and is not available for use by any other HHS component (unless that component makes an acquisition on behalf of IHS). However, the Buy Indian Act itself does not exempt IHS from meeting the statutorily mandated small business goals.

(c) Subsequent legislation, particularly Pub. L. 94–437 and Pub. L. 96–537, emphasize using the Buy Indian Act negotiation authority.

326.602 Definitions.

(a) *Buy Indian contract* means any contract involving activities covered by the Buy Indian Act and negotiated under the provisions of 41 U.S.C. 3104 and 25 U.S.C. 47 between an Indian firm and a contracting officer representing IHS.

(b) *Indian* means a member of any tribe, pueblo, band, group, village, or community recognized by the Secretary of the Interior as being Indian or any individual or group of individuals recognized by the Secretary of the Interior or the Secretary of HHS. The Secretary of HHS in making determinations may take into account the determination of the tribe with which affiliation is claimed.

(c) *Indian firm* means a sole enterprise, partnership, corporation, or other type of business organization owned, controlled, and operated by:

(1) One or more Indians (including, for the purpose of sections 301 and 302 of Pub. L. 94–437, former or currently federally recognized Indian tribes in the State of New York); or

(2) By an Indian firm (as defined in paragraph (1) of this definition); or

(3) A nonprofit firm organized for the benefit of Indians and controlled by Indians (see 326.601(a)).

(d) *Product of Indian industry* means anything produced by Indians through either physical labor or intellectual effort involving the use and application of their skills. To classify as a product of Indian industry, the total cost of the item's production must equal or exceed 51 percent Indian effort.

326.603 Requirements.

(a) *Indian ownership.* Indian ownership shall constitute at least 51 percent of an Indian firm during the period covered by a Buy Indian contract.

(b) *Joint ventures.* An Indian firm may enter into a joint venture with other entities for specific projects as long as the Indian firm is the managing partner. However, the contracting officer shall approve the joint venture prior to the award of a contract under the Buy Indian Act.

(c) *Bonds.* In the case of contracts for the construction, alteration, or repair of public buildings or public works, the Miller Act (40 U.S.C. 3131 *et seq.*) and Federal Acquisition Regulation (FAR) Part 28 require performance and payment bonds. Bonds are not required in the case of contracts with Indian tribes or public nonprofit organizations serving as governmental instrumentalities of an Indian tribe. However, bonds are required when dealing with private business entities owned by an Indian tribe or members of an Indian tribe. The contracting officer may require bonds of private business entities that are joint ventures with, or subcontractors of, an Indian tribe or a public nonprofit organization serving as a governmental instrumentality of an Indian tribe. A bid guarantee or bid bond is required only when a performance or payment bond is required.

(d) *Indian preference in employment, training and subcontracting.* Contracts awarded under the Buy Indian Act are subject to the requirements of section 7(b) of the Indian Self-Determination and Education Assistance Act 25 U.S.C. 450e, which requires giving preference to Indians in employment, training, and subcontracting. The contracting officer shall include the Indian Preference clause specified in 326.505(a) in all Buy Indian solicitations and resultant contracts. The contracting officer shall use the Indian Preference Program clause specified in 326.505(b). The contracting officer shall follow all requirements specified in subpart 326.2 which apply to a Buy Indian acquisition (*e.g.,* 326.604 and 326.605).

(e) *Subcontracting.* A contractor shall not subcontract more than 50 percent of the work under a prime contract awarded pursuant to the Buy Indian Act to non-Indian firms. For this purpose, contract work does not include the provision of materials, supplies, or equipment.

(f) *Wage rates.* The contracting officer shall include a determination of the minimum wage rates by the Secretary of Labor as required by the Davis-Bacon Act (40 U.S.C. 276a) in all contracts awarded under the Buy Indian Act for over $2,000 for construction, alteration, or repair, including painting and decorating, of public buildings and public works, except contracts with Indian tribes or public nonprofit organizations serving as governmental instrumentalities of an Indian tribe. The contracting officer shall include the wage rate determination in contracts with private business entities, even when owned by an Indian tribe or a member of an Indian tribe and in connection with joint ventures with, or subcontractors of, an Indian tribe or a public nonprofit organization serving as a governmental instrumentality of an Indian tribe.

326.604 Competition.

(a) Contracts awarded under the Buy Indian Act are subject to competition among Indians or Indian firms to the maximum extent practicable. When the contracting officer determines that competition is not practicable, a justification and approval is required in accordance with subpart 306.3.

(b) The contracting officer shall: synopsize and publicize solicitations in the Government point of entry and provide copies of the synopses to the tribal office of the Indian tribal government directly concerned with the proposed acquisition as well as to Indian firms and others having a legitimate interest. The synopses shall state that the acquisitions are restricted to Indian firms under the Buy Indian Act.

326.605 Responsibility determinations.

(a) The contracting officer may award a contract under the Buy Indian Act only if it is determined that the contractor will likely perform satisfactorily and properly complete or maintain the contracted project or function.

(b) The contracting officer shall make the written determination specified in paragraph (a) of this section prior to the award of a contract. The determination shall reflect an analysis of FAR 9.104–1 standards.

Subpart 326.7—Acquisitions Requiring the Native American Graves Protection and Repatriation Act

326.700 Scope of subpart.

Public Law 101–601, dated November 16, 1990, also known as the Native American Graves Protection and Repatriation Act, imposes certain responsibilities on individuals and organizations when they discover Native American cultural items (including human remains) on Federal or tribal lands.

326.701 Applicability.

The contracting officer shall insert the clause at 352.226–3, Native American Graves Protection and Repatriation Act, in solicitations, contracts, and orders requiring performance on tribal lands or those for construction projects on Federal or tribal lands.

SUBCHAPTER E—GENERAL CONTRACTING REQUIREMENTS

PART 327—RIGHTS, DATA, AND COPYRIGHTS

Subpart 327.3—Patent Rights Under Government Contracts

Sec.

327.303 Solicitation provision and contract clause.

Subpart 327.4—Rights in Data and Copyrights

327.404–70 Solicitation provision and contract clause.
327.409 Solicitation provision and contract clause.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 327.3—Patent Rights Under Government Contracts

327.303 Solicitation provision and contract clause.

The contracting officer shall insert the clause at 352.227–11, Patent Rights—Exceptional Circumstances and any appropriate alternates in lieu of Federal Acquisition Regulation (FAR) 52.227–11 whenever a Determination of Exceptional Circumstances (DEC) involving the provision of materials that has been executed in accordance with Agency policy and procedures calls for its use and clause 352.227–11, Patent Rights—Exceptional Circumstances, appropriately covers the circumstances. The contracting officer should reference the DEC in the solicitation and shall attach a copy of the executed DEC to the contract.

Subpart 327.4—Rights in Data and Copyrights

327.404–70 Solicitation provision and contract clause.

The contracting officer shall insert the clause at 352.227–70, Publications and Publicity, in solicitations, contracts, and orders that involve requirements which could lead to the contractor's publishing the results of its work under the contract.

327.409 Solicitation provision and contract clause.

The contracting officer shall insert the clause at 352.227–14, Rights in Data—Exceptional Circumstances and any appropriate alternates in lieu of FAR 52.227–14 whenever a DEC executed in accordance with Agency policy and procedures calls for its use. Prior to using this clause, a DEC must be executed in accordance with Agency policy and procedures. The contracting officer should reference the DEC in the solicitation and shall attach a copy of the executed DEC to the contract.

PART 328—[RESERVED]

PART 330—COST ACCOUNTING STANDARDS

Subpart 330.2—CAS Program Requirements

Sec.
330.201 Contract requirements.
330.201–5 Waiver.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 330.2—CAS Program Requirements

330.201 Contract requirements.

330.201–5 Waiver.

The Associate Deputy Assistant Secretary for Acquisition shall exercise the waiver authority under Federal Acquisition Regulation 30.201–5(a)(2). Operating Divisions and Staff Divisions shall forward waiver requests to the Senior Procurement Executive.

PART 331—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 331.1—Applicability

Sec.
331.101–70 Salary rate limitation.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 331.1—Applicability

331.101–70 Salary rate limitation.

(a) Beginning in fiscal year 1990, Congress has stipulated in the Department of Health and Human Services appropriations acts and continuing resolutions that, under applicable contracts, appropriated funds cannot be used to pay the direct salary of an individual above the stipulated rates. The applicable rates for each year are identified at *www.opm.gov.*

(b) The contracting officer shall insert the clause at 352.231–70, Salary Rate Limitation, in solicitations and contracts when a cost-reimbursement; fixed-price level-of-effort; time-and-materials; or labor-hour contract is contemplated.

PART 332—CONTRACT FINANCING

Subpart 332.4—Advance Payments for Non-Commercial Items

Sec.
332.402 General.
332.407 Interest.

Subpart 332.5—Progress Payments Based on Cost

332.501 General.
332.501–2 Unusual progress payments.

Subpart 332.7—Contract Funding

332.702 Policy.
332.703 Contract funding requirements.
332.703–1 General.
332.703–71 Incrementally funded cost-reimbursement contracts.
332.703–72 Incremental Funding Table.
332.706 Solicitation provision and contract clauses.
332.706–2 Provision and clauses for limitation of cost or funds.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 332.4—Advance Payments for Non-Commercial Items

332.402 General.

(e) The head of the contracting activity (HCA) (non-delegable) is the person responsible for compliance with Federal Acquisition Regulation (FAR) 32.402(e) and shall determine whether advance payments are in accordance with FAR 32.402.

332.407 Interest.

(d) The HCA (non-delegable) shall make the determinations in FAR 32.407(d).

Subpart 332.5—Progress Payments Based on Cost

332.501 General.

332.501–2 Unusual progress payments.

(a)(3) The HCA (non-delegable) shall approve unusual progress payments.

Subpart 332.7—Contract Funding

332.702 Policy.

Departmental employees shall report any suspected violation of the Anti-Deficiency Act (31 U.S.C. 1341, 13 U.S.C. 1342, and 31 U.S.C. 1517) immediately to the OPDIV Chief Financial Officer (CFO), who in turn will report the matter to the HHS Deputy CFO.

332.703 Contract funding requirements.

332.703–1 General.

(b) The following requirements govern all solicitations and contracts using incremental funding, as appropriate:

(1) The contracting officer shall consider the estimated total cost of the contract, including all planned increments of performance when determining the requirements that must be met before contract execution (*e.g.,* Justification and Approvals, clearances, and approvals).

(2) The solicitation and resultant contract shall include a statement of work or performance work statement that describes the total project, covers all proposed increments of performance, and contains a schedule of planned increments of performance. No funding increment may exceed 1 year, and the services rendered during each increment of performance must provide a specific material benefit that can stand alone if the remaining effort is not funded. The resultant contract shall also include the corresponding amount of funds planned for obligation for each increment of performance.

(3) The contracting officer shall request that offerors respond to the solicitation with technical and cost proposals for the entire project, and shall require distinct technical and cost break-outs of the planned increments of performance.

(4) Proposals shall be evaluated and any discussions and negotiations shall be conducted based upon the total project, including all planned increments of performance.

332.703–71 Incrementally funded cost-reimbursement contracts.

Incremental funding may be used in cost-reimbursement contracts for severable services only when all of the following circumstances are present:

(a) Funding of increments after the initial increment of performance is provided from the appropriation account available for obligation at that time;

(b) The project represents a *bona fide* need of the fiscal year in which the contract is awarded and initially funded (*i.e.,* the initial increment of performance) and is also a *bona fide* need of each subsequent fiscal year whose appropriation will be used; and

(c) The project's significance provides reasonable assurance that subsequent year appropriations will be made available to fund the project's continuation and completion.

332.703–72 Incremental Funding Table.

The contracting officer shall insert substantially the following language in Section B: Supplies or Services and Prices or Costs, Table 1, in all cost-reimbursement contracts for severable services using incremental funding. The language requires the contracting officer to:

(a) Insert the initial funding obligated by the award;

(b) Identify the increment of performance covered by the funding provided; and

(c) Specify the start and end dates for each increment of performance, as required by the ''Limitation of Funds'' clause at FAR 52.232–22.

Modification of the language is permitted to fit specific circumstances of the contract, including but not limited to language necessary to reflect the specific type of cost reimbursement contract awarded, but the language may not be omitted completely.

B. __ESTIMATED COST—INCREMENTALLY FUNDED CONTRACT

(a) The total estimated cost to the Government for full performance of this contract, including all allowable direct and indirect costs, is $_____ [*insert full amount*].

(b) The following represents the schedule * by which the Government expects to allot funds to this contract:

CLIN, Task No., or description	Start date of increment of performance	End date of increment of performance	Estimated cost ($)	Fee ($) (as appropriate)	Estimated cost plus fee ($) (as appropriate)
	.....	.....	.....	.....	.....
	.....	.....	.....	.....	.....
	.....	.....	.....	.....	.....
	.....	.....	.....	.....	.....
	.....	.....	.....	.....	.....
	.....	.....	[Total]	[Total]	[Total]

(c) Total funds currently obligated and available for payment under this contract are $_____ [*insert amount funded to date*].

(d) The contracting officer may issue unilateral modifications to obligate additional funds to the contract and make related changes to paragraphs (b) and/or (c) above.

(e) Until this contract is fully funded, the requirements of the clause at FAR 52.232–22, *Limitation of Funds,* shall govern. Once the contract is fully funded, the requirements of the clause at FAR 52.232–20, *Limitation of Cost,* govern.

332.706 Solicitation provision and contract clauses.

332.706–2 Provision and clauses for limitation of cost or funds.

(b) In addition to the clause at FAR 52.232–22, Limitation of Funds, the contracting officer shall insert the provision at 352.232–70, Incremental Funding, in all solicitations when a cost-reimbursement contract for severable services using incremental funding is contemplated. The provision requires the contracting officer to insert a specific increment of performance that the initial funding is expected to cover.

PART 333—PROTESTS, DISPUTES, AND APPEALS

Subpart 333.1—Protests

Sec.
333.102 General.
333.103 Protests to the agency.

Subpart 333.2—Disputes and Appeals

333.203 Applicability.
333.209 Suspected fraudulent claims.
333.215–70 Contract clauses.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 333.1—Protests

333.102 General.

(g)(1) The Office of General Counsel—General Law Division serves as the liaison for protests lodged with the Government Accountability Office (GAO); is designated as the office responsible for all protests within the Department of Health and Human Services (HHS); and serves as the notification point with GAO for all protests.

(2) The contracting officer will follow the direction of the Operating Division's (OPDIV) protest control officer for responding to protests whether they are filed with GAO or directly with the contracting officer.

333.103 Protests to the agency.

(f)(1) Protests to the contracting officer must be in writing. The contracting officer is authorized to make the

* To be inserted after negotiation.

determination, using the criteria in FAR 33.104(b), to award a contract notwithstanding the protest after obtaining the concurrence of the contracting activity's protest control officer and consulting with the appropriate legal office.

Subpart 333.2—Disputes and Appeals

333.203 Applicability.

(c) The Civilian Board of Contract Appeals (CBCA) is the authorized ''Board'' to hear and determine disputes for the Department.

333.209 Suspected fraudulent claims.

The contracting officer shall submit any instance of a contractor's suspected fraudulent claim to the Office of Inspector General for investigation.

333.215–70 Contract clauses.

(a) The contracting officer shall insert the clause at 352.233–70, Choice of Law (Overseas), in solicitations and contracts when performance will be outside the United States, its possessions, and Puerto Rico, except as otherwise provided in a government-to-government agreement.

(b) The contracting officer shall insert the clause at 352.233–71, Litigation and Claims, in solicitations and contracts when a cost-reimbursement, time-and-materials, or labor-hour contract is contemplated (other than a contract for a commercial item.)

SUBCHAPTER F—SPECIAL CATEGORIES OF CONTRACTING

PART 334—MAJOR SYSTEM ACQUISITION

Subpart 334.2—Earned Value Management System

Sec.
334.201 Policy.
334.202 Integrated Baseline Reviews (IBRs).

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 334.2—Earned Value Management System

334.201 Policy.

The Department of Health and Human Services applies the earned value management system requirement as follows:

(a) For cost or incentive contracts and subcontracts valued at $20 million or more, the contractor's earned value management system shall comply with the guidelines in the American National Standards Institute/Electronic Industries Alliance Standard 748, Earned Value Management Systems (ANSI/EIA–748).

(b) For cost or incentive contracts and subcontracts valued at $50 million or more, the contractor shall have an earned value management system that has been determined by the cognizant Federal agency to be in compliance with the guidelines in ANSI/EIA–748.

(c) For cost or incentive contracts and subcontracts valued at less than $20 million—

(1) The application of earned value management is optional at the discretion of the program/project manager and is a risk-based decision that must be supported by a cost/benefit analysis; and

(2) A decision to apply earned value management shall be documented in the contract file.

(d) For firm-fixed-price contracts and subcontracts of any dollar value the application of earned value management is discouraged.

334.202 Integrated Baseline Reviews (IBRs).

(a) An IBR normally should be conducted as a post-award activity. A pre-award IBR may be conducted only if—

(1) The acquisition plan contains documentation that demonstrates the need and rationale for a pre-award IBR, including an assessment of the impact on the source selection schedule and the expected benefits;

(2) The use of a pre-award IBR is approved in writing by the head of the contracting activity prior to the issuance of the solicitation;

(3) The source selection plan and solicitation specifically addresses how the results of a pre-award IBR will be used during source selection, including any weight to be given to it in source evaluation; and

(4) Specific arrangements are made, and budget authority is provided, to compensate all offerors who prepare for or participate in a pre-award IBR; and the solicitation informs prospective offerors of the means for and conditions of such compensation.

PART 335—RESEARCH AND DEVELOPMENT CONTRACTING

Sec.
335.070 Cost-sharing.
335.070–1 Policy.
335.070–2 Amount of cost-sharing.
335.070–3 Method of cost-sharing.
335.071 [Reserved]
335.072 Key personnel.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

335.070 Cost-sharing.

335.070–1 Policy.

(a) Contracting activities should encourage contractors to contribute to the cost of performing research and development (R&D), through the use of cost-sharing contracts, where there is a probability that the contractor will receive present or future benefits from participation as described in FAR 16.303. Examples include increased technical know-how, training for employees, acquisition of equipment, development of a commercially viable product that can be sold in the commercial market and use of background knowledge in future contracts. Cost-sharing is intended to serve the mutual interests of the Government and its contractors by helping to ensure efficient utilization of the resources available for the conduct of R&D projects and by promoting sound planning and prudent fiscal policies of the contractor. The Government's interest includes positive impact on the community at large.

(b) The contracting officer should use a cost-sharing contract for R&D contracts, unless the contracting officer determines that a request for cost-sharing would not be appropriate.

(c) Any determination made by a contracting officer as described in this section shall be evidenced by appropriate documentation in the contract file.

335.070–2 Amount of cost-sharing.

When cost-sharing is appropriate, the contracting officer shall use the following guidelines to determine the amount of cost participation by the contractor:

(a) The amount of cost participation depends on the extent to which the R&D effort or results are likely to enhance the contractor's capability, expertise, or competitive position, and the value of this enhancement to the contractor. Therefore, contractor cost participation could reasonably range from as little as one percent or less of the total project cost to more than 50 percent of the total project cost. Ultimately, cost-sharing is a negotiable item. As such, the amount of cost-sharing shall be proportional to the anticipated value of the contractor's gain.

(b) If the contractor will not acquire title to, or the right to use, inventions, patents, or technical information resulting from the R&D project, it is normally appropriate to obtain less cost-sharing than in cases in which the contractor acquires these rights.

(c) If the R&D is expected to be of only minor value to the contractor, and if a statute does not require cost-sharing, it may be appropriate for the contractor to make a contribution in the form of a reduced fee or profit rather than sharing costs of the project. Alternatively a limitation on indirect cost rates might

be appropriate. See FAR 42.707. See also, FAR 16.303.

(d) The contractor's participation may be considered over the total term of the project, so that a relatively high contribution in 1 year may be offset by a relatively low contribution in another. Care must be exercised that the intent to cost-share in future years does not become illusory. Redetermination of the cost sharing arrangement might be appropriate depending on future circumstances.

(e) A relatively low degree of cost-sharing may be appropriate, if an area of R&D requires special stimulus in the national interest.

335.070–3 Method of cost-sharing.

Cost-sharing on individual contracts may be accomplished either by a contribution of part or all of one or more elements of allowable cost of the work being performed or by a fixed amount or stated percentage of the total allowable costs of the project. Contractors shall not charge costs contributed to the Government under any other instrument (*e.g.,* grant or contract), including allocations to other instruments as part of any independent R&D program.

335.071 [Reserved]

335.072 Key personnel.

If the contracting officer determines that the personnel to be assigned to perform effort on an R&D contract are critical to the success of the R&D effort, or were a critical factor in the award of the contract, then the contracting officer should consider using the key personnel clause at 352.237–75, Key Personnel.

PART 336—CONSTRUCTION AND ARCHITECT–ENGINEER CONTRACTS

Subpart 336.1—General

Sec.
336.104 Policy.

Subpart 336.5—Contract Clause

336.570 Contract Clause.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 336.1—General

336.104 Policy.

Contracting officers shall follow the policies described in Federal Acquisition Regulation 36.104 and the guidance promulgated by the Department of Health and Human Services Facilities Management.

Subpart 336.5—Contract Clause

336.570 Contract clause.

(a) The contracting officer shall insert the clause at 352.236–70, Design-Build Contracts, in all solicitations and contracts for all design-build requirements.

(b) The contracting officer shall use Alternate I to the clause at 352.236–70, Design-Build Contracts, in all solicitations and contracts for construction when Fast-Track procedures are being used.

(c) Due to the importance of maintaining consistency in the contractor's personnel during design-build construction, the contracting officer should consider including the clause at 352.237–75, Key personnel.

PART 337—SERVICE CONTRACTING—GENERAL

Subpart 337.1—Service Contracts—General

Sec.
337.103 Contracting officer responsibility.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 337.1—Service Contracts—General

337.103 Contracting officer responsibility.

(d)(1) The contracting officer shall insert the clause at 352.237–70, Pro-Children Act, in solicitations, contracts, and orders that involve:

(i) Kindergarten, elementary, or secondary education or library services; or

(ii) Health or daycare services that are provided to children under the age of 18 on a routine or regular basis pursuant to the Pro-Children Act of 1994 (20 U.S.C. 6081–6084).

(2) The contracting officer shall insert the clause at 352.237–71, Crime Control Act—Reporting of Child Abuse, in solicitations, contracts, and orders that require performance on Federal land or in a federally operated (or contracted) facility and involve the professions/activities performed by persons specified in the Crime Control Act of 1990 (42 U.S.C. 13031) including, but not limited to, teachers, social workers, physicians, nurses, dentists, health care practitioners, optometrists, psychologists, emergency medical technicians, alcohol or drug treatment personnel, child care workers and administrators, emergency medical technicians and ambulance drivers.

(3) The contracting officer shall insert the clause at 352.237–72, Crime Control Act—Requirement for Background Checks, in solicitations, contracts, and orders that involve providing child care services to children under the age of 18, including social services, health and mental health care, child- (day) care, education (whether or not directly involved in teaching), and rehabilitative programs covered under the Crime Control Act of 1990 (42 U.S.C. 13041).

(4) Contracting officers supporting IHS shall insert the clause at 352.237–73, Indian Child Protection and Family Violence Act in all solicitations, contracts, and orders when performance of the contract may involve regular contact with or control over Indian children. The required declaration shall also be included in Section J of the solicitation and contract.

(e) The contracting officer shall insert the clause at 352.237–74, Non-Discrimination in Service Delivery, in solicitations, contracts, and orders to deliver services under HHS' programs directly to the public.

(f) The contracting officer shall insert the clause at 352.237–75, Key Personnel, in solicitations and contracts when the contracting officer will require the contractor to designate contractor key personnel.

PART 339—ACQUISITION OF INFORMATION TECHNOLOGY

Subpart 339.1—General

Sec.
339.101 Policy.

Subpart 339.2—Electronic and Information Technology

339.203 Applicability.
339.203–70 Contract clauses for electronic and information technology (EIT) acquisitions.
339.204 Exceptions.
339.204–1 Approval of exceptions.
339.205 Section 508 accessibility standards for contracts.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 339.1—General

339.101 Policy.

In addition to the regulatory guidance in Federal Acquisition Regulation part 39, contracting officers shall collaborate with the requiring activity to ensure information technology (IT) acquisitions for supplies, services, and systems meet the requirements established by the Department of Health and Human Services (HHS).

Subpart 339.2—Electronic and Information Technology

339.203 Applicability.

(a) Electronic and information technology (EIT) supplies and services must comply with Section 508 of the Rehabilitation Act (the Act) of 1973 (29 U.S.C. 794d), as amended by the Workforce Investment Act of 1998, and the Architectural and Transportation Barriers Compliance Board (Access Board) Electronic and Information

Accessibility Standards (36 CFR part 1194). Requiring activities must consult with their Section 508 Official or designee to determine if the contractor should be responsible for compliance with EIT accessibility standards which apply to Web site content and communications material (in any format, such as reports, documents, charts, posters, presentations, or video material) that is specifically intended for publication on, or delivery via, an HHS-owned or -funded Web site, or whether these types of deliverables can be made compliant by the Government through other means. For deliverables made compliant by the Government through other means, the contract should not include accessibility standards.

(1) When conducting a procurement and employing the Best Value Continuum, the solicitation shall include a separate technical evaluation factor developed by the Contracting Officer, requiring activity, and the Operating Division (OPDIV) Section 508 Official or designee.

(2) At a minimum, solicitations for supplies and services shall require the submission of a Section 508 Product Assessment Template (See *http://hhs.gov/web/508* for the template). Solicitations for services shall include any other pertinent information that the contracting officer deems necessary to evaluate the offeror's ability to meet the applicable Section 508 accessibility standards.

(3) The HHS Operating Division/Staff Division (OPDIV/STAFFDIV) Section 508 Official or designee is responsible for providing technical assistance in development of Section 508 evaluation factors.

(4) Before conducting negotiations or making an award, the contracting officer shall provide a summary of the Source Selection Evaluation Team's (SSET) assessment of offeror responses to the solicitation's Section 508 evaluation factor. This summary shall be submitted for review by the Section 508 Official or designee. The Section 508 Official or designee shall indicate approval/disapproval of the SSET assessment. The contracting officer shall coordinate the resolution of any issues raised by the Section 508 Official or designee with the chair of the SSET or requiring activity representative, as appropriate. The acquisition process shall not proceed until the Section 508 Official or designee approves the SSET assessment. The contracting officer shall include the assessment in the official contract file. See 339.204–1 regarding processing exception determination requests.

(b) When acquiring commercial items, if no commercially available supplies or services meet all of the applicable Section 508 accessibility standards, OPDIVs or STAFFDIVs shall, under the direction and approval of the Section 508 Official or designee, acquire the supplies and services that best meet the applicable Section 508 accessibility standards. Process exception determinations for EIT supplies and services not meeting applicable Section 508 accessibility standards in accordance with 339.204–1.

339.203–70 Contract clauses for electronic and information technology (EIT) acquisitions.

(a) The contracting officer shall insert the provision at 352.239–73, Electronic and Information Technology Accessibility Notice, in all solicitations.

(b) The contracting officer shall insert the clause at 352.239–74, Electronic and Information Technology Accessibility, in all contracts and orders.

339.204 Exceptions.

339.204–1 Approval of exceptions.

(a) Procedures to document exception and determination requests are set by the OPDIV Section 508 Official.

(b) In the development of an acquisition plan (AP) or other acquisition request document, the contracting officer shall ensure that all Section 508 exception determination requests for applicable EIT requirements are:

(1) Documented and certified in accordance with the requirements of paragraph 4.3, Section 508 Compliance Exceptions, of the HHS Section 508 policy;

(2) Signed by the requestor in the requiring activity;

(3) approved by the OPDIV Section 508 Official or designee; and

(4) Included in the AP or other acquisition request document provided by the requiring activity to the contracting office.

(c) For instances with an existing technical evaluation and no organization's proposed supplies or services meet all of the Section 508 accessibility standards; in order to proceed with the acquisition, the requiring activity shall provide an exception determination request along with the technical evaluation team's assessment of the Section 508 evaluation factor to the designated Section 508 Official or designee for review and approval or disapproval. The contracting officer shall include the Section 508 Official's or designee's approval or disapproval of the exception determination request in the official contract file and reference it, as appropriate, in all source selection documents. For further information, see HHS Section 508 Policy on *http://hhs.gov/web/508.*

339.205 Section 508 accessibility standards for contracts.

(a) Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794(d)), as amended by the Workforce Investment Act of 1998 (Section 508), specifies the applicable accessibility standards for all new solicitations and new or existing contracts or orders, regardless of EIT dollar amount.

(b) The requiring activity shall consult with the OPDIV or STAFFDIV Section 508 Official or designee, as necessary, to determine the applicability of Section 508, identify applicable Section 508 accessibility standards, and resolve any related issues before forwarding a request to the contracting or procurement office for the acquisition of EIT supplies and services—including Web site content and communications material for which the contractor must meet EIT accessibility standards.

(c) Based on those discussions, the requiring activity shall provide a statement in the AP (or other acquisition request document) for Section 508 applicability. See 307.105. If Section 508 applies to an acquisition, include the provision at 352.239–73, Electronic and Information Technology and Accessibility Notice, language in a separate, clearly designated, section of the statement of work or performance work statement, along with any additional information applicable to the acquisition's Section 508 accessibility standards (*e.g.,* the list of applicable accessibility standards of the Access Board EIT Accessibility Standards (36 CFR part 1194)). If an AP does not address Section 508 applicability and it appears an acquisition involves Section 508, or if the discussion of Section 508 applicability to the acquisition is inadequate or incomplete, the contracting officer shall request the requiring activity modify the AP accordingly.

(d) Items provided incidental to contract administration are not subject to this section.

(e) The OPDIV Section 508 Official or designee may, at his or her discretion, require review and approval of solicitations and contracts for EIT supplies and services.

SUBCHAPTER G—CONTRACT MANAGEMENT

PART 342—CONTRACT ADMINISTRATION

Subpart 342.7—Indirect Cost Rates

Sec.
342.705 Final indirect cost rates.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 342.7—Indirect Cost Rates

342.705 Final indirect cost rates.

Contract actions for which the Department of Health and Human Services is the cognizant Federal agency:

(a) The Financial Management Services (FMS), Division of Cost Allocation, Program Support Center (PSC)), shall establish facilities and administration costs, also known as indirect cost rates, research patient care rates, and, as necessary, fringe benefits, computer, and other special costing rates for use in contracts awarded to State and local governments, colleges and universities, hospitals, and other nonprofit organizations.

(b) The National Institutes of Health (NIH) Division of Financial Advisory Services, shall establish indirect cost rates and similar rates for use in contracts awarded to for profit organizations.

SUBCHAPTER H—CLAUSES AND FORMS

PART 352—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 352.1—Instructions for Using Provisions and Clauses

Sec.
352.100 Scope of subpart.
352.101–70 Application of provisions and clauses.

Subpart 352.2—Texts of Provisions and Clauses

352.203–70 Anti-lobbying.
352.204–70 Prevention and Public Health Fund-Reporting Requirements.
352.208–70 Printing and Duplication.
352.211–1 Accessibility of meetings, conferences, and seminars to persons with disabilities.
352.211–2 Conference sponsorship request and conference materials disclaimer.
352.211–3 Paperwork Reduction Act.
352.215–70 Late proposals and revisions.
352.216–70 Additional cost principles.
352.219–70 Mentor-protégé program.
352.219–71 Mentor-protégé program reporting requirements.
352.222–70 Contractor cooperation in equal employment opportunity investigations.
352.223–70 Safety and health.
352.223–71 Instructions to Offerors–Sustainable Acquisition.
352.224–70 Privacy Act.
352.224–71 Confidential Information.
352.226–1 Indian preference.
352.226–2 Indian preference program.
352.226–3 Native American Graves Protection and Repatriation Act.
352.227–11 Patent Rights—Exceptional Circumstances.
352.227–14 Rights in Data—Exceptional Circumstances.
352.227–70 Publications and publicity.
352.231–70 Salary rate limitation.
352.232–70 Incremental Funding.
352.233–70 Choice of law (overseas).
352.233–71 Litigation and claims.
352.236–70 Design-Build Contracts.
352.237–70 Pro-Children Act.
352.237–71 Crime Control Act—reporting of child abuse.
352.237–72 Crime Control Act—requirement for background checks.
352.237–73 Indian Child Protection and Family Violence Act.
352.237–74 Non-Discrimination in Service Delivery.
352.237–75 Key personnel.
352.239–73 Electronic Information and Technology Accessibility Notice.
352.239–74 Electronic Information and Technology Accessibility.
352.270–1 [*Reserved]*
352.270–2 [*Reserved]*
352.270–3 *[Reserved]*
352.270–4a Notice to Offerors, Protection of Human Subjects.
352.270–4b Protection of Human Subjects.
352.270–5a Notice to Offerors of Requirement for Compliance with the Public Health Service Policy on Humane Care and Use of Laboratory Animals.
352.270–5b Care of Live Vertebrate Animals.
352.270–6 Restriction on use of Human Subjects.
352.270–7 *[Reserved]*
352.270–8 [Reserved]
352.270–9 Non-discrimination for conscience.
352.270–10 Notice to Offerors—Protection of Human Subjects, Research Involving Human Subjects Committee (RIHSC) Approval of Research Protocols Required.
352.270–11 Protection of Human Subjects, Research Involving Human Subjects Committee (RIHSC) Approval of Research Protocols Required.
352.270–12 Needle Exchange.
352.270–13 Continued Ban on Funding Abortion and Continued Ban on Funding of Human Embryo Research.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 352.1—Instructions for Using Provisions and Clauses

352.100 Scope of subpart.

This subpart provides guidance for applying the Department of Health and Human Services provisions and clauses in solicitations, contracts, and orders.

352.101–70 Application of provisions and clauses.

(a) If a clause is included in the master instrument (*e.g.,* in an indefinite delivery/indefinite quantity contract or a blanket purchase agreement), it is not necessary to also include the clause in a task order or delivery order thereunder.

(b) When a dollar amount or dollar threshold is specified (*e.g.,* $25 million or simplified acquisition threshold), the dollar amount of the award (contract or order) includes any options thereunder.

Subpart 352.2—Texts of Provisions and Clauses

352.203–70 Anti-lobbying.

As prescribed in *303.808–70,* the Contracting Officer shall insert the following clause:

Anti-Lobbying (Date)

Pursuant to the HHS annual appropriations acts, except for normal and recognized executive-legislative relationships, the Contractor shall not use any HHS contract funds for:

(a) Publicity or propaganda purposes;

(b) The preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any state or local legislature itself; or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any state or local government, except in presentation to the executive branch of any state or local government itself; or

(c) Payment of salary or expenses of the Contractor, or any agent acting for the Contractor, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any state government, state legislature or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a state, local, or tribal government in policymaking and administrative processes within the executive branch of that government.

(d) The prohibitions in subsections (a), (b), and (c) above shall include any activity to advocate or promote any proposed, pending, or future federal, state, or local tax increase, or any proposed, pending, or future requirement for, or restriction on, any legal consumer product, including its sale or marketing, including, but not limited to, the advocacy or promotion of gun control.

(End of clause)

352.204–70 Prevention and Public Health Fund—Reporting Requirements.

As prescribed in HHSAR *304.7201,* insert the following clause:

Prevention And Public Health Fund—Reporting Requirements (Date)

(a) Pursuant to Public Law this contract requires the contractor to provide products or services or both that are funded from the Prevention and Public Health Fund (PPHF), Pub. L. 111–148, sec. 4002. Section 220(b)(5) requires each contractor to report on its use of these funds under this contract. These reports will be made available to the public.

(b) Semi-annual reports from the Contractor for all work funded, in whole or in part, by the PPHF, are due no later than 20 days following the end of each 6-month period. The 6-month reporting periods are January through June and July through December. The first report is due no later than 20 days after the end of the six-month period following contract award. Subsequent reports are due no later than 20 days after the end of each reporting period. If applicable, the Contractor shall submit its final report for the remainder of the contract period no later than 20 days after the end of the reporting period in which the contract ended.

(c) The Contractor shall provide the following information in an electronic and Section 508 compliant format to the Contracting Officer.

(1) The Government contract and order number, as applicable.

(2) The amount of PPHF funds invoiced by the contractor for the reporting period and the cumulative amount invoiced for the contract or order.

(3) A list of all significant services performed or supplies delivered, including construction, for which the contractor invoiced in the reporting period.

(4) Program or project title, if any.

(5) The Contractor shall report any subcontract funded in whole or in part with PPHF funding, that is valued at $25,000 or more. The Contractor shall advise the subcontractor that the information will be made available to the public. The Contractor shall report:

(i) Name and address of the subcontractor.

(ii) Amount of the subcontract award.

(iii) Date of the subcontract award.

(iv) A description of the products or services (including construction) being provided under the subcontract.

(End of clause)

352.208–70 Printing and Duplication.

As prescribed in 308.803, the Contracting Officer shall insert the following clause:

Printing and Duplication (Date)

(a) Unless otherwise specified in this contract, no printing by the Contractor or any subcontractor is authorized under this contract. All printing required must be performed by the Government Publishing Office except as authorized by the Contracting Officer. The Contractor shall submit camera-ready copies to the Contracting Officer's Representative (COR). The terms ''printing'' and ''duplicating/copying'' are defined in the Government Printing and Binding Regulations of the Joint Committee on Printing.

(b) If necessary for performance of the contract, the Contractor may duplicate or copy less than 5,000 production units of only one page, or less than 25,000 production units in aggregate of multiple pages for the use of a department or agency. A production unit is defined as one sheet, size 8.5 x 11 inches, one side only, and one color. The pages may not exceed a maximum image size of 10–3/4 by 14–1/4 inches. This page limit applies to each printing requirement and not for all printing requirements under the entire contract.

(c) Approval for all printing, as well as duplicating/copying in excess of the stated limits, shall be obtained from the COR who will consult with the designated publishing services office and provide direction to the contractor. The cost of any unauthorized printing or duplicating/copying under this contract will be considered an unallowable cost for which the Contractor will not be reimbursed.

352.211–1 Accessibility of meetings, conferences, and seminars to persons with disabilities.

As prescribed in *311.7102,* the Contracting Officer shall insert the following clause:

Accessibility of Meetings, Conferences, and Seminars to Persons with Disabilities (Date)

The Contractor agrees as follows:

(a) Except for ad hoc meetings necessary or incidental to contract performance, the Contractor shall develop a plan to assure that any meeting, conference, or seminar held pursuant to this contract will meet or exceed the minimum accessibility standards set forth in 28 CFR part 36. The Contractor shall submit the plan to the Contracting Officer Representative for approval prior to initiating action. The Contractor may submit a consolidated or master plan for contracts requiring numerous meetings, conferences, or seminars in lieu of separate plans.

(b) The Contractor shall manage the contract in accordance with the standards set forth in 28 CFR part 36.

352.211–2 Conference sponsorship request and conference materials disclaimer.

As prescribed in *311.7202,* the Contracting Officer shall insert the following clause:

Conference Sponsorship Request and Conference Materials Disclaimer (Date)

(a) If HHS is not the sole provider of funding under this contract, then, prior to the Contractor claiming HHS conference sponsorship, the Contractor shall submit a written request (including rationale) to the Contracting Officer for permission to claim such HHS sponsorship.

(b) Whether or not HHS is the conference sponsor, the Contractor shall include the following statement on conference materials, including promotional materials, agendas, and Web sites:

''This conference was funded, in whole or in part, through a contract (insert contract number) with the Department of Health and Human Services (HHS) (insert name of OPDIV or STAFFDIV). The views expressed in written conference materials and by speakers and moderators at this conference, do not necessarily reflect the official policies of HHS, nor does mention of trade names, commercial practices, or organizations imply endorsement by the U.S. Government.''

(c) Unless authorized in writing by the Contracting Officer, the Contractor shall not display the HHS logo on any conference materials.

(End of clause)

352.211–3 Paperwork Reduction Act.

As prescribed in *311.7301,* the Contracting Officer shall insert the following clause:

Paperwork Reduction Act (Date)

(a) This contract involves a requirement to collect or record information calling either for answers to identical questions from 10 or more persons other than Federal employees, or information from Federal employees which is outside the scope of their employment, for use by the Federal government or disclosure to third parties; therefore, the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) shall apply to this contract. No plan, questionnaire, interview guide or other similar device for collecting information (whether repetitive or single time) may be used without the Office of Management and Budget (OMB) first providing clearance. Contractors and the Contracting Officer's Representative shall be guided by the provisions of 5 CFR part 1320, Controlling Paperwork Burdens on the Public, and seek the advice of the HHS operating division or Office of the Secretary Reports Clearance Officer to determine the procedures for acquiring OMB clearance.

(b) The Contractor shall not expend any funds or begin any data collection until the Contracting Officer provides the Contractor with written notification authorizing the expenditure of funds and the collection of data. The Contractor shall allow at least 120 days for OMB clearance. The Contracting Officer will consider excessive delays caused by the Government which arise out of causes beyond the control and without the fault or negligence of the Contractor in accordance with the Excusable Delays or Default clause of this contract.

(End of clause)

352.215–70 Late proposals and revisions.

As prescribed in *315.208,* the Contracting Officer shall insert the following provision:

Late Proposals and Revisions (Date) Deviation

Notwithstanding the procedures contained in FAR 52.215–1(c)(3) of the provision of this solicitation entitled Instructions to Offerors—Competitive Acquisition, the Government

may consider a proposal received after the date specified for receipt if it appears to offer significant cost or technical advantage to the Government and it was received before proposals were distributed for evaluation, or within 5 calendar days after the exact time specified for receipt, whichever is earlier.

(End of provision)

352.216–70 Additional cost principles.

As prescribed in *316.307(a)(2),* the Contracting Officer shall insert the following clause:

Additional Cost Principles (Date)

(a) *Bid and proposal (B&P) costs.* (1) B&P costs are the immediate costs of preparing bids, proposals, and applications for potential Federal and non-Federal contracts, grants, and agreements, including the development of scientific, cost, and other data needed to support the bids, proposals, and applications.

(2) B&P costs of the current accounting period are allowable as indirect costs.

(3) B&P costs of past accounting periods are unallowable in the current period. However, if the organization's established practice is to treat these costs by some other method, they may be accepted if they are found to be reasonable and equitable.

(4) B&P costs do not include independent research and development (IR&D) costs covered by the following paragraph, or pre-award costs covered by paragraph 36 of Attachment B to OMB Circular A–122.

(b) *IR&D costs.* (1) IR&D is research and development conducted by an organization which is not sponsored by Federal or non-Federal contracts, grants, or other agreements.

(2) IR&D shall be allocated its proportionate share of indirect costs on the same basis as the allocation of indirect costs to sponsored research and development.

(3) The cost of IR&D, including its proportionate share of indirect costs, is unallowable.

(End of clause)

352.219–70 Mentor-protégé program.

As prescribed in *319.270–1(a),* the Contracting Officer shall insert the following provision:

Mentor-Protégé Program (Date)

(a) Large business prime contractors serving as mentors in the HHS Mentor-Protégé Program are eligible for HHS subcontracting plan credit, and shall submit a copy of their HHS Office of Small and Disadvantaged Business Utilization (OSDBU)-approved mentor-protégé agreements as part of their offers. The amount of credit provided by the Contracting Officer to a mentor firm for protégé firm developmental assistance costs shall be calculated on a dollar for dollar basis and reported by the mentor firm in the Summary Subcontract Report via the Electronic Subcontracting Reporting System (eSRS) at *www.esrs.gov.* The mentor firm and protégé firm shall submit to the Contracting Officer a signed joint statement agreeing on the dollar value of the developmental assistance the mentor firm provided. (For example, a mentor firm would report a $10,000 subcontract awarded to a protégé firm and provision of $5,000 of developmental assistance as $15,000 of subcontracting plan credit.) The mentor firm may use this additional credit towards attaining its subcontracting plan participation goal under this contract.

(b) The program consists of—

(1) *Mentor firms*—large businesses that:

(i) Demonstrate the interest, commitment, and capability to provide developmental assistance to small business protégé firms; and

(ii) Have a Mentor-Protégé agreement approved by HHS' OSDBU;

(2) *Protégé firms*—firms that:

(i) Seek developmental assistance;

(ii) Qualify as small businesses, veteran-owned small businesses, service-disabled veteran-owned small businesses, HUBZone small businesses, small disadvantaged businesses, or woman-owned small businesses; and

(iii) Have a Mentor-Protégé agreement approved by HHS' OSDBU; and

(3) *Mentor-Protégé agreements*—joint agreements, approved by HHS' OSDBU, which detail the specific terms, conditions, and responsibilities of the mentor-protégé relationship.

(End of provision)

352.219–71 Mentor-protégé program reporting requirements.

As prescribed in *319.270–1(b),* the Contracting Officer shall insert the following clause:

Mentor-Protégé Program Reporting Requirements (January 2010)

The Contractor shall comply with all reporting requirements specified in its Mentor-Protégé agreement approved by HHS' OSDBU.

(End of clause)

352.222–70 Contractor cooperation in equal employment opportunity investigations.

As prescribed in *322.810(h),* the Contracting Officer shall insert the following clause:

Contractor Cooperation in Equal Employment Opportunity Investigations (Date)

(a) In addition to complying with the clause at FAR 52.222–26, Equal Opportunity, the Contractor shall, in good faith, cooperate with the Department of Health and Human Services (Agency) in investigations of Equal Employment Opportunity (EEO) complaints processed pursuant to 29 CFR part 1614. For purposes of this clause, the following definitions apply:

(1) *Complaint* means a formal or informal complaint that has been lodged with Agency management, Agency EEO officials, the Equal Employment Opportunity Commission (EEOC), or a court of competent jurisdiction.

(2) *Contractor employee* means all current Contractor employees who work or worked under this contract. The term also includes current employees of subcontractors who work or worked under this contract. In the case of Contractor and subcontractor employees—who worked under this contract, but who are no longer employed by the Contractor or subcontractor, or who have been assigned to another entity within the Contractor's or subcontractor's organization, the Contractor shall provide the Agency with that employee's last known mailing address, email address, and telephone number, if that employee has been identified as a witness in an EEO complaint or investigation.

(3) *Good faith cooperation* cited in paragraph (a) includes, but is not limited to, making Contractor employees available for:

(i) Formal and informal interviews by EEO counselors or other Agency officials processing EEO complaints;

(ii) Formal or informal interviews by EEO investigators charged with investigating complaints of unlawful discrimination filed by Federal employees;

(iii) Reviewing and signing appropriate affidavits or declarations summarizing statements provided by such Contractor employees during the course of EEO investigations;

(iv) Producing documents requested by EEO counselors, EEO investigators, Agency employees, or the EEOC in connection with a pending EEO complaint; and

(v) Preparing for and providing testimony in depositions or in hearings before the MSPB, EEOC and U.S. District Court.

(b) The Contractor shall include the provisions of this clause in all subcontract solicitations and subcontracts awarded at any tier under this contract.

(c) Failure on the part of the Contractor or its subcontractors to comply with the terms of this clause may be grounds for the Contracting Officer to terminate this contract for default.

(End of clause)

352.223–70 Safety and health.

As prescribed in *323.7002,* the Contracting Officer shall insert the following clause:

Safety and Health (Date)

(a) To help ensure the protection of the life and health of all persons, and to help prevent damage to property, the Contractor shall comply with all Federal, State, and local laws and regulations applicable to the work being performed under this contract. These laws are implemented or enforced by the Environmental Protection Agency, Occupational Safety and Health Administration (OSHA) and other regulatory/enforcement agencies at the Federal, State, and local levels.

(1) In addition, the Contractor shall comply with the following regulations when developing and implementing health and safety operating procedures and practices for both personnel and facilities involving the use or handling of hazardous materials and the conduct of research, development, or test projects:

(i) 29 CFR 1910.1030, Bloodborne pathogens; 29 CFR 1910.1450, Occupational exposure to hazardous chemicals in laboratories; and other applicable

occupational health and safety standards issued by OSHA and included in 29 CFR part 1910. These regulations are available at *http://www.osha.gov.*

(ii) Nuclear Regulatory Commission Standards and Regulations, pursuant to the Energy Reorganization Act of 1974 (42 U.S.C. 5801 *et seq.*). The Contractor may obtain copies from the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

(2) The following Government guidelines are recommended for developing and implementing health and safety operating procedures and practices for both personnel and facilities:

(i) Biosafety in Microbiological and Biomedical Laboratories, CDC. This publication is available at *http://www.cdc.gov/biosafety/publications/index.htm.*

(ii) Prudent Practices for Safety in Laboratories (1995), National Research Council, National Academy Press, 500 Fifth Street NW., Lockbox 285, Washington, DC 20055 (ISBN 0–309–05229–7). This publication is available at *http://www.nap.edu/catalog/4911.html.*

(b) Further, the Contractor shall take or cause to be taken additional safety measures as the Contracting Officer, in conjunction with the Contracting Officer's Representative or other appropriate officials, determines to be reasonably necessary. If compliance with these additional safety measures results in an increase or decrease in the cost or time required for performance of any part of work under this contract, the Contracting Officer will make an equitable adjustment in accordance with the applicable ''Changes'' clause set forth in this contract.

(c) The Contractor shall maintain an accurate record of, and promptly report to the Contracting Officer, all accidents or incidents resulting in the exposure of persons to toxic substances, hazardous materials or hazardous operations; the injury or death of any person; or damage to property incidental to work performed under the contract resulting from toxic or hazardous materials and resulting in any or all violations for which the Contractor has been cited by any Federal, State or local regulatory/enforcement agency. The report citing all accidents or incidents resulting in the exposure of persons to toxic substances, hazardous materials or hazardous operations; the injury or death of any person; or damage to property incidental to work performed under the contract resulting from toxic or hazardous materials and resulting in any or all violations for which the Contractor has been cited shall include a copy of the notice of violation and the findings of any inquiry or inspection, and an analysis addressing the impact these violations may have on the work remaining to be performed. The report shall also state the required action(s), if any, to be taken to correct any violation(s) noted by the Federal, State, or local regulatory/enforcement agency and the time frame allowed by the agency to accomplish the necessary corrective action.

(d) If the Contractor fails or refuses to comply with the Federal, State or local regulatory/enforcement agency's directive(s) regarding any violation(s) and prescribed corrective action(s), the Contracting Officer may issue an order stopping all or part of the work until satisfactory corrective action (as approved by the Federal, State, or local regulatory/enforcement agencies) has been taken and documented to the Contracting Officer. No part of the time lost due to any such stop work order shall form the basis for a request for extension or costs or damages by the Contractor.

(e) The Contractor shall insert the substance of this clause in each subcontract involving toxic substances, hazardous materials, or hazardous operations. The Contractor is responsible for the compliance of its subcontractors with the provisions of this clause.

(End of clause)

352.223–71 Instructions to Offerors—Sustainable Acquisition.

As prescribed in *323.7103,* the Contracting Officer shall insert the following provision:

Instructions to Offerors—Sustainable Acquisition (Date)

Offerors must include a Sustainable Acquisition Plan in their technical proposals. The Plan must describe their approach and the quality assurance mechanisms in place for applying FAR 23.1, Sustainable Acquisition Policy (and other Federal laws, regulations and Executive Orders governing sustainable acquisition purchasing) to this acquisition. The Plan shall clearly identify those products and services included in Federal sustainable acquisition preference programs by categorizing them along with their respective price/cost in the following eight groups: Recycled Content, Energy Efficient, Biobased, Environmentally Preferable, Electronic Product Environment Assessment Tool, Water-Efficient, Non-Ozone Depleting Substances, and Alternative Fuel Vehicle and Alternative Fuels.

(End of provision)

352.224–70 Privacy Act.

As prescribed in *324.105(a),* the Contracting Officer shall insert the following clause:

Privacy Act (Date)

This contract requires the Contractor to perform one or more of the following: (a) design; (b) develop; or (c) operate a Federal agency system of records to accomplish an agency function in accordance with the Privacy Act of 1974 (Act) (5 U.S.C. 552a(m)(1)) and applicable agency regulations.

The term *system of records* means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual. Violations of the Act by the Contractor and/or its employees may result in the imposition of criminal penalties (5 U.S.C. 552a(i)).

The Contractor shall ensure that each of its employees knows the prescribed rules of conduct in 45 CFR part 5b and that each employee is aware that he/she is subject to criminal penalties for violation of the Act to the same extent as Department of Health and Human Services employees. These provisions also apply to all subcontracts the Contractor awards under this contract which require the design, development or operation of the designated system(s) of records (5 U.S.C. 552a(m)(1)). The contract work statement:

(a) Identifies the system(s) of records and the design, development, or operation work the Contractor is to perform; and

(b) Specifies the disposition to be made of such records upon completion of contract performance.

(End of clause)

352.224–71 Confidential Information.

As prescribed in *324.105(b),* insert the following clause:

Confidential Information (Date)

(a) Confidential Information, as used in this clause, means information or data of a personal nature about an individual, or proprietary information or data submitted by or pertaining to an institution or organization.

(b) Specific information or categories of information that the Government will furnish to the contractor, or that the contractor is expected to generate, which are confidential may be identified elsewhere in this contract. The Contracting Officer may modify this contract to identify Confidential Information from time to time during performance.

(c) Confidential Information or records shall not be disclosed by the Contractor until:

(1) Written advance notice of at least 45 days shall be provided to the Contracting Officer of the Contractor's intent to release findings of studies or research, to which an agency response may be appropriate to protect the public interest or that of the agency.

(2) For information provided by or on behalf of the government,

(i) The publication or dissemination of the following types of information are restricted under this contract: [INSERT RESTRICTED TYPES OF INFORMATION. IF NONE, SO STATE.]

(ii) The reason(s) for restricting the types of information identified in subparagraph (i) is/are: [STATE WHY THE PUBLIC OR GOVERNMENT INTEREST REQUIRES THE RESTRICTION OF EACH TYPE OF INFORMATION. ANY BASIS FOR NONDISCLOSURE WHICH WOULD BE VALID UNDER THE FREEDOM OF INFORMATION ACT IS SUFFICIENT UNDER THIS CLAUSE.]

(iii) Written advance notice of at least 45 days shall be provided to the Contracting Officer of the Contractor's intent to disseminate or publish information identified in subparagraph (2)(i). The contractor shall not disseminate or publish such information without the written consent of the Contracting Officer.

(d) Whenever the Contractor is uncertain with regard to the confidentiality of or a property interest in information under this contract, the Contractor should consult with the Contracting Officer prior to any release, disclosure, dissemination, or publication.

352.226–1 Indian Preference.

As prescribed in *326.505(a),* the Contracting Officer shall insert the following clause:

Indian Preference (Date)

(a) The Contractor agrees to give preference in employment opportunities under this contract to Indians who can perform required work, regardless of age (subject to existing laws and regulations), sex, religion, or tribal affiliation. To the extent feasible and consistent with the efficient performance of this contract, the Contractor further agrees to give preference in employment and training opportunities under this contract to Indians who are not fully qualified to perform regardless of age (subject to existing laws and regulations), sex, religion, or tribal affiliation. The Contractor also agrees to give preference to Indian organizations and Indian-owned economic enterprises in the awarding of any subcontracts to the extent feasible and consistent with the efficient performance of this contract. The Contractor shall maintain the necessary statistical records to demonstrate compliance with this paragraph.

(b) In connection with the Indian employment preference requirements of this clause, the Contractor shall provide reasonable opportunities for training, incident to such employment. Such training shall include on-the-job, classroom, or apprenticeship training designed to increase the vocational effectiveness of an Indian employee.

(c) If the Contractor is unable to fill its employment and training opportunities after giving full consideration to Indians as required by this clause, the Contractor may satisfy those needs by selecting non-Indian persons in accordance with the clause of this contract entitled ''Equal Opportunity.''

(d) If no Indian organizations or Indian-owned economic enterprises are available under reasonable terms and conditions, including price, for awarding of subcontracts in connection with the work performed under this contract, the Contractor agrees to comply with the provisions of this contract involving utilization of small businesses; HUBZone small businesses; service-disabled, veteran-owned small businesses; 8(a) small businesses; veteran-owned small businesses; women-owned small businesses; or small disadvantaged businesses.

(e) As used in this clause,

(1) *Indian* means a person who is a member of an Indian tribe. If the Contractor has reason to doubt that a person seeking employment preference is an Indian, the Contractor shall grant the preference but shall require the individual provide evidence within 30 days from the tribe concerned that the person is a member of the tribe.

(2) *Indian tribe* means an Indian tribe, pueblo, band, nation, or other organized group or community, including Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688; 43 U.S.C. 1601) which the United States recognizes as eligible for the special programs and services provided to Indians because of its status as Indians.

(3) *Indian organization* means the governing body of any Indian Tribe or entity established or recognized by such governing body in accordance with the Indian Financing Act of 1974 (88 Stat. 77; 25 U.S.C. 1451).

(4) *Indian-owned economic enterprise* means any Indian-owned commercial, industrial, or business activity established or organized for the purpose of profit, provided that such Indian ownership shall constitute not less than 51 percent of the enterprise, and that ownership shall encompass active operation and control of the enterprise.

(f) The Contractor agrees to include the provisions of this clause, including this paragraph (f) of this clause, in each subcontract awarded at any tier under this contract.

(g) In the event of noncompliance with this clause, the Contracting Officer may terminate the contract in whole or in part or may pursue any other remedies authorized by law or by other provisions of the contract.

(End of clause)

352.226–2 Indian Preference Program.

As prescribed in *326.505(b),* the Contracting Officer shall insert the following clause:

Indian Preference Program (Date)

(a) In addition to the requirements of the clause of this contract entitled ''Indian Preference,'' the Contractor agrees to establish and conduct an Indian preference program which will expand opportunities for Indians to receive preference for employment and training in connection with the work performed under this contract, and which will expand the opportunities for Indian organizations and Indian-owned economic enterprises to receive a preference in the awarding of subcontracts. In this connection, the Contractor shall perform the following:

(1) Designate a liaison officer who will maintain liaison with the Government and the Tribe(s) on Indian preference matters; supervise compliance with the provisions of this clause; and administer the Contractor's Indian preference program.

(2) Advise its recruitment sources in writing and include a statement in all employment advertisements that Indian applicants receive preference in employment and training incident to such employment.

(3) Not more than 20 calendar days after award of the contract, post a written notice setting forth the Contractor's employment needs and related training opportunities in the tribal office of any reservations on or near the contract work location. The notice shall include the approximate numbers and types of employees needed; the approximate dates of employment; any experience or special skills required for employment; training opportunities available; and other pertinent information necessary to advise prospective employees of any other employment requirements. The Contractor shall also request the tribe(s) on or near whose reservation(s) the Contractor will perform contract work to provide assistance filling its employment needs and training opportunities. The Contracting Officer will advise the Contractor of the name, location, and phone number of the Tribal officials to contact regarding the posting of notices and requests for Tribal assistance.

(4) Establish and conduct a subcontracting program which gives preference to Indian organizations and Indian-owned economic enterprises as subcontractors (including suppliers) under this contract. The Contractor shall give public notice of existing subcontracting opportunities and, to the extent feasible and consistent with the efficient performance of this contract, shall solicit bids or proposals from Indian organizations or Indian-owned economic enterprises only. The Contractor shall request assistance and information on Indian firms qualified as subcontractors (including suppliers) from the Tribe(s) on or near whose reservation(s) the Contractor will perform contract work. The Contracting Officer will advise the Contractor of the name, location, and phone number of the Tribal officials to contact regarding the request for assistance and information. Public notices and solicitations for existing subcontracting opportunities shall provide an equitable opportunity for Indian firms to submit bids or proposals by including—

(i) A clear description of the supplies or services required, including quantities, specifications, and delivery schedules that facilitate the participation of Indian firms;

(ii) A statement indicating that Indian organizations and Indian-owned economic enterprises will receive preference in accordance with section 7(b) of Pub. L. 93–638; 88 Stat. 2205; 25 U.S.C. 450e(b);

(iii) Definitions for the terms ''Indian organization'' and ''Indian-owned economic enterprise'' prescribed under the ''Indian Preference'' clause of this contract;

(iv) A statement that the bidder or offeror shall complete certifying that it is an Indian organization or Indian-owned economic enterprise; and

(v) A closing date for receipt of bids or proposals which provides sufficient time for preparation and submission of a bid or proposal. If, after soliciting bids or proposals from Indian organizations and Indian-owned economic enterprises, the Contractor receives no responsive bid or acceptable proposal, the Contractor shall comply with the requirements of paragraph (d) of the ''Indian Preference'' clause of this contract. If the Contractor receives one or more responsive bids or conforming proposals, the Contractor shall award the contract to the low, responsive, responsible bidder or conforming offer from a responsible offeror if the price is reasonable. If the Contractor determines the low responsive bid or conforming proposal's price is unreasonable, the Contractor shall attempt to negotiate a reasonable price and award a subcontract. If parties cannot agree on a reasonable price, the Contractor shall comply with the requirements of paragraph (d) of the ''Indian Preference'' clause of this contract.

(5) Maintain written records under this contract which demonstrate—

(i) The numbers of Indians seeking employment for each employment position available under this contract;

(ii) The number and types of positions filled by Indians and non-Indians;

(iii) The total number of Indians employed under this contract;

(iv) For those positions having both Indian and non-Indian applicants, and a non-Indian is selected for employment, the reason(s) why the Contractor did not select the Indian applicant;

(v) Actions taken to give preference to Indian organizations and Indian-owned economic enterprises for subcontracting opportunities which exist under this contract;

(vi) Reasons why Indian subcontractors and or suppliers did not receive preference for each requirement where the Contractor determined that such preference was inconsistent with efficient contract performance; and

(vii) The number of Indian organizations and Indian-owned economic enterprises contacted, and the number receiving subcontract awards under this contract.

(6) Submit to the Contracting Officer for approval a quarterly report summarizing the Contractor's Indian preference program and indicating the number and types of available positions filled by Indians and non-Indians, and the dollar amounts of all subcontracts awarded to Indian organizations and Indian-owned economic enterprises, and to all other firms.

(7) Maintain records pursuant to this clause and keep them available for review by the Government for one year after final payment under this contract, or for such longer period in accordance with requirements of any other clause of this contract or by applicable law or regulation.

(b) For purposes of this clause, the following definitions of terms shall apply:

(1) The terms *Indian, Indian tribe, Indian organization,* and *Indian-owned economic enterprise* are defined in the clause of this contract entitled *Indian Preference.*

(2) *Indian reservation* includes Indian reservations, public domain Indian allotments, former Indian reservations in Oklahoma, and land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act (85 Stat. 688; 43 U.S.C. 1601 *et seq.*)

(3) *On or near an Indian reservation* means on a reservation or reservations or within that area surrounding an Indian reservation(s) where a person seeking employment could reasonably expect to commute to and from in the course of a work day.

(c) Nothing in the requirements of this clause shall preclude Indian tribes from independently developing and enforcing their own Indian preference requirements. Such requirements must not conflict with any Federal statutory or regulatory requirement dealing with the award and administration of contracts.

(d) The Contractor agrees to include the provisions of this clause, including this paragraph (d), in each subcontract awarded at any tier under this contract and to notify the Contracting Officer of such subcontracts.

(e) In the event of noncompliance with this clause, the Contracting Officer may terminate the contract in whole or in part or may pursue any other remedies authorized by law or by other provisions of the contract.

(End of clause)

352.226–3 Native American Graves Protection and Repatriation Act.

As prescribed in *326.701,* the Contracting Officer shall insert the following clause:

Native American Graves Protection and Repatriation Act (Date)

(a) Public Law 101–601, dated November 16, 1990, also known as the Native American Graves Protection and Repatriation Act, imposes certain responsibilities on individuals and organizations when they discover Native American cultural items (including human remains) on federal or tribal lands.

(b) In the event the Contractor discovers Native American cultural items (including human remains, associated funerary objects, unassociated funerary objects, sacred objects and cultural patrimony), as defined in the Act during contract performance, the Contractor shall—

(i) Immediately cease activity in the area of the discovery;

(ii) Notify the Contracting Officer of the discovery; and

(iii) Make a reasonable effort to protect the items discovered before resuming such activity. Upon receipt of the Contractor's discovery notice, the Contracting Officer will notify the appropriate authorities as required by the Act.

(c) Unless otherwise specified by the Contracting Officer, the Contractor may resume activity in the area on the 31st calendar day following the date that the appropriate authorities certify receipt of the discovery notice. The Contracting Officer shall provide to the Contractor the date that the appropriate authorities certify receipt of the discovery notice and the date on which the Contractor may resume activities.

352.227–11 Patent Rights—Exceptional Circumstances.

Patent Rights—Exceptional Circumstances (Sept 2014)

This clause applies to all Contractor and subcontractor (at all tiers) Subject Inventions.

(a) *Definitions.* As used in this clause—

Agency means the Agency of the U.S. Department of Health and Human Services that is entering into this contract.

Class 1 Subject Invention means a Subject Invention described and defined in the DEC that will be assigned to a third party assignee, or assigned as directed by the Agency.

Class 2 Subject Invention means a Subject Invention described and defined in the DEC.

Class 3 Subject Invention means a Subject Invention that does not fall into Class 1 or Class 2 as defined in this clause.

DEC means the Determination of Exceptional Circumstances signed by [insert approving official] ____ on ____ [insert date] ____ and titled ''[insert description].''

Invention means any invention or discovery, which is or may be patentable or otherwise protectable under Title 35 of United States Code, or any novel variety of plant that is or may be protectable under the Plant Variety Protection Act (7 U.S.C. 2321, *et seq.*)

Made means: When used in relation to any invention other than a plant variety, the conception or first actual reduction to practice of such invention; or when used in relation to a plant variety, that the Contractor has at least tentatively determined that the variety has been reproduced with recognized characteristics.

Material means any proprietary material, method, product, composition, compound, or device, whether patented or unpatented, which is provided to the Contractor under this contract.

Nonprofit organization means a university or other institution of higher education or an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)) or any nonprofit scientific or educational organization qualified under a state nonprofit organization statute.

Practical application means to manufacture, in the case of a composition or product; to practice, in the case of a process or method, or to operate, in the case of a machine or system; and, in each case, under such conditions as to establish that the invention is being utilized and that its benefits are, to the extent permitted by law or Government regulations, available to the public on reasonable terms.

Small business firm means a small business concern as defined at section 2 of Public Law 85–536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration. For the purpose of this clause, the size standards for small business concerns involved in Government procurement and subcontracting at 13 CFR 121.3–8 and 13 CFR 121.3–12, respectively, will be used.

Subject Invention means any invention of the Contractor made in the performance of work under this contract.

Third party assignee means any entity or organization that may, as described in the DEC, be assigned Class 1 inventions.

(b) *Allocation of principal rights.* (1) *Retention of pre-existing rights.* Third party assignees shall retain all preexisting rights to Material in which the Third party assignee has a proprietary interest.

(2) *Allocation of Subject Invention rights.* (i) *Disposition of Class 1 Subject Inventions.* (A) Assignment to the Third party assignee or as directed by the Agency. The Contractor shall assign to the Third party assignee designated by the Agency the entire right, title, and interest throughout the world to each Subject Invention, or otherwise dispose of or transfer those rights as directed by the Agency, except to the extent that rights are retained by the Contractor under paragraph (b)(3) of this clause. Any such assignment or other disposition or transfer of rights will be subject to a nonexclusive, nontransferable, irrevocable, paid-up license to the U.S. Government to practice or have practiced the Subject Invention for or on behalf of the U.S. throughout the world. Any assignment shall additionally be subject to the ''March-in rights'' of 35 U.S.C. 203. If the Contractor is a U.S. nonprofit organization it may retain a

royalty free, nonexclusive, nontransferable license to practice the invention for all nonprofit research including for educational purposes, and to permit other U.S. nonprofit organizations to do so.

(B) [Reserved]

(ii) *Disposition of Class 2 and 3 Subject Inventions.* Class 2 Subject Inventions shall be governed by FAR clause 52.227–11, Patent Rights-Ownership (December 2007) (incorporated herein by reference). However, the Contractor shall grant a license in the Class 2 Subject Inventions to the provider of the Material or other party designated by the Agency as set forth in Alternate I.

(iii) Class 3 Subject Inventions shall be governed by FAR clause 52.227–11, Patent Rights-Ownership by the Contractor (December 2007) (previously incorporated herein by reference).

(3) *Greater Rights Determinations.* The Contractor, or an employee-inventor after consultation by the Agency with the Contractor, may request greater rights than are provided in paragraph (b)(1) of this clause in accordance with the procedures of FAR paragraph 27.304–1(c). In addition to the considerations set forth in paragraph 27.304–1(c), the Agency may consider whether granting the requested greater rights will interfere with rights of the Government or any Third party assignee or otherwise impede the ability of the Government or the Third party assignee to, for example, develop and commercialize new compounds, dosage forms, therapies, preventative measures, technologies, or other approaches with potential for the diagnosis, prognosis, prevention, and treatment of human diseases.

A request for a determination of whether the Contractor or the employee-inventor is entitled to retain such greater rights must be submitted to the Agency Contracting Officer at the time of the first disclosure of the invention pursuant to paragraph (c)(1) of this clause, or not later than 8 months thereafter, unless a longer period is authorized in writing by the Contracting Officer for good cause shown in writing by the Contractor. Each determination of greater rights under this contract shall be subject to paragraph (c) of the FAR clause at 52.227–13 (incorporated herein by reference), and to any reservations and conditions deemed to be appropriate by the Agency such as the requirement to assign or exclusively license the rights to Subject Inventions to the Third party assignee.

A determination by the Agency denying a request by the Contractor for greater rights in a Subject Invention may be appealed within 30 days of the date the Contractor is notified of the determination to an Agency official at a level above the individual who made the determination. If greater rights are granted, the Contractor must file a patent application on the invention. Upon request, the Contractor shall provide the filing date, serial number and title, a copy of the patent application (including an English-language version if filed in a language other than English), and patent number and issue date for any Subject Invention in any country for which the Contractor has retained title. Upon request, the Contractor shall furnish the Government an irrevocable power to inspect and make copies of the patent application file.

(c) *Invention disclosure by Contractor.* The Contractor shall disclose in writing each Subject Invention to the Agency Contracting Officer and to the Director, Division of Extramural Inventions and Technology Resources (DEITR), if directed by the Contracting Officer, as provided in paragraph (j) of this clause within 2 months after the inventor discloses it in writing to Contractor personnel responsible for patent matters. The disclosure to the Agency Contracting Officer shall be in the form of a written report and shall identify the contract under which the invention was Made and all inventors. It shall be sufficiently complete in technical detail to convey a clear understanding to the extent known at the time of the disclosure, of the nature, purpose, operation, and the physical, chemical, biological, or electrical characteristics of the invention. The disclosure shall also identify any publication, on sale (offer for sale), or public use of the invention and whether a manuscript describing the invention has been submitted for publication, and if so, whether it has been accepted for publication at the time of disclosure.

In addition, after disclosure to the Agency, the Contractor will promptly notify the Contracting Officer and DEITR of the acceptance of any manuscript describing the invention for publication or of any on sale or public use planned by the Contractor. If the Contractor assigns a Subject Invention to the Third party assignee, then the Contractor and its employee inventors shall assist the Third party assignee in securing patent protection. All costs of securing the patent, including the cost of the Contractor's assistance, are at the Third party's expense. Any assistance provided by the Contractor and its employee inventors to the Third party assignee or other costs incurred in securing patent protection shall be solely at the Third party's expense and not billable to the contract.

(d) *Contractor action to protect the Third party assignee's and the Government's interest.* (1) The Contractor agrees to execute or to have executed and promptly deliver to the Agency all instruments necessary to: Establish or confirm the rights the Government has throughout the world in Subject Inventions pursuant to paragraph (b) of this clause; convey title to a Third party assignee in accordance with paragraph (b) of this clause; and enable the Third party assignee to obtain patent protection throughout the world in that Subject Invention.

(2) The Contractor agrees to require, by written agreement, its employees, other than clerical and nontechnical employees, to disclose promptly in writing to personnel identified as responsible for the administration of patent matters and in a format suggested by the Contractor, each Subject Invention ''Made'' under contract in order that the Contractor can comply with the disclosure provisions of paragraph (c) of this clause, and to execute all papers necessary to file patent applications on Subject Inventions and to establish the Government's rights or a Third party assignee's rights in the Subject Inventions. This disclosure format should require, as a minimum, the information required by subparagraph (c)(1) of this clause. The Contractor shall instruct such employees, through employee agreements or other suitable educational programs, on the importance of reporting inventions in sufficient time to permit the filing of patent applications prior to U.S. or foreign statutory bars.

(3) If the Contractor is granted greater rights, the Contractor agrees to include, within the specification of any United States non-provisional patent application it files, and any patent issuing thereon, covering a Subject Invention the following statement: ''This invention was made with Government support under (identify the Contract) awarded by (identify the specific Agency). The Government has certain rights in the invention.''

(4) The Contractor agrees to provide a final invention statement and certification prior to the closeout of the contract listing all Subject Inventions or stating that there were none.

(e) *Subcontracts.* (1) The Contractor will include this clause in all subcontracts, regardless of tier, for experimental, developmental, or research work. At all tiers, the clause must be modified to identify the parties as follows: References to the Government are not changed, and the subcontractor has all rights and obligations of the Contractor in the clause. The Contractor will not, as part of the consideration for awarding the contract, obtain rights in the subcontractor's Subject Inventions.

(2) In subcontracts, at any tier, the Agency, the subcontractor, and the Contractor agree that the mutual obligations of the parties created by this clause constitute a contract between the subcontractor and the Agency with respect to the matters covered by the clause; provided, however, that nothing in this paragraph is intended to confer any jurisdiction under the Contract Disputes Act in connection with proceedings under paragraph (c)(1)(ii) of FAR clause 52.227–13.

(f) *Reporting on utilization of Subject Inventions in the event greater rights are granted to the Contractor.* The Contractor agrees to submit, on request, periodic reports no more frequently than annually on the utilization of a Subject Invention or on efforts at obtaining such utilization that are being made by the Contractor or its licensees or assignees when a request under subparagraph b.3. has been granted by the Agency. Such reports shall include information regarding the status of development, date of first commercial sale or use, gross royalties received by the Contractor, and such other data and information as the Agency may reasonably specify. The Contractor also agrees to provide additional reports as may be requested by the Agency in connection with any march-in proceeding undertaken by the Agency in accordance with paragraph (h) of this clause. As required by 35 U.S.C. 202(c)(5), the Agency agrees it will not disclose such information to persons outside the Government without permission of the Contractor.

(g) Preference for United States industry in the event greater rights are granted to the Contractor. Notwithstanding any other provision of this clause, the Contractor agrees that neither it nor any assignee will grant to

any person the exclusive right to use or sell any Subject Invention in the United States unless such person agrees that any product embodying the Subject Invention or produced through the use of the Subject Invention will be manufactured substantially in the United States. However, in individual cases, the requirement for such an agreement may be waived by the Agency upon a showing by the Contractor or its assignee that reasonable but unsuccessful efforts have been made to grant licenses on similar terms to potential licensees that would be likely to manufacture substantially in the United States or that under the circumstances domestic manufacture is not commercially feasible.

(h) *March-in rights in the event greater rights are granted to the Contractor.* The Contractor acknowledges that, with respect to any Subject Invention in which it has acquired ownership through the exercise of the rights specified in paragraph (b)(3) of this clause, the Agency has the right to require licensing pursuant to 35 U.S.C. 203 and 210(c), and in accordance with the procedures in 37 CFR 401.6 and any supplemental regulations of Agency in effect on the date of contract award.

(i) *Special provisions for contracts with nonprofit organizations in the event greater rights are granted to the Contractor.* If the Contractor is a nonprofit organization, it shall:

(1) Not assign rights to a Subject Invention in the United States without the written approval of the Agency, except where an assignment is made to an organization that has as one of its primary functions the management of inventions, provided that the assignee shall be subject to the same provisions as the Contractor;

(2) Share royalties collected on a Subject Invention with the inventor, including Federal employee co-inventors (but through their Agency if the Agency deems it appropriate) when the Subject Invention is assigned in accordance with 35 U.S.C. 202(e) and 37 CFR 401.10;

(3) Use the balance of any royalties or income earned by the Contractor with respect to Subject Inventions, after payment of expenses (including payments to inventors) incidental to the administration of Subject Inventions for the support of scientific research or education;

(4) Make efforts that are reasonable under the circumstances to attract licensees of Subject Inventions that are small business concerns, and give a preference to a small business concern when licensing a Subject Invention if the Contractor determines that the small business concern has a plan or proposal for marketing the invention which, if executed, is equally as likely to bring the invention to practical application as any plans or proposals from applicants that are not small business concerns; provided, that the Contractor is also satisfied that the small business concern has the capability and resources to carry out its plan or proposal. The decision whether to give a preference in any specific case will be at the discretion of the Contractor; and

(5) Allow the Secretary of Commerce to review the Contractor's licensing program and decisions regarding small business applicants, and negotiate changes to its licensing policies, procedures, or practices with the Secretary of Commerce when the Secretary's review discloses that the Contractor could take reasonable steps to more effectively implement the requirements of paragraph (i)(4) of this clause.

(j) *Communications.* All invention disclosures and requests for greater rights shall be sent to the Agency Contracting Officer, as directed by the Contracting Officer. Additionally, a copy of all disclosures, confirmatory licenses to the Government, face page of the patent applications, waivers and other routine communications under this funding agreement at all tiers must be sent to:

[Insert Agency Address]

Agency Invention Reporting Web site: *http://www.iEdison.gov.*

Alternate I (Sept 2014). As prescribed in *327.303,* the license to Class 2 inventions recited in *352.227–11(b)(2)(a)* is as follows:

[Insert description of license to Class 2 inventions]

(End of clause)

352.227–14 Rights in Data—Exceptional Circumstances.

As prescribed in *327.409(b)(1),* insert the following clause with any appropriate alternates:

Rights in Data—Exceptional Circumstances (Sept 2014)

(a) *Definitions.* As used in this clause—Definitions may be added or modified in paragraph (a) as applicable.

Computer database or database means a collection of recorded information in a form capable of, and for the purpose of, being stored in, processed, and operated on by a computer. The term does not include computer software.

Computer software—(i) Means (A) Computer programs that comprise a series of instructions, rules, routines, or statements, regardless of the media in which recorded, that allow or cause a computer to perform a specific operation or series of operations; and

(B) Recorded information comprising source code listings, design details, algorithms, processes, flow charts, formulas, and related material that would enable the computer program to be produced, created, or compiled.

(ii) Does not include computer databases or computer software documentation.

Computer software documentation means owner's manuals, user's manuals, installation instructions, operating instructions, and other similar items, regardless of storage medium, that explain the capabilities of the computer software or provide instructions for using the software.

Data means recorded information, regardless of form or the media on which it may be recorded. The term includes technical data and computer software. The term does not include information incidental to contract administration, such as financial, administrative, cost or pricing, or management information.

Form, fit, and function data means data relating to items, components, or processes that are sufficient to enable physical and functional interchangeability, and data identifying source, size, configuration, mating and attachment characteristics, functional characteristics, and performance requirements. For computer software it means data identifying source, functional characteristics, and performance requirements but specifically excludes the source code, algorithms, processes, formulas, and flow charts of the software.

Limited rights means the rights of the Government in limited rights data as set forth in the Limited Rights Notice in Alternate II paragraph (g)(3) if included in this clause. ''Limited rights data'' means data, other than computer software, that embody trade secrets or are commercial or financial and confidential or privileged, to the extent that such data pertain to items, components, or processes developed at private expense, including minor modifications.

Restricted computer software means computer software developed at private expense and that is a trade secret, is commercial or financial and confidential or privileged, or is copyrighted computer software, including minor modifications of the computer software.

Restricted rights, as used in this clause, means the rights of the Government in restricted computer software, as set forth in a Restricted Rights Notice of Alternate III paragraph (g)(4) if included in this clause, or as otherwise may be provided in a collateral agreement incorporated in and made part of this contract, including minor modifications of such computer software.

Technical data means recorded information (regardless of the form or method of the recording) of a scientific or technical nature (including computer databases and computer software documentation). This term does not include computer software or financial, administrative, cost or pricing, or management data or other information incidental to contract administration. The term includes recorded information of a scientific or technical nature that is included in computer databases (See 41 U.S.C. 403(8)).

Unlimited rights means the rights of the Government to use, disclose, reproduce, prepare derivative works, distribute copies to the public, and perform publicly and display publicly, in any manner and for any purpose, and to have or permit others to do so.

(b) *Allocation of rights.* (1) Except as provided in paragraph (c) of this clause, the Government shall have unlimited rights in—

(i) Data first produced in the performance of this contract;

(ii) Form, fit, and function data delivered under this contract;

(iii) Data delivered under this contract (except for restricted computer software) that constitute manuals or instructional and training material for installation, operation, or routine maintenance and repair of items, components, or processes delivered or furnished for use under this contract; and

(iv) All other data delivered under this contract unless provided otherwise for limited rights data or restricted computer software in accordance with paragraph (g) of this clause.

(2) The Contractor shall have the right to—

(i) Assert copyright in data first produced in the performance of this contract to the extent provided in paragraph (c)(1) of this clause;

(ii) Use, release to others, reproduce, distribute, or publish any data first produced or specifically used by the Contractor in the performance of this contract, unless provided otherwise in paragraph (d) of this clause;

(iii) Substantiate the use of, add, or correct limited rights, restricted rights, or copyright notices and to take other appropriate action, in accordance with paragraphs (e) and (f) of this clause; and

(iv) Protect from unauthorized disclosure and use those data that are limited rights data or restricted computer software to the extent provided in paragraph (g) of this clause.

(c) *Copyright.* (1) *Data first produced in the performance of this contract.* (i) Unless provided otherwise in paragraph (d) of this clause, the Contractor may, without prior approval of the Contracting Officer, assert copyright in scientific and technical articles based on or containing data first produced in the performance of this contract and published in academic, technical or professional journals, symposia proceedings, or similar works. The prior, express written permission of the Contracting Officer is required to assert copyright in all other data first produced in the performance of this contract.

(ii) When authorized to assert copyright to the data, the Contractor shall affix the applicable copyright notices of 17 U.S.C. 401 or 402, and an acknowledgment of Government sponsorship (including contract number).

(iii) For data other than computer software, the Contractor grants to the Government and others acting on its behalf, a paid-up, nonexclusive, irrevocable, worldwide license in such copyrighted data to reproduce, prepare derivative works, distribute copies to the public, and perform publicly and display publicly by or on behalf of the Government. For computer software, the Contractor grants to the Government, and others acting on its behalf, a paid-up, nonexclusive, irrevocable, worldwide license in such copyrighted computer software to reproduce, prepare derivative works, and perform publicly and display publicly (but not to distribute copies to the public) by or on behalf of the Government.

(2) Data not first produced in the performance of this contract. The Contractor shall not, without the prior written permission of the Contracting Officer, incorporate in data delivered under this contract any data not first produced in the performance of this contract unless the Contractor—

(i) Identifies the data; and

(ii) Grants to the Government, or acquires on its behalf, a license of the same scope as set forth in paragraph (c)(1) of this clause or, if such data are restricted computer software, the Government shall acquire a copyright license as set forth in paragraph (g)(4) of this clause (if included in this contract) or as otherwise provided in a collateral agreement incorporated in or made part of this contract.

(3) *Removal of copyright notices.* The Government will not remove any authorized copyright notices placed on data pursuant to this paragraph (c), and will include such notices on all reproductions of the data.

(d) Release, publication, and use of data. The Contractor shall have the right to use, release to others, reproduce, distribute, or publish any data first produced or specifically used by the Contractor in the performance of this contract, except—

(1) As prohibited by Federal law or regulation (*e.g.,* export control or national security laws or regulations);

(2) As expressly set forth in this contract; or

(3) If the Contractor receives or is given access to data necessary for the performance of this contract that contain restrictive markings, the Contractor shall treat the data in accordance with such markings unless specifically authorized otherwise in writing by the Contracting Officer or in the following paragraphs.

(4) In addition to any other provisions, set forth in this contract, the Contractor shall ensure that information concerning possible inventions made under this contract is not prematurely published thereby adversely affecting the ability to obtain patent protection on such inventions. Accordingly, the Contractor will provide the Contracting Officer a copy of any publication or other public disclosure relating to the work performed under this contract at least 30 days in advance of the disclosure. Upon the Contracting Officer's request the Contractor agrees to delay the public disclosure of such data or publication of a specified paper for a reasonable time specified by the Contracting Officer, not to exceed 6 months, to allow for the filing of domestic and international patent applications in accordance with Clause 352.227–11, Patent Rights—Exceptional Circumstances (abbreviated month and year of Final Rule publication).

(5) *Data on Material(s).* The Contractor agrees that in accordance with paragraph (d)(2), proprietary data on Material(s) provided to the Contractor under or through this contract shall be used only for the purpose for which they were provided, including screening, evaluation or optimization and for no other purpose.

(6) *Confidentiality.* (i) The Contractor shall take all reasonable precautions to maintain Confidential Information as confidential, but no less than the steps Contractor takes to secure its own confidential information.

(ii) Contractor shall maintain Confidential Information as confidential unless specifically authorized otherwise in writing by the Contracting Officer. Confidential Information includes/does not include [Government may define confidential information here.]

(e) *Unauthorized marking of data.* (1) Notwithstanding any other provisions of this contract concerning inspection or acceptance, if any data delivered under this contract are marked with the notices specified in paragraph (g)(3) or (4) of this clause (if those alternate paragraphs are included in this clause), and use of the notices is not authorized by this clause, or if the data bears any other restrictive or limiting markings not authorized by this contract, the Contracting Officer may cancel or ignore the markings. However, pursuant to 41 U.S.C. 253d, the following procedures shall apply prior to canceling or ignoring the markings.

(i) The Contracting Officer will make written inquiry to the Contractor affording the Contractor 60 days from receipt of the inquiry to provide written justification to substantiate the propriety of the markings;

(ii) If the Contractor fails to respond or fails to provide written justification to substantiate the propriety of the markings within the 60-day period (or a longer time approved in writing by the Contracting Officer for good cause shown), the Government shall have the right to cancel or ignore the markings at any time after said period and the data will no longer be made subject to any disclosure prohibitions.

(iii) If the Contractor provides written justification to substantiate the propriety of the markings within the period set in paragraph (e)(1)(i) of this clause, the Contracting Officer will consider such written justification and determine whether or not the markings are to be cancelled or ignored. If the Contracting Officer determines that the markings are authorized, the Contractor will be so notified in writing. If the Contracting Officer determines, with concurrence of the head of the contracting activity, that the markings are not authorized, the Contracting Officer will furnish the Contractor a written determination, which determination will become the final Agency decision regarding the appropriateness of the markings unless the Contractor files suit in a court of competent jurisdiction within 90 days of receipt of the Contracting Officer's decision. The Government will continue to abide by the markings under this paragraph (e)(1)(iii) until final resolution of the matter either by the Contracting Officer's determination becoming final (in which instance the Government will thereafter have the right to cancel or ignore the markings at any time and the data will no longer be made subject to any disclosure prohibitions), or by final disposition of the matter by court decision if suit is filed.

(2) The time limits in the procedures set forth in paragraph (e)(1) of this clause may be modified in accordance with Agency regulations implementing the Freedom of Information Act (5 U.S.C. 552) if necessary to respond to a request there under.

(3) Except to the extent the Government's action occurs as the result of final disposition of the matter by a court of competent jurisdiction, the Contractor is not precluded by this paragraph (e) from bringing a claim, in accordance with the Disputes clause of this contract, that may arise as the result of the Government removing or ignoring authorized markings on data delivered under this contract.

(f) *Omitted or incorrect markings.* (1) Data delivered to the Government without any restrictive markings shall be deemed to have been furnished with unlimited rights. The Government is not liable for the disclosure, use, or reproduction of such data.

(2) If the unmarked data has not been disclosed without restriction outside the Government, the Contractor may request, within 6 months (or a longer time approved

by the Contracting Officer in writing for good cause shown) after delivery of the data, permission to have authorized notices placed on the data at the Contractor's expense. The Contracting Officer may agree to do so if the Contractor—

(i) Identifies the data to which the omitted notice is to be applied;

(ii) Demonstrates that the omission of the notice was inadvertent;

(iii) Establishes that the proposed notice is authorized; and

(iv) Acknowledges that the Government has no liability for the disclosure, use, or reproduction of any data made prior to the addition of the notice or resulting from the omission of the notice.

(3) If data has been marked with an incorrect notice, the Contracting Officer may—

(i) Permit correction of the notice at the Contractor's expense if the Contractor identifies the data and demonstrates that the correct notice is authorized; or

(ii) Correct any incorrect notices.

(g) *Protection of limited rights data and restricted computer software.* (1) The Contractor may withhold from delivery qualifying limited rights data or restricted computer software that are not data identified in paragraphs (b)(1)(i) through (iii) of this clause. As a condition to this withholding, the Contractor shall—

(i) Identify the data being withheld; and

(ii) Furnish form, fit, and function data instead.

(2) Limited rights data that are formatted as a computer database for delivery to the Government shall be treated as limited rights data and not restricted computer software.

(3) [Reserved]

(h) *Subcontracting.* The Contractor shall obtain from its subcontractors all data and rights therein necessary to fulfill the Contractor's obligations to the Government under this contract. If a subcontractor refuses to accept terms affording the Government those rights, the Contractor shall promptly notify the Contracting Officer of the refusal and shall not proceed with the subcontract award without authorization in writing from the Contracting Officer.

(i) Relationship to patents or other rights. Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government.

(End of clause)

Alternate I (Sept 2014). As prescribed in 327.409, substitute the following definition for ''limited rights data'' in paragraph (a) of the basic clause:

Limited rights data means data, other than computer software, developed at private expense that embody trade secrets or are commercial or financial and confidential or privileged.

Alternate II (Sept 2014). As prescribed in 327.409, insert the following paragraph (g)(3) in the basic clause:

(g)(3) Notwithstanding paragraph (g)(1) of this clause, the contract may identify and specify the delivery of limited rights data, or the Contracting Officer may require by written request the delivery of limited rights data that has been withheld or would otherwise be entitled to be withheld. If delivery of that data is required, the Contractor shall affix the following ''Limited Rights Notice'' to the data and the Government will treat the data, subject to the provisions of paragraphs (e) and (f) of this clause, in accordance with the notice:

Limited Rights Notice (Sept 2014)

(a) These data are submitted with limited rights under Government Contract No. __(and subcontract __, if appropriate). These data may be reproduced and used by the Government with the express limitation that they will not, without written permission of the Contractor, be used for purposes of manufacture nor disclosed outside the Government; except that the Government may disclose these data outside the Government for the following purposes, if any; provided that the Government makes such disclosure subject to prohibition against further use and disclosure: Agencies may list additional purposes or if none, so state.

(b) This notice shall be marked on any reproduction of these data, in whole or in part.

(End of notice)

Alternate III (Sept 2014). As prescribed in 327.409, insert the following paragraph (g)(4) in the basic clause: (g)(4)(i) Notwithstanding paragraph (g)(1) of this clause, the contract may identify and specify the delivery of restricted computer software, or the Contracting Officer may require by written request the delivery of restricted computer software that has been withheld or would otherwise be entitled to be withheld. If delivery of that computer software is required, the Contractor shall affix the following ''Restricted Rights Notice'' to the computer software and the Government will treat the computer software, subject to paragraphs (e) and (f) of this clause, in accordance with the notice:

Restricted Rights Notice (Sept 2014)

(a) This computer software is submitted with restricted rights under Government Contract No. ____ (and subcontract ____, if appropriate). It may not be used, reproduced, or disclosed by the Government except as provided in paragraph (b) of this notice or as otherwise expressly stated in the contract.

(b) This computer software may be—

(1) Used or copied for use with the computer(s) for which it was acquired, including use at any Government installation to which the computer(s) may be transferred;

(2) Used or copied for use with a backup computer if any computer for which it was acquired is inoperative;

(3) Reproduced for safekeeping (archives) or backup purposes;

(4) Modified, adapted, or combined with other computer software, provided that the modified, adapted, or combined portions of the derivative software incorporating any of the delivered, restricted computer software shall be subject to the same restricted rights;

(5) Disclosed to and reproduced for use by support service Contractors or their subcontractors in accordance with paragraphs (b)(1) through (4) of this notice; and

(6) Used or copied for use with a replacement computer.

(c) Notwithstanding the foregoing, if this computer software is copyrighted computer software, it is licensed to the Government with the minimum rights set forth in paragraph (b) of this notice.

(d) Any other rights or limitations regarding the use, duplication, or disclosure of this computer software are to be expressly stated in, or incorporated in, the contract.

(e) This notice shall be marked on any reproduction of this computer software, in whole or in part.

(End of notice)

(ii) Where it is impractical to include the Restricted Rights Notice on restricted computer software, the following short-form notice may be used instead:

Restricted Rights Notice Short Form (Sept 2014)

Use, reproduction, or disclosure is subject to restrictions set forth in Contract No. __ (and subcontract, if appropriate) with __ (name of Contractor and subcontractor).

(End of notice)

(iii) If restricted computer software is delivered with the copyright notice of 17 U.S.C. 401, it will be presumed to be licensed to the Government without disclosure prohibitions, with the minimum rights set forth in paragraph (b) of this clause.

Alternate IV (Sept 2014). As prescribed in 327.409, substitute the following paragraph (c)(1) for paragraph (c)(1) of the basic clause:

(c) *Copyright*—(1) *Data first produced in the performance of the contract.* Except as otherwise specifically provided in this contract, the Contractor may assert copyright in any data first produced in the performance of this contract. When asserting copyright, the Contractor shall affix the applicable copyright notice of 17 U.S.C. 401 or 402, and an acknowledgment of Government sponsorship (including contract number), to the data when such data are delivered to the Government, as well as when the data are published or deposited for registration as a published work in the U.S. Copyright Office. For data other than computer software, the Contractor grants to the Government, and others acting on its behalf, a paid-up, nonexclusive, irrevocable, worldwide license for all such data to reproduce, prepare derivative works, distribute copies to the public, and perform publicly and display publicly, by or on behalf of the Government. For computer software, the Contractor grants to the Government and others acting on its behalf, a paid-up, nonexclusive, irrevocable, worldwide license for all such computer software to reproduce, prepare derivative works, and perform publicly and display publicly (but not to distribute copies to the public), by or on behalf of the Government.

Alternate V (Sept 2014). As prescribed in 327.409, add the following paragraph (j) to the basic clause:

(j) The Contractor agrees, except as may be otherwise specified in this contract for specific data deliverables listed as not subject to this paragraph, that the Contracting Officer may, up to 3 years after acceptance of all deliverables under this contract, inspect at

the Contractor's facility any data withheld pursuant to paragraph (g)(1) of this clause, for purposes of verifying the Contractor's assertion of limited rights or restricted rights status of the data or for evaluating work performance. When the Contractor whose data are to be inspected demonstrates to the Contracting Officer that there would be a possible conflict of interest if a particular representative made the inspection, the Contracting Officer shall designate an alternate inspector.

(End of clause)

352.227–70 Publications and publicity.

As prescribed in *327.404–70(a),* the Contracting Officer shall insert the following clause:

Publications and Publicity (Date)

(a) Unless otherwise specified in this contract, the Contractor may publish the results of its work under this contract. The Contractor shall promptly send a copy of each article submitted for publication to the Contracting Officer's Representative. The Contractor shall also inform the Contracting Officer's Representative when the article or other publication is published, and furnish a copy of it as finally published.

(b) Unless authorized in writing by the Contracting Officer, the Contractor shall not display the HHS logo including Operating Division or Staff Division logos on any publications.

(c) The Contractor shall not reference the product(s) or service(s) awarded under this contract in commercial advertising, as defined in FAR 31.205–1, in any manner which states or implies HHS approval or endorsement of the product(s) or service(s) provided.

(d) The contractor shall include this clause, including this section (d) in all subcontracts where the subcontractor may propose publishing the results of its work under the subcontract.

(End of clause)

352.231–70 Salary rate limitation.

As prescribed in *331.101–70(b),* the Contracting Officer shall insert the following clause:

Salary Rate Limitation (Date)

(a) The Contractor shall not use contract funds to pay the direct salary of an individual at a rate in excess of the Federal Executive Schedule Level II in effect on the date the funding was obligated.

(b) For purposes of the salary rate limitation, the terms ''direct salary,'' ''salary,'' and ''institutional base salary,'' have the same meaning and are collectively referred to as ''direct salary,'' in this clause. An individual's direct salary is the annual compensation that the Contractor pays for an individual's direct effort (costs) under the contract. Direct salary excludes any income that an individual may be permitted to earn outside of duties to the Contractor. Direct salary also excludes fringe benefits, overhead, and general and administrative expenses (also referred to as indirect costs or facilities and administrative costs).

The salary rate limitation does not restrict the salary that an organization may pay an individual working under a Department of Health and Human Services contract or order; it merely limits the portion of that salary that may be paid with contract funds.

(c) The salary rate limitation also applies to individuals under subcontracts.

(d) If this is a multiple-year contract or order, it may be subject to unilateral modification by the Contracting Officer to ensure that an individual is not paid at a rate that exceeds the salary rate limitation provision established in the HHS appropriations act used to fund this contract.

(e) See the salaries and wages pay tables on the Office of Personnel Management Web site for Federal Executive Schedule salary levels.

(End of clause)

352.232–70 Incremental Funding.

As prescribed in *332.706–2(b),* the Contracting Officer shall insert the provision provided below in all solicitations when a cost-reimbursement contract for severable services using incremental funding is contemplated.

Incremental Funding (Date)

The Government intends to negotiate and award a cost-reimbursement contract using incremental funding as described in the clause at FAR 52.232–22, ''Limitation of Funds''. The initial obligation of funds under the contract is expected to cover [*insert the appropriate increment of performance*]. The Government intends to obligate additional funds up to and including the full estimated cost of the contract for the remaining periods of performance by unilateral contract modification. However, the Government is not required to reimburse the Contractor for costs incurred in excess of the total amount obligated, nor is the Contractor required to perform beyond the level supported by the total amount obligated.

(End of provision)

352.233–70 Choice of law (overseas).

As prescribed in *333.215–70(a),* the Contracting Officer shall insert the following clause:

Choice of Law (Overseas) (Date)

This contract shall be construed in accordance with the substantive laws of the United States of America. By the execution of this contract, the Contractor expressly agrees to waive any rights to invoke the jurisdiction of local national courts where this contract is performed and agrees to accept the exclusive jurisdiction of the United States Civilian Board of Contract Appeals or the United States Court of Federal Claims for hearing and determination of any and all disputes that may arise under the Disputes clause of this contract.

(End of clause)

352.233–71 Litigation and claims.

As prescribed in *333.215–70(b),* the Contracting Officer shall insert the following clause:

Litigation and Claims (Date)

(a) The Contractor shall provide written notification immediately to the Contracting Officer of any action, including any proceeding before an administrative agency, filed against the Contractor arising out of the performance of this contract, including, but not limited to the performance of any subcontract hereunder; and any claim against the Contractor the cost and expense of which is allowable under the clause entitled ''Allowable Cost and Payment.''

(b) Except as otherwise directed by the Contracting Officer, the Contractor shall furnish immediately to the Contracting Officer copies of all pertinent documents received by the Contractor with respect to such action or claim. To the extent not in conflict with any applicable policy of insurance, the Contractor may, with the Contracting Officer's approval, settle any such action or claim. If required by the Contracting Officer, the Contractor shall effect an assignment and subrogation in favor of the Government of all the Contractor's rights and claims (except those against the Government) arising out of any such action or claim against the Contractor; and authorize representatives of the Government to settle or defend any such action or claim and to represent the Contractor in, or to take charge of, any action.

(c) If the Government undertakes a settlement or defense of an action or claim, the Contractor shall furnish all reasonable assistance in effecting a settlement or asserting a defense. Where an action against the Contractor is not covered by a policy of insurance, the Contractor shall, with the approval of the Contracting Officer, proceed with the defense of the action in good faith. The Government shall not be liable for the expense of defending any action or for any costs resulting from the loss thereof to the extent that the Contractor would have been compensated by insurance which was required by other terms or conditions of this contract, by law or regulation, or by written direction of the Contracting Officer, but which the Contractor failed to secure through its own fault or negligence. In any event, unless otherwise expressly provided in this contract, the Government shall not reimburse or indemnify the Contractor for any liability loss, cost, or expense, which the Contractor may incur or be subject to by reason of any loss, injury or damage, to the person or to real or personal property of any third parties as may accrue during, or arise from, the performance of this contract.

(End of clause)

352.236–70 Design-Build Contracts.

As prescribed in *336.570(a),* the Contracting Officer shall insert the following clause:

Design-Build Contracts (Date)

(a) General. (1) The contract constitutes and defines the entire agreement between the Contractor and the Government. This contract includes the standard or special contract clauses and schedules included at the time of award. This contract incorporates by reference:

(i) The solicitation in its entirety (with the exception of instructions to offerors and evaluation criteria which do not become part of the award document);

(ii) The specifications and statement of work;

(iii) All drawings, cuts and illustrations, included in the solicitation and any amendments during all proposal phases leading up to award;

(iv) Exhibits and other attachments; and

(v) The successful Offeror's accepted proposal.

(2) In the event of conflict or inconsistency between any of the requirements of the various portions of this contract, precedence shall be given in the following order:

(i) Betterments: Any portions of the Offeror's proposal which exceed the requirements of the solicitation and which go beyond repair and improve the value of the property.

(ii) The contract clauses and schedules included during the solicitation or at the time of award.

(iii) All requirements (other than betterments) of the accepted proposal.

(iv) Any design products, including but not limited to plans, specifications, engineering studies and analyses, shop drawings, equipment installation drawings, *etc.* These are ''deliverables'' under the contract and are not part of the contract itself.

(3) Design products must conform to all requirements of the contract, in the order of precedence stated here.

(b) Responsibility of the contractor for design. (1) The Contractor shall be responsible for the professional quality, technical accuracy, and the coordination of all designs, drawings, specifications, and other non-construction services furnished by the Contractor under this contract. The Contractor shall, without additional compensation, correct or revise any errors or deficiency in its designs, drawings, specifications, and other non-construction services and perform any necessary rework or modifications, including any damage to real or personal property, resulting from the design error or omission.

(2) Neither the Government's review, approval or acceptance of, nor payment for, the services required under this contract shall be construed to operate as a waiver of any rights under this contract or of any cause of action arising out of the performance of this contract. The Contractor shall be and remain liable to the Government in accordance with applicable law for all damages to the Government caused by the Contractor's negligent performance of any of these services furnished under this contract.

(3) The rights and remedies of the Government provided for under this contract are in addition to any other rights and remedies provided by law.

(4) If the Contractor is comprised of more than one legal entity each such entity shall be jointly and severally liable with respect to all rights and remedies of the Government.

(c) Sequence of design—construction. (1) After receipt of the Contract Award, the Contractor shall initiate design, comply with all design submission requirements, and obtain Government review of each submission. No construction may be started until the Government reviews the Final Design submission and determines it satisfactory for purposes of beginning construction. The Contracting Officer will notify the Contractor when the design is cleared for construction. The Government will not grant any time extension for any design resubmittal required when, in the opinion of the Contracting Officer, the initial submission failed to meet the minimum quality requirements as set forth in the Contract.

(2) If the Government allows the Contractor to proceed with limited construction based on pending minor revisions to the reviewed Final Design submission, no payment will be made for any completed or in-progress construction related to the pending revisions until they are completed, resubmitted, and are satisfactory to the Government.

(3) No payment will be made for any completed or in-progress construction until all required submittals have been made, reviewed, and are satisfactory to the Government.

(d) Constructor's role during design. The Contractor's construction management key personnel shall be actively involved during the design process to effectively integrate the design and construction requirements of this contract. In addition to the typical required construction activities, the constructor's involvement includes, but is not limited to actions such as: integrating the design schedule into the Master Schedule to maximize the effectiveness of fast-tracking design and construction (within the limits, if any, allowed in the contract), ensuring constructability and economy of the design, integrating the shop drawing and installation drawing process into the design, executing the material and equipment acquisition programs to meet critical schedules, effectively interfacing the construction Quality Control (QC) program with the design QC program, and maintaining and providing the design team with accurate, up-to-date redline and as-built documentation. The Contractor shall require and manage the active involvement of key trade subcontractors in the above activities.

(e) Preconstruction conference. (1) A preconstruction conference will be arranged by the Contracting Officer after award of contract and before commencement of work. The Contracting Officer or designated representative will notify the Contractor of the time, date, and location for the meeting. At this conference, the Contractor shall be oriented with respect to Government procedures and line of authority, contractual, administrative, and construction matters.

(2) The Contractor shall bring to this conference, in completed form, a Certificate of Insurance, plus the following items in either completed or draft form:

(i) Accident Prevention Plan;

(ii) Quality Control Plan;

(iii) Letter Appointing Superintendent;

(iv) Transmittal Register;

(v) Power of Attorney and Certified Copy of Resolution;

(vi) Network Analysis System, (when identified in the contract schedule as applicable);

(vii) List of Subcontractors;

(viii) SF 1413;

(ix) Performance and Payment Bonds; and

(x) Schedule of Values.

(3) A letter of record will be written documenting all items discussed at the conference, and a copy will be furnished by the Contracting Officer to all in attendance.

(f) Payment for design under fixed-price design-build contracts. (1) The Contracting Officer may approve progress payments for work performed during the project design phase up to the maximum amount of ____ (*Contracting Officer to insert percent figure. If none stated, the amount is four (4) percent*) percent of the contract price.

(2) Contractor invoices for payment must be accompanied by satisfactory documentation supporting the amounts for which payments are requested. Progress payments approved by the Contracting Officer during the project design phase in no way constitute an acceptance of functional and aesthetic design elements nor acceptance of a final settlement amount in the event of a buy-out nor a waiver of any contractual requirements.

(g) Unscheduled jobsite shutdowns. Due to security reasons during the life of this contract the Government may on an unscheduled basis require the contractor to shut down its jobsite for 2 days per year at no additional cost. This shall not constitute a suspension of work under FAR 52.242–14, Suspension of Work

(End of clause)

Alternate I (Date) When Fast Track procedures are being used, replace paragraph (c) of the basic clause with the following:

(c) Sequence of design build. (1) After receipt of the Contract Award the Contractor shall initiate design, comply with all design submissions requirements and obtain Government review of each submission. The contractor may begin construction on portions of the work for which the Government has reviewed the final design submission and has determined satisfactory for purposes of beginning construction. The Contracting Officer will notify the Contractor when the design is cleared for construction. The Government will not grant any time extension for any design resubmittal required when, in the opinion of the Contracting Officer, the initial submission failed to meet the minimum quality requirements as set forth in the Contract.

(2) If the Government allows the Contractor to proceed with the construction based on pending minor revisions to the reviewed Final Design submission, no payment will be made for any in-place construction related to the pending revisions until they are completed, resubmitted, and are satisfactory to the Government.

(3) No payment will be made for any in-place construction until all required submittals have been made, reviewed, and are satisfactory to the Government.

(End of clause)

352.237–70 Pro-Children Act.

As prescribed in *337.103–70(d)(1),* the Contracting Officer shall insert the following clause:

Pro-Children Act (Date)

(a) Public Law 103–227, Title X, Part C, also known as the *Pro-Children Act of 1994* (Act), 20 U.S.C. 7183, imposes restrictions on smoking in facilities where certain federally funded children's services are provided. The Act prohibits smoking within any indoor facility (or portion thereof), whether owned, leased, or contracted for, that is used for the routine or regular provision of: (i) Kindergarten, elementary, or secondary education or library services or (ii) health or day care services that are provided to children under the age of 18. The statutory prohibition also applies to indoor facilities that are constructed, operated, or maintained with Federal funds.

(b) By acceptance of this contract or order, the Contractor agrees to comply with the requirements of the Act. The Act also applies to all subcontracts awarded under this contract for the specified children's services. Accordingly, the Contractor shall ensure that each of its employees, and any subcontractor staff, is made aware of, understands, and complies with the provisions of the Act. Failure to comply with the Act may result in the imposition of a civil monetary penalty in an amount not to exceed $1,000 for each violation and/or the imposition of an administrative compliance order on the responsible entity. Each day a violation continues constitutes a separate violation.

352.237–71 Crime Control Act—Reporting of Child Abuse.

As prescribed in *337.103–70(d)(2),* the Contracting Officer shall insert the following clause:

Crime Control Act of 1990—Reporting of Child Abuse (Date)

(a) *Public Law 101–647, also known as the Crime Control Act of 1990 (Act),* imposes responsibilities on certain individuals who, while engaged in a professional capacity or activity, as defined in the Act, on Federal land or in a federally-operated (or contracted) facility, learn of facts that give the individual reason to suspect that a child has suffered an incident of child abuse.

(b) The Act designates ''covered professionals'' as those persons engaged in professions and activities in eight different categories including, but not limited to, teachers, social workers, physicians, dentists, medical residents or interns, hospital personnel and administrators, nurses, health care practitioners, chiropractors, osteopaths, pharmacists, optometrists, podiatrists, emergency medical technicians, ambulance drivers, alcohol or drug treatment personnel, psychologists, psychiatrists, mental health professionals, child care workers and administrators, and commercial film and photo processors. The Act defines the term ''child abuse'' as the physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child.

(c) Accordingly, any person engaged in a covered profession or activity under an HHS contract or subcontract, regardless of the purpose of the contract or subcontract, shall immediately report a suspected child abuse incident in accordance with the provisions of the Act. If a child is suspected of being harmed, the appropriate State Child Abuse Hotline, local child protective services (CPS), or law enforcement agency shall be contacted. For more information about where and how to file a report, the Childhelp USA, National Child Abuse Hotline (1–800–4–A–CHILD) shall be called. Any covered professional failing to make a timely report of such incident shall be guilty of a Class B misdemeanor.

(d) By acceptance of this contract or order, the Contractor agrees to comply with the requirements of the Act. The Act also applies to all applicable subcontracts awarded under this contract. Accordingly, the Contractor shall ensure that each of its employees, and any subcontractor staff, is made aware of, understands, and complies with the provisions of the Act.

(End of clause)

352.237–72 Crime Control Act—Requirement for Background Checks.

As prescribed in *337.103–70(d)(3),* the Contracting Officer shall insert the following clause:

Crime Control Act of 1990—Requirement for Background Checks (Date)

(a) *Public Law 101–647, also known as the Crime Control Act of 1990 (Act),* requires that all individuals involved with the provision of child care services to children under the age of 18 undergo a criminal background check. ''Child care services'' include, but are not limited to, social services, health and mental health care, child (day) care, education (whether or not directly involved in teaching), and rehabilitative programs. Any conviction for a sex crime, an offense involving a child victim, or a drug felony, may be grounds for denying employment or for dismissal of an employee providing any of the services listed above.

(b) The Contracting Officer will provide the necessary information to the Contractor regarding the process for obtaining the background check. The Contractor may hire a staff person provisionally prior to the completion of a background check, if at all times prior to the receipt of the background check during which children are in the care of the newly-hired person, the person is within the sight and under the supervision of a previously investigated staff person.

(c) By acceptance of this contract or order, the Contractor agrees to comply with the requirements of the Act. The Act also applies to all applicable subcontracts awarded under this contract. Accordingly, the Contractor shall ensure that each of its employees, and any subcontractor staff, is made aware of, understands, and complies with the provisions of the Act.

(End of clause)

352.237–73 Indian Child Protection and Family Violence Act.

As prescribed in *337.103–(d)(4)* the Contracting Officer shall insert the following clause:

Indian Child Protection and Family Violence Act (Date)

(a) This contract is subject to the Indian Child Protection and Family Violence Act, Pub. L. 101–630 (25 U.S.C. 3201 *et seq.*) The duties and responsibilities required by this contract may involve regular contact with or control over Indian children. Pub. L. 101–630 prohibits employment, including Personal Service Contracts, with anyone who has been convicted of any crime of violence. Any such conviction should immediately be brought to the attention of the Contracting Officer. The contractor will be subject to a character investigation, conducted by the Indian Health Service, Office of Human Resources. Until such time as the contractor has been notified of completion of the investigation, the contractor shall have no unsupervised contact with Indian children. In order to initiate this background investigation, the contractor must provide information as required in this contract or as directed by the Contracting Officer.

(b) As a prerequisite to providing services under this contract, the Contractor is required to complete and sign the declaration found in Section J of this contract.

(End of clause)

352.237–74 Non-Discrimination in Service Delivery.

As prescribed in *337.103–70(e),* the Contracting Officer shall insert the following clause in solicitations and contracts:

Non-Discrimination in Service Delivery (Date)

It is the policy of the Department of Health and Human Services that no person otherwise eligible will be excluded from participation in, denied the benefits of, or subjected to discrimination in the administration of HHS programs and services based on non-merit factors such as race, color, national origin, religion, sex, gender identity, sexual orientation, or disability (physical or mental). By acceptance of this contract, the contractor agrees to comply with this policy in supporting the program and in performing the services called for under this contract. The contractor shall include this clause in all sub-contracts awarded under this contract for supporting or performing the specified program and services. Accordingly, the contractor shall ensure that each of its employees, and any sub-contractor staff, is made aware of, understands, and complies with this policy.

(End of clause)

352.237–75 Key Personnel.

As prescribed in *337.103(f),* the Contracting Officer shall insert the following clause:

Key Personnel (Date)

The key personnel specified in this contract are considered to be essential to work performance. At least 30 days prior to the contractor voluntarily diverting any of the specified individuals to other programs or contracts the Contractor shall notify the Contracting Officer and shall submit a justification for the diversion or replacement and a request to replace the individual. The request must identify the proposed replacement and provide an explanation of

how the replacement's skills, experience, and credentials meet or exceed the requirements of the contract (including, when applicable, Human Subjects Testing requirements). If the employee of the contractor is terminated for cause or separates from the contractor voluntarily with less than thirty days notice, the Contractor shall provide the maximum notice practicable under the circumstances. The Contractor shall not divert, replace, or announce any such change to key personnel without the written consent of the Contracting Officer. The contract will be modified to add or delete key personnel as necessary to reflect the agreement of the parties.

(End of clause)

352.239–73 Electronic Information and Technology Accessibility Notice.

(a) As prescribed in *339.203–70(a),* the Contracting Officer shall insert the following provision:

Electronic and Information Technology Accessibility Notice (Date)

(a) Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended by the Workforce Investment Act of 1998 and the Architectural and Transportation Barriers Compliance Board Electronic and Information (EIT) Accessibility Standards (36 CFR part 1194), require that when Federal agencies develop, procure, maintain, or use electronic and information technology, Federal employees with disabilities have access to and use of information and data that is comparable to the access and use by Federal employees who are not individuals with disabilities, unless an undue burden would be imposed on the agency. Section 508 also requires that individuals with disabilities, who are members of the public seeking information or services from a Federal agency, have access to and use of information and data that is comparable to that provided to the public who are not individuals with disabilities, unless an undue burden would be imposed on the agency.

(b) Accordingly, any offeror responding to this solicitation must comply with established HHS EIT accessibility standards. Information about Section 508 is available at *http://www.hhs.gov/web/508.* The complete text of the Section 508 Final Provisions can be accessed at *http://www.access-board.gov/sec508/standards.htm.*

(c) The Section 508 accessibility standards applicable to this solicitation are stated in the clause at 352.239–74, Electronic and Information Technology Accessibility.

In order to facilitate the Government's determination whether proposed EIT supplies meet applicable Section 508 accessibility standards, offerors must submit an HHS Section 508 Product Assessment Template, in accordance with its completion instructions. The purpose of the template is to assist HHS acquisition and program officials in determining whether proposed EIT supplies conform to applicable Section 508 accessibility standards. The template allows offerors or developers to self-evaluate their supplies and document—in detail—whether they conform to a specific Section 508 accessibility standard, and any underway remediation efforts addressing conformance issues. Instructions for preparing the HHS Section 508 Evaluation Template are available under Section 508 policy on the HHS Web site *http://hhs.gov/web/508.*

In order to facilitate the Government's determination whether proposed EIT services meet applicable Section 508 accessibility standards, offerors must provide enough information to assist the Government in determining that the EIT services conform to Section 508 accessibility standards, including any underway remediation efforts addressing conformance issues.

(d) Respondents to this solicitation must identify any exception to Section 508 requirements. If a offeror claims its supplies or services meet applicable Section 508 accessibility standards, and it is later determined by the Government, *i.e.,* after award of a contract or order, that supplies or services delivered do not conform to the described accessibility standards, remediation of the supplies or services to the level of conformance specified in the contract will be the responsibility of the Contractor at its expense.

(End of provision)

352.239–74 Electronic and Information Technology Accessibility.

As prescribed in *339.203–70(b),* insert the following clause:

Electronic and Information Technology Accessibility (Date)

(a) Pursuant to Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended by the Workforce Investment Act of 1998, all electronic and information technology (EIT) supplies and services developed, acquired, or maintained under this contract or order must comply with the ''Architectural and Transportation Barriers Compliance Board Electronic and Information Technology (EIT) Accessibility Standards'' set forth by the Architectural and Transportation Barriers Compliance Board (also referred to as the ''Access Board'') in 36 CFR part 1194. Information about Section 508 is available at *http://www.hhs.gov/web/508.* The complete text of Section 508 Final Provisions can be accessed at *http://www.access-board.gov/sec508/standards.htm.*

(b) The Section 508 accessibility standards applicable to this contract or order are identified in the Statement of Work or Specification or Performance Work Statement. The contractor must provide any necessary updates to the submitted HHS Product Assessment Template(s) at the end of each contract or order exceeding the simplified acquisition threshold (see FAR 2.101) when the contract or order duration is one year or less. If it is determined by the Government that EIT supplies and services provided by the Contractor do not conform to the described accessibility standards in the contract, remediation of the supplies or services to the level of conformance specified in the contract will be the responsibility of the Contractor at its own expense.

(c) The Section 508 accessibility standards applicable to this contract are:

_____

(Contract staff must list applicable standards)

(d) In the event of a modification(s) to this contract or order, which adds new EIT supplies or services or revises the type of, or specifications for, supplies or services, the Contracting Officer may require that the contractor submit a completed HHS Section 508 Product Assessment Template and any other additional information necessary to assist the Government in determining that the EIT supplies or services conform to Section 508 accessibility standards. Instructions for documenting accessibility via the HHS Section 508 Product Assessment Template may be found under Section 508 policy on the HHS Web site: (*http://hhs.gov/web/508*). If it is determined by the Government that EIT supplies and services provided by the Contractor do not conform to the described accessibility standards in the contract, remediation of the supplies or services to the level of conformance specified in the contract will be the responsibility of the Contractor at its own expense.

(e) If this is an Indefinite Delivery contract, a Blanket Purchase Agreement or a Basic Ordering Agreement, the task/delivery order requests that include EIT supplies or services will define the specifications and accessibility standards for the order. In those cases, the Contractor may be required to provide a completed HHS Section 508 Product Assessment Template and any other additional information necessary to assist the Government in determining that the EIT supplies or services conform to Section 508 accessibility standards. Instructions for documenting accessibility via the HHS Section 508 Product Assessment Template may be found at *http://hhs.gov/web/508.* If it is determined by the Government that EIT supplies and services provided by the Contractor do not conform to the described accessibility standards in the provided documentation, remediation of the supplies or services to the level of conformance specified in the contract will be the responsibility of the Contractor at its own expense.

(End of clause)

352.270–1 [Reserved]

352.270–2 [Reserved]

352.270–3 [Reserved]

352.270–4a Notice to Offerors, Protection of Human Subjects.

(a) As prescribed in *370.303(a),* the Contracting Officer shall insert the following provision:

Notice to Offerors, Protection of Human Subjects (Date)

(a) The Department of Health and Human Services (HHS) regulations for the protection of human subjects, 45 CFR part 46, are available on the Office for Human Research Protections (OHRP) Web site at: *http://www.hhs.gov/ohrp/index.html.*

These regulations provide a systematic means, based on established ethical principles, to safeguard the rights and

welfare of human subjects participating in research activities supported or conducted by HHS.

(b) The regulations define a human subject as a living individual about whom an investigator (whether professional or student) conducting research obtains data or identifiable public information through intervention or interaction with the individual, or identifiable private information. In most cases, the regulations extend to the use of human organs, tissue, and body fluids from individually identifiable human subjects as well as to graphic, written, or recorded information derived from individually identifiable human subjects. 45 CFR part 46 does not directly regulate the use of autopsy materials; instead, applicable state and local laws govern their use.

(c) Activities which involve human subjects in one or more of the categories set forth in 45 CFR 46.101(b)(1)–(6) are exempt from complying with 45 CFR part 46. See *http://www.hhs.gov/ohrp/humansubjects/guidance/45cfr46.html.*

(d) Inappropriate designations of the noninvolvement of human subjects or of exempt categories of research in a project may result in delays in the review of a proposal.

(e) In accordance with 45 CFR part 46, offerors considered for award shall file an acceptable Federal-wide Assurance (FWA) of compliance with OHRP specifying review procedures and assigning responsibilities for the protection of human subjects. The FWA is the only type of assurance that OHRP accepts or approves. The initial and continuing review of a research project by an institutional review board shall ensure that: The risks to subjects are minimized; risks to subjects are reasonable in relation to anticipated benefits, if any, to subjects, and the importance of the knowledge that may reasonably be expected to result; selection of subjects is equitable; and informed consent will be obtained and documented by methods that are adequate and appropriate. Depending on the nature of the research, additional requirements may apply; see *http://www.hhs.gov/ohrp/humansubjects/guidance/45cfr46.html#46.111* for additional requirements regarding initial and continuing review. HHS regulations for the protection of human subjects (45 CFR part 46), information regarding OHRP registration and assurance requirements/processes, and OHRP contact information is available at the OHRP Web site (at *http://www.hhs.gov/ohrp/assurances/index.html*).

(f) Offerors may consult with OHRP only for general advice or guidance concerning either regulatory requirements or ethical issues pertaining to research involving human subjects. ONLY the contracting officer may offer information concerning a solicitation.

(g) The offeror shall document in its proposal the approved FWA from OHRP, related to the designated IRB reviewing and overseeing the research. If the offeror does not have an approved FWA from OHRP, the offeror must obtain an FWA before the deadline for proposal submission. When possible, the offeror shall also certify the IRB's review and approval of the research. If the offeror cannot obtain this certification by the time of proposal submission they must include an explanation in their proposal. Never conduct research covered by 45 CFR part 46 prior to receiving certification of the research's review and approval by the IRB.

(End of provision)

Alternate I (DATE). As prescribed in *370.303(a),* the Contracting Officer shall substitute the following paragraph (g) for paragraph (g) of the basic clause.

(g) The offeror's proposal shall document that it has an approved or active FWA from OHRP, related to the designated IRB reviewing and overseeing the research. When possible the offeror shall also certify the IRB has reviewed and approved the research. If the offeror cannot make this certification at the time of proposal submission, its proposal must include an explanation. Never conduct research covered by 45 CFR part 46 prior to receiving certification of the research's review and approval by the IRB.

If the offeror does not have an active FWA from OHRP, the offeror shall take all necessary steps to obtain an FWA prior to the deadline for proposal submission. If the offeror cannot obtain an FWA before the proposal submission date, the proposal shall indicate the steps/actions the offeror will take to obtain OHRP approval within *(Contracting Officer must insert a time period in which the FWA must be obtained).* Upon obtaining FWA approval, submit the approval notice to the Contracting Officer.

352.270–4b Protection of Human Subjects.

(b) As prescribed in *370.304(a),* the Contracting Officer shall insert the following clause:

Protection of Human Subjects (Date)

(a) The Contractor agrees that the rights and welfare of human subjects involved in research under this contract shall be protected in accordance with 45 CFR part 46 and with the Contractor's current Federal-wide Assurance (FWA) on file with the Office for Human Research Protections (OHRP), Department of Health and Human Services. The Contractor further agrees to provide certification at least annually that the Institutional Review Board has reviewed and approved the procedures, which involve human subjects in accordance with 45 CFR part 46 and the Assurance of Compliance.

(b) The Contractor shall bear full responsibility for the performance of all work and services involving the use of human subjects under this contract and shall ensure that work is conducted in a proper manner and as safely as is feasible. The parties hereto agree that the Contractor retains the right to control and direct the performance of all work under this contract. Nothing in this contract shall create an agency or employee relationship between the Government and the Contractor, or any subcontractor, agent or employee of the Contractor, or any other person, organization, institution, or group of any kind whatsoever. The Contractor agrees that it has entered into this contract and will discharge its obligations, duties, and undertakings and the work pursuant thereto, whether requiring professional judgment or otherwise, as an independent Contractor without creating liability on the part of the Government for the acts of the Contractor or its employees.

(c) Contractors involving other agencies or institutions in activities considered to be engaged in research involving human subjects must ensure that such other agencies or institutions obtain their own FWA if they are routinely engaged in research involving human subjects or ensure that such agencies or institutions are covered by the Contractors' FWA via designation as agents of the institution or via individual investigator agreements (see OHRP Web site at: *http://www.hhs.gov/ohrp/policy/guidanceonalternativetofwa.pdf).*

(d) If at any time during the performance of this contract the Contractor is not in compliance with any of the requirements and or standards stated in paragraphs (a) and (b) above, the Contracting Officer may immediately suspend, in whole or in part, work and further payments under this contract until the Contractor corrects the noncompliance. The Contracting Officer may communicate the notice of suspension by telephone with confirmation in writing. If the Contractor fails to complete corrective action within the period of time designated in the Contracting Officer's written notice of suspension, the Contracting Officer may, after consultation with OHRP, terminate this contract in whole or in part.

(End of clause)

352.270–5a Notice to Offerors of Requirement for Compliance with the Public Health Service Policy on Humane Care and Use of Laboratory Animals.

As prescribed in *370.403(a),* the Contracting Officer shall insert the following provision:

Notice to Offerors of Requirement for Compliance With the Public Health Service Policy on Humane Care and Use of Laboratory Animals (Date)

The Public Health Service (PHS) Policy on Humane Care and Use of Laboratory Animals (PHS Policy) establishes a number of requirements for research activities involving animals. Before awarding a contract to an offeror, the organization shall file, with the Office of Laboratory Animal Welfare (OLAW), National Institutes of Health (NIH), a written Animal Welfare Assurance (Assurance) which commits the organization to comply with the provisions of the PHS Policy, the Animal Welfare Act, and the Guide for the Care and Use of Laboratory Animals (National Academy Press, Washington, DC). In accordance with the PHS Policy, offerors must establish an Institutional Animal Care and Use Committee (IACUC), qualified through the experience and expertise of its members, to oversee the institution's animal program, facilities, and procedures. Offerors must provide verification of IACUC approval prior to receiving an award involving live vertebrate animals. No award involving the use of animals shall be made unless OLAW approves the Assurance and verification of IACUC approval for the proposed animal activities has been provided to the

Contracting Officer. Prior to award, the Contracting Officer will notify Contractor(s) selected for projects involving live vertebrate animals of the Assurance and verification of IACUC approval requirement. The Contracting Officer will request that OLAW negotiate an acceptable Assurance with those Contractor(s) and request verification of IACUC approval. For further information, contact OLAW at NIH, 6705 Rockledge Drive, RKL1, Suite 360, MSC 7982 Bethesda, Maryland 20892–7982 (Email: *olaw@od.nih.gov;* Phone: 301–496–7163).

(End of provision)

352.270–5b Care of Live Vertebrate Animals.

As prescribed in *370.404,* the Contracting Officer shall insert the following clause:

Care of Live Vertebrate Animals (Date)

(a) Before undertaking performance of any contract involving animal-related activities where the species is regulated by the United Sates Department of Agriculture (USDA), the Contractor shall register with the Secretary of Agriculture of the United States in accordance with 7 U.S.C. 2136 and 9 CFRs 2.25 through 2.28. The Contractor shall furnish evidence of the registration to the Contracting Officer.

(b) The Contractor shall acquire vertebrate animals used in research from a dealer licensed by the Secretary of Agriculture under 7 U.S.C. 2133 and 9 CFRs 2.1–2.11, or from a source that is exempt from licensing under those sections.

(c) The Contractor agrees that the care, use, and intended use of any live vertebrate animals in the performance of this contract shall conform with the Public Health Service (PHS) Policy on Humane Care of Use of Laboratory Animals (PHS Policy), the current Animal Welfare Assurance (Assurance), the Guide for the Care and Use of Laboratory Animals (National Academy Press, Washington, DC) and the pertinent laws and regulations of the United States Department of Agriculture (*see* 7 U.S.C. 2131 *et seq.* and 9 CFR subchapter A, Parts 1–4). In case of conflict between standards, the more stringent standard shall govern.

(d) If at any time during performance of this contract, the Contracting Officer determines, in consultation with the Office of Laboratory Animal Welfare (OLAW), National Institutes of Health (NIH), that the Contractor is not in compliance with any of the requirements and standards stated in paragraphs (a) through (c) above, the Contracting Officer may immediately suspend, in whole or in part, work and further payments under this contract until the Contractor corrects the noncompliance. Notice of the suspension may be communicated by telephone and confirmed in writing. If the Contractor fails to complete corrective action within the period of time designated in the Contracting Officer's written notice of suspension, the Contracting Officer may, in consultation with OLAW, NIH, terminate this contract in whole or in part, and the Contractor's name may be removed from the list of those contractors with Animal Welfare Assurances.

Note: The Contractor may request registration of its facility and a current listing of licensed dealers from the Regional Office of the Animal and Plant Health Inspection Service (APHIS), USDA, for the region in which its research facility is located. The location of the appropriate APHIS Regional Office, as well as information concerning this program may be obtained by contacting the Animal Care Staff, USDA/APHIS, 4700 River Road, Riverdale, Maryland 20737 (Email: *ace@aphis.usda.gov*; Web site: (*http://www.aphis.usda.gov/animal_welfare*).

(End of clause)

352.270–6 Restriction on Use of Human Subjects.

As prescribed in *370–304(b),* the Contracting Officer shall insert the following clause:

Restriction on Use of Human Subjects (Date)

Pursuant to 45 CFR part 46, Protection of Human Research Subjects, the Contractor shall not expend funds under this award for research involving human subjects or engage in any human subjects research activity prior to the Contracting Officer's receipt of a certification that the research has been reviewed and approved by the Institutional Review Board (IRB)registered with OHRP. This restriction applies to all collaborating sites, whether domestic or foreign, and subcontractors. The Contractor must ensure compliance by collaborators and subcontractors.

(End of clause)

352.270–7 [Reserved]

352.270–8 [Reserved]

352.270–9 Non-Discrimination for Conscience.

As prescribed in *370.701,* the Contracting Officer shall insert the following provision:

Non-Discrimination for Conscience (Date)

(a) Section 301(d) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act, as amended, provides that an organization, including a faith-based organization, that is otherwise eligible to receive assistance under section 104A of the Foreign Assistance Act of 1961, under the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, under the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, or under any amendment to the foregoing Acts for HIV/AIDS prevention, treatment, or care—

(1) Shall not be required, as a condition of receiving such assistance, to—

(i) Endorse or utilize a multisectoral or comprehensive approach to combating HIV/AIDS; or

(ii) Endorse, utilize, make a referral to, become integrated with, or otherwise participate in any program or activity to which the organization has a religious or moral objection.

(2) Shall not be discriminated against under the provisions of law in subparagraph (a) for refusing to meet any requirement described in paragraph (a)(1) in this solicitation.

(b) Accordingly, an offeror who believes this solicitation contains work requirements requiring it endorse or utilize a multisectoral or comprehensive approach to combating HIV/AIDS, or endorse, utilize, make referral to, become integrated with, or otherwise participate in a program or activity to which it has a religious or moral objection, shall identify those work requirements it excluded in its technical proposal.

(c) The Government acknowledges that an offeror has specific rights, as cited in paragraph (b), to exclude certain work requirements in this solicitation from its proposal. However, the Government reserves the right to not make an award to an offeror whose proposal does not comply with the salient work requirements of the solicitation. Any exercise of that Government right will be made by the Head of the Contracting Activity.

(End of provision)

352.270–10 Notice to Offerors—Protection of Human Subjects, Research Involving Human Subjects Committee (RIHSC) Approval of Research Protocols Required.

As prescribed in 370.303(d), the Contracting Officer shall insert the following provision:

Notice to Offerors—Protection of Human Subjects, Research Involving Human Subjects Committee (Rihsc) Approval of Research Protocols Required (Date)

(a) All Offerors proposing research expected to involve human subjects shall comply with the regulations set forth in 45 CFR part 46, and with the provisions at HHSAR 352.270–4a.

(b) The Offeror shall have an acceptable Assurance of Compliance on file with the Office for Human Research Protections (OHRP), whenever it submits a proposal to the FDA for research expected to involve human subjects. Direct questions regarding Federal-wide Assurance to OHRP. The Offeror's proposal shall include a copy of the acceptable Assurance of Compliance.

(c) After the contract has been awarded, the Contractor shall take the following actions:

(1) The Institutional Review Board (IRB) specified in the Offeror's Assurance of Compliance, hereafter referred to as ''the local IRB,'' shall review the proposed research protocol. A letter from the local IRB stating that the proposed research protocol has been reviewed and approved, and thus adequately protects the rights and welfare of human subjects involved, or a letter stating that the proposed research is exempt under 45 CFR 46.101(b) shall be submitted to the Contracting Officer.

(2) Upon award, the successful Offeror, hereafter ''the Contractor,'' shall submit its proposed research protocol to the FDA's Research Involving Human Subjects Committee (RIHSC). The RIHSC or its designee will review and approve the research protocol to assure it adequately protects the rights and welfare of human subjects involved. The RIHSC or designee will also determine whether the proposed

research is exempt under 45 CFR 46.101(b). The Contractor shall submit, to the Contracting Officer of record, a copy of the RIHSC's or its designee's letter stating that it reviewed and approved the proposed research protocol.

(d) The Contractor shall not advertise for, recruit, or enroll human subjects, or otherwise commence any research involving human subjects until RIHSC or its designee reviews and approves its research. The Contractor may begin other limited aspects of contract performance prior to receiving RIHSC's or designee's approval of the proposed research protocol. Research involving human subjects may commence immediately upon the Contractor's receipt of RIHSC's or designee's approval; however, the Contractor shall submit a copy of RIHSC's or its designee's approval to the Contracting Officer within three business days of its receipt.

(e) A Contractor's failure to obtain RIHSC's or its designee's approval of its proposed research may result in termination of its contract. However, failure to obtain RIHSC's or its designee's approval during initial review will not automatically result in termination of the contract. Instead, the Contractor may correct any deficiencies identified during the initial RIHSC or designee review and resubmit the proposed research protocol to RIHSC or its designee for a second review. The Contractor is encouraged to solicit the RIHSC's or its designee's input during the resubmission process.

(f) The Contractor shall seek RIHSC's or its designee's and local IRB review and approval whenever making modifications, amendments or other changes to the research protocol. Such modifications, amendments and changes include, but are not limited to changes in investigators, informed consent forms, and recruitment advertisements. The Contractor may institute changes immediately after receiving both the local IRB and RIHSC or its designee approval (except when necessary to eliminate apparent immediate hazards to the subject); however, the Contractor shall submit a copy of the letter evidencing RIHSC's or its designee's approval of the proposed changes to the Contracting Officer within three business days of its receipt.

(End of Provision)

352.270–11 Protection of Human Subjects—Research Involving Human Subjects Committee (RIHSC) Approval of Research Protocols Required.

As prescribed in 370.304(c), the Contracting Officer shall insert the following clause:

Protection of Human Subjects—Research Involving Human Subjects Committee (Rihsc) Approval of Research Protocols Required (Date)

(a) The Contractor agrees to protect the rights and welfare of human subjects involved in research under this contract by complying with 45 CFR part 46 and the clause at HHSAR 352.270–4b.

(b) Initial proof of compliance with 45 CFR part 46 shall consist of:

(1) A copy of a current Federal-wide Assurance on file with OHRP. The copy of a current Federal–wide Assurance shall be included with the Contractor's proposal;

(2) A letter from the Contractor's local IRB (the Institutional Review Board (IRB) specified in the Offeror's Assurance of Compliance) stating that it has reviewed and approved the proposed research protocol. The letter from the local IRB shall be submitted to the Contracting Office; and

(3) A copy of a letter from the RIHSC stating that it or its designee has reviewed and approved the proposed research protocol. This shall be submitted to the Contracting Officer within three business days of its issuance.

The Contractor shall not advertise for, recruit, or enroll human subjects, or otherwise commence any research involving human subjects under this contract, until RIHSC has reviewed and approved its research. The Contractor may commence other limited aspects of contract performance prior to receiving RIHSC or its designee approval of its proposed research protocol. Research involving human subjects may commence immediately upon the Contractor's receipt of RIHSC or its designee approval; however, the Contractor shall submit a copy of RIHSC's or its designee's letter of approval to the Contracting Officer within three business days of its receipt.

Failure to obtain RIHSC or its designee approval of proposed research protocols may result in the termination of this contract.

(c) The Contractor further agrees that:

(1) The Contractor will provide a letter from RIHSC, at least annually, stating that RIHSC or its designee has reviewed and approved the research protocols for research performed under this contract. This shall be submitted to the Contracting Officer for inclusion in the contract file.

(2) The Contractor will submit all proposed modifications and amendments to research protocols for research performed under this contract to RIHSC for review and approval. Modifications and amendments include, but are not limited, to changes to consent forms and advertising materials, and the addition or deletion of investigators. Changes may be instituted immediately after the Contractor has received both the local IRB and RIHSC or its designee approval (except when necessary to eliminate apparent immediate hazards to the subject); however the Contractor shall submit a copy of the letter evidencing RIHSC's or its designee's approval of the proposed changes to the Contracting Officer within three business days of its receipt.

(End of Clause)

352.270–12 Needle Exchange.

As prescribed in *370.304(d),* the Contracting Officer shall insert the following clause:

Needle Exchange (Date)

The Contractor shall not use any funds obligated under this contract to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(End of Clause)

352.270–13 Continued Ban on Funding Abortion and Continued Ban on Funding of Human Embryo Research.

As prescribed in *370.304(e),* the Contracting Officer shall insert the following clause:

Continued Ban on Funding Abortion and Continued Ban on Funding of Human Embryo Research (Date)

(a) The Contractor shall not use any funds obligated under this contract for any abortion.

(b) The Contractor shall not use any funds obligated under this contract for the following:

(1) The creation of a human embryo or embryos for research purposes; or

(2) Research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury of death greater than that allowed for research on fetuses in utero under 45 CFR part 46 and Section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

The term ''human embryo or embryos'' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes of human diploid cells.

(c) The Contractor shall not use any Federal funds for the cloning of human beings.

(End of Clause)

PART 353—FORMS

Subpart 353.3—[Reserved]

SUBCHAPTERS I, J, K AND L—[RESERVED]

SUBCHAPTER M—HHS SUPPLEMENTATIONS

PART 370—SPECIAL PROGRAMS AFFECTING ACQUISITION

Subpart 370.1—[Reserved]

Subpart 370.2—[Reserved]

Subpart 370.3—Acquisitions Involving Human Subjects

Sec.

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370.302 Federal-wide Assurance (FWA).
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370.401 Policy.
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Subpart 370.5—[Reserved]

Subpart 370.6—[Reserved]

Subpart 370.7—Acquisitions Under the Leadership Act

370.700 Scope of subpart.
370.701 Contract clause.
370.702 Solicitation provision.

Authority: 5 U.S.C. 301; 40 U.S.C. 121(c)(2).

Subpart 370.3—Acquisitions Involving Human Subjects

370.300 Scope of subpart.

This subpart applies to all research activities conducted under contracts involving human subjects. See 45 CFR 46.102(d) and (f).

370.301 Policy.

It is the Department of Health and Human Services (HHS) policy that the contracting officer shall not award a contract involving human subjects until the prospective contractor provides assurance that the activity will undergo initial and continuing review by an appropriate Institutional Review Board (IRB) in accordance with HHS regulations at 45 CFR 46.103. The contracting officer shall require a Federal-wide assurance (FWA), approved by the HHS Office for Human Research Protections (OHRP), of each contractor, subcontractor, or institution engaged in human subjects research in performance of a contract. OHRP administers the assurance covering all HHS-supported or HHS-conducted activities involving human subjects.

370.302 Federal-Wide Assurance (FWA).

(a) OHRP-Approved FWAs are found at the following Web site: *http://ohrp.cit.nih.gov/search/search.aspx?styp=bsc.*

(b) Normally a contractor, subcontractor, or institution must provide approval of a FWA before a contract is awarded. If a contractor, subcontractor, or institution does not currently hold an approved FWA, it shall submit an explanation with its proposal and an FWA application prior to submitting a proposal. The contracting officer, on a case by case basis, may make award without an approved assurance in consultation with OHRP.

(c) A contractor, subcontractor, or institution must submit all FWAs, including new FWAs, using the electronic submission system available through the OHRP Web site at *http://ohrp.cit.nih.gov/efile,* unless an institution lacks the ability to do so electronically. If an institution believes it lacks the ability to submit its FWA electronically, it must contact OHRP by telephone or email (see *http://www.hhs.gov/ohrp/assurances/index.html*) and explain why it is unable to submit its FWA electronically.

370.303 Notice to offerors.

(a) The contracting officer shall insert the provision at 352.270–4a, Notice to Offerors, Protection of Human Subjects, in solicitations that involve human subjects. The contracting officer shall use the clause with its Alternate I when the agency is prescribing a date later than the proposal submission by which the offeror must have an approved FWA.

(b) Institutions having an OHRP-approved FWA shall certify IRB approval of submitted proposals in the manner required by instructions for completion of the contract proposal; by completion of an OMB Form No. 0990–0263, Protection of Human Subjects Assurance Identification/IRB Certification/Declaration of Exemption (Common Rule); or by letter indicating the institution's OHRP-assigned FWA number, the date of IRB review and approval, and the type of review (convened or expedited). The date of IRB approval must not be more than 12 months prior to the deadline for proposal submission.

(c) The contracting officer generally will not request FWAs for contractors, subcontractors, or institutions prior to selecting a contract proposal for negotiation. When a contractor submits an FWA, it provides certification for the initial contract period; no additional documentation is required. If the contract provides for additional years to complete the project, the contractor shall certify annually in the manner described in 370.303(b).

(d) For the Food and Drug Administration (FDA), the contracting officer shall insert the provision at 352.270–10, Notice to Offerors—Protection of Human Subjects, Research Involving Human Subjects Committee (RIHSC) Approval of Research Protocols Required, in solicitations that involve human subjects when the research is subject to RIHSC review and approval.

370.304 Contract clauses.

(a) The contracting officer shall insert the clause at 352.270–4b, Protection of Human Subjects, in solicitations, contracts and orders involving human subjects.

(b) The contracting officer shall insert the clause at 352.270–6, Restriction on Use of Human Subjects, in contracts and orders if the contractor has an approved FWA of compliance in place, but cannot certify prior to award that an IRB registered with OHRP reviewed and approved the research, because definite plans for involvement of human subjects are not set forth in the proposal (*e.g.,* projects in which human subjects' involvement will depend upon completion of instruments, prior animal studies, or purification of compounds). Under these conditions, the contracting officer may make the award without the requisite certification, as long as the contracting officer includes appropriate conditions in the contract or order.

(c) For FDA, the contracting officer shall insert the clause at 352.270–11, Protection of Human Subjects, Research Involving Human Subjects Committee (RIHSC) Approval of Research Protocols Required, in contracts and orders that involve human subjects when the research is subject to RIHSC review and approval.

(d) The contracting officer shall insert the clause at 352.270–12, Needle Exchange, in solicitations, contracts, and orders involving human subjects.

(e) The contracting officer shall insert the clause at 352.270–13, Continued Ban on Funding Abortion and Continued Ban on Funding of Human Embryo Research, in solicitations, contracts, and orders involving human subjects.

Subpart 370.4—Acquisitions Involving the Use of Laboratory Animals

370.400 Scope of subpart.

This subpart applies to all research, research training, biological testing, housing and maintenance, and other activities involving live vertebrate animals conducted under contract. Additional information can be found in Public Health Service (PHS) Policy on Humane Care and Use of Laboratory Animals *http://grants.nih.gov/grants/olaw/references/phspolicylabanimals.pdf.*

370.401 Policy.

(a) It is HHS policy that contracting activities shall not award a contract involving live vertebrate animals until the Contractor provides acceptable assurance the contract work is subject to initial and continuing review by an appropriate Institutional Animal Care and Use Committee (IACUC) as described in the PHS Policy at IV.B.6 and 7. The contracting officer shall require an applicable Animal Welfare Assurance approved by the Office of Laboratory Animal Welfare (OLAW), National Institutes of Health (NIH), of each contractor, subcontractor, or institution having responsibility for animal care and use involved in performance of the contract. Normally the assurance shall be approved before

award. The contracting officer, on a case-by-case basis, may make award without an approved assurance in consultation with OLAW. For additional information see PHS Policy II., IV.A, and V.B.

(b) The OLAW, NIH, is responsible for negotiating assurances covering all HHS/PHS-supported or HHS/PHS-conducted activities involving the care and use of live vertebrate animals. OLAW shall provide guidance to contracting officers regarding adequate animal care and use, approval, disapproval, restriction, or withdrawal of approval of assurances. For additional information see PHS Policy V.A.

(c) If using live vertebrate animals, HHS policy requires that offerors address the points in the Vertebrate Animal Section (VAS) of the Technical Proposal. Each of the points must be addressed in the VAS portion of the Technical Proposal. For additional information see PHS Policy and use Contract Proposal VAS Worksheet. *http://grants.nih.gov/grants/olaw/references/phspol.htm#InformationRequiredinApplications-ProposalsforAwardsSubmittedtoPHS* and *http://grants.nih.gov/grants/olaw/VAScontracts.pdf.*

370.402 Assurances.

(a) Animal Welfare Assurances may be one of three types:

(1) *Domestic Assurance (DA).* A DA describes the institution's animal care and use program, including but not limited to the lines of authority and responsibility, veterinary care, IACUC composition and procedures, occupational health and safety, training, facilities, and species housed. A DA listed in OLAW's list of institutions with an approved DA is acceptable for purposes of this policy.

(2) *Inter-institutional Assurance (IA).* The offeror, its proposed subcontractor, or institution shall submit an IA when it does not have a proprietary animal care and use program, facilities to house animals or IACUC, and does not conduct animal research on-site. The offeror will perform the animal activity at an institution with an Animal Welfare Assurance named as a performance site. An IA approval extends to the full period of contract performance (up to 5 years) limited to the specific award or single project.

(3) *Foreign Assurance (FA).* The Foreign Assurance is required for institutions outside the U.S. that receive PHS funds directly through a contract award. The Foreign Assurance also applies to institutions outside the U.S. that receive PHS funds indirectly (named as a performance site). An FA listed in OLAW's list of institutions with an approved FA is acceptable for purposes of this policy.

(b) The contracting officer shall forward copies of proposals selected for negotiation and requiring an assurance to *OLAW_at_olawdoa@od.nih.gov,* as early as possible to secure the necessary assurances.

(c) A contractor providing animal care services at an institution with an Animal Welfare Assurance, such as a Government-owned, Contractor-operated (GOCO) site, does not need a separate assurance. GOCO site assurances normally cover such contractor services.

370.403 Notice to offerors.

(a) The contracting officer shall insert the provision at 352.270–5a, Notice to Offerors of Requirement for Compliance with the Public Health Service Policy on Humane Care and Use of Laboratory Animals, in solicitations involving live vertebrate animals.

(b) Offerors having a DA on file with OLAW shall submit IACUC approval of the use of animals in the manner required by the solicitation, but prior to award. The date of IACUC approval must not be more than 36 months prior to award.

(c) It is not necessary for offerors lacking an Animal Welfare Assurance to submit assurances or IACUC approval with proposals. OLAW shall contact contractors, subcontractors, and institutions to negotiate necessary assurances and verify IACUC approvals when requested by the contracting officer.

370.404 Contract clause.

The contracting officer shall insert the clause at 352.270–5b, Care of Live Vertebrate Animals, in solicitations, contracts, and orders that involve live vertebrate animals.

Subpart 370.5—[Reserved]

Subpart 370.6—[Reserved]

Subpart 370.7—Acquisitions Under the Leadership Act

370.700 Scope of subpart.

This subpart sets forth the acquisition requirements regarding implementation of Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS) programs under the President's Emergency Plan for AIDS Relief as established by the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, as amended (Pub. L. 108–25, Pub. L. 110–293, Pub. L. 113–56).

370.701 Solicitation provision.

The contracting officer shall insert the provision at 352.270–9, Non-discrimination for Conscience, in solicitations valued at more than the micro-purchase threshold:

(a) In connection with the implementation of HIV/AIDS programs under the President's Emergency Plan for AIDS Relief established by the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, as amended; or

(b) Where the contractor will receive funding under the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003, as amended. In resolving any issues or complaints that offerors may raise regarding meeting the requirements specified in the provision, the contracting officer shall consult with the Office of Global Health Affairs, Office of the General Counsel, the Program Manager, and other HHS officials, as appropriate.

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Part III

Department of State

22 CFR Part 121

Department of Commerce

Bureau of Industry and Security

15 CFR Part 774

Notices of Inquiry: Request for Comments Regarding Review of United States Munitions List Categories VIII and XIX; Request for Comments Regarding Controls on Military Aircraft and Military Gas Turbine Engines on the Commerce Control List; Proposed Rules

DEPARTMENT OF STATE

22 CFR Part 121

[Public Notice 9050]

Notice of Inquiry; Request for Comments Regarding Review of United States Munitions List Categories VIII and XIX

AGENCY: Department of State.

ACTION: Notice of Inquiry, Request for Comments.

SUMMARY: The Department of State requests comments from the public to inform its review of the controls implemented in recent revisions to Categories VIII and XIX of the United States Munitions List (USML). In light of the ongoing transition of the USML to a more ''positive list'' pursuant to the President's Export Control Reform (ECR) initiative, the Department intends to periodically review the revised USML categories to ensure that they are clear, do not inadvertently control items in normal commercial use, account for technological developments, and properly implement the national security and foreign policy objectives of the reform effort. This review will also consider any technical issues related to the USML categories under review.

DATES: The Department of State will accept comments from the public until May 1, 2015.

ADDRESSES: Interested parties may submit comments by one of the following methods:

- *Email: DDTCPublicComments@state.gov* with the subject line, ''Review of USML Categories VIII and XIX.''
- *Internet:* At *www.regulations.gov,* search for this notice using its docket number, DOS–2014–0030.

Comments submitted through *www.regulations.gov* will be visible to other members of the public; the Department will publish all comments on the Directorate of Defense Trade Controls Web site (*www.pmddtc.state.gov*). Therefore, commenters are cautioned not to include proprietary or other sensitive information in their comments.

FOR FURTHER INFORMATION CONTACT: Mr. C. Edward Peartree, Director, Office of Defense Trade Controls Policy, Department of State, telephone (202) 663–2792; email *DDTCPublicComments@state.gov.* ATTN: Review of USML Categories VIII and XIX.

SUPPLEMENTARY INFORMATION:

List Review

On December 10, 2010, the Department provided notice to the public of its intent, pursuant to the ECR initiative, to revise the USML to create a ''positive list'' that describes controlled items using, to the extent possible, objective criteria rather than broad, open-ended, subjective, or design intent-based criteria (*see* 75 FR 76935). As a practical matter, this meant revising USML categories so that, with some exceptions, the descriptions of defense articles that continued to warrant control under the USML did not use catch-all phrases to control unspecified items. With limited exceptions, the defense articles that warranted control under the USML were those that provided the United States with a critical military or intelligence advantage. All other items were to become subject to the Export Administration Regulations. Since that time, the Department has published final rules setting forth revisions for fifteen USML categories, each of which have been reorganized into a uniform and more positive list structure.

The advantage of revising the USML into a more positive list is that its controls can be tailored to satisfy the national security and foreign policy objectives of the U.S. government by maintaining control over those defense articles that provide a critical military or intelligence advantage, or otherwise warrant control under the International Traffic in Arms Regulations (ITAR), without inadvertently controlling items in normal commercial use. This approach, however, requires that the lists be regularly revised and updated to account for technological developments, practical application issues identified by exporters and reexporters, and changes in the military and commercial applications of items affected by the list. In addition, the USML and the Commerce Control List require regular revision in order to ensure that they satisfy the national security and foreign policy objectives of the reform effort, which are to (i) improve interoperability of U.S. military forces with allied countries, (ii) strengthen the U.S. industrial base by, among other things, reducing incentives for foreign manufacturers to design out and avoid U.S.-origin content and services, which ensures continued U.S. visibility and control, and (iii) allow export control officials to focus government resources on transactions that pose greater concern.

The first USML revisions conducted pursuant to the ECR initiative became effective on October 15, 2013, and implemented revisions to Category VIII and created Category XIX (*see* 78 FR 22740). With the passing of the one-year anniversary of the effective date of the revision to and creation of these categories, the Department seeks comment from the public on the condition and efficacy of these categories and whether they are meeting the ECR objectives for the list revisions. The Department anticipates a similar review process for each revised USML category, to be communicated to the public through publication of a notice of inquiry in the **Federal Register**.

Request for Comments

The Department requests public comment regarding the control text of USML Categories VIII and XIX. General comments on the overall ECR initiative or other aspects of the ITAR, to include other categories of the USML that do not relate to or are not affected by Categories VIII or XIX, are outside of the scope of this inquiry. In order to contribute effectively to the USML review process, all commenters are encouraged to provide comments that are responsive specifically to the prompts set forth below.

The Department requests comment on the following topics, as they relate to Categories VIII and XIX:

1. Emerging and new technologies that are appropriately controlled by one of the referenced categories, but which are not currently described in the control text or not described with sufficient clarity.

2. Defense articles that are described in the control text, but which have entered into normal commercial use since the most recent revisions to the category at issue. For such comments, be sure to include documentation to support claims that defense articles have entered into normal commercial use.

3. Defense articles for which commercial use is proposed, intended, or anticipated in the next five years.

4. Drafting or other technical issues in the text of either of the referenced categories.

The Department will review all comments from the public. If a rulemaking is warranted based on the comments received, the Department will respond to comments received in a proposed rulemaking in the **Federal Register**.

C. Edward Peartree,

Director, Office of Defense Trade Controls Policy, Bureau of Political-Military Affairs, U.S. Department of State.

[FR Doc. 2015–04291 Filed 2–27–15; 8:45 am]

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 774

[Docket No. 150210135–5182–01]

RIN 0694–XC023

Notice of Inquiry: Request for Comments Regarding Controls on Military Aircraft and Military Gas Turbine Engines on the Commerce Control List

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Notice of inquiry.

SUMMARY: The Bureau of Industry and Security (BIS), Department of Commerce maintains the Export Administration Regulations, including the Commerce Control List (CCL). The Export Control Reform Initiative, a fundamental reform of the U.S. export control system, has resulted in transfer to the CCL of items that the President has determined do not warrant control on the United States Munitions List (USML), including certain military aircraft, military gas turbine engines, and related items. The USML is part of the International Traffic in Arms Regulations maintained by the Department of State. Through this notice, BIS is seeking public comments to perform a complementary review of military aircraft, military gas turbine engines, and related items on the CCL concurrent with the Department of State's review of the controls implemented in its recent revisions to Categories VIII and XIX of the USML, which control military aircraft and military gas turbine engines, to ensure that they are clear, do not inadvertently control items in normal commercial use, account for technological developments, and properly implement the national security and foreign policy objectives of the reform effort. This notice also furthers the retrospective regulatory review directed by the President in Executive Order 13563.

DATES: Comments must be received by BIS no later than May 1, 2015.

ADDRESSES: Comments may be submitted to the Federal rulemaking portal (*http://www.regulations.gov*). You can find this notice by searching on its regulations.gov docket number, which is BIS–2015–0006. Comments may also be submitted via email to *publiccommments@bis.doc.gov* or on paper to Regulatory Policy Division, Bureau of Industry and Security, Room 2099B, U.S. Department of Commerce, Washington, DC 20230. Please refer to RIN 0694–XC023 in all comments and in the subject line of email comments. All comments (including any personally identifying information) will be made available for public inspection and copying. Commerce's full plan for retrospective regulatory review can be accessed at: *http://open.commerce.gov/news/2011/08/23/commerce-plan-retrospective-analysis-existing-rules.*

FOR FURTHER INFORMATION CONTACT: Todd Willis, Thomas DeFee or Jeffery Leitz in the Office of Strategic Industries and Economic Security, Munitions Control Division at 202 482 4506 or by email at *Todd.Willis@bis.doc.gov, Thomas.DeFee@bis.doc.gov,* or *Jeffrey.Leitz@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Bureau of Industry and Security (BIS), Department of Commerce maintains the Export Administration Regulations, including the Commerce Control List (CCL). The Export Control Reform Initiative, a fundamental reform of the U.S. export control system, has resulted in transfer to the CCL of items that the President has determined do not warrant control on the United States Munitions List (USML), including certain military aircraft, military gas turbine engines, and related items. The USML is part of the International Traffic in Arms Regulations maintained by the Department of State. Through this notice, BIS is seeking comments to perform a complementary review of military aircraft, military gas turbine engines, and related items on the CCL concurrent with the Department of State's review of the controls implemented in its recent revisions to Categories VIII and XIX of the USML, which control military aircraft and military gas turbine engines, to ensure that they are clear, do not inadvertently control items in normal commercial use, account for technological developments, and properly implement the national security and foreign policy objectives of the reform effort.

Specifically, BIS is soliciting comments on the clarity, usability and any other matters related to implementation of the 600 series Export Control Classification Numbers (ECCNs) that control military aircraft and related items (ECCNs 9A610, 9B610, 9C610, 9D610 and 9E610) and military gas turbine engines and related items (9A619, 9B619, 9C619, 9D619 and 9E619).

The Export Control Reform Initiative: USML Review and the CCL

A core element of the Export Control Reform (ECR) Initiative has been the streamlining of categories on the USML and the control on the CCL of items that the President determines do not warrant USML control. On December 10, 2010, the Department of State provided notice to the public of its intent, pursuant to the ECR initiative, to revise the USML to create a more ''positive list'' that describes controlled items using, to the extent possible, objective criteria rather than broad, open-ended, subjective, or design intent-based criteria (*see* 75 FR 76935). As a practical matter, this meant revising USML categories so that, with some exceptions, the descriptions of defense articles that continued to warrant control under the USML did not use catch-all phrases, such as ''specially designed'' or ''specifically designed or modified,'' to control unspecified items. With limited exceptions, the defense articles that warranted control under the USML were those that provided the United States with a critical military or intelligence advantage. All other items were to become subject to the jurisdiction of the Export Administration Regulations. Since that time, the Departments of State and Commerce have jointly published final rules setting forth revisions for fifteen USML categories, each of which has been reorganized into a uniform and more ''positive list'' structure, and corresponding revisions to the CCL.

The advantage of revising the USML into a more positive list is that its controls can be tailored to satisfy the national security and foreign policy objectives of the ITAR by maintaining control over those defense articles that provide a critical military or intelligence advantage, or otherwise warrant control under the ITAR, without inadvertently controlling items in normal commercial use. This approach, however, requires that both the USML and the CCL be regularly revised and updated to account for technological developments, practical application issues identified by exporters and reexporters, and changes in the military and commercial applications of items affected by the USML and the 600 series ECCNs.

The first rules implementing the ECR initiative became effective on October 15, 2013. They implemented revisions to Category VIII (aircraft and related items), and created Category XIX (gas turbine engines and related items) on the USML (*see* 78 FR 22740) as well as the 600 series ECCNs 9A610, 9B610, 9C610, 9D610 and 9E610 (aircraft and related items) and 9A619, 9B619, 9C619, 9D619 and 9E619 (gas turbine engines and related items) on the CCL (*see* 78 FR 22660). The Department of State is seeking comment from the public on the condition and efficacy of

the revised Categories VIII and XIX and whether they are meeting the ECR objectives for the list revisions. BIS will make any changes to the CCL that it determines are necessary to complement USML revisions. However, with this notice, BIS is also independently seeking comment on how to improve the implementation of 600 series ECCNs 9A610, 9B610, 9C610, 9D610, 9E610, 9A619, 9B619, 9C619, 9D619 and 9E619.

Executive Order 13563

On January 18, 2011, President Barack Obama issued Executive Order 13563, affirming general principles of regulation and directing government agencies to improve regulation and regulatory review. Among other things, the President stressed the need for the regulatory system to allow for public participation and an open exchange of ideas, as well as promote predictability and reduce uncertainty. The President also emphasized that regulations must be accessible, consistent, written in plain language, and easy to understand. As part of its ongoing effort to ensure that its regulations are clear, effective, and up-to-date, BIS is issuing this notice soliciting public comments.

Dated: February 24, 2015.

Kevin J. Wolf,

Assistant Secretary for Export Administration.

[FR Doc. 2015–04293 Filed 2–27–15; 8:45 am]

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Federal Register

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A new table will be published in the first issue of each month.

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