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Presidential Documents

Title 3—

The President

Memorandum of February 25, 2015

Establishment of the Cyber Threat Intelligence Integration Center

Memorandum for the Secretary of State[,] the Secretary of Defense[,] the Secretary of the Treasury[,] the Secretary of Commerce[,] the Attorney General[,] the Secretary of Homeland Security[,] the Director of National Intelligence[,] the Chairman of the Joint Chiefs of Staff[,] the Director of the Central Intelligence Agency[,] the Director of the Federal Bureau of Investigation[, and] the Director of the National Security Agency

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct as follows:

Section 1. *Establishment of the Cyber Threat Intelligence Integration Center.* The Director of National Intelligence (DNI) shall establish a Cyber Threat Intelligence Integration Center (CTIIC). Executive departments and agencies (agencies) shall support the DNI's efforts to establish the CTIIC, including by providing, as appropriate, personnel and resources needed for the CTIIC to reach full operating capability by the end of fiscal year 2016.

Sec. 2. *Responsibilities of the Cyber Threat Intelligence Integration Center.* The CTIIC shall:

(a) provide integrated all-source analysis of intelligence related to foreign cyber threats or related to cyber incidents affecting U.S. national interests;

(b) support the National Cybersecurity and Communications Integration Center, the National Cyber Investigative Joint Task Force, U.S. Cyber Command, and other relevant United States Government entities by providing access to intelligence necessary to carry out their respective missions;

(c) oversee the development and implementation of intelligence sharing capabilities (including systems, programs, policies, and standards) to enhance shared situational awareness of intelligence related to foreign cyber threats or related to cyber incidents affecting U.S. national interests among the organizations referenced in subsection (b) of this section;

(d) ensure that indicators of malicious cyber activity and, as appropriate, related threat reporting contained in intelligence channels are downgraded to the lowest classification possible for distribution to both United States Government and U.S. private sector entities through the mechanism described in section 4 of Executive Order 13636 of February 12, 2013 (Improving Critical Infrastructure Cybersecurity); and

(e) facilitate and support interagency efforts to develop and implement coordinated plans to counter foreign cyber threats to U.S. national interests using all instruments of national power, including diplomatic, economic, military, intelligence, homeland security, and law enforcement activities.

Sec. 3. *Implementation.* (a) Agencies shall provide the CTIIC with all intelligence related to foreign cyber threats or related to cyber incidents affecting U.S. national interests, subject to applicable law and policy. The CTIIC shall access, assess, use, retain, and disseminate such information, in a manner that protects privacy and civil liberties and is consistent with applicable law, Executive Orders, Presidential directives, and guidelines, such as guidelines established under section 102A(b) of the National Security Act of 1947, as amended, Executive Order 12333 of December 4, 1981 (United

States Intelligence Activities), as amended, and Presidential Policy Directive–28; and that is consistent with the need to protect sources and methods.

(b) Within 90 days of the date of this memorandum, the DNI, in consultation with the Secretary of State, the Secretary of Defense, the Attorney General, the Secretary of Homeland Security, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, and the Director of the National Security Agency shall provide a status report to the Director of the Office of Management and Budget and the Assistant to the President for Homeland Security and Counterterrorism on the establishment of the CTIIC. This report shall further refine the CTIIC's mission, roles, and responsibilities, consistent with this memorandum, ensuring that those roles and responsibilities are appropriately aligned with other Presidential policies as well as existing policy coordination mechanisms.

Sec. 4. *Privacy and Civil Liberties Protections.* Agencies providing information to the CTIIC shall ensure that privacy and civil liberties protections are provided in the course of implementing this memorandum. Such protections shall be based upon the Fair Information Practice Principles or other privacy and civil liberties policies, principles, and frameworks as they apply to each agency's activities.

Sec. 5. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The DNI is hereby authorized and directed to publish this memorandum in the *Federal Register.*

THE WHITE HOUSE,

Washington, February 25, 2015

[FR Doc. 2015–04443

Filed 3–2–15; 8:45 am]

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Rules and Regulations

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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.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2015–0441; Special Conditions No. 25–577–SC]

Special Conditions: Cessna Aircraft Company, Model 650, Citation VII Airplane; As Modified by Universal Avionics Systems Corporation; Installed Rechargeable Lithium Batteries and Battery Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Cessna Aircraft Company, Model 650, Citation VII Airplane. This airplane as modified by Universal Avionics Systems Corporation will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. This design feature is for the installation of Universal Avionics InSight™ Electronic Flight Instrument System (EFIS), Engine Interface Units (EIU), UNS–1Fw Wide Area Augmentation System (WAAS) Flight Management System (FMS), and Terrain Awareness and Warning System (TAWS) Class A, which will use rechargeable lithium batteries and battery systems. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Cessna Aircraft Company on March 3, 2015. We must receive your comments by April 17, 2015.

ADDRESSES: Send comments identified by docket number FAA–2015–0441 using any of the following methods:

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

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

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

FOR FURTHER INFORMATION CONTACT: Nazih Khaouly, FAA, Airplane and Flightcrew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–2432; facsimile 425–227–1149.

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

Comments Invited

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

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

Background

On January 13, 2014, Universal Avionics Systems Corporation applied for a supplemental type certificate (STC) for the installation of Universal Avionics InSight™ EFIS, EIU, UNS–1Fw WAAS FMS, and TAWS Class A, which will use rechargeable lithium batteries and battery systems. The Cessna, Model 650, Citation VII is a pressurized, two-crew, seven-passenger, low wing transport with two aft mounted turbo-fan engines.

Rechargeable lithium batteries are a novel or unusual design feature in transport category airplanes. This type of battery has certain failure, operational, and maintenance characteristics that differ significantly from those of the nickel-cadmium and lead-acid rechargeable batteries currently approved for installation on transport category airplanes.

Type Certification Basis

Under the provisions of § 21.101, Universal Avionics Systems Corporation must show that the Cessna, Model 650, Citation VII, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. A9NM or the applicable regulations in effect on the date of application for the change except for earlier amendments as

agreed upon by the FAA. The regulations listed in the type certificate are commonly referred to as the ''original type-certification basis.''

In addition, if the regulations listed do not provide adequate standards regarding the change, the applicant must comply with certain regulations in effect on the date of application for the change.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Cessna, Model 650, Citation VII airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate (STC) to modify any other model included on the same type certificate to incorporate the same or similar novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Cessna, Model 650, Citation VII must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

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

Novel or Unusual Design Features

The Cessna, Model 650, Citation VII will incorporate the following novel or unusual design feature: The installation of a Universal Avionics InSight™ EFIS, EIU, UNS–1Fw WAAS FMS, and TAWS Class A, which will use rechargeable lithium batteries and battery systems.

Discussion

The current regulations governing installation of batteries in large transport-category airplanes were derived from Civil Air Regulations (CAR) part 4b.625(d) as part of the re-codification of CAR 4b that established 14 CFR part 25 in February 1965. The new battery requirements, § 25.1353(c)(1) through (c)(4), reworded the CAR requirements.

Increased use of nickel-cadmium batteries in small airplanes resulted in increased incidents of battery fires and failures that led to additional rulemaking affecting large transport category airplanes as well as small airplanes. On September 1, 1977 and March 1, 1978, the FAA issued § 25.1353(c)(5) and (c)(6), respectively, governing nickel-cadmium battery installations on large transport-category airplanes.

The proposed use of rechargeable lithium batteries for equipment and systems prompted the FAA to review the adequacy of these existing regulations. Our review indicates that the existing regulations do not adequately address several failure, operational, and maintenance characteristics of rechargeable lithium batteries that could affect the safety and reliability of the Cessna, Model 650, Citation VII airplane lithium battery installations.

At present, there is limited experience with the use of rechargeable lithium batteries and battery systems in applications involving commercial aviation. However, other users of this technology, ranging from wireless telephone manufacturers to the electric-vehicle industry, have noted safety problems with rechargeable lithium batteries. These problems include overcharging, over-discharging, and flammability of cell components.

1. Overcharging

In general, lithium batteries are significantly more susceptible to internal failures that can result in self-sustaining increases in temperature and pressure (*i.e.,* thermal runaway) than their nickel-cadmium or lead-acid counterparts. This condition is especially true for overcharging, which causes heating and destabilization of the components of the cell, leading to the formation (by plating) of highly unstable metallic lithium. The metallic lithium can ignite, resulting in a self-sustaining fire or explosion. Finally, the severity of thermal runaway, due to overcharging, increases with increasing battery capacity due to the higher amount of electrolyte in large batteries.

2. Over-Discharging

Discharge of some types of lithium battery cells beyond a certain voltage (typically 2.4 volts), can cause corrosion of the electrodes of the cell, resulting in loss of battery capacity that cannot be reversed by recharging. This loss of capacity may not be detected by the simple voltage measurements commonly available to flightcrews as a means of checking battery status—a problem shared with nickel-cadmium batteries.

3. Flammability of Cell Components

Unlike nickel-cadmium and lead-acid batteries, some types of lithium batteries use liquid electrolytes that are flammable. The electrolyte can serve as a source of fuel for an external fire, if there is a breach of the battery container.

These problems experienced by users of lithium batteries raise concern about the use of these batteries in commercial aviation. The intent of the special conditions are to establish appropriate airworthiness standards for lithium battery installations in the Cessna, Model 650, Citation VII airplane and to ensure, as required by §§ 25.1309 and 25.601, that these batteries are not hazardous or unreliable.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Cessna, Model 650, Citation VII airplane. Should Universal Avionics Systems Corporation apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. A9NM to incorporate the same or similar novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on one airplane model. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of this feature on the airplane.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, because a delay would significantly affect the certification of the airplane, which is imminent, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon publication in the **Federal Register**. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Cessna, Model 650, Citation VII airplanes modified by Universal Avionics Systems Corporation.

Installed Rechargeable Lithium Batteries and Battery Systems.

These special conditions require that (1) all characteristics of the rechargeable lithium batteries and battery installation that could affect safe operation of the Cessna, Model 650, Citation VII airplanes are addressed; and (2) appropriate instructions for continued airworthiness, which include maintenance requirements, are established to ensure the availability of electrical power, when needed, from the batteries.

In lieu of the requirements of Title 14, Code of Federal Regulations (14 CFR) 25.1353(b)(1) through (b)(4) at amendment 25–123, all rechargeable lithium batteries and battery systems on Cessna, Model 650, Citation VII airplanes, modified by Universal Avionics Systems Corporation, must be designed and installed as follows:

1. Safe cell temperatures and pressures must be maintained during any foreseeable charging or discharging condition and during any failure of the charging or battery monitoring system not shown to be extremely remote. The rechargeable lithium battery installation must preclude explosion in the event of those failures.

2. Design of the rechargeable lithium batteries must preclude the occurrence of self-sustaining, uncontrolled increases in temperature or pressure.

3. No explosive or toxic gases emitted by any rechargeable lithium battery in normal operation, or as the result of any failure of the battery charging system, monitoring system, or battery installation which is not shown to be extremely remote, may accumulate in hazardous quantities within the airplane.

4. Installations of rechargeable lithium batteries must meet the requirements of § 25.863(a) through (d).

5. No corrosive fluids or gases that may escape from any rechargeable lithium battery may damage surrounding structure or any adjacent systems, equipment, or electrical wiring of the airplane in such a way as to cause a major or more severe failure condition, in accordance with § 25.1309(b) and applicable regulatory guidance.

6. Each rechargeable lithium battery installation must have provisions to prevent any hazardous effect on structure or essential systems caused by the maximum amount of heat the battery can generate during a short circuit of the battery or of its individual cells.

7. Rechargeable lithium battery installations must have a system to control the charging rate of the battery automatically, so as to prevent battery overheating or overcharging, and:

a. A battery temperature sensing and over-temperature warning system with a means for automatically disconnecting the battery from its charging source in the event of an over-temperature condition, or,

b. A battery failure sensing and warning system with a means for automatically disconnecting the battery from its charging source in the event of battery failure.

8. Any rechargeable lithium battery installation, the function of which is required for safe operation of the airplane, must incorporate a monitoring and warning feature that will provide an indication to the appropriate flight crewmembers whenever the state-of-charge of the batteries has fallen below levels considered acceptable for dispatch of the airplane.

9. The instructions for continued airworthiness required by § 25.1529 must contain maintenance requirements to assure that the battery is sufficiently charged at appropriate intervals specified by the battery manufacturer and the equipment manufacturer that contain the rechargeable lithium battery or rechargeable lithium battery system. This is required to ensure that lithium rechargeable batteries and lithium rechargeable battery systems will not degrade below specified ampere-hour levels sufficient to power the airplane systems for intended applications. The instructions for continued airworthiness must also contain procedures for the maintenance of batteries in spares storage to prevent the replacement of batteries with batteries that have experienced degraded charge retention ability or other damage due to prolonged storage at a low state of charge. Replacement batteries must be of the same manufacturer and part number as approved by the FAA. Precautions should be included in the instructions for continued airworthiness maintenance instructions to prevent mishandling of the rechargeable lithium battery and rechargeable lithium battery systems, which could result in short-circuit or other unintentional impact damage caused by dropping or other destructive means that could result in personal injury or property damage.

Note 1: The term ''sufficiently charged'' means that the battery will retain enough of a charge, expressed in ampere-hours, to ensure that the battery cells will not be damaged. A battery cell may be damaged by lowering the charge below a point where the battery experiences a reduction in the ability to charge and retain a full charge. This reduction would be greater than the reduction that may result from normal operational degradation.

Note 2: These special conditions are not intended to replace § 25.1353(b) in the certification basis of Cessna, Model 650, Citation VII airplanes. These special conditions apply only to rechargeable lithium batteries, lithium battery systems, and their installations. The requirements of § 25.1353(b) remain in effect for batteries and battery installations on Cessna, Model 650, Citation VII airplanes that do not use lithium batteries.

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

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–04366 Filed 3–2–15; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2014–0871; FRL–9923–80–Region 6]

Approval and Promulgation of Implementation Plans: Texas; Approval of Substitution for Transportation Control Measures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of administrative change.

SUMMARY: The Environmental Protection Agency (EPA) is making an administrative change to update the Code of Federal Regulations (CFR) to reflect a change made to the Texas State Implementation Plan (SIP) on November 3, 2014, as a result of EPA's concurrence on a substitute transportation control measure (TCM) for the Dallas/Ft. Worth (DFW) portion of the Texas SIP. On November 24, 2014, the State of Texas, through the Texas Commission on Environmental Quality (TCEQ), submitted a revision to the Texas SIP

requesting that EPA update its SIP to reflect a substitution of a TCM. The substitution was made pursuant to the TCM substitution provisions contained in Clean Air Act (CAA). EPA concurred on this substitution on November 3, 2014. In this administrative action, EPA is updating the non-regulatory provisions of the Texas SIP to reflect the substitution. In summary, the substitution was a replacement of environmental speed limits (ESLs) within the DFW 8-hour ozone nonattainment area with traffic signalization projects. EPA has determined that this action falls under the ''good cause'' exemption in the Administrative Procedures Act (APA) which, upon finding ''good cause,'' authorizes an agency to make an action effective immediately, thereby avoiding the 30-day delayed effective date otherwise provided for in the APA.

DATES: This action is effective March 3, 2015.

ADDRESSES: SIP materials which are incorporated by reference into 40 Code of Federal Regulations (CFR) part 52 are available for inspection at the following location: Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, TX 75202. Publicly available materials are available either electronically in *www.regulations.gov* or in hard copy at the Region 6 office. The Regional Office hours are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Jeffrey Riley at (214) 665–8542 or via electronic mail at *riley.jeffrey@epa.gov.*

SUPPLEMENTARY INFORMATION: On November 3, 2014, EPA issued a concurrence letter to TCEQ stating that the substitution of DFW area ESL TCMs with traffic signalization project TCMs met the CAA section 176(c)(8) requirements for substituting TCMs in an area's approved SIP. *See also* EPA's Guidance for Implementing the CAA section 176(c)(8) Transportation Control Measure Substitution and Addition Provision contained in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users which was signed into law on August 10, 2005, dated January 2009. The DFW area ESLs were originally approved into the SIP as control measures on October 11, 2005 (70 FR 58978). On January 9, 2014, EPA approved re-categorization of the DFW area ESL control measures to TCMs, making the measures eligible for substitution under the provisions of CAA section 176(c)(8) (79 FR 1596).

As a part of the concurrence process, the public was provided an opportunity to comment on the proposed TCM substitution. Public notice and comment was provided by the DFW metropolitan planning organization, the North Central Texas Council of Governments (NCTCOG), during Regional Transportation Council meetings held on July 14, 2014 and July 17, 2014. Public notice for these meetings was published in 20 DFW area newspapers and circulars.

Through this concurrence process, EPA determined that the requirements of CAA section 176(c)(8) were met, including the requirement that the substitute measures achieve equivalent or greater emission reductions than the control measure to be replaced. Upon EPA's concurrence, the ESL substitution took effect as a matter of federal law. A copy of EPA's concurrence letter is included in the Docket for this action. This letter can be accessed at *www.regulations.gov* using Docket ID No. EPA–R06–OAR–2014–0871. In accordance with the requirements for TCM substitution, on November 24, 2014, TCEQ submitted a request for EPA to update the DFW portion of the Texas SIP to reflect EPA's previous approval of the TCM substitution of the ESLs with the traffic signalization project TCMs in its SIP (the subject of this administrative change). Today, EPA is taking administrative action to update the non-regulatory provisions of the Texas SIP in 40 CFR 52.2270(e) to reflect EPA's concurrence on the substitution of a TCM for the conversion of ESLs to traffic signalization projects:

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date
DFW nine-county area ESL TCMs to traffic signalization TCMs. Affected counties are Dallas, Tarrant, Collin, Denton, Parker, Johnson, Ellis, Kaufman, Rockwall.	Dallas-Fort Worth	9/16/2010

Under section 553 of the APA, an agency may find good cause where procedures are ''impractical, unnecessary, or contrary to the public interest.'' The substitution was made through the process included in CAA section 176(c)(8). Effective immediately, today's action codifies provisions which are already in effect. The public had an opportunity to comment on this substitution during the public comment period prior to approval of the substitution. Immediate notice of this action in the **Federal Register** benefits the public by providing the updated Texas SIP Compilation and ''Identification of Plan'' portion of the **Federal Register**.

Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this administrative action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget. This action is not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866. Because the Agency has made a ''good cause'' finding that this action is not subject to notice-and-comment requirements under the APA or any other statute as indicated in the **SUPPLEMENTARY INFORMATION** section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act (UMRA) of 1995 (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA.

This administrative action also 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999).

This administrative action also is not subject to Executive Order 13045 (62 FR19885, April 23, 1997), because it is not economically significant. This administrative action does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The administrative action also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). This administrative action does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act (CRA) (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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. Today's administrative action simply codifies a provision which is already in effect as a matter of law in Federal and approved state programs. 5 U.S.C. 808(2). These announced actions were effective upon EPA's concurrence. 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 this action in the **Federal Register**. This update to Texas' SIP Compilation is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: February 19, 2015.

Ron Curry,

Regional Administrator, Region 6.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart SS—Texas

■ 2. In § 52.2270(e), the table titled ''EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the Texas SIP'' is amended by adding an entry at the end for ''DFW nine-county area ESL TCM to traffic signalization TCMs''.

The addition reads as follows:

§ 52.2270 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/ effective date	EPA approval date	Comments
* *	*	*	*	* *
DFW nine-county area ESL TCM to traffic signalization TCMs.	Dallas-Fort Worth: Dallas, Tarrant, Collin, Denton, Parker, Johnson, Ellis, Kaufman and Rockwall Counties.	9/16/2010	1/9/2014, 79 FR 1596	DFW ESLs recategorized as TCM 1/9/2014, substituted withtraffic signalization TCMs 11/3/2014.

[FR Doc. 2015–04269 Filed 3–2–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R07–OAR–2014–0399; FRL–9923–66–Region 7]

Air Quality State Implementation Plans; Approval and Promulgation: Missouri; St. Louis Inspection and Maintenance Program

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the State Implementation Plan (SIP) submitted by the State of Missouri relating to its vehicle Inspection and Maintenance (I/M) Program. On August 16, 2007, and December 7, 2007, the Missouri Department of Natural Resources (MDNR) requested to amend the SIP to replace the St. Louis centralized vehicle test program, called the Gateway Clean Air Program (GCAP), with a decentralized, OBD-only vehicle I/M program called the Gateway Vehicle Inspection Program (GVIP). In this action, EPA is also approving three additional SIP revisions submitted by Missouri related to the state's I/M program including: Exemptions for specially constructed vehicles or ''kit-cars,'' exemptions for Plugin Hybrid Electric Vehicles (PHEV), and rescission of Missouri State Highway Patrol rules from the Missouri SIP.

These revisions to Missouri's SIP do not have an adverse effect on air quality as demonstrated in the technical support document which is a part of this docket. EPA's approval of these SIP revisions is being done in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on April 2, 2015.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R07–OAR–2014–0399. 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.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219. The Regional Office's official hours of business are Monday

through Friday, 8:00 a.m. to 4:30 p.m. excluding Federal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Steven Brown, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at 913–551–7718, or by email at *brown.steven@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document ''we,'' ''us,'' or ''our'' refer to EPA. This section provides additional information by addressing the following:

I. What is being addressed in this document?
II. Have the requirements for approval of a SIP revision been met?
III. EPA's response to comments.
IV. What action is EPA taking?

I. What is being addressed in this document?

EPA is approving revisions to the St. Louis vehicle I/M program to replace the centralized, transient I/M240 vehicle I/M program (GCAP) with the de-centralized, OBD-only, vehicle I/M program (GVIP). MDNR submitted to EPA five SIP revision submissions to address the vehicle I/M program replacement and associated state rule, plus one supplemental demonstration. They are as follows:

On August 16, 2007, MDNR requested that Missouri Rule 10 CSR 10–5.380, ''Motor Vehicle Emissions Inspection'' be rescinded and replaced with rule 10 CSR 10–5.381, ''On-Board Diagnostics Motor Vehicle Emissions Inspection.'' In that same submittal letter, MDNR also requested that Missouri Rule 10 CSR 10–5.375, ''Motor Vehicles Emissions Inspection Waiver'' be rescinded. EPA is not taking any action on 10 CSR 10–5.375 as it is being replaced in its entirety with the GVIP I/M program, Missouri Rule 10 CSR 10–5.381.

On December 14, 2007, MDNR submitted the new GVIP plan and performance standard demonstration to show that the GVIP program meets the basic requirements as described in 40 CFR part 51 subpart S. This submission also requests that EPA approve the plan to replace the GCAP I/M program with the new GVIP program.

On December 21, 2007, Missouri submitted a revision requesting that the Missouri State Highway Patrol rules be removed from the Missouri SIP because the new rule, 10 CSR 10–5.381, does not rely on the Missouri Highway Patrol rules for enforcement. More details can be found in the technical support document that is a part of this docket.

On January 2, 2009, MDNR submitted a required supplemental demonstration for I/M network type and program evaluation as required by 40 CFR 51.353. This demonstration is required within one year after the I/M program begins.

On June 17, 2009, Missouri submitted a revision to I/M rule 10 CSR 10–5.381 which includes minor clarification edits and exempts specially constructed vehicles or ''kit-cars'' from the rule.

On December 10, 2012, Missouri submitted a revision to exempt Plugin Hybrid Electric Vehicles (PHEV) from the I/M program as codified in rule 10 CSR 10–5.381.

As part of our review, EPA performed a separate analysis of all the state's SIP submissions and a cumulative air quality analysis as documented in the technical support document that is part of this docket. EPA's analysis shows that these SIP revisions do not adversely affect air quality in the St. Louis area and are approvable.

II. Have the requirements for approval of a SIP revision been met?

The state submission has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above and in more detail in the technical support document which is part of this docket, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

III. EPA's Response to Comments

The public comment period on EPA's proposed rule opened December 28, 2014, the date of its publication in the **Federal Register**, and closed on January 29, 2015. During this period, EPA received five comments from one anonymous commenter.

Comment 1: The commenter contends that while no action is necessary with regards to removing Missouri Rule 10 CSR 10–5.375 from the SIP because Missouri is replacing the GCAP program with the GVIP program, EPA incorrectly stated that Missouri Rule 10 CSR 10–5.375 was not part of the SIP.

Response 1: EPA agrees with the commenter that 10 CSR 10–5.375 was included in list number 47 in 40 CFR 52.1320(e) under ''Vehicle I/M Program'' and also should have been listed in 40 CFR 52.1320(c) but was not. EPA also agrees that no action is necessary to remove 10 CSR 10–5.375 from the SIP as the GCAP I/M program is being wholly replaced with the GVIP I/M program. Therefore, no action is necessary on Missouri's request to remove Missouri rule CSR 10–5.375 from the SIP.

Comment 2: The commenter contends that the analysis performed to show that the new I/M program meets the performance standard did not account for the removal of both the IM240 and single speed idle test and therefore was done improperly.

Response 2: Missouri is not required to include a performance standard test for IM240 and single speed idle testing as Missouri is only required to meet the Basic Performance Standard test set forth by EPA. The reason for the performance standard testing was to give an indication of whether or not the GVIP program would satisfy the minimum requirements of EPA's I/M rule. The GVIP program's modeling parameters used by Missouri during this Basic Performance Standard test analysis were correctly identified and performed adequately. The technical support document (TSD) supplied in the docket reviews the performance standard test results and also includes a section 110(l) modeling exercise that compares the GCAP and GVIP I/M programs emissions results.

Comment 3: The commenter states that portions of the St. Louis area are required to have an enhanced I/M program as part of the 1-hour ozone maintenance plan which covers the second ten-year maintenance plan and beyond. The commenter says that this means that until Missouri has demonstrated that the enhanced I/M program is no longer necessary, and EPA approves this demonstration, the St. Louis area is still required to have an enhanced I/M program.

Response 3: Under the 1-hour standard, the St. Louis area was classified as moderate non-attainment and was only required to do a basic I/M program. At the time the GCAP was approved, its emission reductions were compared to those that would be achieved by the basic I/M performance standard and were found to exceed the performance standard. Because the GCAP program met the applicable performance standard as well as providing the additional emission reductions required under the attainment plan, it was approved. Today's action, among other things, is approving the replacement of the GCAP program with the GVIP program which has also been found to meet the minimum basic program requirements but also achieves greater emission reductions than the GCAP program it replaces as demonstrated by the section 110(l) analysis included in the TSD in the docket for today's action. The GVIP

program meets all the requirements previously met by the GCAP when it was approved into the SIP. Today's action does not weaken or remove the I/M program from the SIP as demonstrated in the TSD, contrary to what is implied by the commenter. Additionally, Missouri relies on the GVIP program and it is specifically relied upon in the St. Louis area's 1997 8-hour ozone maintenance plan.

Comment 4: The commenter states that Missouri's emissions analysis uses the outdated EPA mobile model, MOBILE–6, and that because Missouri submitted this SIP revision over five years ago and EPA has not acted on it, the burden should be on EPA to perform an additional analysis utilizing the updated EPA mobile model, MOVES2014.

Response 4: EPA did perform an additional modeling analysis utilizing MOVES2014 to compare the GCAP and GVIP I/M program differences for control efficiency and emissions results for the St. Louis area. The results show that the GVIP program achieves greater emission reductions than the GCAP program. These results can be found in the TSD which is part of this docket.

Comment 5: The commenter states that EPA should perform an additional modeling analysis that uses the performance standard in the February 2014 guidance document EPA–420–B–14–006. The commenter further states that by using this guidance any analysis will show that the removal of the IM240 test and single speed idle test will result in a loss of NO_X and VOC emission reductions and that losses will need to be compensated for with other emission reduction measures.

Response 5: Additional performance standard modeling is only required if changes are made to an approved I/M program prior to attaining the standard for which the program was adopted (section 4.0, EPA guidance document: EPA–420–B–14–006). Missouri has attained the standard(s) for which the program was adopted. Once an area goes from being a nonattainment area to an attainment and maintenance area, the only analysis required when changing an I/M program is to estimate the shortfall, if any, created by the change as part of a required 110(l) demonstration. The 110(l) demonstration modeling contained in the TSD, provided in the docket, was performed using the February 2014 guidance cited in the comment and shows that there was no shortfall created by the change from the GCAP to the GVIP which is being approved through this action.

IV. What action is EPA taking?

EPA is taking final action to amend the Missouri SIP to approve revisions to St. Louis vehicle I/M program. While these SIP revisions were submitted in separate requests, they are direct changes to the St. Louis Vehicle Inspection Program and are being addressed in one SIP action.

Statutory and Executive Order Reviews

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Missouri rule 10–5.381 ''On Board Diagnostics Motor Vehicle Emissions Inspection'' described in the amendments to 40 CFR part 52 set forth below.'' EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

Under the Clean Air Act (CAA), the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the 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).

The SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 4, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: February 18, 2015.

Karl Brooks,

Regional Administrator, Region 7.

For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR part 52 as set forth below:

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 AA—Missouri

■ 2. In § 52.1320(c) the table is amended by:

■ a. Removing the entry for ''10–5.380'';

■ b. Adding in numerical order the entry for ''10–5.381''; and

■ c. Removing the chapter title ''Missouri Department of Public Safety Division 50-State Highway Patrol Chapter 2—Motor Vehicle Inspection'' and its entries for ''50–2.010 through 50–2.420''.

The addition reads as follows:

§ 52.1320 Identification of Plan.

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

Missouri citation	Title	State effective date	EPA approval date	Explanation
Missouri Department of Natural Resources				
*	*	*	*	*
Chapter 5—Air Quality Regulations and Air Pollution Control Regulations for the St. Louis Metropolitan Area				
*	*	*	*	*
10–5.381	On-Board Diagnostics Motor Vehicle Emissions Inspection.	12/30/12	3/3/15 [Insert **Federal Register** citation].	
*	*	*	*	*

* * * * *

[FR Doc. 2015–04271 Filed 3–2–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 63

[IB Docket No. 12–299; FCC 14–48]

Reform of Rules and Policies on Foreign Carrier Entry Into the U.S. Telecommunications Market

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection requirements associated with the Commission's *Report and Order,* IB Docket No. 12–299, FCC 14–48. This notice is consistent with the *Report and Order,* which stated that the Commission would publish a document in the **Federal Register** announcing OMB approval and the effective date of the requirements.

DATES: The amendments to 47 CFR 1.767(a)(8), 1.768(g)(2), 63.11(g)(2) and 63.18(k), published at 79 FR 31873, June 3, 2014 are effective on March 3, 2015.

FOR FURTHER INFORMATION CONTACT: For additional information contact Cathy Williams, *Cathy.Williams@fcc.gov,* (202) 418–2918.

SUPPLEMENTARY INFORMATION: This document announces that, on February 10, 2015 and February 20, 2015, OMB approved the information collection requirements contained in the Commission's *Report and Order,* FCC 14–48, published at 79 FR 31873, June 3, 2014. The OMB Control Numbers are 3060–0686 and 3060–0944. The Commission publishes this notice as an announcement of the effective date of the requirements. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street SW., Washington, DC 20554. Please include the OMB Control Number, 3060–0686, in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov.*

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on February 10, 2015 and February 20, 2015, for the new information collection requirements contained in the Commission's rules at 47 CFR 1.767(a)(8), 1.768(g)(2), 63.11(g)(2) and 63.18(k).

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Numbers are 3060–0686 and 3060–0944.

The foregoing notice is required by the Paperwork Reduction Act of 1995,

Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–0686.

OMB Approval Date: February 20, 2015.

OMB Expiration Date: February 28, 2018.

Title: International Section 214 Authorization Process and Tariff Requirements—47 CFR Sections 63.10, 63.11, 63.13, 63.18, 63.19, 63.21, 63.24, 63.25 and 1.1311.

Form Number: International Section 214 Application—New Authorization; International Section 214 Authorizations—Transfer of Control/Assignment; International Section 214—Special Temporary Authority and International Section 214—Foreign Carrier Affiliation Notification.

Respondents: Business and other for-profit.

Number of Respondents and Responses: 495 respondents; 748 responses.

Estimated Time per Response: 0.50 hour to 15 hours.

Frequency of Response: On occasion reporting requirement, Quarterly reporting requirement, Recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in sections 1, 4(i), 4(j), 11, 201–205, 208, 211, 214, 219, 220, 303(r), 309, 310 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 161, 201–205, 208, 211, 214, 219, 220, 303(r), 309, 310 and 403.

Total Annual Burden: 3,286 hours.

Total Annual Cost: $755,400.

Nature and Extent of Confidentiality: In general, there is no need for confidentiality with this collection of information. In those cases where a respondent believes information requires confidentiality, the respondent can request confidential treatment under § 0.459 of the Commission's rules, 47 CFR 0.459.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: The Federal Communications Commission (Commission) received approval for a revision of OMB Control No. 3060–0686 from the Office of Management and Budget (OMB). The purpose of this revision was to obtain OMB approval of rules adopted in the Commission's Report and Order in IB Docket No. 12–299, FCC 14–48, adopted and released on April 22, 2014 (Report and Order). In the Report and Order, the Commission eliminated the effective competitive opportunities (ECO) test from §§ 63.11(g)(2) and 63.18(k) of the Commission's rules, 47 CFR 63.11(g)(2), 63.18(k), which apply to applications filed under section 63.18, 47 CFR 63.18, for authority to provide U.S.-international telecommunications service pursuant to section 214 of the Communications Act of 1934, as amended (Communications Act), 47 U.S.C. 214, and to foreign carrier affiliation notifications filed under § 63.11 of the Commission's rules, 47 CFR 63.11. The Commission is also making adjustments to the hour and cost burdens associated with other rules and requirements covered by this information collection. The information will be used by the Commission staff in carrying out its duties under the Communications Act.

The information will be used by the staff in carrying out its duties under the Communications Act. The information collections are necessary largely to determine the qualifications of applicants to provide common carrier international telecommunications service, including applicants that are, or are affiliated with, foreign carriers, and to determine whether and under what conditions the authorizations are in the public interest, convenience, and necessity. The information collections are also necessary to maintain effective oversight of U.S. international carriers generally.

If the collections are not conducted or are conducted less frequently, applicants will not obtain the authorizations necessary to provide telecommunications services, and the Commission will be unable to carry out its mandate under the Communications Act. In addition, without the information collections, the United States would jeopardize its ability to fulfill the U.S. obligations as negotiated under the WTO Basic Telecom Agreement because these collections are imperative to detecting and deterring anticompetitive conduct. They are also necessary to preserve the Executive Branch agencies' and the Commission's ability to review foreign investments for national security, law enforcement, foreign policy, and trade concerns.

OMB Control Number: 3060–0944.

OMB Approval Date: February 10, 2015.

OMB Expiration Date: February 28, 2018.

Title: Cable Landing License Act, 47 CFR 1.767; 1.768; Executive Order 10530.

Form Number: Submarine Cable Landing License Application.

Respondents: Business and other for-profit.

Number of Respondents and Responses: 38 respondents; 94 responses.

Estimated Time per Response: 0.50 hour to 17 hours.

Frequency of Response: On occasion reporting requirement, Quarterly reporting requirement, Recordkeeping requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in the Submarine Cable Landing License Act of 1921, 47 U.S.C. 34–39, Executive Order 1050, section 5(a), and the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i)–(j), 155, 303(r), 309, and 403.

Total Annual Burden: 421 hours.

Total Annual Cost: $88,505.

Nature and Extent of Confidentiality: In general, there is no need for confidentiality with this collection of information. In those cases where a respondent believes information requires confidentiality, the respondent can request confidential treatment under § 0.459 of the Commission's rules, 47 CFR 0.459.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: The Federal Communications Commission (Commission) received approval for a revision of OMB Control No. 3060–0944 from the Office of Management and Budget (OMB). The purpose of this revision was to obtain OMB approval of rules adopted in the Commission's Report and Order in IB Docket No. 12–299, FCC 14–48, adopted and released on August 22, 2014 (Report and Order). In the Report and Order, the Commission eliminated the effective competitive opportunities (ECO) test from §§ 1.767(a)(8) and 1.768(g)(2) of the Commission's rules, 47 CFR 1.767(a)(8), 1.768(g)(2), which apply to cable landing license applications filed under the Submarine Cable Landing License Act of 1921, 47 U.S.C. 34–39, and § 1.767 of the Commission's rules, 47 CFR 1.767, and to foreign carrier affiliation notifications filed under § 1.768 of the Commission's rules, 47 CFR 1.768. The Commission is also making adjustments to the hour and cost burdens associated with other rules and requirements covered by this information collection.

The information will be used by the Commission staff in carrying out its duties under the Submarine Cable Landing License Act of 1921, 47 U.S.C. 34–39, Executive Order 10530, section 5(a), and the Communications Act of

1934, as amended. The information collections are necessary largely to determine whether and under what conditions the Commission should grant a license for proposed submarine cables landing in the United States, including applicants that are, or are affiliated with, foreign carriers in the destination market of the proposed submarine cable. Pursuant to Executive Order No. 10530, the Commission has been delegated the President's authority under the Cable Landing License Act to grant cable landing licenses, provided that the Commission must obtain the approval of the State Department and seek advice from other government agencies as appropriate. If the collection is not conducted or is conducted less frequently, applicants will not obtain the authorizations necessary to provide telecommunications services and facilities, and the Commission will be unable to carry out its mandate under the Cable Landing License Act and Executive Order 10530. In addition, without the collection, the United States would jeopardize its ability to fulfill the U.S. obligations as negotiated under the World Trade Organization (WTO) Basic Telecom Agreement because certain of these information collection requirements are imperative to detecting and deterring anticompetitive conduct. They are also necessary to preserve the Executive Branch agencies' and the Commission's ability to review foreign investments for national security, law enforcement, foreign policy, and trade concerns.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2015–04336 Filed 3–2–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[MB Docket No. 15–37; FCC 15–21]

Implementation of the STELA Reauthorization Act of 2014

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission (''Commission'') amends its rules to implement certain provisions of the STELA Reauthorization Act of 2014. Collectively, those provisions: Extend to January 1, 2020 the good faith negotiation requirements applicable to multichannel video programming distributors (''MVPDs'') and television broadcast stations, and the exclusive contract prohibition applicable to such broadcast stations; prohibit same-market television broadcast stations from coordinating negotiations or negotiating on a joint basis for retransmission consent except under certain conditions; prohibit a television broadcast station from limiting the ability of an MVPD to carry into its local market television signals that are deemed ''significantly viewed'' or that otherwise are permitted to be carried by the MVPD, with certain exceptions; and eliminate the ''sweeps prohibition'' in the Communications Act of 1934, as amended (''the Act'').

DATES: Effective April 2, 2015.

FOR FURTHER INFORMATION CONTACT: Raelynn Remy, *Raelynn.Remy@fcc.gov,* Federal Communications Commission, Media Bureau, (202) 418–2936.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order,* MB Docket No. 15–37, FCC 15–21, which was adopted on February 13, 2015 and released on February 18, 2015. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW., Room CY–A257, Washington, DC 20554. This document will also be available via ECFS at *http://fjallfoss.fcc.gov/ecfs/.* Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Paperwork Reduction Act of 1995 Analysis

This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified ''information collection burden for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

Document Summary

I. Introduction

1. In this *Order,* we amend our rules to implement three provisions of the STELA Reauthorization Act of 2014 (''STELAR'').[1] Collectively, those provisions: (i) Extend to January 1, 2020 the good faith negotiation requirements applicable to multichannel video programming distributors (''MVPDs'') and television broadcast stations, and the exclusive contract prohibition applicable to such broadcast stations;[2] (ii) prohibit same-market television broadcast stations from coordinating negotiations or negotiating on a joint basis for retransmission consent except under certain conditions;[3] (iii) prohibit a television broadcast station from limiting the ability of an MVPD to carry into its local market television signals that are deemed ''significantly viewed'' or that otherwise are permitted to be carried by the MVPD, with certain exceptions;[4] and (iv) eliminate the ''sweeps prohibition'' in section 614(b)(9) of the Communications Act of 1934, as amended (''the Act'').[5]

2. The STELAR requires the Commission, among other things, to undertake several proceedings to adopt new rules, amend or repeal existing rules, and conduct analyses. This proceeding implements sections 101, 103 and 105 of the STELAR.[6] We address those provisions in one order because their implementation entails no exercise of our administrative discretion and, therefore, notice and comment procedures are unnecessary under the ''good cause'' exception to the Administrative Procedure Act (''APA'').[7] We discuss each provision, in turn.

[1] *See* Public Law 113–200, 128 Stat. 2059 (2014). The STELAR was enacted on December 4, 2014 (H.R. 5728, 113th Cong.).

[2] *See* 47 U.S.C. 325(b)(3)(C) (*as amended by* section 101 of the STELAR).

[3] *See id.* (*as amended by* section 103(a) of the STELAR).

[4] *See id.* (*as amended by* section 103(b) of the STELAR).

[5] *See* 47 U.S.C. 534(b)(9) (*as amended by* section 105 of the STELAR).

[6] Provisions of the STELAR that we do not implement in this *Order* will be addressed in other proceedings.

[7] *See* 5 U.S.C. 553(b)(B). *See also Metzenbaum* v. *Federal Energy Regulatory Commission,* 675 F.2d 1282, 1291 (D.C. Cir. 1982) (agency order, issued pursuant to Congressional waiver of certain provisions of federal law that otherwise would have governed construction and operation of Alaskan natural gas pipeline, was appropriately issued without notice and comment under the APA's ''good cause'' exception as a nondiscretionary ministerial action); *Komjathy* v. *Nat'l Transp. Safety Bd.,* 832 F.2d 1294, 1296–97 (D.C. Cir. 1987) (notice and comment is unnecessary where the regulation does no more than repeat, virtually verbatim, the statutory grant of authority), *cert. denied,* 486 U.S. 1057 (1988).

II. Discussion

A. Section 101 of the STELAR: Extension of Sunset Dates in Retransmission Consent Rules

3. We revise § 76.64(b)(3)(ii) of our rules (relating to the retransmission consent exemption for carriage of distant network signals by satellite carriers), § 76.64(l) (relating to the prohibition on exclusive retransmission consent contracts) and § 76.65(f) (relating to the expiration of the reciprocal good faith negotiation requirements) to reflect the new sunset dates established in section 101 of the STELAR. Section 101 amends section 325(b)(2)(C) of the Act by replacing the previous sunset date of December 31, 2014 with a new sunset date of December 31, 2019. Section 101 also amends section 325(b)(3)(C) of the Act to replace the previous sunset date of January 1, 2015 with a new sunset date of January 1, 2020.[8] Accordingly, we amend §§ 76.64(b)(3)(ii), 76.64(l), and 76.65(f) of our rules to reflect those new sunset dates.

B. Section 103(a) of the STELAR: Ban on Joint Negotiation for Retransmission Consent

4. We also revise § 76.65(b) of our rules (setting forth standards for good faith negotiation) to incorporate new provisions of section 325 added by the STELAR. In particular, section 103(a) of the STELAR revises section 325 by adding new subsection 325(b)(3)(C)(iv), which, read as part of section 325(b)(3)(C) as a whole, requires the Commission to revise its retransmission consent rules:

> [to] prohibit a television broadcast station from coordinating negotiations or negotiating on a joint basis with another television broadcast station in the same local market (as defined in section 122(j) of title 17, United States Code) to grant retransmission consent under this section to a [MVPD], unless such stations are directly or indirectly under common de jure control permitted under the regulations of the Commission.[9]

5. In accordance with our statutory mandate in section 325(b)(3)(C), we revise § 76.65(b) of our rules to incorporate this new provision virtually verbatim. Specifically, we repeal § 76.65(b)(1)(viii) of our rules (governing joint negotiation of retransmission consent) and replace that provision with language implementing new section 325(b)(3)(C)(iv) of the Act. We take this action based on our conclusion that the prohibition on joint negotiation in new section 325(b)(3)(C)(iv) is broader than, and thus supersedes, the Commission's existing prohibition.[10]

C. Section 103(b) of the STELAR: Protections for Significantly Viewed and Other Television Signals

6. In addition, section 103(b) of the STELAR amends section 325 by adding new subsection 325(b)(3)(C)(v). Read as part of section 325(b)(3)(C) in its entirety, that new subsection directs the Commission to amend its retransmission consent rules:

> [to] prohibit a television broadcast station from limiting the ability of a [MVPD] to carry into the local market (as defined in [S]ection 122(j) of title 17, United States Code) of such station a television signal that has been deemed significantly viewed, within the meaning of [S]ection 76.54 of title 47, Code of Federal Regulations, or any successor regulation, or any television broadcast signal such distributor is authorized to carry under [S]ection 338, 339, 340, or 614 of [the] Act, unless such stations are directly or indirectly under common de jure control permitted by the Commission.[11]

7. Thus, we amend § 76.65(b) of our rules by adding new subsection 76.65(b)(1)(ix), which incorporates the protections for significantly viewed and other television signals established in section 103(b) of the STELAR.

D. Section 105 of the STELAR

8. We amend § 76.1601 of our rules by removing the prohibition on deletion or repositioning of local commercial television stations by cable operators during periods in which major television ratings services measure such stations' audience size, otherwise known as the ''sweeps prohibition.''[12] Section 105(a) of the STELAR amends section 614(b)(9) of the Act by eliminating the sweeps prohibition,[13] and section 105(b) directs the Commission to conform its rules accordingly.[14] Pursuant to Congress's directive in section 105(b), therefore, we amend our rules to eliminate Note 1 of § 76.1601.

E. ''Good Cause'' Under Section 553(b)(B) of the APA

9. Consistent with previous decisions, we amend our rules as set forth above without providing for prior public notice and comment. Our action here is largely ministerial because it simply effectuates new sunset dates or other provisions established by legislation, and requires no exercise of administrative discretion. For this reason, we conclude that prior notice and comment would serve no useful purpose and are unnecessary. We, therefore, find that this action comes within the ''good cause'' exception to the notice and comment requirements of the APA.[15]

III. Procedural Matters

A. Regulatory Flexibility Act

10. Because we adopt this *Order* without notice and comment, the Regulatory Flexibility Act (RFA) does not apply.[16]

B. Paperwork Reduction Act

11. This document does not contain any new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA).[17] In addition, therefore, it does not contain any information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002.[18]

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[8] *See* 47 U.S.C. 325(b)(3)(C) (*as amended by* section 101 of the STELAR) (requiring MVPDs and television broadcast stations to negotiate retransmission consent in good faith and prohibiting such stations from engaging in exclusive contracts for carriage).

[9] *See* 47 U.S.C. 325(b)(3)(C) (*as amended by* section 103 of the STELAR).

[10] For example, the prohibition on joint negotiation codified in § 76.65(b)(1)(viii) of our existing rules applies by its terms only to same-market ''Top Four'' television broadcast stations, whereas the new statutory ban applies to all same-market television broadcast stations. Moreover, in contrast to the existing ban on joint negotiation (which permits joint negotiation of retransmission consent by stations that are commonly owned, operated or controlled as determined by the Commission's broadcast attribution rules), the new statutory ban permits joint negotiation only by stations that ''are directly or indirectly under common de jure control permitted under the regulations of the Commission.'' *Compare* 47 CFR 76.65(b)(1)(viii) *with* 47 U.S.C. 325(b)(3)(C) (*as amended by* section 103(a) of the STELAR).

[11] *See* 47 U.S.C. 325(b)(3)(C) (*as amended by* section 103 of the STELAR).

[12] *See* 47 CFR 76.1601, Note 1.

[13] In particular, section 105(a) of the STELAR amends section 614(b)(9) of the Act by striking the second sentence, which states that ''[n]o deletion or repositioning of a local commercial television station shall occur during a period in which major television ratings services measure the size of audiences of local television stations.'' 47 U.S.C. 534(b)(9).

[14] Section 105(b) of the STELAR provides that ''[n]ot later than 90 days after the date of enactment of this Act, the Commission shall revise [S]ection 76.1601 of its rules . . . and any note to such section by removing the [sweeps prohibition].'' *See* Public Law 113–200, 128 Stat. 2059, 105(b) (2014).

[15] *See* 5 U.S.C. 553(b)(B).

[16] *See* 5 U.S.C. 603. The RFA, *see* 5 U.S.C. 601 *et seq.*, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law 104–121, Title II, 110 Stat. 857 (1996). The SBREFA was enacted as Title II of the Contract with America Advancement Act of 1996 (CWAAA).

[17] The Paperwork Reduction Act of 1995, Public Law 104–13, 109 Stat. 163 (1995) (codified in Chapter 35 of title 44 U.S.C.).

[18] The Small Business Paperwork Relief Act of 2002 (SBPRA), Public Law 107–198, 116 Stat. 729 (2002) (codified in Chapter 35 of title 44 U.S.C.); *see* 44 U.S.C. 3506(c)(4).

C. Congressional Review Act

12. The Commission will send a copy of this *Order* in a report to be sent to Congress and the Government Accountability Office, pursuant to the Congressional Review Act.[19]

D. Additional Information

13. For more information, contact Raelynn Remy, *Raelynn.Remy@fcc.gov,* Policy Division, Media Bureau, (202) 418–2936.

IV. Ordering Clauses

14. Accordingly, IT IS ORDERED that, pursuant to the authority found in sections 4(i), 4(j), 303(r), 325 and 614 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303(r), 325, and 534, and sections 101, 103 and 105 of the STELA Reauthorization Act of 2014, Public Law 113–200, 128 Stat. 2059 (2014), this *Order* IS ADOPTED and the Commission's rules ARE HEREBY AMENDED as set forth below.

15. IT IS FURTHER ORDERED that, pursuant to the authority found in sections 4(i), 4(j), 303(r), 325 and 614 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303(r), 325, and 534, and sections 101, 103 and 105 of the STELA Reauthorization Act of 2014, Public Law 113–200, 128 Stat. 2059 (2014), the rules SHALL BE EFFECTIVE thirty (30) days after the date of publication in the **Federal Register**.

16. IT IS FURTHER ORDERED that the Commission shall send a copy of this *Order* in MB Docket No. 15–37 in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Final rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 76 as follows:

PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

■ 1. Amend the authority citation for part 76 to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 302a, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 338, 339, 340, 341, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, 573.

■ 2. Section 76.64 is amended by revising paragraphs (b)(3)(ii) and (l) to read as follows:

§ 76.64 Retransmission consent.

* * * * *

(b) * * *

(3) * * *

(ii) The broadcast station is owned or operated by, or affiliated with a broadcasting network, and the household receiving the signal is an unserved household. This paragraph shall terminate at midnight on December 31, 2019, provided that if Congress further extends this date, the rules remain in effect until the statutory authorization expires.

* * * * *

(l) Exclusive retransmission consent agreements are prohibited. No television broadcast station shall make or negotiate any agreement with one multichannel video programming distributor for carriage to the exclusion of other multichannel video programming distributors. This paragraph shall terminate at midnight on January 1, 2020, provided that if Congress further extends this date, the rules remain in effect until the statutory authorization expires.

* * * * *

■ 3. Section 76.65 is amended by revising paragraph (b)(1)(viii) and by adding paragraph (b)(1)(ix) and revising paragraph (f) to read as follows:

§ 76.65 Good faith and exclusive retransmission consent complaints.

* * * * *

(b) * * *

(1) * * *

(viii) Coordination of negotiations or negotiation on a joint basis by two or more television broadcast stations in the same local market (as defined in 17 U.S.C. 122(j)) to grant retransmission consent to a multichannel video programming distributor, unless such stations are directly or indirectly under common de jure control permitted under the regulations of the Commission.

(ix) The imposition by a television broadcast station of limitations on the ability of a multichannel video programming distributor to carry into the local market (as defined in 17 U.S.C. 122(j)) of such station a television signal that has been deemed significantly viewed, within the meaning of § 76.54 of this part, or any successor regulation, or any other television broadcast signal such distributor is authorized to carry under 47 U.S.C. 338, 339, 340 or 534, unless such stations are directly or indirectly under common de jure control permitted by the Commission.

* * * * *

(f) Termination of rules. This section shall terminate at midnight on January 1, 2020, provided that if Congress further extends this date, the rules remain in effect until the statutory authorization expires.

§ 76.1601 [Amended].

■ 4. Amend § 76.1601 by removing Note 1.

[FR Doc. 2015–04337 Filed 3–2–15; 8:45 am]

BILLING CODE 6712–01–P

[19] *See* 5 U.S.C. 801(a)(1)(A).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 101206604–1758–02]

RIN 0648–XD790

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Increase

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

ACTION: Temporary rule; in-season trip limit increase.

SUMMARY: NMFS increases the trip limit in the commercial sector for king mackerel in the Florida east coast subzone to 75 fish per day in or from the exclusive economic zone (EEZ). This trip limit increase is necessary to maximize the socioeconomic benefits associated with harvesting the quota.

DATES: This rule is effective 12:01 a.m., local time, March 1, 2015, through March 31, 2015, unless NMFS publishes a superseding document in the **Federal Register**.

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

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish (king mackerel, Spanish mackerel, and cobia) is managed under the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented under the authority of the

Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

On January 30, 2012 (76 FR 82058, December 29, 2011), NMFS implemented a commercial quota of 1,102,896 lb (500,265 kg) for Gulf migratory group king mackerel in the Florida east coast subzone (50 CFR 622.384(b)(1)(i)(A)). From November 1 through March 31, the Florida east coast subzone encompasses an area of the EEZ south of a line extending due east of the boundary between Flagler and Volusia Counties, FL, and north of a line extending due east of the boundary between Miami-Dade and Monroe Counties, FL. From November 1 through the end of February, king mackerel in or from the subzone may be possessed on board or landed from a permitted vessel in amounts not exceeding 50 fish per day (50 CFR 622.385(a)(2)(i)(A)).

However, beginning on March 1, if less than 70 percent of the Florida east coast subzone king mackerel commercial quota has been harvested by that date, king mackerel in or from that subzone may be possessed on board or landed from a permitted vessel in amounts not exceeding 75 fish per day (50 CFR 622.385(a)(2)(i)(B)(*2*)).

NMFS has determined that less than 70 percent of the quota for Gulf migratory group king mackerel in the Florida east coast subzone will be harvested by March 1, 2015. Accordingly, a 75-fish trip limit applies to vessels fishing for king mackerel in or from the EEZ in the Florida east coast subzone effective 12:01 a.m., local time, March 1, 2015. The 75-fish trip limit will remain in effect until the subzone closes or until the end of the current fishing year (March 31, 2015) for this subzone.

Classification

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

This action is taken under 50 CFR 622.385(a)(2)(i)(B)(*2*) and is exempt from review under Executive Order 12866.

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

This action responds to the best scientific information available. The Assistant Administrator for Fisheries, NOAA (AA), finds that the need to immediately implement this commercial trip limit increase constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), because prior notice and opportunity for public comment on this temporary rule is unnecessary and contrary to the public interest. Such procedures are unnecessary, because the rule establishing the trip limits has already been subject to notice and comment, and all that remains is to notify the public of the trip limit increase. They are contrary to the public interest, because prior notice and opportunity for public comment would require time, thus delaying fishermen's ability to catch more king mackerel than the present trip limit allows and preventing fishermen from reaping the socioeconomic benefits associated with this increased trip limit.

As this action allows fishermen to increase their harvest of king mackerel from 50 fish to 75 fish per day in or from the EEZ of the Florida east coast subzone, the AA finds it relieves a restriction and may go into effect without a 30-day delay in effectiveness, pursuant to 5 U.S.C. 553(d)(1).

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

Dated: February 26, 2015.

Jennifer M. Wallace,

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

[FR Doc. 2015–04382 Filed 2–26–15; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 141002822–5169–03]

RIN 0648–BE56

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Groundfish Fishery; Fishing Year 2014; Interim Gulf of Maine Cod Management Measures; Correction

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

ACTION: Temporary rule, correcting amendment.

SUMMARY: This document makes corrections to the Gulf of Maine cod interim regulations published in the **Federal Register** on November 13, 2014. This document corrects regulatory text by including the exemption from certain seasonal interim closure areas for vessels fishing for whiting in the Small Mesh Area 1 and 2 Exempted Areas with a raised footrope trawl. These two exempted areas, which overlap with certain seasonal closure areas, were inadvertently overlooked in the interim rule. This action does not make any substantive changes to the interim rule regulations.

DATES: Effective February 26, 2015, until May 12, 2015.

FOR FURTHER INFORMATION CONTACT: William Whitmore, Fishery Policy Analyst, phone: 978–281–9182.

SUPPLEMENTARY INFORMATION:

Background

On November 13, 2014, we published interim management measures (79 FR 67362) to increase protection for Gulf of Maine (GOM) cod in response to a recently updated stock assessment that concluded the stock is severely depleted. The management measures included seasonal interim closure areas where fishing for groundfish is prohibited. The regulations implemented through the GOM cod interim rule allowed vessels fishing with exempted gear or fishing in exempted fisheries to continue to fish within the seasonal interim closure areas; however, the rule mistakenly did not include the Small Mesh Area 1 and 2 Exemption Areas.

An exempted fishery is implemented after it is determined that a specific fishery utilizes a certain gear type, and/or fishes in specific areas or times that result in a groundfish bycatch that is less than 5 percent and doesn't jeopardize fishing mortality objectives. Vessels fishing in the Small Mesh Areas must use raised footrope trawl nets that result in minimal groundfish bycatch. Vessels fishing in these areas may not fish for, possess, or land any groundfish. They are allowed to fish for and possess only whiting, red hake, and a limited number of other species.

Additional information on exempted fisheries can be found online at *www.greateratlantic.fisheries.noaa.gov/regs/info.html.*

Correction

We recently recognized that the GOM cod interim rule regulations inadvertently omitted two small mesh exemption areas utilized by groundfish vessels. Groundfish vessels are allowed to fish with small mesh nets using raised footrope trawls in the Small Mesh

Area 1 and 2 Exempted Areas, as described at 50 CFR 648.80(a)(9). Because these areas were omitted from the regulatory text, groundfish vessels would be unable to fish in the portions of the Small Mesh 1 and 2 Exemption Areas that overlap with the GOM cod seasonal interim closure areas. This correction adds the Small Mesh Area 1 and 2 Exempted Areas to the list of exempted fishery areas that are exempt from the GOM cod seasonal interim closure areas. As a result, vessels can now fish with small mesh nets with raised footrope trawls in the Small Mesh Area 2 Exemption Area in March and April, and, if the interim rule were to be extended another six months, in the Small Mesh Area 1 Exemption Area July 15 through November 15. This correction is consistent with the original intent of the GOM cod interim rule.

Classification

The Assistant Administrator (AA) for Fisheries, NOAA, finds that pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment would be contrary to the public interest. This temporary rule adds the Small Mesh Area 1 and 2 Exempted Areas to the list of exempted fisheries that are exempt from the GOM cod seasonal interim closure areas. These two areas were inadvertently left out of the GOM cod interim action and adding these areas does not substantively change the regulations. Providing notice and comment on these changes is contrary to the public interest because any additional delay would cause economic harm to fishery participants by denying them opportunities to fish in the specified areas, which would have been permitted but for the previous inadvertent omission. Moreover, this action reduces a regulatory restriction and provides fishermen with greater fishing opportunities while maintaining the goals and objectives of the GOM cod interim rule and the groundfish fishery management plan.

The Assistant Administrator also finds good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effectiveness and makes this rule effective immediately upon filing for public inspection. In addition to the reasons stated above, an area within Small Mesh Area 2 will close on March 1, 2015. Vessels fishing with raised footrope trawls would then be prohibited from fishing in that area unnecessarily. Waiving the 30-day delay avoids this unnecessary closure and allows fishery participants to fish in Small Mesh Area 2 without interruption, as was originally intended when the interim management measures were published.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: February 24, 2015.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

Therefore, NOAA amends 50 CFR part 648 as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. Section 648.81 is amended by:

■ A. Suspending from February 26, 2015, unti May 12, 2015, paragraph (o)(2)(iv), and

■ B. Temporarily adding from February 26, 2015, until May 12, 2015, paragraph (o)(2)(vi).

The addition reads as follows:

§ 648.81 NE multispecies closed area and measures to protect EFH.

* * * * *

(o) * * *

(2) * * *

(vi) That are fishing in the Raised Footrope Trawl Exempted Whiting Fishery, ass specified in § 648.80(a)(15), or the Small Mesh Area 1 and 2 Exemption Areas as specified in § 648.80(a)(9).

[FR Doc. 2015–04319 Filed 2–26–15; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 131021878–4158–02]

RIN 0648–XD803

Fisheries of the Exclusive Economic Zone off Alaska; Pacific Cod in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod, except for the Community Development Quota program (CDQ), in the Aleutian Islands subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the non-CDQ allocation of the 2015 Pacific cod total allowable catch (TAC) in the Aleutian Islands subarea of the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), February 27, 2015, through 2400 hrs, A.l.t., December 31, 2015.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7269.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The non-CDQ allocation of the 2015 Pacific cod TAC in the Aleutian Islands subarea of the BSAI is 8,414 metric tons (mt) as established by the final 2014 and 2015 harvest specifications for groundfish in the BSAI (79 FR 12108, March 4, 2014) and inseason adjustment (80 FR 188, January 5, 2015). In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS, has determined that the non-CDQ allocation of the 2015 Pacific cod TAC in the Aleutian Islands subarea of the BSAI will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 6,414 mt, and is setting aside the remaining 2,000 mt as incidental catch in directed fishing for other species. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod in the Aleutian Islands subarea of the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5

U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the directed fishing closure of non-CDQ Pacific cod in the Aleutian Islands subarea of the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of February 25, 2015.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: February 26, 2015.

Jennifer M. Wallace,

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

[FR Doc. 2015–04378 Filed 2–26–15; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 41
Tuesday, March 3, 2015

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF LABOR

5 CFR Chapter XLII

20 CFR Chapters IV, V, VI, VII, and IX

29 CFR Subtitle A and Chapters II, IV, V, XVII, and XXV

30 CFR Chapter I

41 CFR Chapters 50, 60, and 61

48 CFR Chapter 29

Retrospective Review and Regulatory Flexibility

AGENCY: Office of the Secretary, Labor.

ACTION: Request for information; extension of comment period.

SUMMARY: On February 3, 2015, the Department of Labor (DOL or the Department) published a Request for Information (RFI) in response to Executive Order 13563 on improving regulation and regulatory review, and Executive Order 13610 on identifying and reducing regulatory burden. The RFI invited public comment on how the Department can improve any of its significant regulations by modifying, streamlining, expanding, or repealing them, and the comment period ended on February 25, 2015. This extension reopens and extends the date to comment on the RFI.

DATES: The comment period for the Request for Information published on February 3, 2015, at 80 FR 5715, is extended. The comment period ended on February 25, 2015. Comments must be received on or before March 18, 2015. The Department is accepting all comments.

ADDRESSES: You may submit comments through the Department's Regulations Portal at *http://www.dol.gov/regulations/regreview.*

All comments will be available for public inspection at *http://www.dol.gov/regulations/regreview.*

FOR FURTHER INFORMATION CONTACT: Pamela Peters, Program Analyst, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW., Room S–2312, Washington, DC 20210, *peters.pamela@dol.gov* (202) 693–5959 (this is not a toll-free number). Individuals with hearing impairments may call 1–800–877–8339 (TTY/TDD).

SUPPLEMENTARY INFORMATION: On January 18, 2011, President Obama issued Executive Order 13563, ''Improving Regulation and Regulatory Review.'' The Order explains the Administration's goal of creating a regulatory system that protects ''public health, welfare, safety, and our environment while promoting economic growth, innovation, competitiveness, and job creation'' while using ''the best, most innovative, and least burdensome tools to achieve regulatory ends.'' After receipt and consideration of comments, the Department issued its Plan for Retrospective Analysis of Existing Rules in August 2011. On May 12, 2012, President Obama issued Executive Order 13610, ''Identifying and Reducing Regulatory Burdens.'' This Order explained that ''it is particularly important for agencies to conduct retrospective analyses of existing rules to examine whether they remain justified and whether they should be modified or streamlined in light of changed circumstances, including the rise of new technologies.''

Request for Comments

The Department recognizes the importance of conducting retrospective review of regulations and is once again seeking public comment on how the Department can increase the effectiveness of its significant regulations while minimizing the burden on regulated entities. The Department recognizes that the regulated community, academia, and the public at large have an understanding of its programs and their implementing regulations, and therefore is requesting public comment on how the Department can prepare workers for better jobs, improve workplace safety and health, promote fair and high-quality work environments, and secure a wide range of benefits for employees and those who are seeking work, all in ways that are more effective and least burdensome.

This request for public input will inform development of the Department's future plans to review its existing significant regulations. To facilitate receipt of the information, the Department has created an Internet portal specifically designed to capture your input and suggestions, *http://www.dol.gov/regulations/regreview/.* The portal contains a series of questions to gather information on how DOL can best meet the requirements of the Executive Order. The portal will be open to receive comments until March 18, 2015.

Please note that these questions do not pertain to DOL rulemakings currently open for public comment. To comment on an open rulemaking, please visit *regulations.gov* and submit comments by the deadline indicated in that rulemaking. Comments that pertain to rulemakings currently open for public comment will not be addressed by the Department in this venue, which focuses on retrospective review.

The Department will consider public comments as we update our plan to review the Department's significant rules. The Department is issuing this request solely to seek useful information as we update our review plan. While responses to this request do not bind the Department to any further actions related to the response, all submissions will be made available to the public on *http://www.dol.gov/regulations/regreview/.*

Authority: E.O. 13653, 76 FR 3821, Jan. 21, 2011; E.O. 12866, 58 FR 51735, Oct. 4, 1993.

Dated: February 25, 2015.

Mary Beth Maxwell,

Principal Deputy Assistant Secretary for Policy.

[FR Doc. 2015–04362 Filed 3–2–15; 8:45 am]

BILLING CODE 4510–23–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Doc. No. AO–13–0163; AMS–FV–12–0069; FV13–905–1]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Recommended Decision and Opportunity To File Written Exceptions to Proposed Amendments to Marketing Order No. 905

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule and opportunity to file exceptions.

SUMMARY: This recommended decision proposes amendments to Marketing Order No. 905 (order), which regulates the handling of oranges, grapefruit, tangerines, and tangelos (citrus) grown in Florida. Nine amendments are proposed by the Citrus Administrative Committee (Committee), which is responsible for local administration of the order. These proposed amendments would: Authorize regulation of new varieties and hybrids of citrus fruit, authorize the regulation of intrastate shipments of fruit, revise the process for redistricting the production area, change the term of office and tenure requirements for Committee members, authorize mail balloting procedures for Committee membership nominations, increase the capacity of financial reserve funds, authorize pack and container requirements for domestic shipments and authorize different regulations for different markets, eliminate the use of separate acceptance statements in the nomination process, and require handlers to register with the Committee. These proposed amendments are intended to improve the operation and administration of the order.

DATES: Written exceptions must be filed by April 2, 2015.

ADDRESSES: Written exceptions should be filed with the Hearing Clerk, U.S. Department of Agriculture, Room 1081–S, Washington, DC 20250–9200; Fax: (202) 720–9776 or via the Internet at *http://www.regulations.gov.* All comments should reference the docket number and the date and page number of this issue of the **Federal Register**. Comments will be made available for public inspection in the Office of the Hearing Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Melissa Schmaedick, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, Post Office Box 952, Moab, UT 84532; Telephone: (202) 557–4783, Fax: (435) 259–1502, or Michelle Sharrow, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., Stop 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Melissa.Schmaedick@ams.usda.gov* or *Michelle.Sharrow@ams.usda.gov.*

Small businesses may request information on this proceeding by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., Stop 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of Hearing issued on March 28, 2013, and published in the March 28, 2013, issue of the **Federal Register** (78 FR 18899).

This action is governed by the provisions of sections 556 and 557 of title 5 of the United States Code and is therefore excluded from the requirements of Executive Orders 12866, 13563, and 13175.

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to the proposed amendments to Marketing Order 905 regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, and the opportunity to file written exceptions thereto. Copies of this decision can be obtained from Melissa Schmaedick, whose address is listed above.

This recommended decision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act,'' and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR part 900).

The proposed amendments are based on the record of a public hearing held on April 24, 2013, in Winter Haven, Florida. Notice of this hearing was published in the **Federal Register** on March 28, 2013 (78 FR 18899). The notice of hearing contained nine proposals submitted by the Committee.

The proposed amendments were recommended by the Committee following deliberations at a public meeting on July 17, 2012, and were submitted to the Agricultural Marketing Service (AMS) on October 25, 2012. After reviewing the recommendation and other information submitted by the Committee, AMS decided to proceed with the formal rulemaking process and schedule the matter for hearing.

The Committee's proposed amendments to the order would: (1) Authorize regulation of new varieties and hybrids of citrus fruit; (2) authorize the regulation of intrastate shipments of fruit; (3) revise the process for redistricting the production area; (4) change the term of office and tenure requirements for Committee members; (5) authorize mail balloting procedures for Committee membership nominations; (6) increase the capacity of financial reserve funds; (7) authorize pack and container requirements for domestic shipments and authorize different regulations for different markets; (8) eliminate the use of separate acceptance statements in the nomination process; and (9) require handlers to register with the Committee.

The Department of Agriculture (USDA) also proposed to make such changes to the order as may be necessary, if any of the proposed changes are adopted, so that all of the order's provisions conform to the effectuated amendments.

Ten industry witnesses testified at the hearing. The witnesses represented citrus producers and handlers in the production area, as well as the Committee, and they all supported the proposed amendments. The witnesses emphasized the need to restructure Committee representation and administration as well as equip the industry with more tools to address the changing needs of fresh Florida citrus.

Witnesses offered testimony supporting the recommendation to authorize the regulation of new varieties and hybrids of citrus fruit. According to testimony, new varieties and hybrids could address the disease concerns of the industry and increase consumer demand for fresh citrus through the development of varieties with new characteristics.

Witnesses testified in support of streamlining the order by allowing mail ballots for Committee membership nominations, eliminating the use of separate acceptance statements in the nomination process, and changing the term of office and tenure requirements for Committee members to lengthen their terms of service. Witnesses stated that these three proposals would result in cost savings to the Committee and time savings for industry members. Moreover, longer term limits and overall tenure would contribute to stability in

the administration of the order. The proposal to allow for greater financial reserves was supported by witnesses who indicated that additional reserves would result in less fluctuation in assessments and provide year-over-year budget stability.

Witnesses favored two proposals that would add authority to the order to regulate intrastate Florida citrus shipments in the event the Florida Department of Citrus discontinues or modifies its regulation of the fresh segment. This proposal was largely supported as a precautionary measure, with witnesses clearly stating that the authority would not be implemented unless Florida state regulations are not in effect. Witnesses also supported a similar proposal that would allow the Committee to develop different pack and container regulations for different markets, including the intrastate market.

Witnesses also supported the proposed amendment to modify the redistricting criteria and allow redistricting to occur more often than once every five years, as currently provided for under the order. The new criteria would give the Committee a clearer picture of production trends within the fresh citrus segment of the Florida citrus industry and allow the Committee to respond as necessary to best represent the fresh industry's interests.

Finally, witness testimony supported adding authority to require handler registration. Witnesses stated that handler registration would be helpful for two reasons: To assist in compliance and to provide the Committee with accurate handler information.

At the conclusion of the hearing, the Administrative Law Judge established a deadline of July 1, 2013, for interested persons to file proposed findings and conclusions or written arguments and briefs based on the evidence received at the hearing. One brief was filed.

Material Issues

The material issues presented on the record of hearing are as follows:

1. Whether to amend the definitions of ''fruit'' and ''variety'' in § 905.4 and § 905.5 to update terminology and authorize regulation of additional varieties and hybrids of citrus.

2. Whether to amend the definition of ''handle or ship'' in § 905.9 to authorize regulation of intrastate shipments.

3. Whether to amend § 905.14 to revise the process for redistricting the production area.

4. Whether to amend § 905.20 to change the term of office of Committee members from one to two years, and change the tenure requirements for Committee members from three to four years.

5. Whether to amend § 905.22 to authorize mail balloting procedures for Committee membership nominations.

6. Whether to amend § 905.42 to authorize the Committee to increase the capacity of its financial reserve funds from approximately six months of a fiscal period's expenses to approximately two years' fiscal periods' expenses.

7. Whether to amend § 905.52 to authorize pack and container requirements for domestic shipments and authorize different regulations for different markets.

8. Whether to amend § 905.28 to eliminate the use of separate acceptance statements in the nomination process.

9. Whether to amend § 905.7 to require handlers to register with the Committee.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof.

Material Issue Number 1—Definitions of ''Fruit'' and ''Variety''

Sections 905.4, Fruit, and 905.5, Variety, should be amended to update order terminology and authorize regulation of additional varieties and hybrids of citrus.

The proposal to authorize regulation of new varieties and hybrids of citrus fruit would assist the industry in addressing declines in production caused by diseases. Research and development of disease-resistant hybrids may improve the health of Florida's fresh citrus industry. In addition, the industry would be better able to meet consumer preferences as new and improved fruit becomes available for commercial production.

In order to regulate newly developed citrus varieties and hybrids, authority must be added to the order. While the order currently authorizes regulation of specific hybrid fruit included in the definitions, it does not authorize regulation of new hybrids.

The proposal to amend the definitions of ''fruit'' and ''variety'' would revise order language to reflect terminology currently being used in the industry. The order currently lists varieties that are no longer commercially viable. Amendments to the definitions would remove those varieties and group other varieties under sub-definitions currently used within the industry.

The order currently identifies six types of citrus fruit that have varieties that can be regulated under the order. These are: Citrus sinensis, Osbeck, commonly called ''oranges;'' Citrus paradisi, MacFadyen, commonly called ''grapefruit;'' Citrus nobilis deliciosa, commonly called ''tangerines;'' Temple oranges; tangelos; and Honey tangerines.

The proposed amendment would revise this list by moving Temple oranges, tangelos and Honey tangerines under the modified definition of ''variety,'' and adding pummelos (Citrus maxima merr) as a new type. Additionally, authority would be added to regulate varieties of any hybrid fruit developed from the parent fruits of oranges, grapefruit, tangerines, and pummelos.

The definition of ''varieties'' currently identifies twelve classifications or groupings of varieties regulated under the order. These include: ''round oranges;'' late maturing oranges of the Valencia type; Temple oranges; Marsh and other seedless grapefruit, excluding pink grapefruit; Duncan and other seeded grapefruit, excluding pink grapefruit; Pink seedless grapefruit; Pink seeded grapefruit; tangelos; Dancy and similar tangerines, excluding Robinson and Honey tangerines; Robinson tangerines; Honey tangerines; and Navel oranges.

The proposed modification of this definition would re-organize the existing list and add new varieties as follows: Oranges, with sub-groupings for early and midseason oranges, Valencia, Lue Gim Gong, or similar late maturing oranges of the Valencia type, and navel oranges; Grapefruit, red grapefruit and all shades of color and white grapefruit; Tangerines and mandarins, with sub-groupings for Dancy, Robinson, Honey, Fall-Glo, Early Pride, Sunburst, and W-Murcott tangerines, and tangors; and pummelos, including Hirado Buntan and other pink seeded pummelos. Currently regulated citrus hybrids would also be included, specifically: Tangelos, including Orlando and Minneola tangelos, and Temple oranges.

A new sub-paragraph would be added to authorize regulation of any new varieties of citrus fruits specified in 905.4, Fruit, including hybrids of those fruit. Any new hybrid variety subject to regulation would be required to exhibit similar characteristics and be subject to cultural practices common to existing regulated varieties.

According to the record, the Florida citrus industry believes that newly-developed hybrids are necessary for the recovery and long-term health of the industry. The industry is funding the development of new varieties and hybrids and has developed a plan for field testing. The industry hopes to begin producing new varieties and

hybrids in the next few seasons. According to the witnesses, there is great anticipation within the fresh segment of the Florida citrus industry for the introduction of new varieties and hybrids that will reverse the decline of the Florida citrus industry.

Witnesses explained that many of the varieties that have been the mainstay of the Florida fresh citrus industry have either succumbed to pest and disease challenges, or reached a point of market obsolescence. Furthermore, for the past decade, the Florida citrus industry has been contracting due to the loss of bearing trees and production, which has been brought about by the effects of two diseases, citrus canker and greening, and natural disasters, such as hurricanes. Also, the percentage of Florida's citrus crop utilized for fresh shipment has decreased to approximately nine percent of the total volume of citrus produced in Florida.

According to the record, during the past ten years, the number of bearing citrus trees has declined by 29 percent, while production has declined by 42 percent, and fresh utilization has declined by 45 percent. In addition, the value of the juice produced by fresh fruit varieties has continued to decline, which has further depressed the fresh citrus sector.

Witnesses gave examples of changes in consumer preferences that have also impacted the fresh Florida citrus industry. According to the record, Robinson and Dancy tangerines were the preferred varieties of tangerines by consumers thirty years ago. Over time, these varieties fell out of favor and were replaced by the Fall-Glo, Sunburst and Honey varieties because of their sweeter flavor. Consumers are now losing interest in these varieties and are showing a preference for easy-peel, seedless varieties.

These competitive varieties are grown in areas outside of Florida, such as California and Spain, and are currently not suitable for production in the state. As a result, the Florida fresh citrus industry is in the process of developing easy-peel, seedless varieties that will grow in the production area. The new fruit will likely be a hybrid fruit currently not regulated under the order. Witnesses explained that the order should be amended to authorize regulation of hybrid fruit so that this new variety can be regulated once it is ready for commercial production.

Researchers from the University of Florida (UF) testifying at the hearing stated that much research and development of new citrus fruit has been done to improve the competitiveness of the Florida citrus industry. According to the record, this research has resulted in the development and release of as many as ten new citrus fruits providing improvements such as sweeter oranges with earlier or later maturity and improved color and flavor attributes found in other citrus. In addition, research is focused on generating new and unique hybrids that may revitalize consumer interest in fresh Florida citrus. Two examples given by one witness from UF are the Sugar Belle mandarin hybrid and the Valquarius sweet orange, which are starting to be produced for the juice industry.

According to the record, varieties developed by the UF Citrus Breeding Program are being released into a ''fast-track'' testing program where a limited numbers of trees are grown on a test basis by interested growers. Fruit from the test trees cannot be sold.

Once the new varieties have been assessed for their potential value and growers plant sufficient numbers of trees to produce a supply of fruit for marketing through ordinary commercial channels, commercialization will proceed. Once a new variety becomes commercially viable, its inclusion under the order is likely to be considered by the Committee. Without the authority to regulate hybrid citrus fruit, the Committee would not be able to recommend the new fruit's inclusion under the marketing order.

One example of a new fruit that is currently in the test phase is the ''UF914.'' This is a hybrid of pummelo and grapefruit that resembles ordinary grapefruit in appearance, but is much larger. According to the record, it generally has higher sugar levels and lower acidity than an ordinary grapefruit, yet retains the red pigmentation, flavor and aroma of a grapefruit.

A critically important attribute of this particular variety is its extremely low content of furanocoumarins, those chemicals contained in ordinary grapefruit that are responsible for the so-called ''grapefruit juice effect'', or a negative interaction between grapefruit juice and prescription medication, and subsequent medical recommendations for limited grapefruit consumption. As a consequence of its unique chemical composition, there could be substantial consumer demand for this variety. If this fruit were to be produced on a commercial scale, its inclusion under the order would be important to ensure and maintain quality and consistency of product in the market.

Researchers from the UF further explained that while new varieties will likely present marketing opportunities, they may also have new and unique quality attributes. Witnesses concluded that the success of these new varieties, as well as the future of Florida's fresh citrus industry, would be better secured by ensuring that new varieties will be required to meet quality standards.

In general, witnesses testifying in support of Material Issue Number One stated that, when new varieties and hybrids are available to the Florida citrus industry, it will be important that the marketing order contains the authority to regulate quality and size standards, and that its language be inclusive of all varieties likely to emerge from the breeding programs. The ability to regulate these varieties will ensure that the quality and consistency of fruit entering channels of trade will meet consumer demand, compete with product from global production areas, and ensure a fair economic return for Florida fresh citrus growers and handlers.

Two corrections to the proposed regulatory language were offered by a witness testifying from the UF Citrus Breeding Program. These corrections include: Correcting the Latin binomial for pummelo from ''Citrus grandis'' to ''Citrus maxima Merr,'' as listed in the Notice of Hearing; and, correcting the spelling of the previously listed ''Poncirus trifoliate'' to read ''Poncirus trifoliata.'' These corrections have been accepted and are incorporated into the revised definition of § 905.4, Fruit, below.

No testimony opposing the proposed amendment was given at the hearing. For the reasons stated above, it is recommended that §§ 905.4, Fruit, and 905.5, Variety, be amended to update terminology and authorize regulation of additional varieties and hybrids of citrus as proposed and corrected.

A conforming change is needed in the title of 7 CFR part 905. It is proposed to be revised to ''ORANGES, GRAPEFRUIT, TANGERINES, AND PUMMELOS GROWN IN FLORIDA'' to reflect the proposed addition of pummelos as a regulated fruit and the inclusion of tangelos as a regulated hybrid variety.

Material Issue Number 2—Intrastate Shipments

Section 905.9, the definition of ''handle or ship,'' should be amended to authorize regulation of fresh Florida citrus handled and shipped within the production area. This section should be further modified to state that any regulations or requirements implemented as a result of this new authority would not conflict with

Florida state statutes or regulations in effect thereunder.

The order currently regulates the grade and size of fresh Florida citrus handled and shipped to points outside of the production area, including exports, but does not regulate shipments within the state of Florida. Fresh citrus fruit handled and shipped within the state are currently regulated by the Florida Citrus Commission under the Florida Department of Citrus rules, Chapter 20.

Witnesses explained that adding authority for intrastate shipments under the Federal marketing order would create one comprehensive program for regulating fresh Florida citrus in the event that the Florida state program were to stop regulating fresh citrus shipments. Witnesses further explained that this additional authority is being proposed as a precautionary measure and that the industry does not intend to implement this new authority while the Florida state program is in effect.

According to the record, the Committee spent approximately one and a half years thoroughly reviewing and considering this proposal. This proposal has been discussed by industry organizations and with two members of the Florida Citrus Commission, the group that oversees all Florida state citrus regulation. Witnesses stated that the proposal has industry support and, by design, would not conflict with state regulations.

According to the record, all witnesses who included remarks in their testimony about this proposal supported it as a precautionary measure for future use in the event that the State program no longer regulated fresh citrus shipments. Witnesses testifying in support of this proposal included individuals that serve or work closely with Florida state citrus regulatory programs. These witnesses stated that the Florida Citrus Commission is aware of this proposal and does not oppose it.

Witnesses also explained that the proposal to allow for different handling regulations for different market destinations under the order, further discussed in Material Issue 8, complemented the industry's effort to streamline regulation within Florida's fresh citrus industry. According to the record, the two proposals would result in a coordination of regulation under the Federal and State programs, and would provide an added authority under the order to regulate fresh shipments in the state of Florida in the event that the Florida Citrus Commission stopped regulating them. These proposals would streamline handling operations under both programs and would provide continuity in regulation.

No testimony or evidence opposing this proposal was provided at the hearing. For the reasons stated above, it is recommended that § 905.9, the definition of ''handle or ship,'' be amended to authorize regulation of fresh Florida citrus handled and shipped within the production area.

Material Issue Number 3—Redistricting

Section 905.14, Redistricting, should be amended to revise the process for redistricting the production area. This amendment would provide flexibility within the order allowing for the redefining of grower districts within the production area when warranted by relevant factors.

Under the order, the Committee is authorized to consider redistricting every five years. Any recommendation to redistrict must include an analysis of the following factors: (1) The volume of fruit shipped from each district; (2) the volume of fruit produced in each district; (3) the total number of acres of citrus grown in each district; and (4) other relevant factors. The order further requires that any redistricting must retain a minimum of eight, but no more than nine, grower membership positions on the Committee.

According to the record, the proposed amendment would modify three of the four factors used in assessing the need to change district boundaries and remove time restrictions, thereby increasing flexibility. Specifically, the amendment would change the assessment of total volume of fruit shipped from each district to the number of bearing trees in each district. It would also change the assessment of total volume of fruit produced in each district to the total volume of fresh fruit produced in each district. Finally, the consideration of total number of acres in each district would change to total number of bearing trees per district. The last remaining factor currently included in the order—other relevant factors when conditions warrant—would not be changed.

The proposed amendment would also remove the restriction on redistricting any more frequently than every five years. If implemented, the proposed modification to the order would allow for redistricting as needed when the above factors indicate that a change in district boundaries would be beneficial.

Witnesses explained that, due to the major declines in bearing tree numbers, production, and fresh shipments the Florida citrus industry has experienced over the past decade, this proposal would allow the Committee to determine the need for changes in grower districts on a timely basis using information that more accurately represents production trends within the fresh citrus industry.

For example, given the increased loss of trees per acre due to disease and natural disasters, the current guideline for calculating grower districts using acreage is no longer applicable. According to the record, when calculating production capacity within a county or grower district, the new industry standard is to consider bearing trees, not acreage. Due to heavy tree losses within producing groves, acreage is not a reliable indicator of production. Record evidence indicates that many groves have anywhere from 10 percent to as much as or more than 50 percent of their grove acreage with non-bearing trees or no trees at all. Therefore, acreage count as an indicator of production can be misleading. For this reason, the Committee is recommending the usage of bearing trees per district rather than acreage per district.

Witnesses also explained that the Florida Agricultural Statistical Service conducts a tree census every other year. With this information, the Committee would have accurate and timely information on bearing trees, by variety and county, to utilize in their redistricting evaluations.

Witnesses stated that the importance of identifying and assessing the volume of fresh production per district is paramount to understanding trends within the fresh segment of the Florida citrus industry. According to record evidence, the Florida citrus industry utilizes 90 percent or more of its annual crop to produce processed products. Witnesses explained it is important to identify where the remaining 10 percent of fresh citrus is being produced and handled so that the Committee can assign Committee representation or re-designate districts based on the true distribution of fresh citrus production.

Witnesses explained that calculating the volume of fresh citrus produced per district can be accomplished by identifying the number of fresh citrus variety trees in each district and multiplying that number by the average yield per tree of those varieties. Witnesses identified ''fresh citrus varieties'' as those varieties that return to the grower an on-tree value that exceeds the cost of production. These varieties currently would include Navel oranges, red and white grapefruit, specialty citrus varieties, Fall-Glo tangerines, Sunburst tangerines, tangelos, and Honey tangerines.

Finally, witnesses stated that the proposed amendments would allow the

Committee the flexibility to adjust grower districts to reflect shifts in the production of fresh varieties and fresh volume of Florida citrus. Given industry concerns over the continued loss of trees and reduction in fresh volume, the Committee's ability to react to such changes in a timely manner is important to administer the marketing order program effectively.

No testimony opposing this proposal was presented at the hearing. For the reasons stated above, it is recommended that § 905.14, Redistricting, be amended to revise the process for redistricting the production area. This amendment would provide flexibility within the order to allow for the redefining of grower districts within the production area when relevant factors warrant redistricting.

Material Issue Number 4—Term of Office

Section 905.20, Term of office, should be amended to change the term of office of Committee members from one to two years, and change the tenure limits for Committee members from three to four years. This proposed change would provide more continuity in the administration of the order and would result in cost savings and efficiencies from fewer elections.

The order currently limits the term of office for Committee members and alternate members to one year, with the number of consecutive terms, or tenure, that a member or alternate can serve in their position limited to three terms. Therefore, the longest a Committee member can serve before being required to take a break in service is three years. The proposed amendment would lengthen this time to a total of four years, or a limit of two consecutive two-year terms.

Witnesses explained that the current requirements under the order disrupt the administration of the order. Each year nominations and new selections occur. The annual nomination process not only disrupts the work of the Committee, but it also requires time and resources from handlers and growers to participate in nominations and from the Committee to conduct them. Witnesses stated that changing the nomination process to a bi-annual occurrence would allow Committee members to work for two years without interruption, which would also reduce costs associated with conducting and participating in nominations. The overall effect would be an increase in administrative efficiencies and stability.

Regarding the need for increased continuity in leadership, witnesses explained that the production of fresh Florida citrus is rapidly changing. According to the record, in the last 10 seasons the fresh citrus industry has experienced production declines of 50 percent and shipment declines of 40 percent. Witnesses stated that it will be important to have continuity in leadership and representation as the industry addresses the issues of disease and development of new, consumer-friendly citrus varieties to bolster production and market demand.

No testimony opposing this proposal was provided at the hearing. For the reasons stated above, it is recommended that § 905.20, Term of office, be amended to change the term of office of Committee members from one to two years, and change the tenure limit for Committee members from three to four years. This proposed change would provide more continuity in the administration of the order and would result in cost savings and efficiencies with fewer nomination meetings to conduct.

Material Issue Number 5—Mail Balloting

Section 905.22, Nominations, should be amended to authorize the use of mail ballots in conducting Committee membership nominations. In addition, this section should be amended to provide that the nomination process occur in the month of June to allow ample time for the distribution and collection of mail ballots.

The order currently does not allow for voting by mail during the nomination process; all votes must be cast in person or, in the case of handlers, by proxy, at annual nomination meetings. For grower nominations, meetings are held at set locations within each of the three grower districts. Growers are entitled to one vote for each nominee in each of the districts in which he or she is a producer. Shipper nominations are held at the Florida Department of Citrus headquarters. Shippers may vote by proxy, and each shipper's vote is weighted by the volume of fruit handled by them during the then current fiscal period. The nomination process occurs in the month of July.

If implemented, this amendment would simplify the nomination and voting process and would increase industry participation, specifically grower participation. This amendment would also make the nomination process more efficient and economical by eliminating the Committee's expenses associated with holding a nomination meeting. Lastly, this change would reduce financial and other burdens currently required of growers commuting to vote.

Witnesses stated that the current process can limit grower participation due to time and travel requirements to attend nominating meetings. Given that the state of Florida production area is divided into three grower districts, each of these districts covers a large geographic area.

According to witnesses, the burdens of commuting to a nomination meeting have led to poor voter turnout. A considerable number of growers do not live within an easily commutable radius of the nomination meeting locations. Time spent commuting to nomination meetings can be costly in terms of lost wages, time spent away from the workplace, and fuel costs for travel to and from the nomination meetings.

The Committee anticipates that this change will foster increased participation. By allowing voting by mail or other means, participation should increase, and the level of diversity among the members involved in the nomination process may increase as well. According to the record, the Committee believes that it will realize cost savings from conducting the nominations of members and alternate members by mail or other means. As presented earlier, this measure is coupled with the proposal to extend the term of office from a one-year term to a two-year term, which would decrease administrative and travel costs associated with nomination meetings. However, if there is any cost increase, it would be outweighed by the benefit of increased participation and involvement.

The Committee further proposed that the nomination process take place in the month of June in order to allow extra time for the mailing and receipt of mail ballots. The expense of mailing the ballots would be outweighed by the savings in travel and time-related costs of industry members no longer needing to travel to nomination meetings.

No testimony opposing the proposed amendment was given at the hearing. For the reasons stated above, it is recommended that § 905.22, Nominations, be amended to authorize the use of mail ballots in conducting Committee membership nominations and to conduct nominations in June.

Material Issue Number 6—Financial Reserve Fund

Section 905.42, Handler's accounts, should be amended to authorize the Committee to increase the capacity of its financial reserve funds from approximately six months of a fiscal period's expenses to approximately two years' fiscal periods' expenses.

The order currently provides authority to hold in reserve funds equal to approximately one-half of one fiscal period's expenses. According to witnesses, this limits the Committee's flexibility to develop and implement projects requiring advertising, promotion or research without raising the assessment rate during the season. The proposed amendment would allow the Committee to increase their reserves up to two fiscal periods' expenses. The larger reserve fund would provide greater flexibility in the administration of the marketing order program and promote assessment rate stability.

Assessment revenue funds the Committee's administrative, research, and promotion activities. As production has declined over time, the Committee has had to either increase the assessment rate to generate more revenue, or rely on its reserves to fund some of its activities. This has caused the assessment rate to fluctuate substantially over time. The Committee's proposal to raise the reserve cap to two fiscal periods' expenses would reduce assessment rate fluctuation and make more funds available for the Committee to use in fiscal years when assessment revenue isn't sufficient to cover expenses.

According to the record, the Committee's fiscal year begins on August 1 and ends on July 31 of the following year. The shipping season for Florida fresh citrus begins in September and lasts about eight months, with approximately 87 percent of the volume being shipped in six months. The volume of regulated fresh citrus declined 17 percent in the last five seasons, and 41 percent in the last decade. Committee data indicates that 2013–2014 fresh shipments from Florida are projected to decrease another 10 percent from last season. Moreover, the 2013–2014 crop year projection of fresh shipments of 13.2 million boxes will be the lowest since the 1919–1920 season.

Witnesses explained that the Committee has tried to avoid assessment increases each year, and would rather establish an assessment rate that would fully fund its operations and build its reserves to handle the fluctuations in fresh shipments. However, with the current assessment rate and reserve threshold combination, reserves are being drawn down faster than they are being replenished year-over-year. Without raising the cap on reserves, witnesses stated that it will become increasingly difficult for the Committee to avoid annual increases in the assessment rate.

Witnesses testifying in favor of this proposal stated that raising the assessment rate to a level that would properly fund the Committee's operations and simultaneously build ample reserves to handle production fluctuations can only be achieved by increasing the amount of reserves the Committee is allowed to carry over from one fiscal year to the next.

According to the record, the Committee did consider a proposal that would increase the reserve threshold from one half year to one fiscal period's expenses. However, this option was ultimately rejected because current fluctuations in regulated shipments indicate that the Committee's reserve needs are greater than one year's annual expenses. Witnesses explained that it has been the Committee's practice to hold excess assessments during the past few fiscal years to ensure that there would be ample reserves to fully fund their operations.

Witnesses further stated that the proposal to increase the reserve threshold to two fiscal periods' worth of Committee expenses is essential to the Committee's financial stability moving forward, until fluctuations in production can be remedied through the development of disease-resistant citrus and new plantings of varieties with the characteristics desired by consumers of fresh Florida citrus.

Lastly, if the proposed amendment to increase the reserve fund were approved, witnesses stated that the Committee should begin building the reserves immediately.

No testimony opposing the proposed amendment was presented at the hearing. For the reasons stated above, it is recommended that Section 905.42, Handler's accounts, be amended to authorize the Committee to increase the capacity of its financial reserve funds from approximately six months of a fiscal period's expenses to approximately two fiscal periods' expenses.

Material Issue Number 7—Regulation of Shipments

Section 905.52, Issuance of regulations, should be amended to authorize pack and container requirements for domestic shipments and authorize different regulations for different markets. Additionally, in the event that the State of Florida opted to no longer regulate intrastate fresh citrus shipments, this amendment would also allow for such shipments to be regulated under the Federal marketing order.

The order currently regulates the size, capacity, weight, dimensions, marking, or pack of containers used for fresh citrus export shipments, provided that the container is not prohibited under Chapter 601 of the Florida Statutes. The Committee recommends that the order be amended to allow for the establishment of such regulation for both export and interstate shipments, and that these requirements may be different for different market destinations. By adding this authority, the Committee could recognize and meet the differing demands of customers and consumers domestically and abroad. Witnesses explained that having the flexibility to meet differing demands is important in maintaining current markets and creating new markets for any new varieties developed in the future.

The regulation of pack and containers for intrastate shipments falls under the authorities outlined in Chapter 20 of the Florida statutes. Changes to these regulations are developed by the Florida fresh citrus industry and presented to the Florida Citrus Commission for their approval. The Florida Citrus Commission oversees state regulation for both the fresh and processed segments of the state's citrus industry.

According to the record, intrastate markets have been recognized by the Florida citrus industry as being unique from the interstate and export markets in that much of the in-state fruit is sold locally by fruit stands and gift-fruit shippers. Typically, this fruit is sold in bins and ten-box containers so that the consumer may choose their own fruit. This is different from interstate or export shipments, which are typically packed and sold in cartons or bags. Intrastate shipments of fresh Florida citrus represent roughly six percent of the industry's total fresh shipments.

The Committee recommends amending the order to provide authority to regulate intrastate shipments of fresh citrus in the event that the State of Florida ceases to regulate them. This amendment would allow for orderly marketing of fresh citrus to continue if state regulations were no longer in effect. Witnesses explained that this amendment was proposed as a precautionary measure and that the Committee's recommendation had been discussed openly with the Florida Citrus Commission. No opposition was expressed.

USDA recommends modifying the proposed amendatory text published in the Notice of Hearing. USDA's modifications simplify the proposed amendatory text to more clearly state the intent of the Committee's recommendation and that which was supported by witness testimony. The modified language is included here below.

No testimony opposing the proposed amendment was given at the hearing. For the reasons stated above, it is recommended that § 905.52, Issuance of regulations, be amended to: Authorize different regulations for different market destinations; allow for the regulation of pack and container requirements for interstate shipments; and, in the absence of state regulation, allow for the establishment of requirements for intrastate shipments. Any regulation implemented under this authority would not conflict with Florida state statutes or regulation in effect thereunder.

Material Issue Number 8—Nomination Acceptance

Section 905.28, Qualifications and acceptance, should be modified to allow the Committee nominee acceptance statement and the background statement to be combined into one form.

The order currently requires each member and alternate to complete an acceptance letter in addition to the background statement when nominated to serve on the Committee.

This proposal would combine the separate acceptance and background statements into one form. Nominees agreeing to serve on the Committee would complete a background statement that would also include a statement of acceptance. If implemented, this proposal would reduce paperwork associated with the nomination process and result in time savings for nominees filling out the forms.

No testimony opposing the proposed amendment was given at the hearing. For the reasons stated above, it is recommended that § 905.28, Qualifications and acceptance, be amended to allow the acceptance statement and the background statement to be combined into one form.

Material Issue Number 9—Handler Registration

Section 905.7, Handler, should be amended to require handlers to register with the Committee. This amendment would require handlers who intend to handle fresh citrus to provide the Committee with their contact information at the beginning of each crop year. This would assist in administering the compliance provisions of the order.

The order does not currently require handlers to register with the Committee. At the beginning of each crop year, the Committee receives a manifest of handlers who are handling fresh citrus from the state Department of Agriculture and Consumer Service. The information is gathered by the state of Florida through the state's dealer license requirements and through product inspection and certification. The Committee then uses this manifest for compliance purposes and to generate their assessment billings.

According to the record, the State of Florida Department of Citrus, Chapter 601, Florida Statutes, Florida Citrus Code 601.4, requires each packing house or handler that prepares Florida citrus for the fresh market in Florida to register annually with the Florida Department of Agriculture through the Division of Fruit and Vegetables (Division). In addition, Section 601.56, Florida Statutes, also referred to as the Florida Citrus Code, requires Florida citrus handlers to be approved by the Department of Citrus for a citrus fruit dealer's license.

Under the order, § 905.53, Inspection and certification, requires each lot of fresh citrus handled to be inspected by the Division. The Division certifies that the lot of fruit meets all applicable minimum grade and size requirements of the order. The Committee contracts annually with the Division to furnish the Committee, by month, information on each handler's regulated shipments, both interstate and export. This information allows the Committee to calculate each handler's assessment, as well as monitor compliance with grade and size regulation of fresh Florida citrus shipments.

Witnesses explained that while the Committee has not experienced major compliance issues in the past, adding authority for it to require handler registration would provide the Committee with a timely and accurate list of handlers who intend to handle fresh citrus each crop year. Witnesses further explained that in the event the Florida state program were to stop regulating fresh citrus shipments the Committee would be able to gather necessary information through a handler registration requirement to continue monitoring handler compliance under the program.

According to the record, the Committee monitors compliance (for both adherence to the order's grade and size requirements and assessment payments) through provisions of both its compliance and internal controls plans. There are procedures in both to ensure that handlers are fully informed of any violations and are given time to take corrective actions.

Witnesses explained that, in the very limited cases of minimum grade and size regulation violations, the majority of the reported violations involved less than a full pallet of fruit each, which would be equivalent to 54 cartons of citrus. Furthermore, most of the violations have been clerical errors made by the handlers' shipping departments. In the last few seasons, with most shippers using bar coding systems for loading trucks or containers, these violations have almost been eliminated. The Committee has not experienced many late or uncollectible assessments. Nonetheless, witnesses advocated the need to implement a handler registration requirement. This authority would provide the Committee with a timely and accurate list of handlers handling fresh citrus each crop year for the purposes of compliance and communication.

Witnesses explained that, if the amendment was approved, the Committee would have the authority to develop a handler registration form along with other guidelines to implement the collection of information. The handler registration form would likely require contact information along with other pertinent information deemed necessary for the operation of the order. Completed handler registration forms would provide accurate contact information that would improve the effectiveness of communications between handlers and the Committee, and assist in administering the compliance provisions of the order. Other than the time required to complete the registration form, witnesses stated that this proposal would not require handlers to bear any additional costs. Witnesses also stated that this proposal is not controversial and has support within the industry.

No testimony opposing the proposed amendment was given at the hearing. For the reasons stated above, it is recommended that § 905.7, Handler, be amended to require handler registration.

Small Business Considerations

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), AMS has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions so that small businesses will not be unduly or disproportionately burdened. Marketing orders and amendments thereto are unique in that they are normally brought about through group action of essentially small entities for their own benefit.

According to the 2007 US Census of Agriculture, the number of citrus growers in Florida was 6,061. According to the National Agriculture Statistic

Service (NASS) Citrus Fruit Report, published September 19, 2012, the total number of acres used in citrus production in Florida was 495,100 for the 2011/12 season. Based on the number of citrus growers from the US Census of Agriculture and the total acres used for citrus production from NASS, the average citrus farm size is 81.7 acres. NASS also reported the total value of production for Florida citrus at $1,804,484,000. Taking the total value of production for Florida citrus and dividing it by the total number of acres used for citrus production provides a return per acre of $3,644.69. A small grower as defined by the Small Business Administration (SBA) (13 CFR 121.201) is one that grosses less than $750,000 annually. Multiplying the return per acre of $3,644.69 by the average citrus farm size of 81.7 acres, yields an average return of $297,720.51. Therefore, a majority of Florida citrus producers are considered small entities under SBA's standards.

According to the industry, there were 44 handlers for the 2011/12 season, down 25 percent from the 2002/03 season. A small agricultural service firm as defined by the SBA is one that grosses less than $7,000,000 annually. Twenty one handlers would be considered a small entity under SBA's standards. A majority of handlers are considered large entities under SBA's standards.

The production area regulated under the order covers the portion of the state of Florida which is bound by the Suwannee River, the Georgia Border, the Atlantic Ocean, and the Gulf of Mexico. Acreage devoted to citrus production in the regulated area has declined in recent years.

According to data presented at the hearing, bearing acreage for oranges reached a high of 605,000 acres during the 2000/01 crop year. Since then, bearing acreage for oranges has decreased 28 percent. For grapefruit, bearing acreage reached a high of 107,800 acres during the 2000/01 crop year. Since the 2000/01 crop year, bearing acreage for grapefruit has decreased 58 percent. For tangelos, bearing acreage reached a high for the 2000/01 crop year of 10,800 acres for Florida. Since the 2000/01 crop year, bearing acreage for tangelos has decreased 62 percent. For tangerines and mandarins, bearing acreage reached a high for the 2000/01 crop year of 25,500 acres. Since the 2000/01 crop year, bearing acreage for tangerines and mandarins has decreased 53 percent.

According to data presented at the hearing, the total utilized production for oranges reached a high during the 2003/04 crop year of 242 million boxes. Since the 2000/01 crop year, total utilized production for oranges has decreased 34 percent. For grapefruit, the total utilized production reached a high during the 2001/02 crop year of 46.7 million boxes. Since the 2000/01 crop year, total utilized production for grapefruit has decreased 59 percent. For tangelos, the total utilized production reached a high during the 2002/03 crop year of 2.4 million boxes. Since the 2000/01 crop year, total utilized production for tangelos has decreased 45 percent. For tangerines and mandarins, the total utilized production reached a high during the 2001/02 crop year of 6.6 million boxes. Since the 2000/01 crop year, total utilized production for tangerines and mandarins has decreased 23 percent.

During the hearing held on April 24, 2013, interested persons were invited to present evidence at the hearing on the probable regulatory and informational impact of the proposed amendments to the order on small businesses. The evidence presented at the hearing shows that none of the proposed amendments would have any burdensome effects on small agricultural producers or firms.

Material Issue Number 1—Definitions of ''Fruit'' and ''Variety''

The proposal described in Material Issue 1 would amend the definitions of ''fruit'' and ''variety'' in § 905.4 and § 905.5 to update terminology and authorize regulation of additional varieties and hybrids of citrus.

Currently, the New Varieties Development and Management Corporations, a non-profit research organization, is actively working to identify, acquire and sub-license promising citrus varieties and hybrids for the Florida citrus grower. In order to regulate these new varieties and hybrids, the definitions of fruit and variety must be amended so that these new varieties and hybrids can be regulated under the order.

Witnesses supported this proposal and stated that Florida growers have invested heavily and steadily in the development of new citrus varieties to meet changing demand and consumer preferences. Witnesses stated that it is imperative that the order be amended to keep pace with a rapidly changing industry and maximize its relevance and utility to the industry. No significant impact on small business entities is anticipated from this proposed change.

Material Issue Number 2—Intrastate Shipments

The proposal described in Material Issue 2 would amend the definition of ''handle or ship'' in § 905.9 to authorize regulation of intrastate shipments.

Currently, the Florida Citrus Commission, under the Florida Department of Citrus Rules Chapter 20, regulates the grade and size of intrastate shipments, while the Federal order regulates all interstate shipments and exports of fresh citrus. If the proposed amendment were implemented, authority to regulate intrastate shipments would be added to the Federal order. This amendment would allow for the eventual regulation of all fresh citrus shipments under the order if intrastate shipments were no longer regulated by the Florida Department of Citrus.

Witnesses explained that adding the authority to regulate intrastate shipments to the order would be a precautionary measure. If the Florida Department of Citrus were to stop regulating fresh citrus shipments, having the authority to do so under the Federal order would facilitate a streamlined transition of regulation from one program to the other. Such a transition would benefit growers and handlers as shipments of fresh citrus could continue without interruption.

Witnesses anticipated that handlers would incur little to no additional costs as a result of the proposed amendment. As currently proposed, the amendment would simply add an authority to the order. This authority would not be implemented unless warranted by other factors. If implemented, handlers of intrastate fresh citrus shipments would be subject to assessments under the order. However, the Florida Department of Citrus already collects assessments on intrastate shipments. Therefore, the cost of assessments collected on intrastate shipments, whether under the State or Federal program, would continue. In conclusion, it is determined that the benefits of adding the authority to regulate intrastate shipments of fresh citrus to the order would outweigh any costs.

Material Issue Number 3—Redistricting

The proposal described in Material Issue 3 would amend § 905.14 to revise the process for redistricting the production area.

The proposed amendment would grant flexibility to the Committee in redefining grower districts within the production area when the criteria and relevant factors within the production area warrant redistricting. Disease and

natural disasters over the past decade have significantly affected bearing acreage. The proposed amendment would allow the Committee at any time, subject to the approval of the Secretary, to base their determination of grower districts on the number of bearing trees, volume of fresh fruit, total number of citrus acres, and other relevant factors when conditions warrant redistricting.

According to a witness, the proposed amendment would give the Committee, in future seasons, the flexibility to adjust grower districts to reflect the shift in production of fresh varieties and fresh volume. In addition, the Committee would be able to adjust grower districts based on the number of trees lost to disease and natural disasters. Thus, it is not expected that this proposal would result in any additional costs to growers or handlers.

Material Issue Number 4—Term of Office

The proposal described in Material Issue 4 would amend § 905.20 to change the term of office of Committee members from one to two years, and change the tenure limits for Committee members from three to four years.

According to a witness, a two-year term would allow for biennial nomination meetings, which would provide administrative efficiencies and stability. The current one-year term of office is administratively inefficient and requires additional Committee resources. Moreover, limiting terms to one year results in an annual effort to nominate and appoint new members. This process is costly to the Committee and requires time and resources for industry members to participate. A two-year term would reduce these costs. For the reasons described above, it is determined that the proposed amendment would benefit industry participants and improve administration of the order. The costs of implementing this proposal would be minimal, if any.

Material Issue Number 5—Mail Balloting

The proposal described in Material Issue 5 would amend § 905.22 to authorize mail balloting procedures for Committee membership nominations. Nomination meetings have low participation rates due to time, travel, and administrative costs.

The proposed amendment would allow the Committee to conduct the nomination and/or election of members and alternates by mail or other means according to the rules and regulations recommended by the Committee and approved by the Secretary. Currently, the Committee holds grower nomination meetings in each of the three grower districts and one shipper nomination meeting annually. Witnesses indicated that attending these meetings is costly due to travel expenses and time away from their growing or handling operations. While the proposed amendment would result in some increased expenses for printing and mailing of ballot materials, witnesses indicated that the potential savings to growers and handlers far exceed those costs.

Moreover, witnesses indicated that the additional benefit of increased participation in the nomination process as a result of materials being sent to all interested parties would outweigh the costs of conducting nominations by mail. This would be particularly true in the case of small business entities that have fewer resources and relatively less flexibility in managing their businesses compared to larger businesses. For these reasons, it is determined that the cost savings, increased participation, and other benefits gained from conducting nomination meetings via mail would outweigh the potential costs of implementing this proposal.

Material Issue Number 6—Financial Reserves Fund

The proposal described in Material Issue 6 would amend § 905.42 to authorize the Committee to increase the capacity of its financial reserve funds from approximately six months of a fiscal period's expenses to approximately two fiscal periods' expenses. Such reserve funds could be used to cover any expenses authorized by the Committee or to cover necessary liquidation expenses if the order is terminated.

The proposed amendment would allow the Committee to increase their reserves up to two fiscal periods' expenses. Currently, reserves are capped at approximately one half of one year's expenses. Witnesses explained that the current cap on reserves is too restrictive and could limit the Committee's ability to develop and implement projects requiring advertising, promotion or research without raising the assessment rate during the season.

As discussed earlier in this recommended decision, witnesses considered the need to develop and promote new hybrid varieties and markets to be essential to reviving the health of the fresh citrus sector. According to them, not increasing the reserve cap would inhibit the Committee's ability to address these needs.

Also, without the proposed amendment it would become more difficult for the Committee to avoid assessment rate increases annually or during a season. According to the record, the proposed amendment would also provide greater stability in the administration of the order's assessment rate. Under the current reserve limit, the Committee would need to increase the assessment rate mid-season if the need for additional revenues for research or promotion activities occurs after the assessment rate and budget are finalized. Increasing the assessment rate mid-season confuses industry members and creates additional burdens in administering the order.

For the reasons discussed above, it is determined that the benefits of increasing the maximum level of funds that can be held in the financial reserves would outweigh the costs.

Material Issue Number 7—Regulation of Shipments

The proposal described in Material Issue 7 would amend § 905.52 to: Authorize different regulations for different market destinations; allow for the regulation of pack and container requirements for interstate shipments; and, in the absence of state regulation, allow for the establishment of requirements for intrastate shipments.

This would allow shippers to meet varying customer demands in different market destinations. In addition, the proposed amendment would allow regulation and orderly marketing to continue for intrastate shipments if Florida State fresh citrus regulations were discontinued. This authority will not be implemented unless state regulations were no longer in effect.

The proposed amendment to regulate containers and establish quality standards for the production area would not have any adverse effects on small businesses if approved. Continued orderly marketing of fresh citrus shipments within the State of Florida would equally benefit all segments of the industry and consumers by maintaining quality standards and consistency.

Material Issue Number 8—Nomination Acceptance

The proposal described in Material Issue 8 would Amend § 905.28 to eliminate the use of separate acceptance statements in the nomination process. Currently, nominees complete both background and acceptance statements when they are nominated. The elimination of the acceptance statement would reduce paperwork and administrative costs. Therefore, it is determined that the proposed amendment would benefit both large

and small-scale fresh citrus businesses, and would reduce costs and improve the administration of the order.

Material Issue Number 9—Handler Registration

The proposal described in Material Issue 9 would Amend § 905.7 to require handlers to register with the Committee. Currently, the Florida Department of Agriculture and Consumer Services, Division of Fruit and Vegetables has a registration program for handlers of Florida citrus. The Committee contracts annually with the Division to obtain information on each handler's regulated shipments, both interstate and export, on a monthly basis.

A handler registration form would serve as an efficient means for obtaining handler information that would improve communication between the Committee and handlers. It would also assist the Committee in monitoring and enforcing compliance. If a handler were to not comply with regulations in effect under the order, the Committee would have that handler's contact information on file to begin the compliance enforcement process. Moreover, if a handler failed to respond to compliance enforcement requests, the Committee could revoke a handler's registration. Without the registration, a handler would not be able to ship citrus subject to order regulation.

Witnesses stated that while a handler registration program may result in additional administrative costs, the benefits of this proposed amendment would outweigh those costs. Also, the proposal would not disproportionately disadvantage small-sized businesses as all handlers, regardless of size, would be required to register with the Committee. Furthermore, the new requirement would not result in a direct cost to handlers as the cost of administering a handler registration program would be borne by the Committee.

For these reasons, it is determined that the benefits of requiring handlers to register with the Committee would be greater than the costs.

Interested persons were invited to present evidence at the hearing on the probable regulatory and informational impact of the proposed amendments to the order on small entities. The record evidence indicates that implementation of the proposals to authorize regulation of new varieties and hybrids of citrus fruit; authorize the regulation of intrastate shipments of fruit; revise the process for redistricting the production area; change the term of office and tenure requirements for Committee members; authorize mail balloting procedures for Committee membership nominations; increase the capacity of financial reserve funds; authorize pack and container requirements for intrastate shipments and authorize different regulations for different markets; eliminate the use of separate acceptance statements in the nomination process; and, require handlers to register with the Committee would improve the operation of the order and are not anticipated to impact small businesses disproportionately.

USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this proposed rule. These amendments are intended to improve the operation and administration of the order and to assist in the marketing of fresh Florida citrus.

Committee meetings regarding these proposals, as well as the hearing date and location, were widely publicized throughout the Florida citrus industry, and all interested persons were invited to attend the meetings and the hearing to participate in Committee deliberations on all issues. All Committee meetings and the hearing were public forums and all entities, both large and small, were able to express views on these issues. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

AMS 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.

Paperwork Reduction Act

Current information collection requirements for Part 905 are approved by the Office of Management and Budget (OMB), under OMB Number 0581–0189—''Generic OMB Fruit Crops.'' In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the termination of the Letter of Acceptance has been submitted to the Office of Management and Budget (OMB) for approval. The Letter of Acceptance has no time or cost burden associated with it due to the fact that handlers simply sign the form upon accepting nomination to the Committee. As a result, the current number of hours associated with OMB No. 0581–0189, Generic Fruit Crops, would remain the same: 7,786.71 hours.

No other changes in these requirements are anticipated as a result of this proceeding. Should any such changes become necessary, they would be submitted to OMB for approval.

As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

Civil Justice Reform

The amendments to the order proposed herein have been reviewed under Executive Order 12988, Civil Justice Reform. They are not intended to have retroactive effect. If adopted, the proposed amendments would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this proposal.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed no later than 20 days after the date of entry of the ruling.

Rulings on Briefs of Interested Persons

Briefs, proposed findings and conclusions, and the evidence in the record were considered in making the findings and conclusions set forth in this recommended decision. To the extent that the suggested findings and conclusions filed by interested persons are inconsistent with the findings and conclusions of this recommended decision, the requests to make such findings or to reach such conclusions are denied.

General Findings

The findings hereinafter set forth are supplementary to the findings and determinations which were previously made in connection with the issuance of the marketing agreement and order; and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(1) The marketing order, as amended, and as hereby proposed to be further

amended, and all of the terms and conditions thereof, would tend to effectuate the declared policy of the Act;

(2) The marketing order, as amended, and as hereby proposed to be further amended, regulates the handling of fresh citrus grown in the production area (Florida) in the same manner as, and is applicable only to, persons in the respective classes of commercial and industrial activity specified in the marketing order upon which a hearing has been held;

(3) The marketing order, as amended, and as hereby proposed to be further amended, is limited in its application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

(4) The marketing order, as amended, and as hereby proposed to be further amended, prescribes, insofar as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of fresh citrus grown in the production area; and

(5) All handling of fresh citrus grown in the production area as defined in the marketing order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

A 30-day comment period is provided to allow interested persons to respond to this proposal. Thirty days is deemed appropriate because these proposed changes have already been widely publicized and the Committee and industry would like to avail themselves of the opportunity to implement the changes as soon as possible. All written exceptions received within the comment period will be considered and a grower referendum will be conducted before any of these proposals are implemented.

List of Subjects in 7 CFR Part 905

Grapefruit, Marketing agreements, Oranges, Pummelos, Reporting and recordkeeping requirements, Tangerines.

Recommended Further Amendment of the Marketing Order

For the reasons set out in the preamble, 7 CFR part 905 is proposed to be amended as follows:

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND PUMMELOS GROWN IN FLORIDA

■ 1. The authority citation for 7 CFR part 905 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Revise the heading of part 905 to read as set forth above.

■ 3. Revise § 905.4 to read as follows:

§ 905.4 Fruit.

Fruit means any or all varieties of the following types of citrus fruits grown in the production area:

(a) Citrus sinensis, Osbeck, commonly called ''oranges'';

(b) Citrus paradisi, MacFadyen, commonly called ''grapefruit'';

(c) Citrus reticulata, commonly called ''tangerines'' or ''mandarin'';

(d) Citrus maxima Merr (L.); Osbeck, commonly called ''pummelo''; and,

(e) ''Citrus hybrids'' that are hybrids between or among one or more of the four fruits (a) through (d) of this section and the following: Trifoliate orange (Poncirus trifoliata), sour orange (C. aurantium), lemon (C. limon), lime (C. aurantifolia), citron (C. medica), kumquat (Fortunella species), tangelo (C. reticulata x C. paradisi or C. grandis), tangor (C. reticulata x C. sinensis), and varieties of these species. In addition, citrus hybrids include: tangelo (C. reticulata x C. paradisi or C. grandis), tangor (C. reticulata x C. sinensis), Temple oranges, and varieties thereof.

■ 4. Revise § 905.5 to read as follows:

§ 905.5 Variety.

Variety or *varieties* means any one or more of the following classifications or groupings of fruit:

(a) Oranges;

(1) Early and Midseason oranges

(2) Valencia, Lue Gim Gong, and similar late maturing oranges of the Valencia type;

(3) Navel oranges

(b) Grapefruit;

(1) Red Grapefruit, to include all shades of color

(2) White Grapefruit

(c) Tangerines and Mandarins;

(1) Dancy and similar tangerines

(2) Robinson tangerines

(3) Honey tangerines

(4) Fall-Glo tangerines

(5) US Early Pride tangerines

(6) Sunburst tangerines

(7) W-Murcott tangerines

(8) Tangors

(d) Pummelos;

(1) Hirado Buntan and other pink seeded pummelos

(2) [Reserved].

(e) Citrus Hybrids;

(1) Tangelos

(i) Orlando tangelo

(ii) Minneola tangelo

(2) Temple oranges

(f) Other varieties of citrus fruits specified in § 905.4, including hybrids, as recommended and approved by the Secretary: *Provided,* That in order to add any hybrid variety of citrus fruit to be regulated under this provision, such variety must exhibit similar characteristics and be subject to cultural practices common to existing regulated varieties.

■ 5. Revise § 905.7 to read as follows:

§ 905.7 Handler.

Handler is synonymous with *shipper* and means any person (except a common or contract carrier transporting fruit for another person) who, as owner, agent, or otherwise, handles fruit in fresh form, or causes fruit to be handled. Each handler shall be registered with the Committee pursuant to rules recommended by the Committee and approved by the Secretary.

■ 6. Revise § 905.9 to read as follows:

§ 905.9 Handle or Ship.

Handle or *ship* means to sell, transport, deliver, pack, prepare for market, grade, or in any other way to place fruit in the current of commerce within the production area or between any point in the production area and any point outside thereof.

■ 7. Revise § 905.14 to read as follows:

§ 905.14 Redistricting.

The Committee may, with the approval of the Secretary, redefine the districts into which the production area is divided or reapportion or otherwise change the grower membership of districts, or both: *Provided,* That the membership shall consist of at least eight but not more than nine grower members, and any such change shall be based, insofar as practicable, upon the respective averages for the immediately preceding three fiscal periods of:

(a) The number of bearing trees in each district;

(b) the volume of fresh fruit produced in each district;

(c) the total number of acres of citrus in each district; and

(d) other relevant factors.

Each redistricting or reapportionment shall be announced on or prior to March 1 preceding the effective fiscal period.

■ 8. Revise § 905.20 to read as follows:

§ 905.20 Term of Office.

The term of office of members and alternate members shall begin on the first day of August of even-numbered years and continue for two years and until their successors are selected and

have qualified. The consecutive terms of office of a member shall be limited to two terms. The terms of office of alternate members shall not be so limited. Members, their alternates, and their respective successors shall be nominated and selected by the Secretary as provided in § 905.22 and § 905.23.

■ 9. Revise paragraphs (a)(1) and (b)(1) and add a new paragraph (c) in § 905.22 to read as follows:

§ 905.22 Nominations.

(a) *Grower members.* (1) The Committee shall give public notice of a meeting of producers in each district to be held not later than June 10th of even-numbered years, for the purpose of making nominations for grower members and alternate grower members. The Committee, with the approval of the Secretary, shall prescribe uniform rules to govern such meetings and the balloting thereat. The chairman of each meeting shall publicly announce at such meeting the names of the persons nominated, and the chairman and secretary of each such meeting shall transmit to the Secretary their certification as to the number of votes so cast, the names of the persons nominated, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of June.

* * * * *

(b) *Shipper members.* (1) The Committee shall give public notice of a meeting for bona fide cooperative marketing organizations which are handlers, and a meeting for other handlers who are not so affiliated, to be held not later than June 10th of even-numbered years, for the purpose of making nominations for shipper members and their alternates. The Committee, with the approval of the Secretary, shall prescribe uniform rules to govern each such meeting and the balloting thereat. The chairperson of each such meeting shall publicly announce at the meeting the names of the persons nominated and the chairman and secretary of each such meeting shall transmit to the Secretary their certification as to the number of votes cast, the weight by volume of those shipments voted, and such other information as the Secretary may request. All nominations shall be submitted to the Secretary on or before the 20th day of June.

* * * * *

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, nomination and election of members and alternate members to the Committee may be conducted by mail, electronic mail, or other means according to rules and regulations recommended by the Committee and approved by the Secretary.

■ 10. Revise § 905.28 to read as follows:

§ 905.28 Qualification and Acceptance.

Any person nominated to serve as a member or alternate member of the Committee shall, prior to selection by the Secretary, qualify by filing a written qualification and acceptance statement indicating such person's qualifications and willingness to serve in the position for which nominated.

■ 11. Revise the first sentence of paragraph (a) in § 905.42 to read as follows:

§ 905.42 Handler's accounts.

(a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, the Committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided,* That funds already in the reserve do not exceed approximately two fiscal periods' expenses. * * *

* * * * *

■ 12. Revise paragraphs (a)(4) and (a)(5), and add a new paragraph (a)(6) in § 905.52 to read as follows:

§ 905.52 Issuance of regulations.

(a) * * *

(4) Establish, prescribe, and fix the size, capacity, weight, dimensions, marking (including labels and stamps), or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of fruit.

(5) Provide requirements that may be different for the handling of fruit within the production area, the handling of fruit for export, or for the handling of fruit between the production area and any point outside thereof within the United States.

(6) Any regulations or requirements pertaining to intrastate shipments shall not be implemented unless Florida statutes and regulations regulating such shipments are not in effect.

* * * * *

Dated: February 23, 2015.

Rex. A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2015–04085 Filed 3–2–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 925 and 944

[Doc. No. AMS–FV–14–0031; FV14–925–2 PR]

Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Relaxation of Handling Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule with request for comments.

SUMMARY: This proposed rule invites comments on partially relaxing the handling requirements currently prescribed under the California table grape marketing order (order) and the table grape import regulation. The order regulates the handling of table grapes grown in a designated area of southeastern California and is administered locally by the California Desert Grape Administrative Committee (committee). The import regulation is authorized under section 8e of the Agricultural Marketing Agreement Act of 1937 and regulates the importation of table grapes into the United States. This action would partially relax the one-quarter pound minimum bunch size requirement in the order's regulations and the import regulation for U.S. No. 1 Table grade grapes packed in consumer packages known as clamshells weighing 5 pounds or less. Under the proposal, up to 20 percent of the weight of such containers may consist of single grape clusters weighing less than one-quarter pound, but consisting of at least five berries each. This rule would provide California desert grape handlers and importers with the flexibility to respond to an ongoing marketing opportunity to meet consumer needs.

DATES: Comments must be received by April 2, 2015.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or Internet: *http://www.regulations.gov.* All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business

hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this proposal will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the Internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Kathie Notoro, Marketing Specialist, or Martin Engeler, Regional Director, California Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or Email: *Kathie.Notoro@ams.usda.gov* or *Martin.Engeler@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: This proposal is issued under Marketing Order No. 925, as amended (7 CFR part 925), regulating the handling of grapes grown in a designated area of southeastern California, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

This proposed rule is also issued under section 8e of the Act, which provides that whenever certain specified commodities, including table grapes, are regulated under a Federal marketing order, imports of these commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodities.

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 12866, 13563, and 13175.

This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of import regulations issued under section 8e of the Act.

This proposed rule would partially relax the one-quarter pound minimum bunch size requirement in the order's regulations and the import regulation for all U.S. No. 1 Table grade grapes packed in clamshell consumer packages weighing 5 pounds or less. Under the revision, up to 20 percent of the weight of such containers could consist of single grape clusters weighing less than one-quarter pound but consisting of at least five berries each. This proposed rule would provide California desert grape handlers and importers with the flexibility to respond to an ongoing marketing opportunity. The committee met on November 5, 2013, and conducted an electronic vote on April 8, 2014, to unanimously recommend the partial relaxation for California desert grapes. The change in the import regulation is required under section 8e of the Act.

Section 925.52(a)(1) of the order provides authority to regulate the handling of any grade, size, quality, maturity, or pack of any and all varieties of grapes during the season. Section 925.53 provides authority for the committee to recommend to USDA changes to regulations issued pursuant to § 925.52. Section 925.55 specifies that when grapes are regulated pursuant to § 925.52, such grapes must be inspected by the Federal or Federal-State Inspection Service (FSIS) to ensure they meet applicable requirements.

Section 925.304(a) of the order's rules and regulations requires grapes to meet the minimum grade and size requirements of U.S. No 1 Table; or to meet all the requirements of U.S. No. 1 Institutional, except that a tolerance of 33 percent is provided for off-size bunches. The requirements for the U.S. No. 1 Table and U.S. No. 1 Institutional grades are set forth in the United States Standards for Grades of Table Grapes (European or Vinifera Type) (7 CFR 51.880 through 51.914) (Standards). To meet the requirements of U.S. No. 1 Table grade, grapes must have a bunch size of at least one-quarter pound.

In 2010, the order's regulations were relaxed with respect to the bunch size requirement specified in the Standards (75 FR 17031). This change permitted the use of bunch sizes smaller than one-quarter pound, but with at least five berries each, in packing consumer clamshell containers containing 2 pounds net weight or less. Not more than 20 percent of the weight of such containers could consist of these smaller bunches. This relaxation was made to allow handlers to take advantage of a new marketing opportunity for grapes packed in small clamshell containers. Prior to the relaxation, handlers were experiencing difficulty filling these containers properly with one-quarter pound bunches; smaller bunches were needed to fill the corners of the square container configuration to achieve the desired weight.

Since the order's regulations were amended in 2010, customers nationwide have been increasingly requesting grapes in larger clamshell containers. Handlers experience difficulty properly filling these larger containers to the desired weights with one-quarter pound bunch sizes, similar to the problem they experienced with the smaller 2-pound clamshell containers. Therefore, the committee recommended that the bunch size requirement in the order's regulations pertaining to U.S. No. 1 Table grade grapes be partially relaxed with respect to containers weighing 5 pounds or less. Under this proposed change, up to 20 percent of the weight of such containers may consist of single grape clusters weighing less than one-quarter pound, but with at least five berries each. This proposal would allow handlers to continue to respond to increased marketing opportunities. Section 925.304 (a) would be revised accordingly.

Under section 8e of the Act, minimum grade, size, quality, and maturity requirements for table grapes imported into the United States are established under Table Grape Import Regulation 4 (7 CFR 944.503) (import regulation). A relaxation in the California Desert Grape Regulation 6 minimum bunch size requirement would require a corresponding relaxation to the minimum bunch size requirement for imported table grapes. Like the domestic industry, this proposed action would allow importers the flexibility to respond to an ongoing marketing opportunity to meet consumer needs. Section 944.503(a)(1) would be revised accordingly.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 15 handlers of southeastern California grapes who are subject to regulation under the marketing order and about 41 grape producers in the production area. In addition, there are about 102 importers of grapes. Small agricultural service firms are defined by the Small Business Administration (SBA) as those having annual receipts of less than $7,000,000, and small agricultural producers are defined as those whose annual receipts are less than $750,000 (13 CFR 121.201). Ten of the 15 handlers subject to regulation have annual grape sales of less than $7,000,000, according to USDA Market News Service and committee data. Based on information from the committee and USDA's Market News Service, it is estimated that at least 10 of the 41 producers have annual receipts of less than $750,000. Thus, it may be concluded that a majority of grape handlers regulated under the order and about ten of the producers could be classified as small entities under the SBA definitions.

Mexico, Chile, and Peru are the major countries that export table grapes to the United States. According to 2013 data from USDA's Foreign Agricultural Service (FAS), shipments of table grapes imported into the United States from Mexico totaled 16,582,989 18-pound lugs, from Chile totaled 47,922,204 18-pound lugs, and from Peru totaled 3,519,448 18-pound lugs. According to FAS data, the value of table grapes imported from Mexico, Chile, and Peru was $332,284,000, $760,952,000, and $80,912,000, respectively, for a total value of $1,174,148,000. It is estimated that the average importer receives $11.5 million in revenue from the sale of table grapes. Based on this information, it may be concluded that the average table grape importer would not be classified as a small entity.

This proposed rule would revise § 925.304(a) of the rules and regulations of the California desert grape order and § 944.503(a)(1) of the table grape import regulation. This proposed rule would partially relax the one-quarter pound minimum bunch size requirement in the order's regulations and the import regulation for U.S. No. 1 Table grade grapes packed in consumer clamshell packages weighing 5 pounds or less. Under the proposed relaxation, up to 20 percent of the weight of each package may consist of single grape clusters weighing less than one-quarter pound, but with at least five berries each. Authority for the proposed change to the California desert grape rules and regulations is provided in §§ 925.52(a)(1) and 925.53. Authority for the change to the table grape import regulation is provided in section 8e of the Act.

There is agreement in the industry for the need to expand the revised minimum bunch size requirement for grapes packed in these consumer clamshell packages to allow for more packaging options.

Regarding the impact of this proposed rule on affected entities, this rule would provide both California desert grape handlers and importers with the flexibility to continue to respond to an ongoing marketing opportunity to meet consumer needs. This marketing opportunity initially existed in the 2009 season, and the minimum bunch size regulations were revised for consumer clamshell packages weighing 2 pounds or less, on a test basis. In 2011, the regulation was revised permanently for consumer clamshell packages weighing 2 pounds or less due to the positive market response. This proposal would expand the revised requirements to include larger consumer clamshell packages weighing 5 pounds or less. Customers have been requesting larger sized clamshell packages, and this proposed action would enable handlers and importers to take advantage of increased market opportunities, which may result in increased shipments of consumer grape packages. This is expected to have a positive impact on producers, handlers, and importers.

No additional alternatives were considered because the 2011 revision produced the desired results, and no problems were identified. The committee believes the partial relaxation of the bunch size requirement for grapes packed in larger consumer clamshell packages was appropriate to prescribe for the 2014 and subsequent seasons.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0189. No changes in those requirements as a result of this action are necessary. Should any changes become necessary, they would be submitted to OMB for approval.

This rule would not impose any additional reporting or recordkeeping requirements on either small or large grape handlers or importers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS 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.

In addition, USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Further, the committee's meeting was widely publicized throughout the grape industry, and all interested persons were invited to attend the meeting and participate in committee deliberations. Like all committee meetings, the November 5, 2013 meeting was a public meeting; and all entities, both large and small, were able to express their views on this issue.

Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory and informational impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/MarketingOrdersSmallBusinessGuide.* Any questions about the compliance guide should be sent to Jeffrey Smutny at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 30-day comment period is provided to allow interested persons to respond to this proposal. Thirty days is deemed appropriate because this rule, if adopted, needs to be in place as soon as possible to allow handlers to take advantage of this relaxation during the regulatory period which begins on April 10, 2015. All written comments timely received will be considered before a final determination is made on this matter.

In accordance with section 8e of the Act, the United States Trade

Representative has concurred with the issuance of this rule.

List of Subjects

7 CFR Part 925

Grapes, Marketing agreements, Reporting and recordkeeping requirements.

7 CFR Part 944

Avocados, Food grades and standards, Grapefruit, Grapes, Imports, Kiwifruit, Limes, Olives, Oranges.

For the reasons set forth in the preamble, 7 CFR parts 925 and 944 are proposed to be amended as follows:

■ 1. The authority citation for 7 CFR parts 925 and 944 continues to read as follows:

Authority: 7 U.S.C. 601–674.

PART 925—GRAPES GROWN IN A DESIGNATED AREA OF SOUTHEASTERN CALIFORNIA

■ 2. Amend § 925.304(a) by re-designating paragraphs (a)(1) and (a)(2) as paragraphs (a)(3) and (a)(4), revising paragraph (a) introductory text and adding new paragraphs (a)(1) and (a)(2) to read as follows:

§ 925.304 California Desert Grape Regulation 6.

* * * * *

(a) *Grade, size, and maturity.* Except as provided in paragraphs (a)(3) and (a)(4) of this section, such grapes shall meet the minimum grade and size requirements established in paragraphs (a)(1) or (a)(2).

(1) U.S. No. 1 Table, as set forth in the United States Standards for Grades of Table Grapes (European or Vinifera Type 7 CFR 51.880 through 51.914), with the exception of the tolerance percentage for bunch size when packed in individual consumer clamshell packages weighing 5 pounds or less: not more than 20 percent of the weight of such containers may consist of single clusters weighing less than one-quarter pound, but with at least five berries each; or

(2) U.S. No. 1 Institutional, with the exception of the tolerance percentage for bunch size. Such tolerance shall be 33 percent instead of 4 percent as is required to meet U.S. No. 1 Institutional grade. Grapes meeting these quality requirements may be marked ''DGAC No. 1 Institutional'' but shall not be marked ''Institutional Pack.''

* * * * *

PART 944—FRUITS; IMPORT REQUIREMENTS

■ 3. Amend § 944.503 by redesignating paragraphs (a)(1)(i) and (a)(1)(ii) as paragraphs (a)(1)(iii) and (a)(1)(iv), revising paragraph (a)(1) introductory text and adding new paragraphs (a)(1)(i) and (a)(1)(ii) to read as follows:

§ 944.503 Table Grape Import Regulation 4.

(a)(1) Pursuant to section 8e of the Act and Part 944—Fruits, Import Regulations, and except as provided in paragraphs (a)(1)(iii) and (a)(1)(iv), the importation into the United States of any variety of Vinifera species table grapes, except Emperor, Calmeria, Almeria, and Ribier varieties, is prohibited unless such grapes meet the minimum grade and size requirements established in paragraphs (a)(1)(i) or (a)(2)(ii).

(i) U.S. No. 1 Table, as set forth in the United States Standards for Grades of Table Grapes (European or Vinifera Type 7 CFR 51.880 through 51.914), with the exception of the tolerance percentage for bunch size when packed in individual consumer clamshell packages weighing 5 pounds or less: not more than 20 percent of the weight of such containers may consist of single clusters weighing less than one-quarter pound, but with at least five berries each; or

(ii) U.S. No. 1 Institutional, with the exception of the tolerance percentage for bunch size. Such tolerance shall be 33 percent instead of 4 percent as is required to meet U.S. No. 1 Institutional grade. Grapes meeting these quality requirements may be marked ''DGAC No. 1 Institutional'' but shall not be marked ''Institutional Pack.''

* * * * *

Dated: February 23, 2015.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2015–04087 Filed 3–2–15; 8:45 am]

BILLING CODE 3410–02–P

FEDERAL RESERVE SYSTEM

12 CFR Part 217

[Regulation Q; Docket No. R–1505]

RIN 7100–AD–26

Risk-Based Capital Guidelines: Implementation of Capital Requirements for Global Systemically Important Bank Holding Companies

AGENCY: Board of Governors of the Federal Reserve System (Board).

ACTION: Proposed rule; extension of comment period.

SUMMARY: On December 18, 2014, the Board published in the **Federal Register** a proposal to implement risk-based capital surcharges for U.S.-based global systemically important banking organizations.

Due to the range and complexity of the issues addressed in the proposed rulemaking, the public comment period has been extended until April 3, 2015. This action will allow interested persons additional time to analyze the proposal and prepare their comments.

DATES: The comment period for the proposed rule published on December 18, 2014 (79 FR 75473) to implement risk-based capital surcharges for U.S.-based global systemically important banking organizations is extended from March 2, 2015 to April 3, 2015.

ADDRESSES: You may submit comments by any of the methods identified in the proposed rule.[1] Please submit your comments using only one method.

FOR FURTHER INFORMATION CONTACT: Jordan Bleicher, Senior Supervisory Financial Analyst, (202) 973–6123, or Holly Kirkpatrick, Supervisory Financial Analyst, (202) 452–2796, Division of Banking Supervision and Regulation, or Christine Graham, Senior Attorney, (202) 452–3005, Legal Division.

SUPPLEMENTARY INFORMATION: On December 18, 2014, the Board published in the **Federal Register** a proposal to implement risk-based capital surcharges for U.S.-based global systemically important banking organizations.[2] The proposed rule stated that the public comment period would close on March 2, 2015.[3]

The Board has received a comment letter requesting that the Board extend the comment period for the proposal.[4] The commenter suggested that an extension of the comment period would facilitate more detailed comments about the implications of the proposal and its potential consequences.

Due to the range and complexity of the issues addressed in the proposed rulemaking, the public comment period has been extended until April 3, 2015. This action will allow interested persons additional time to analyze the proposal and prepare their comments.

By order of the Board of Governors of the Federal Reserve System, acting through the

[1] *See* 79 FR 75473 (December 18, 2014).

[2] *See* 79 FR 75473 (December 18, 2014).

[3] *Id.*

[4] *See, e.g.,* Comment letter to the Board from The Clearing House (February 20, 2015).

Secretary of the Board under delegated authority, February 26, 2015.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2015–04438 Filed 3–2–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 702

[Docket No. 140501396–4396–01]

RIN 0694–AG17

U.S. Industrial Base Surveys Pursuant to the Defense Production Act of 1950

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Proposed rule

SUMMARY: This proposed rule would set forth the policies and procedures of the Bureau of Industry and Security (BIS) for conducting surveys to obtain information in order to perform industry studies assessing the U.S. industrial base to support the national defense pursuant to the Defense Production Act of 1950, as amended. Specifically, this proposed rule would provide a description of: BIS's authority to issue surveys; the purpose for the surveys and the manner in which such surveys are developed; the confidential treatment of submitted information; and the penalties for non-compliance with surveys. This rule is intended to facilitate compliance with surveys, thereby resulting in stronger and more complete assessments of the U.S. industrial base.

DATES: Comments must be received no later than May 4, 2015.

FOR FURTHER INFORMATION CONTACT: Jason Bolton, Trade and Industry Analyst, Office of Technology Evaluation, phone: 202–482–5936 email: *jason.bolton@bis.doc.gov or Brad Botwin, Director, Industrial Base Studies, Office of Technology Evaluation, phone: 202–482–4060 email: brad.botwin@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

Pursuant to authorities under § 705 of the Defense Production Act of 1950 as amended (DPA) (50 U.S.C. app. 2155) and § 104 of Executive Order 13603 of March 16, 2012 (National Defense Resources Preparedness, 77 FR 16651, 3 CFR, 2012 Comp., p. 225), the Bureau of Industry and Security (BIS) conducts studies that assess the capabilities of the U.S. industrial base to support the national defense. To produce these studies, BIS may issue surveys to collect detailed information related to the health and competitiveness of the U.S. industrial base from government sources and private individuals or organizations.

This proposed rule sets forth procedures intended to facilitate the accurate and timely completion of surveys issued by BIS to collect data for these studies. This rule sets forth in a single part of the Code of Federal Regulations the information about BIS's authority to conduct the studies, the authority to issue surveys to gather data in support of the studies, the purpose of the surveys and the manner in which such surveys are developed, the confidential treatment of submitted information, and the penalties for non-compliance with surveys.

Additionally, this rule explains BIS's procedures for verifying that the scope and purpose of the surveys are well defined, and assures that the surveys do not solicit data that duplicates adequate and authoritative data that is available to BIS from any federal or other responsible agency. A survey may require the submission of information similar or identical to information possessed by another federal agency but that is not available to BIS.

Based on requests it receives from U.S. Government agencies, BIS produces studies to develop findings and policy recommendations for the purpose of improving the competitiveness of specific domestic industries and technologies critical to meeting national defense and essential civilian requirements. These studies may require surveys to collect relevant data and assessments of that data and other information available to BIS.

BIS, in cooperation with the requesting agency, selects the persons to be surveyed based on the likelihood that they will have information relevant to a study. That likelihood is related to the person's association with the industry sector, material, product, service or technology that is the subject of the study. That association may be based on factors such as the person's role in directly or indirectly providing, producing, distributing, utilizing, procuring, researching, developing, consulting or advising on, the industry sector, material, product, service or technology that is the subject of the study.

Whether a person's association with the industry sector, material, product, service or technology being assessed is proximate or remote does not determine whether that person's association is sufficient for inclusion in the survey. For example, information about a supplier of raw materials or components that is several transactions removed from the production of the product that is the subject of a study may be relevant to assessing the capabilities of the U.S. industrial base to supply the product to support the national defense. In such a situation, the supplier would be included in the survey. The nature of the person from whom the information is sought also does not determine whether that person's association with the industry sector, material, product, service or technology at issue is sufficient for inclusion in the survey. Surveys may require information from businesses organized for profit, non-profit organizations, academic institutions and government agencies.

To be useful, a study must be comprehensive, accurate and focused on the relevant industry sector, material, product, service or technology. Therefore, surveys may require information about employment, research and development, sources of supply, manufacturing processes, customers, business strategy, finances and other factors affecting the industry's health and competitiveness. To properly focus the survey on the industry sector, material, product, service or technology being assessed, BIS may request information about a corporation as a whole or information about one or more specified units or individual activities of that corporation. The DPA provides both a civil remedy and criminal penalties that may be used when recipients of surveys do not supply the information sought.

BIS deems the information supplied in response to survey requests to be confidential and is prohibited by law from publishing or disclosing such information unless the Under Secretary for Industry and Security determines that withholding the information is contrary to the interest of the national defense. The authority to make this determination, which § 705(d) of the DPA gives to the President, has been delegated to relevant agencies, including the Secretary of Commerce, by § 802 of Executive Order 13603. The Secretary of Commerce re-delegated this authority to the Under Secretary for Industry and Security. The DPA provides criminal penalties for any person who willfully violates its prohibition on publication or disclosure.

Section by Section Description of the Proposed Rule

This proposed rule would create a new part in Title 15, Chapter VII,

Subchapter A of the Code of Federal Regulations to be designated as 15 CFR part 702. This new part would be devoted exclusively to BIS's collection of information under § 705 of the DPA (50 U.S.C. app. 2155). Placing the new part in Subchapter A would promote an orderly and logical regulatory structure because all other regulations implementing BIS authorities related to the DPA are contained in that subchapter.

Section 702.1

Section 702.1 would set forth a general description of BIS' authority to collect information needed to complete the surveys. The survey responses assist BIS in determining the capabilities of the industrial base to support the national defense and to develop policy recommendations to improve both the international competitiveness of specific domestic industries and their ability to meet national defense needs.

Section 702.2

Section 702.2 would implement the requirement to publish regulations found in § 705 of the DPA (50 U.S.C. app. 2155(a)) by requiring BIS personnel of appropriate competence and authority to ensure that before a survey is sent to any person for completion; (1) the scope and purpose of a survey have been established, (2) the scope and purpose are consistent with BIS's authorities under the DPA, and (3) the data requested by the survey does not duplicate adequate and authoritative data available to BIS from a federal or other authoritative source. A survey may require information that is similar or identical to information possessed by other federal agencies but not available to BIS. The section does not limit the factors that may be considered in deciding whether to conduct a survey nor does it modify or replace the requirements of the Paperwork Reduction Act. In addition, all surveys are reviewed by BIS and by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act before they are distributed. The OMB review process provides additional assurance that surveys are designed to collect only information deemed necessary to meet the scope and purpose of a study.

Section 702.3

Section 702.3 would address the confidentiality requirements imposed by § 705(d) of the DPA (50 U.S.C. app. 2155(d)) and, in accordance with that section, would provide two procedures by which the restrictions on disclosure in § 705(d) would be invoked. First, consistent with its current practice, BIS would deem all information submitted in response to a survey to be confidential. Second, a person submitting a response to a survey may request confidential treatment of the information submitted. Although the second procedure is likely to be redundant of the first, the statute prohibits disclosure if either the government deems the information to be confidential or if the person furnishing the information requests confidential treatment. BIS concludes that both procedures should be included in the regulations to be consistent with the statute. Additionally, § 702.3 would note that confidential information shall not be published or disclosed unless the Under Secretary for Industry and Security determines that withholding the information is contrary to the interest of the national defense. The statutory authority of the President to make this determination has been delegated to the Under Secretary for Industry and Security. This section also repeats the penalties that the statute authorizes for persons convicted of willfully violating the prohibition on disclosure.

Section 702.4

Section 702.4 would require timely, complete and adequate responses to surveys. Specifically, the section would require that survey responses be returned to BIS within the time frame stated on the initial distribution letter or other request for information. The section would treat a response as ''inadequate'' if it provides information that is not responsive to the questions asked or if it provides aggregated information when specific information was requested.

Section 702.4 would set forth the criteria by which BIS may grant either an exemption from complying with the survey requirement or an extension of time to comply. The grounds for granting an exemption or an extension are limited and generally result when BIS concludes that the survey recipient lacks information deemed relevant to the survey or when compliance with the requirement would be unduly burdensome.

Section 702.4 would make clear that the deadline for complying with a survey is not suspended by submitting a request for an exemption or extension of time to comply.

Finally, § 702.4 would provide that BIS may return responses that are incomplete or inadequate and specify a due date for a complete and adequate response.

Section 702.5

Section 702.5 would set forth the consequences of failure to comply with a survey or other request for information. These consequences are established by § 705(a) and (c) of the DPA (50 U.S.C. app. 2155(a) and (c)). If a person does not comply with a survey, BIS may serve a subpoena upon that person to compel compliance. If the person still does not comply, the government may apply to the U.S. district court in any district in which the person is found, resides or transacts business for an order requiring such person to comply. The district court has authority to punish any failure to comply with the order as contempt of court. Persons who are convicted of willfully failing to comply with a survey or other request for information may be fined not more than $10,000 or imprisoned for not more than one year, or both.

Section 702.6

Section 702.6 would define certain terms used in part 702.

The word ''confidential'' would be defined in terms of § 705(d) of the DPA, thereby distinguishing its use in this rule from its use in connection with the classification of information for national security purposes as set forth in Executive Order 13526 of December 29, 2009, Classified National Security Information (75 FR 707; 3 CFR, 2010 Comp., p. 298).

The definition of the term ''person'' would be based on the definition of ''person'' in § 702 of the DPA (50 U.S.C. app. 2152) with some additions. The DPA definition reads: ''The term 'person' includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative thereof, or any State or local government or agency thereof.'' Use of the word ''includes'' in the statutory definition implies that the list following that word is not exhaustive. BIS concludes that the use of ''includes'' indicates that Congress recognized that the agency implementing the DPA would need discretion to identify the types of entities that would likely possess information relevant to the subject of each industrial base assessment to ensure a comprehensive collection of information.

This proposed rule would add ''The Government of the United States, of the District of Columbia, of any commonwealth, territory or possession of the United States, or any department, agency or commission thereof.'' BIS has concluded that inclusion of the

additional entities is within its authority under the DPA because the DPA definition prefaces the list of entities with the word ''includes,'' and because inclusion of the additional entities is necessary to achieve the purpose of the statute.

Based on prior studies, BIS has observed that the U.S. Government makes a significant contribution to the industrial base, whether in research, technology development, testing, manufacturing, repair and overhaul, or trade development. As a result, the U.S. Government is a significant source of information regarding the industrial base. Similarly, it is plausible that the District of Columbia, commonwealths of the United States and other territories and agencies can be survey respondents, and therefore have been included to ensure the completeness of a survey sample and corresponding assessment.

The regulatory definition also would make clear that the term ''corporation, partnership, association, or any other organized group of persons'' is not limited to commercial, for-profit enterprises or publicly traded corporations.

The definitions of the terms ''initial distribution letter'' and ''survey'' each describe a document used in the data collection process. The definitions describe those documents based on the way they are used in current BIS practice.

Supplement No. 1 to Part 702

Supplement No. 1 to part 702 would provide information that BIS believes would be helpful to persons who receive a survey. This information includes both a description of the survey and a glossary of terms.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 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, and other advantages; effects, distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been designated a ''significant regulatory action,'' although not economically significant, as that term is defined in of Executive Order 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget (OMB).

2. Notwithstanding any other provision of 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 Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et. seq.*) unless that collection of information displays a currently valid OMB control number. This rule does not contain a collection of information that is subject to the Paperwork Reduction Act. This rule sets forth procedures related to BIS's administration of surveys pursuant to § 705 of the DPA (50 U.S.C. app. 2155). Individual surveys that are subject to the Paperwork Reduction Act will display a currently valid OMB control number.

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.,* generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to the notice and comment rulemaking requirements under the Administrative Procedure Act (5 U.S.C. 553) or any other statute. However, under § 605(b) of the RFA, if the head of an agency certifies that a rule will not have a significant impact on a substantial number of small entities, the RFA does not require the agency to prepare a regulatory flexibility analysis. Pursuant to § 605(b), the Chief Counsel for Regulation, Department of Commerce, submitted a memorandum to the Chief Counsel for Advocacy, Small Business Administration, certifying that this proposed rule, if promulgated, will not have a significant impact on a substantial number of small entities. The rationale for that certification is as follows.

Impact

This proposed rule would set forth, in a single part of the Code of Federal Regulations, the Department of Commerce's authority under § 705 of the DPA ''to obtain information in order to perform industry studies assessing the capabilities of the United States industrial base to support the national defense.'' Since the mid-1980s, BIS and its predecessor organizations within the Department of Commerce have conducted such studies and required survey responses based on the statute. Section 705 of the DPA authorizes the collection of the information. The statute also authorizes the issuance of subpoenas for the information and authorizes the United States district courts to issue orders compelling compliance with such subpoenas. It also provides criminal penalties for failure to comply with the government's requests for information. This proposed rule would not require any person to supply information that the person would not be required to provide pursuant to the statute.

This proposed rule would require that surveys issued by BIS pursuant to § 705 be responded to by the deadline set forth in the survey. The rule would publicly state BIS's existing internal policies and standards for the granting of both an extension of time to comply with the requirement and exemptions from compliance. To the extent that publication of these policies and standards in the Code of Federal Regulations could be construed as a change in the burden on small entities or any other entities, the publication would have to be deemed as a reduction in burden because it facilitates access to the standards by all parties.

This proposed rule also would set forth the statutory standards for treating information submitted in response to a survey as confidential. It would reiterate the statutory penalties for failure to comply with a survey and for unauthorized release of information that § 705 requires to be treated as confidential.

This proposed rule would adopt the statutory definition of ''person'' but also add ''[t]he Government of the United States, of the District of Columbia, of any commonwealth, territory or possession of the United States, or any department, agency or commission thereof'' to the definition. The term ''person'' is used in the statute and in this proposed rule to represent those to whom the requirements of the statute and this proposed rule apply. BIS has historically interpreted the statute to apply to units of the U.S. Government (including the District of Columbia Government and the governments of the territories and possessions) and does not view this as a substantive change. For purposes of this certification, the addition is immaterial because the government bodies that would be added to the statutory definition by this proposed rule are not small entities under the definition provided in the Small Business Regulatory Enforcement Fairness Act of 1996.

Number of Small Entities

Surveys are one-time exercises used to assess the state and/or capabilities of a particular industry sector or technology. Entities are selected for participation based on their role in, or relationship to, the industry sector or

technology being assessed. Information obtained during the course of any one assessment may be relevant to determining whether the current entity supplying that information is a small entity. However, the composition of survey respondents varies dramatically between industry studies due to the complexity of each industry sector or technology being assessed. Consequently, BIS is unable to draw from existing data to estimate the number of small businesses participating in future collections. Accordingly, BIS is unable to determine the number of small entities that would be affected by this proposed rule.

Conclusion

Although BIS cannot predict the exact number of small entities that will be participating in any one survey, this rule would not impose a significant burden on any such small entities because it would not require any impacted entity to perform any action that it is not already required to perform pursuant to § 705 of the DPA.

List of Subjects in Part 702

Business and industry, Confidential business information, Employment, Penalties, National defense, Research, Science and technology.

Accordingly, the National Security Industrial Base Regulations (15 CFR Chapter VII, Subchapter A) is proposed to be amended as follows.

■ 1. Add Part 702 to read as follows:

Subchapter A—National Security Industrial Base Regulations

Part 702—INDUSTRIAL BASE SURVEYS—DATA COLLECTIONS

Sec.
702.1 Introduction.
702.2 Scope and purpose of surveys—avoiding duplicative requests for information.
702.3 Confidential information.
702.4 Requirement to comply with surveys or other requests for information.
702.5 Consequences of failure to comply.
702.6 Definitions.
Supplement No. 1 to Part 702—General Survey Information.

Authority: 50 U.S.C. app. 2061 *et seq.,* E.O. 13603, 77 FR 16651, 3 CFR, 2012 Comp., p. 225.

§ 702.1 Introduction.

In accordance with 50 U.S.C. app. 2155, the Bureau of Industry and Security (BIS) may obtain such information from, require such reports and the keeping of such records by, make an inspection of the books, records, and other writings, premises or property of, take the sworn testimony of and administer oaths and affirmations to, any person as may be necessary or appropriate, in its discretion, to the enforcement or the administration of its authorities and responsibilities under the Defense Production Act of 1950 as amended (DPA) and any regulations or orders issued thereunder. BIS's authorities under the DPA (50 U.S.C. app. 2061 *et seq.*) include authority to collect data via surveys to perform industry studies assessing the capabilities of the United States industrial base to support the national defense and develop policy recommendations to improve both the international competitiveness of specific domestic industries and their ability to meet national defense program needs.

§ 702.2 Scope and purpose of surveys—avoiding duplicative requests for information.

(a) BIS will not send any survey to any person for completion unless the scope and purpose of the survey have been established, that scope and purpose are consistent with BIS's authorities under the DPA, and the data requested by the survey does not duplicate adequate and authoritative data already available to BIS from a Federal or other authoritative source.

(b) BIS personnel of appropriate competence and authority will ensure that the requirements of paragraph (a) are met.

(c) This section shall not be construed as limiting the criteria that BIS may consider in determining whether to proceed with a survey. This paragraph shall not be construed as replacing or in any way modifying the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

§ 702.3 Confidential information.

This section implements § 705(d) of the DPA.

(a) BIS deems all information submitted in response to a survey issued pursuant to this part to be confidential.

(b) Any person submitting information in response to a survey issued pursuant to this part may request confidential treatment of that information.

(c) The President's authority under the DPA to protect confidential information has been delegated to the Under Secretary for Industry and Security. The information described in paragraphs (a) and (b) shall not be published or disclosed unless the Under Secretary for Industry and Security determines that the withholding thereof is contrary to the interest of the national defense.

(d) Any person convicted of willfully violating the prohibition in paragraph (c) may be fined not more than $10,000 or imprisoned for not more than one year, or both.

§ 702.4 Requirement to comply with surveys or other requests for information.

(a) *Requirement to comply.* Every person who receives a survey or other request for information issued pursuant to this part must submit a complete and adequate response to BIS within the time frame stated on the initial distribution letter or other request for information. Survey response information that does not adhere to the survey question criteria or that contains only aggregate information in place of specified information will be treated as inadequate and therefore noncompliant. BIS may exempt persons from this requirement for the reasons in paragraph (b) of this section, or grant extensions of time to comply as set forth in paragraph (c) of this section. Submitting a request to BIS for an exemption or an extension of time for completion does not suspend the initial deadline required by BIS (or any extended deadline subsequently granted by BIS). Thus, persons who request an exemption or extension of time are advised to proceed as if the response is required by the deadline until advised otherwise by BIS.

(b) *Grounds for exemption.* (1) An exemption from the requirements of this section may be granted if the person receiving the survey or other request for information:

(i) Has no physical presence in the United States of any kind;

(ii) Does not provide, produce, distribute, utilize, procure, research, develop, consult or advise on, or have any other direct or indirect association with the materials, products, services or technology that are within the scope of the survey;

(iii) Has ceased business operations more than 12 months prior to receipt of the survey;

(iv) Has been in business for less than one year; or

(v) BIS determines that extenuating circumstances exist that make responding impractical.

(2) BIS may also grant an exemption if, based on the totality of the circumstances, it concludes that compliance would be impractical and/or that requiring compliance would be unduly time intensive.

(3) Existence of a pre-existing private non-disclosure agreement or information sharing agreement between a person and another party (*e.g.,* customers, suppliers, etc.), does not

exempt a person from the obligation to comply with and complete a survey. The authority to conduct the survey and comply with the survey is derived from the DPA, and that statutory obligation to comply supersedes any private agreement.

(c) *Extensions of time to complete.* A person who receives a survey or other request for information may request an extension of time to submit the complete response to BIS. BIS may grant such an extension of time, if, in its judgment, circumstances are such that additional time reasonably is needed, the extension would not jeopardize timely completion of BIS's overall analysis, and the person is making reasonable progress towards completing the survey or response to the other request for information. Generally, extensions will be for no more than two weeks. A person who receives a survey or other request for information may request successive extensions if the person believes that it continues to have a legitimate need for additional time to complete the survey. BIS will not grant extensions that would jeopardize the performance and timely completion of its industrial base assessments.

(d) *Procedure for requesting exemptions or extensions of time.* Requests for exemptions or extensions of time must be made to BIS at the telephone number, email address or BIS physical address provided in the initial distribution letter for a survey or in the other request for information. A request for an exemption must provide factual information and documentation that are adequate for BIS to determine that one or more of the criteria stated in paragraph (b) or (c) are met.

(e) *Responses that are incomplete or inadequate.* BIS may return responses that are incomplete or inadequate to the person for prompt completion. BIS will specify the required period of time permitted for completion and submission of the revised survey.

§ 702.5 Consequences of failure to comply.

(a) *Civil.* If any person fails to comply with the requirements of § 702.4, BIS may issue a subpoena requiring that person to submit the information called for in the survey. In the case of contumacy or refusal to obey such a subpoena, the U.S. Government may apply for an order by the United States district court in a district where that person resides or transacts business that would compel the person to submit the completed survey.

(b) *Criminal.* In accordance with 50 U.S.C. app. 2155, any person who willfully fails to comply with § 702.4, may, upon conviction, be fined not more than $10,000 or imprisoned not more than one year, or both.

§ 702.6 Definitions.

The definitions in this section apply throughout this part.

Confidential. A description of information that is subject to the disclosure prohibitions of the DPA (50 U.S.C. app. 2155(d)).

Initial distribution letter. A letter that BIS sends to a person that has been identified by the U.S. Government as a supplier or customer of materials, products or services used for activities of the industry that is the focus of a survey. The letter describes the survey's primary objectives, how survey results will assist the U.S. Government, and the confidential treatment of the information submitted. The letter also provides BIS contact information.

Person. The term ''person'' includes: (a) An individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative thereof;

(b) Any State or local government or agency thereof;

(c) The Government of the United States, of the District of Columbia, of any commonwealth, territory or possession of the United States, or any department, agency or commission thereof.

Note to the definition of ''person''. Paragraph (a) of this definition is not limited to commercial or for-profit organizations. For example, the term ''any other organized group of persons'' may encompass labor unions, academic institutions, charitable organizations or any group of persons who are organized in some manner. The term corporation is not limited to publicly traded corporations or corporations that exist for the purpose of making a profit.

Survey. A questionnaire or other request for information that collects detailed information and data to support both the assessment of a particular industrial sector or technology and the development of a corresponding study.

Supplement No. 1 to Part 702—General Survey Information

This supplement provides general information about surveys and the content of the typical survey. The content of this supplement is purely in example of a typical survey, and in no way limits the content that may appear in a specific Bureau of Industry and Security (BIS)-issued survey. Procedures and content vary from survey to survey, and as such, there is no set template to follow. Nonetheless, BIS is offering this information as a basic guide to some elements of a survey.

Survey Structure

Most surveys include the following sections: Cover Page; Table of Contents; General Instructions; Glossary of Terms; Organizational Information, and sector-specific sections.

—The cover page typically includes the title of the survey, its scope, an explanation of the legal requirement to comply, the burden estimate for compliance with the survey, the Office of Management and Budget (OMB) control number, and the survey date of expiration.

—The General Instructions section normally includes process steps necessary for a person's survey submittal. These include but are not limited to instructions for survey completion, survey support staff point-of-contact information, the name and address of the presiding BIS official, and instructions for both survey certification and submittal.

—The Glossary of Terms section explains terms contained in the survey. Terms contained in the survey may be unique to the subject matter of the industry assessment, and therefore may change in meaning from survey to survey. Therefore, it is important to follow the specific instructions and defined terms contained in the specific survey you receive, regardless of any previous survey you might have completed.

—The Organization Information section requests information related to the person in receipt of the survey, including address information, the source level of response (*e.g.,* facility, business unit, division, corporate consolidated, etc.), point of contact details, and other pertinent contact information.

The survey is generally organized in a question and answer format and is presented on an electronic survey system. Each survey is specially tailored to collect the specific information requested. Therefore, specific detailed information is what should be submitted in response to a survey requesting such information.

—For example, if we ask for a listing of your customers that order widget A, your response should not be a listing of your entire customer base. Only the information pertaining to customers' ordering widget A is responsive to that kind of question.

Also note that your reply to a survey request is compulsory, unless you meet the criteria for exemption set forth in the body of the regulation. Therefore, any non-disclosure agreements or similar agreements you may have with your customers or clients are not applicable to a survey's request for information. Compliance with the survey is required by the DPA. Accordingly, compliance with that statutory requirement is paramount to any private agreement you have with your customers or other parties.

In addition to the aforementioned sections, each survey contains sections tailored to the specific scope of the study, including but not limited to Facility Locations, Products and Services, Inventories, Suppliers and Customers, Challenges and Organizational Outlook, Employment, Operations, Financial Statements, Sales, Research and Development, and Capital Expenditures.

Examples of Survey Terms

Certification: A section of the survey in which a person (an authorizing official) certifies that the information supplied in response to the survey is complete and correct, to the best of the person's knowledge.

Facility: A building or the minimum complex of buildings or parts of buildings in which a person operates to serve a particular function, producing revenue and incurring costs for the person. A facility may produce an item of tangible or intangible property or may perform a service. It may encompass a floor or group of floors within a building, a single building, or a group of buildings or structures. Often, a facility is a group of related locations at which employees work, together constituting a profit-and-loss center for the person, and it may be identified by a unique Dun and Bradstreet number.

Sole source: An organization that is the only source for the supply of parts, components, materials, or services. No alternative U.S. or non-U.S. based supplier exists other than the current supplier.

Survey template: The data collection instrument supplied by BIS to persons by which survey information is recorded and submitted to BIS. The survey is generally organized in a question and answer format and is presented on an electronic survey system.

Supplier: An entity from which your organization obtains inputs. A supplier may be another firm with which you have a contractual relationship, or it may be another facility owned by the same parent organization. The inputs may be materials, products or services.

Dated: February 24, 2015.

Kevin J. Wolf,

Assistant Secretary for Export Administration.

[FR Doc. 2015–04299 Filed 3–2–15; 8:45 am]

BILLING CODE 3510–01–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2015–0004; Notice No. 148]

RIN 1513–AC11

Proposed Establishment of the Los Olivos District Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) proposes to establish the approximately 22,820-acre ''Los Olivos District'' viticultural area in Santa Barbara County, California. The proposed viticultural area lies entirely within the Santa Ynez Valley viticultural area and the larger, multicounty Central Coast viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase. TTB invites comments on this proposed addition to its regulations.

DATES: Comments must be received by May 4, 2015.

ADDRESSES: Please send your comments on this document to one of the following addresses:

- *Internet: http://www.regulations.gov* (via the online comment form for this document as posted within Docket No. TTB–2015–0004 at ''Regulations.gov,'' the Federal e-rulemaking portal);
- *U.S. Mail:* Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; or
- *Hand delivery/courier in lieu of mail:* Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 200–E, Washington, DC 20005.

See the Public Participation section of this document for specific instructions and requirements for submitting comments, and for information on how to request a public hearing or view or request copies of the petition and supporting materials.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Department Order 120–01 (Revised), dated December 10, 2013, to the TTB Administrator to perform the functions and duties in the administration and enforcement of this law.

Part 4 of the TTB regulations (27 CFR part 4) authorizes TTB to define viticultural areas and sets out requirements for the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission to TTB of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features, as described in part 9 of the regulations, and a name and a delineated boundary, as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to the wine's geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing an AVA and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes the standards for petitions requesting the establishment or modification of AVAs. Petitions to establish an AVA must include the following:

- Evidence that the region within the proposed AVA boundary is nationally or locally known by the AVA name specified in the petition;
- An explanation of the basis for defining the boundary of the proposed AVA;
- A narrative description of the features of the proposed AVA affecting viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed AVA distinctive and distinguish it from adjacent areas outside the proposed viticultural AVA;
- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA, with the boundary of the

proposed AVA clearly drawn thereon; and

- A detailed narrative description of the proposed AVA boundary based on USGS map markings.

Los Olivos District Petition

TTB received a petition from C. Frederic Brander, owner and winemaker of the Brander Vineyard, proposing the establishment of the approximately 22,820-acre ''Los Olivos District'' AVA in Santa Barbara County, California. There are 12 bonded wineries and approximately 47 commercially producing vineyards covering a total of 1,120 acres within the proposed AVA. According to the petition, the distinguishing features of the proposed Los Olivos District AVA include its topography, soils, and climate. Unless otherwise noted, all information and data pertaining to the proposed AVA contained in this document are from the petition for the proposed Los Olivos District AVA and its supporting exhibits.

The proposed Los Olivos District AVA includes the towns of Los Olivos, Solvang, Ballard, and Santa Ynez. The proposed AVA lies entirely within the Santa Ynez Valley AVA (27 CFR 9.54), which, in turn, lies within the larger, multicounty Central Coast AVA (27 CFR 9.75). The proposed Los Olivos District AVA shares its western boundary with the eastern boundary of the Ballard Canyon AVA (27 CFR 9.230) and its eastern boundary with the western boundary of the Happy Canyon of Santa Barbara AVA (27 CR 9.217), but it does not overlap either of these AVAs.

Name Evidence

In the late 1800s, Alden March Boyd purchased land in Santa Barbara County and planted a 5,000-tree olive grove he named ''Rancho Los Olivos.'' The community that grew up nearby took the name ''Los Olivos,'' after Boyd's ranch. The proposed Los Olivos District AVA takes its name from the ranch and the town, both of which are located within the boundaries of the proposed AVA. The town and the ranch appear on the USGS Los Olivos quadrangle map. The town of Los Olivos also appears on a road map of Santa Barbara County, published by the American Automobile Association, which was included with the petition.

Name evidence for the proposed AVA is supported by the fact that several businesses use the moniker ''Los Olivos'' in their names, including the Los Olivos Grand Hotel, the Gallery Los Olivos, the Los Olivos Café, and the Los Olivos Grocery. Additionally, several public institutions that serve residents within the proposed AVA use the name ''Los Olivos,'' including the Los Olivos Library, the Los Olivos Post Office, and the Los Olivos Elementary School.

Boundary Evidence

The boundary of the proposed Los Olivos District AVA separates the low, relatively flat plain that comprises the proposed AVA from the higher elevations and more rugged and mountainous terrain that surround the proposed AVA in all directions. The northern portion of the proposed boundary follows the 1,000-foot elevation contour through the lower foothills of the San Rafael Mountains and approximates the point above which marine fog does not reach. The eastern portion of the proposed boundary follows straight lines drawn between points shown on the USGS maps and separates the proposed AVA from the canyon lands of the Happy Canyon of Santa Barbara AVA. The southern portion of the proposed boundary follows the Santa Ynez River and separates the proposed AVA from the Santa Ynez Mountains and the Los Padres National Forest. The western portion of the proposed boundary follows several roads and straight lines drawn between points on the USGS maps and separates the proposed AVA from the canyon lands of the Ballard Canyon AVA to the west.

Distinguishing Features

The distinguishing features of the proposed Los Olivos District AVA include its topography, soils, and climate.

Topography

According to the petition, the proposed Los Olivos District AVA is located on the only broad alluvial terrace plain of the Santa Ynez River. The topography of the proposed AVA is relatively uniform, with nearly flat terrain that gently slopes downward to the south. Elevations within the AVA range from approximately 400 feet in the southern portion of the proposed AVA, along the Santa Ynez River, to 1,000 feet in the northern portion, in the foothills of the San Rafael Mountains.

The petition discusses the benefits that the relatively flat, uniform topography of the proposed AVA has for viticulture. The lack of steeply sloped terrain minimizes the risk of erosion, allows vineyard owners more options to space vines and orient rows, and facilitates mechanical harvesting and tilling. The flat, open terrain also allows vineyards within the proposed AVA to receive uniform amounts of sunlight, rainfall, and temperature-moderating fog because there are no significant hills or mountains within the proposed AVA to block the rainfall and fog or to shade the vineyards.

The proposed Los Olivos District is surrounded by higher elevations and mountainous terrain in all directions. To the north are the San Rafael Mountains, with steep slopes and elevations reaching over 2,000 feet. To the east is the Happy Canyon of Santa Barbara AVA, which is marked by steeper terrain, rolling hills, and canyons. Elevations within the portion of the Happy Canyon of Santa Barbara AVA immediately adjacent to the proposed AVA reach heights of 1,600 feet. To the south of the proposed AVA are the Santa Ynez Mountains and the Los Padres National Forest, which have elevations reaching over 3,000 feet and steep, rugged terrain unsuitable for commercial viticulture. To the west of the proposed AVA is the Ballard Canyon AVA, which has rolling hills, maze-like canyons, and elevations reaching 1,200 feet.

Soils

Over 95 percent of the soils within the proposed Los Olivos District AVA are from the Positas-Ballard-Santa Ynez soil association and are derived from alluvium, including Orcutt sand and terrace deposits. The soils are moderately to well-drained gravelly fine sandy loams and clay loams with low to moderate fertility.

According to the petition, the soils found in the proposed Los Olivos District AVA are well-suited for viticulture. The soils drain well enough that the vines are not susceptible to root disease and chlorosis but do not drain so excessively as to require frequent irrigation. Soil nutrient levels within the proposed AVA are adequate to produce healthy vines and fruit without promoting excessive growth. Finally, the uniformity of the soils throughout the proposed Los Olivos District AVA results in a greater consistency in growing conditions for vineyards than is found in regions with greater soil variations.

To the north of the proposed Los Olivos District AVA, within the San Rafael Mountains, approximately 95 percent of the soils are of the Chamise-Arnold-Crow Hill association, which is described as well-drained to excessively drained and very low to moderately fertile. To the east and south of the proposed AVA, the soils are more diverse. Within the Happy Canyon of Santa Barbara AVA, to the east of the proposed AVA, approximately 40 percent of the soils are from the Positas-Ballard-Santa Ynez association. The

remaining 60 percent of the soils are from the Chamise-Arnold-Crow Hill, the Shedd-Santa Lucia-Diablo, and the Toomes-Climara associations, which are all well-drained to excessively drained and range from very low to highly fertile. To the south of the proposed AVA, within the Santa Ynez Mountains, approximately 60 percent of the soils are from the Los Osos-Gaviota association, which is described as well-drained to excessively drained and very low to moderately fertile. The remaining 40 percent of the soils is a combination of soils from Shedd-Santa Lucia-Diablo association and sedimentary rock that is not suitable for viticulture. To the west, within the Ballard Canyon AVA, approximately 95 percent of the soils are from the Chamise-Arnold-Crow Hill association, which are characterized as being well-drained to excessively drained and having very low to moderately low fertility.

Climate

Within the Central Coast AVA, where the proposed Los Olivos District AVA is located, temperatures are affected by cooling marine fog. Locations close to the Pacific Ocean have heavy marine fog, while locations farther inland, such as the proposed AVA, receive less fog. In general, marine fog contributes to cool daytime temperatures and warm nighttime temperatures. Because the proposed Los Olivos District AVA is located about 30 miles inland from the Pacific Ocean, much of the marine fog has diminished by the time it reaches the proposed AVA in the late afternoon. However, enough fog remains to moderate the evening and nighttime temperatures. Due to the flat, open topography, the fog circulates freely throughout the entire proposed AVA.

In locations where fog is present throughout most of the day, the difference between the daily high and daily low temperatures (diurnal temperature variation) is usually smaller than in regions where fog is less prevalent because fog lowers the daytime temperatures and warms the nighttime temperatures. The following table shows the average monthly diurnal temperature variation during the growing season measured at weather stations in the proposed Los Olivos District AVA and in regions to the east and west. Data was not available for locations to the north and south of the proposed AVA.

AVERAGE MONTHLY DIURNAL TEMPERATURE VARIATION

[Degrees Fahrenheit]

Month	Lompoc [1] (West of proposed AVA)	Ballard Canyon AVA [2] (West of proposed AVA)	Santa Ynez [3] (Within proposed AVA)	Cachuma Lake [4] (East of proposed AVA)
April	23	28	30	29.6
May	20.5	30	28.5	30.8
June	20	33	29.6	34.6
July	19.1	37	30.5	38.4
August	19.3	38	31.9	38.1
September	22.1	37	32.8	36.9
October	25.5	33	34.0	34.2

The data shows that the proposed Los Olivos District AVA generally has smaller average monthly diurnal temperature variations than the region farther inland (Cachuma Lake) and greater average monthly variations than the region closer to the coast (Lompoc). Lompoc, which is located only 9 miles from the Pacific Ocean, has smaller average monthly diurnal temperature variations than the proposed AVA because the marine fog is heavy throughout the entire day, keeping daytime highs cool and allowing for only small drops in nighttime temperatures. From May through September, Cachuma Lake has greater average monthly diurnal temperature variations than the proposed AVA because the lake is farther from the ocean (approximately 36 miles). The marine fog has largely dissipated by the time it reaches Cachuma Lake, allowing daytime temperatures to rise higher and nighttime temperatures to drop lower than within the proposed AVA. During April and October, fog is lighter and occurs less frequently within the proposed AVA, so the diurnal temperature variations within the proposed AVA are similar to those at Cachuma Lake. The Ballard Canyon AVA is closer to the ocean than the proposed AVA, but the hills and canyons block much of the fog from entering the Ballard Canyon AVA. As a result, the Ballard Canyon AVA has generally greater diurnal temperature variations than the proposed Los Olivos District AVA.

According to the petition, diurnal temperature variations during the growing season affect viticulture. Warm daytime temperatures encourage fruit maturation and sugar production, and cool nighttime temperatures minimize acid loss. Therefore, grapes in regions with large diurnal temperature variations ripen faster and have higher levels of sugar and acid than regions with smaller diurnal temperature variations. Additionally, because regions with large diurnal temperature variations generally have less fog, grapes in those regions are not at as great a risk of mildew or fungal diseases as areas with heavier fog and smaller diurnal temperature variations.

The petition also included a summary of growing degree day (GDD) data [5] gathered during the 2007–2012 growing seasons for the proposed Los Olivos District AVA and the regions to the north, east, and west. Data was not available for the region to the south.

[1] Source: Western Regional Climate Center period of record monthly climate summary, 1917–present. See *www.wrcc.dri.edu.*

[2] Source: Petition to Establish the Ballard Canyon AVA; data collected from 2005, 2008, and 2009. See *http://www.regulations.gov/#!documentDetail;D=TTB-2013-0001-0002.*

[3] Source: California Irrigation Management Information System Weather Station #64, Santa Ynez, from 1986-present. See University of California IPM Online at *www.ucipm.ucdavis.edu/WEATHER/index.html.*

[4] Source: Western Regional Climate Center period of record monthly climate summary, 1951–present. See *www.wrcc.dri.edu.*

[5] Growing Degree Day data was measured using the University of California Cooperative Extension method, which collects temperature data hourly in degrees Celsius. One GDD unit accumulates for each degree Celsius the hourly temperature reading is over the baseline of 10 degrees Celsius, the temperature below which there is virtually no growth in grape vines.

SUMMARY OF GROWING DEGREE DAYS

[Degrees Celsius]

Location (direction from proposed AVA)	2007	2008	2009	2010	2011	2012	Average
Proposed Los Olivos District AVA	1,534	1,688	1,652	1,406	1,479	1,617	1,563
Ballard Canyon AVA (West)	1,140	1,546	1,540	1,314	1,397	1,494	1,450
Happy Canyon of Santa Barbara AVA (East)	1,592	1,743	1,697	1,443	1,525	1,629	1,605
San Rafael Mountains (North)	1,748	1,952	1,850	1,521	1,587	1,753	1,735

The data shows that the proposed Los Olivos District AVA has more growing degree days than the region to the immediate west and fewer than the regions to the north and east. According to the petition, GDD accumulation influences the grape varietals grown in a region. Warm regions typically grow Bordeaux and Rhone varietals, such as cabernet sauvignon and syrah, both of which are commonly grown within the proposed AVA. Additionally, warm temperatures promote vigorous vine growth and large leaf canopies, which affect decisions on row spacing, trellis design, pruning, and canopy management.

Summary of Distinguishing Features

In summary, the topography, soils, and climate of the proposed Los Olivos District AVA distinguish it from the surrounding regions. The proposed AVA is located on a broad alluvial plain. The terrain is open and flat, which reduces the risk of erosion and allows for the use of mechanized harvesting and tilling equipment in the vineyards. The open terrain also allows thin marine fog to circulate freely through the proposed AVA. The fog moderates temperatures, preventing the grapes from developing levels of sugars and acids that are too high. The moderate temperatures allow for a growing degree day accumulation that is high enough to grow warm climate varietals, including cabernet sauvignon and syrah. Finally, the soils within the proposed AVA are moderately drained to well-drained and have low to moderate fertility levels. As a result, vines are at a low risk for root disease or excessive growth, and vineyards do not require frequent irrigation.

To the north, the high elevations of the San Rafael Mountains are above the fog line, and the terrain is higher, steeper, and more susceptible to erosion than the flat, gently sloping terrain of the proposed Los Olivos District AVA. To the east, the canyons and steeper terrain of the Happy Canyon of Santa Barbara AVA prevent marine fog from entering the AVA, resulting in higher GDD accumulations than within the proposed AVA. Additionally, the steepness of the terrain makes mechanized harvesting and tilling less practical than within the proposed AVA. To the south, the Santa Ynez Mountains and the Los Padres National Forest have high, rugged, steep terrain and rocky soils, making the region less suitable for viticulture than the proposed AVA. To the west, the Ballard Canyon AVA has rolling hills and maze-like canyons that block much of the marine fog from entering, resulting in greater average diurnal temperature variations than within the proposed AVA.

Comparison of the Proposed Los Olivos District AVA to the Existing Santa Ynez Valley and Central Coast AVAs

Santa Ynez Valley AVA

The Santa Ynez Valley AVA was established by T.D. ATF–132, which was published in the **Federal Register** on April 15, 1983 (48 FR 16252). The Santa Ynez Valley AVA encompasses the Sta. Rita Hills AVA, the Ballard Canyon AVA, and the Happy Canyon of Santa Barbara AVA, as well as the proposed Los Olivos District AVA. According to T.D. ATF–132, the Santa Ynez Valley AVA is a valley that surrounds the Santa Ynez River and is bound by the Purisima Hills and San Rafael Mountains to the north, Cachuma Lake to the east, the Santa Ynez Mountains to the south, and the Santa Rita Hills to the west. Vineyards are planted on elevations ranging from 200 feet along the Santa Ynez River to 1,500 feet in the foothills of the San Rafael Mountains. The Santa Ynez Valley AVA has seven major soil associations, but vineyards are primarily planted on soils from the Positas-Ballard-Santa Ynez, Chamise-Arnold-Crow Hill, Shedd-Santa Lucia-Diablo, and Sorrento-Mocho-Camarillo associations. Temperatures within the Santa Ynez Valley AVA are generally warmer and less influenced by coastal breezes and fog than the region closer to the coast because the hills to the west of the AVA prevent much of the marine influence from reaching deep into the valley. Even without a heavy marine influence, fog is still common at elevations between 1,000 and 1,200 feet within the Santa Ynez Valley AVA.

The proposed Los Olivos District AVA is located at the center of the Santa Ynez Valley AVA and shares some broad characteristics with the established AVA. Like much of the Santa Ynez Valley AVA, the proposed Los Olivos District AVA receives some marine fog from the Pacific Ocean. However, due to its central location, the proposed AVA is warmer than regions within the western portion of the Santa Ynez Valley AVA (such as the Sta. Rita Hills AVA) and cooler than regions within the eastern portion (such as the Happy Canyon of Santa Barbara AVA). The fairly level alluvial plain topography of the proposed AVA is more uniform than the topography of the larger Santa Ynez Valley AVA, which also includes mountains and canyons. In contrast to the varied soils of the Santa Ynez Valley AVA, the proposed Los Olivos District AVA soils are predominately from the Positas-Ballard-Santa Ynez association.

Central Coast AVA

The large, 1 million-acre Central Coast AVA was established by T.D. ATF–216, which was published in the **Federal Register** on October 24, 1985 (50 FR 43128). The Central Coast AVA encompasses all or portions of the California counties of Contra Costa, Alameda, San Francisco, San Mateo, Santa Clara, Santa Cruz, San Benito, Monterey, San Luis Obispo, and Santa Barbara, and it contains 28 established AVAs. T.D. ATF–216 describes the Central Coast viticultural area as extending from Santa Barbara to the San Francisco Bay area and east to the California Coastal Ranges. The distinguishing feature of the Central Coast AVA addressed in T.D. ATF–216 is that all of the included counties experience marine climate influence due to their proximity to the Pacific Ocean.

The proposed Los Olivos District AVA, located within Santa Barbara County, is also located within the Central Coast AVA. Marine fog, which is the primary characteristic of the Central Coast AVA, is present within

the proposed AVA during the growing season. However, due to its smaller size, the proposed viticultural area has greater uniformity in geographical features, such as topography, climate, and soils, than the larger Central Coast AVA.

TTB Determination

TTB concludes that the petition to establish the approximately 22,820-acre Los Olivos District AVA merits consideration and public comment, as invited in this document of proposed rulemaking.

Boundary Description

See the narrative description of the boundary of the petitioned-for AVA in the proposed regulatory text published at the end of this proposed rule.

TTB notes that although narrative descriptions of AVA boundaries usually follow a clockwise direction, the proposed Los Olivos District AVA boundary description follows a counterclockwise direction in order to align the proposed eastern boundary more easily with the western boundary of the established Happy Canyon of Santa Barbara AVA.

Maps

The petitioner provided the required maps, and they are listed below in the proposed regulatory text.

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. For a wine to be labeled with an AVA name or with a brand name that includes an AVA name or other term identified as viticulturally significant in part 9 of the TTB regulations, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name or other term, and the wine must meet the other conditions listed in § 4.25(e)(3) of the TTB regulations (27 CFR 4.25(e)(3)). If the wine is not eligible for labeling with an AVA name or other viticulturally significant term and that name or term appears in the brand name, then the label is not in compliance, and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name or other viticulturally significant term appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label. Different rules apply if a wine has a brand name containing an AVA name or other viticulturally significant term that was used as a brand name on a label approved before July 7, 1986. See § 4.39(i)(2) of the TTB regulations (27 CFR 4.39(i)(2)) for details.

If TTB establishes this proposed AVA, its name, ''Los Olivos District,'' will be recognized as a name of viticultural significance under § 4.39(i)(3) of the TTB regulations (27 CFR 4.39(i)(3)). TTB also believes that the term ''Los Olivos,'' standing alone, has viticultural significance, as this name appears to be primarily associated with the grape-growing and wine-producing region of the proposed AVA. Therefore, if TTB establishes this proposed AVA, the term ''Los Olivos'' also will be recognized as a term of viticultural significance under 27 CFR 4.39(i)(3). The text of the proposed regulation clarifies this point. Consequently, wine bottlers using the name ''Los Olivos District'' or ''Los Olivos'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, would have to ensure that the product is eligible to use the AVA name as an appellation of origin if this proposed rule is adopted as a final rule.

The approval of the proposed Los Olivos District AVA would not affect any existing AVA, and any bottlers using ''Central Coast'' or ''Santa Ynez Valley'' as an appellation of origin or in a brand name for wines made from grapes grown within the Central Coast AVA or Santa Ynez Valley would not be affected by the establishment of this new AVA. The establishment of the proposed Los Olivos District AVA would allow vintners to use ''Los Olivos District,'' ''Santa Ynez Valley,'' and ''Central Coast'' as appellations of origin for wines made from grapes grown within the proposed Los Olivos District AVA, if the wines meet the eligibility requirements for the appellation.

Public Participation

Comments Invited

TTB invites comments from interested members of the public on whether it should establish the proposed AVA. TTB is also interested in receiving comments on the sufficiency and accuracy of the name, boundary, soils, climate, and other required information submitted in support of the petition. In addition, given the proposed Los Olivos District AVA's location within the existing Central Coast AVA and Santa Ynez Valley AVA, TTB is interested in comments on whether the evidence submitted in the petition regarding the distinguishing features of the proposed AVA sufficiently differentiates it from the existing Central Coast AVA and Santa Ynez Valley AVA. TTB is also interested in comments on whether the geographic features of the proposed AVA are so distinguishable from the surrounding Central Coast AVA and Santa Ynez Valley AVA that the proposed Los Olivos District AVA should no longer be part of those AVAs. Please provide any available specific information in support of your comments.

Because of the potential impact of the establishment of the proposed Los Olivos District AVA on wine labels that include the term ''Los Olivos District'' or ''Los Olivos'' as discussed above under Impact on Current Wine Labels, TTB is particularly interested in comments regarding whether there will be a conflict between the proposed AVA name and currently used brand names. If a commenter believes that a conflict will arise, the comment should describe the nature of that conflict, including any anticipated negative economic impact that approval of the proposed AVA will have on an existing viticultural enterprise. TTB is also interested in receiving suggestions for ways to avoid conflicts, for example, by adopting a modified or different name for the AVA.

Submitting Comments

You may submit comments on this document by using one of the following three methods:

- *Federal e-Rulemaking Portal:* You may send comments via the online comment form posted with this document within Docket No. TTB–2015–0004 on ''Regulations.gov,'' the Federal e-rulemaking portal, at *http://www.regulations.gov.* A direct link to that docket is available under Notice No. 148 on the TTB Web site at *http://www.ttb.gov/wine/wine-rulemaking.shtml.* Supplemental files may be attached to comments submitted via Regulations.gov. For complete instructions on how to use Regulations.gov, visit the site and click on the ''Help'' tab.
- *U.S. Mail:* You may send comments via postal mail to the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005.
- *Hand Delivery/Courier:* You may hand-carry your comments or have them hand-carried to the Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 200–E, Washington, DC 20005.

Please submit your comments by the closing date shown above in the **DATES** section of this document. Your comments must reference Notice No. 148 and include your name and mailing address. Your comments also must be made in English, be legible, and be written in language acceptable for

public disclosure. TTB does not acknowledge receipt of comments, and TTB considers all comments as originals.

In your comment, please clearly state if you are commenting for yourself or on behalf of an association, business, or other entity. If you are commenting on behalf of an entity, your comment must include the entity's name, as well as your name and position title. If you comment via Regulations.gov, please enter the entity's name in the ''Organization'' blank of the online comment form. If you comment via postal mail or hand delivery/courier, please submit your entity's comment on letterhead.

You may also write to the Administrator before the comment closing date to ask for a public hearing. The Administrator reserves the right to determine whether to hold a public hearing.

Confidentiality

All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

Public Disclosure

TTB will post, and you may view, copies of this document, selected supporting materials, and any online or mailed comments received about this proposal within Docket No. TTB–2015–0004 on the Federal e-rulemaking portal, Regulations.gov, at *http://www.regulations.gov.* A direct link to that docket is available on the TTB Web site at *http://www.ttb.gov/wine/wine_rulemaking.shtml* under Notice No. 148. You may also reach the relevant docket through the Regulations.gov search page at *http://www.regulations.gov.* For information on how to use Regulations.gov, click on the site's ''Help'' tab.

All posted comments will display the commenter's name, organization (if any), city, and State, and, in the case of mailed comments, all address information, including email addresses. TTB may omit voluminous attachments or material that the Bureau considers unsuitable for posting.

You may also view copies of this document, all related petitions, maps and other supporting materials, and any electronic or mailed comments that TTB receives about this proposal by appointment at the TTB Information Resource Center, 1310 G Street NW., Washington, DC 20005. You may also obtain copies at 20 cents per 8.5 x 11-inch page. Please note that TTB is unable to provide copies of USGS maps or other similarly-sized documents that may be included as part of the AVA petition. Contact TTB's information specialist at the above address or by telephone at 202–453–2270 to schedule an appointment or to request copies of comments or other materials.

Regulatory Flexibility Act

TTB certifies that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of a viticultural area name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

It has been determined that this proposed rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

Drafting Information

Karen A. Thornton of the Regulations and Rulings Division drafted this notice of proposed rulemaking.

List of Subjects in 27 CFR Part 9

Wine.

Proposed Regulatory Amendment

For the reasons discussed in the preamble, TTB proposes to amend title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

■ 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Subpart C is amended by adding § 9.___ to read as follows:

§ 9. Los Olivos District.

(a) *Name.* The name of the viticultural area described in this section is ''Los Olivos District''. For purposes of part 4 of this chapter, ''Los Olivos District'' and ''Los Olivos'' are terms of viticultural significance.

(b) *Approved maps.* The four United States Geological Survey (USGS) 1:24,000 scale topographic maps used to determine the boundary of the Los Olivos District viticultural area are titled:

(1) Los Olivos, CA, 1995;

(2) Zaca Creek, Calif., 1959;

(3) Solvang, CA, 1995; and

(4) Santa Ynez, CA, 1995.

(c) *Boundary.* The Los Olivos District viticultural area is located in Santa Barbara County, California. The boundary of the Los Olivos District viticultural area is as described below:

(1) The beginning point is on the Los Olivos map at the intersection of Foxen Canyon Road with California State Road 154 (known locally as San Marcos Pass Road/Chumash Highway), section 23, T7N/R31W.

(2) From the beginning point, proceed southwesterly in a straight line approximately 0.3 mile, crossing onto the Zaca Creek map, to the intersection of Ballard Canyon Road and an unnamed, unimproved road known locally as Los Olivos Meadows Drive, T7N/R31W; then

(3) Proceed south-southeasterly in a straight line approximately 1 mile, crossing onto the Los Olivos map, to a marked, unnamed structure within a circular-shaped 920-foot contour line in the southwest corner of section 26, T7N/R31W; then

(4) Proceed south-southwesterly in a straight line approximately 1.25 miles, crossing onto the Zaca Creek map, to the point marked by the ''Ball'' 801-foot elevation control point, T6N/R31W; then

(5) Proceed south-southwesterly in a straight line approximately 1.45 miles, crossing onto the Solvang map, to a marked, unnamed 775-foot peak, T6N/R31W; then

(6) Proceed south-southwesterly in a straight line approximately 0.55 mile to a marked communication tower located within the 760-foot contour line, T6N/R31W; then

(7) Proceed south in a straight line approximately 0.6 mile to the intersection of Chalk Hill Road with an unnamed creek descending from Adobe Canyon, northwest of the unnamed road known locally as Fredensborg Canyon Road, T6N/R31W; then

(8) Proceed southwesterly (downstream) along the creek approximately 1 mile to the creek's intersection with the Santa Ynez River, T6N/R31W; then

(9) Proceed easterly (upstream) along the Santa Ynez River approximately 8 miles, crossing onto the Santa Ynez map, to the river's intersection with State Highway 154, T6N/R30W; then

(10) Proceed north-northwest in a straight line approximately 1.2 miles to the marked 924-foot elevation point, T6R/R30W; then

(11) Proceed north-northwest in a straight line 1.2 miles to the ''Y'' in an unimproved road 0.1 mile south of the 800-foot contour line, west of Happy Canyon Road, T6R/R30W; then

(12) Proceed north-northwest in a straight line for 0.5 mile, crossing onto the Los Olivos map, and continuing approximately 2.3 miles to the third intersection of the line with the 1,000-foot contour line northwest of BM 812, T7N/R30W; then

(13) Proceed westerly along the meandering 1,000-foot contour line to the contour line's intersection with an unnamed, unimproved road, an unnamed light-duty road, and the northern boundary line of section 23, T7N/R31W; then

(14) Proceed northerly, then westerly, along the unnamed, unimproved road to Figueroa Mountain Road, near the marked 895-foot elevation, T7N/R31W; then

(15) Proceed north on Figueroa Mountain Road approximately 400 feet to the 920-foot contour line, T7N/R31W; then

(16) Proceed initially south, then northeasterly along the meandering 920-foot contour line, crossing onto the Zaca Creek map, to Foxen Canyon Road, T7N/R31W; then

(17) Proceed southeasterly on Foxen Canyon Road approximately 1.7 miles, crossing onto the Los Olivos map, returning to the beginning point.

Dated: February 23, 2015.

John J. Manfreda,

Administrator.

[FR Doc. 2015–04253 Filed 3–2–15; 8:45 am]

BILLING CODE 4810–31–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA–HQ–OPPT–EPA–HQ–OPPT–2014–0760; FRL–9923–25]

RIN 2070–AB27

Proposed Significant New Use Rule on Certain Chemical Substances; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: EPA issued a proposed rule in the **Federal Register** of January 7, 2015, concerning proposed significant new use rules for 13 chemical substances which were the subject of premanufacture notices (PMNs). This document extends the comment period for 45 days, from March 9, 2015 to April 23, 2015. Multiple commenters requested additional time to research and submit more detailed comments concerning the proposed SNURs. EPA is therefore extending the comment period in order to give all interested persons the opportunity to comment fully.

DATES: The comment period for the proposed rule published on January 7, 2015 (80 FR 845) is extended. Comments, identified by docket identification (ID) number EPA–HQ–OPPT–2014–0760 must be received on or before April 23, 2015.

ADDRESSES: Follow the detailed instructions provided under **ADDRESSES** in the **Federal Register** document of January 7, 2015 (80 FR 845) (FRL–9919–23).

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Kenneth Moss, Chemical Control Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–9232; email address: *moss.kenneth@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION: This document extends the public comment period established in the **Federal Register** proposed rule of January 7, 2015. In that document, EPA proposed significant new use rules for 13 chemical substances which were the subject of premanufacture notices (PMNs). EPA is hereby extending the comment period, which was set to end on March 9, 2015, to April 23, 2015.

To submit comments, or access the docket, please follow the detailed instructions provided under **ADDRESSES** in the **Federal Register** proposed rule of January 7, 2015. If you have questions, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: February 20, 2015.

Maria J. Doa,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2015–04406 Filed 3–2–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Part 67

[Docket No. USCG–2010–0990]

RIN 1625–AB56

Vessel Documentation Renewal Fees

AGENCY: Coast Guard, DHS.

ACTION: Request for comments.

SUMMARY: The Coast Guard seeks public comment on whether to increase the period of validity for renewing endorsements on Certificates of Documentation. A separate fee of $26 for annual renewals of endorsements upon the Certificate of Documentation was established in a recent rulemaking. The Coast Guard is considering options for implementing multiyear renewals and updating the fee for services, and seeks information on factors to consider when implementing these changes.

DATES: Comments and related material must either be submitted to the online docket via *http://www.regulations.gov* on or before June 1, 2015 or reach the Docket Management Facility by that date.

ADDRESSES: You may submit comments identified by docket number USCG–2010–0990 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* 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.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this document, call or email Ms. Mary Jager, CG–DCO–832, Coast Guard; telephone 202–372–1331, email *Mary.K.Jager@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Ms. Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Comments

We encourage you to submit comments (or related material) on the possibility of extending the period of validity and modifying the fee for renewal on endorsements on the Certificate of Documentation (COD). We will consider all submissions and may adjust our final action based on your comments. Comments should be marked with docket number USCG–2010–0990 and should provide a reason for each suggestion or recommendation. You may provide personal contact information so that we can contact you if we have questions regarding your comments; but please note that all comments will be posted to the online docket without change and that any personal information you include can be searchable online (see the **Federal Register** Privacy Act notice regarding our public dockets, 73 FR 3316, Jan. 17, 2008).

Mailed or hand-delivered comments should be in an unbound 8½ x 11 inch format suitable for reproduction. The Docket Management Facility will acknowledge receipt of mailed comments if you enclose a stamped, self-addressed postcard or envelope with your submission.

Documents mentioned in this request for comments, and all public comments, are in our online docket at *http://www.regulations.gov* and can be viewed by following the Web site's instructions. You can also view the docket online at the Docket Management Facility (see the mailing address under **ADDRESSES**) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

We are not planning to hold a public meeting but will consider doing so if public comments indicate a meeting would be helpful. We would issue a separate **Federal Register** notice to announce the date, time, and location of such a meeting.

Background

On August 12, 2014, the Coast Guard published a final rule entitled ''Vessel Documentation Renewal Fees'' in the **Federal Register** (79 FR 47015). The final rule contained the Coast Guard's revision of 46 CFR part 67, setting out fees for services provided.

The Coast Guard received 2,720 comment submissions on the proposed fees published on March 4, 2013 (78 FR 14053). Comments were received from individuals, law firms, commercial vessel documentation services, industry groups, and maritime corporations. We considered all comments in promulgating the final rule. The Coast Guard received 1,316 comments regarding the implementation of the new fee. The majority of these comments (757 comments) suggested the Coast Guard institute a multiyear renewal option program. We made no changes to the final rule. However, we are now seeking public comments in considering options that could be proposed in a future rulemaking. This document provides the public with an opportunity to continue this discussion.

Discussion

The legal basis for charging fees for this service is found in section 10401 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508, Nov. 5, 1990, 104 Stat. 1388), codified at 46 U.S.C. 2110, which requires that the Coast Guard establish user fees for Coast Guard vessel documentation services. That section provides that the Secretary of the Department in which the Coast Guard is operating (Secretary) shall establish a fee or charge for a service or thing of value that is provided to the recipient or user of that service. The Secretary is empowered in 46 U.S.C. 2104 to delegate the authorities in 46 U.S.C. Subtitle II to the Coast Guard. The Secretary exercised that delegation's authority for fees in Department of Homeland Security Delegation No. 0170.1(92)(a).

In establishing these fees, we are required to use the criteria found in 31 U.S.C. 9701. Under this provision the fees must be fair, and must be based on the costs to the government, the value of the service or thing to the recipient, and the public policy or interest served (see 31 U.S.C. 9701(b)). One of the vessel documentation services the Coast Guard provides, and for which user fees are required under 46 U.S.C. 2110, is renewal of endorsements upon a COD. A COD is (1) required for the operation of a vessel in certain trades, (2) serves as evidence of vessel nationality, and (3) permits owners of vessels to benefit from preferred mortgages (46 CFR 67.1). An endorsement means an entry that may be made on a COD, and, except for a recreational endorsement, is conclusive evidence that a vessel is entitled to engage in a specified trade (46 CFR 67.3).

The Coast Guard sets fees at an amount calculated to achieve recovery of the costs of providing the service, in a manner consistent with the general user charges principles set out in the Office of Management and Budget (OMB) Circular A–25. Under that OMB Circular, each recipient should pay a reasonable user charge for Federal Government services, resources, or goods from which he or she derives a special benefit. The user fee should be at an amount sufficient for the Federal Government to recover the full costs of providing the service, resource, or good (see OMB Circular A–25, sec. 6(a)(2)(a)).

After reviewing the comments to the proposed rule, the Coast Guard is seeking comment on whether it should consider extending the period of validity and modifying the fee for renewal on endorsements on the COD.

Request for Information

Through this document, the Coast Guard asks for comments and information to consider in updating renewal of endorsements on COD processes and fees. Please consider the following questions when preparing comments:

1. Would you prefer a multiyear renewal program with fees charged at the time of renewal, or would you prefer to continue annual renewals including an annual fee for service? Please explain why you prefer the renewal period and its fee payment schedule.

2. Would you prefer having the option of choosing a multiyear or annual renewal each time you renew? Please explain why you prefer the option that you chose.

If the only option for renewal is multiyear, how would you suggest the annual renewal is phased over to a multiyear renewal?

3. Would you prefer a multiyear renewal program that requires payment every other year, or one that requires payment every 3 years? Please explain why you chose this option.

4. What are the benefits of a multiyear renewal?

5. Are there any negative impacts of a multiyear renewal?

6. What, if any, concerns would you need to have addressed prior to selecting the multiyear renewal option?

7. What are the impacts to mortgages from multiyear information verification and COD renewal? Will lenders require additional information from the National Vessel Documentation Center (NVDC) to manage loans?

8. What period of renewal is best for mortgage lenders?

9. What other suggestions do you have for reducing the burden of obtaining a COD?

This document is issued under authority of 5 U.S.C. 552(a).

Dated: February 18, 2015.

J.C. Burton,

Captain, U.S. Coast Guard, Director of Inspections and Compliance.

[FR Doc. 2015–03651 Filed 3–2–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223

[Docket No. 141219999–5133–01]

RIN 0648–XD681

Endangered and Threatened Wildlife and Plants; Proposed Rule To List the Tanzanian DPS of African Coelacanth as Threatened Under the Endangered Species Act

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

ACTION: Proposed rule; 12-month petition finding; request for comments.

SUMMARY: We, NMFS, have completed a comprehensive status review under the Endangered Species Act (ESA) for the African coelacanth (*Latimeria chalumnae)* in response to a petition to list that species. We have determined that, based on the best scientific and commercial data available, and after taking into account efforts being made to protect the species, *L. chalumnae* does not meet the definition of a threatened or endangered species when evaluated throughout all of its range. However, we determined that the Tanzanian population of the taxon represents a significant portion of the taxon's range, is threatened across that portion, and is a valid distinct population segment (DPS). Therefore, we propose to list the Tanzanian DPS of *L. chalumnae* as a threatened species under the ESA. We are not proposing to designate critical habitat for this DPS because the geographical areas occupied by the population are entirely outside U.S. jurisdiction, and we have not identified any unoccupied areas that are essential to the conservation of the DPS. We are soliciting comments on our proposal to list the Tanzanian DPS of the coelacanth as threatened under the ESA.

DATES: Comments on our proposed rule to list the coelacanth must be received by May 4, 2015. Public hearing requests must be made by April 17, 2015.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2015–0024, by either of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0024.* Click the ''Comment Now'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Chelsey Young, NMFS Office of Protected Resources (F/PR3), 1315 East West Highway, Silver Spring, MD 20910, USA.

Instructions: You must submit comments by one of the above methods to ensure that we receive, document, and consider them. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on *http://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. We will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

You can obtain the petition, status review report, the proposed rule, and the list of references electronically on our NMFS Web site at *http://www.nmfs.noaa.gov/pr/species/petition81.htm.*

FOR FURTHER INFORMATION CONTACT: Chelsey Young, NMFS, Office of Protected Resources (OPR), (301) 427–8491 or Marta Nammack, NMFS, OPR, (301) 427–8469.

SUPPLEMENTARY INFORMATION:

Background

On July 15, 2013, we received a petition from WildEarth Guardians to list 81 marine species as threatened or endangered under the Endangered Species Act (ESA). This petition included species from many different taxonomic groups, and we prepared our 90-day findings in batches by taxonomic group. We found that the petitioned actions may be warranted for 27 of the 81 species and announced the initiation of status reviews for each of the 27 species (78 FR 63941, October 25, 2013; 78 FR 66675, November 6, 2013; 78 FR 69376, November 19, 2013; 79 FR 9880, February 21, 2014; and 79 FR 10104, February 24, 2014). This document addresses the findings for one of those 27 species: The African coelacanth *L. chalumnae.* Findings for seven additional species can be found at 79 FR 74853 (December 16, 2014). The remaining 19 species will be addressed in subsequent findings.

We are responsible for determining whether species are threatened or endangered under the ESA (16 U.S.C. 1531 *et seq.*). To make this determination, we consider first whether a group of organisms constitutes a ''species'' under the ESA, then whether the status of the species qualifies it for listing as either threatened or endangered. Section 3 of the ESA defines a ''species'' to include ''any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.'' On February 7, 1996, NMFS and the U.S. Fish and Wildlife Service (USFWS; together, the Services) adopted a policy describing what constitutes a distinct population segment (DPS) of a taxonomic species (the DPS Policy; 61 FR 4722). The DPS Policy identified two elements that must be considered when identifying a DPS: (1) The discreteness of the population segment in relation to the remainder of the species (or subspecies) to which it belongs; and (2) the significance of the population segment to the remainder of the species (or subspecies) to which it belongs. As stated in the DPS Policy, Congress expressed its expectation that the Services would exercise authority with regard to DPSs sparingly and only when the biological evidence indicates such action is warranted.

Section 3 of the ESA defines an endangered species as ''any species which is in danger of extinction throughout all or a significant portion of its range'' and a threatened species as one ''which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' We interpret an ''endangered species'' to be one that is presently in danger of extinction. A ''threatened species,'' on the other hand, is not presently in danger of extinction, but is likely to become so in the foreseeable future (that is, at a later time). In other words, the primary statutory difference between a threatened and endangered species is the timing of when a species may be in danger of extinction, either presently (endangered) or in the foreseeable future (threatened).

When we consider whether species might qualify as threatened under the ESA, we must consider the meaning of the term ''foreseeable future.'' It is appropriate to interpret ''foreseeable future'' as the horizon over which predictions about the conservation status of the species can be reasonably relied upon. The foreseeable future considers the life history of the species, habitat characteristics, availability of data, particular threats, ability to predict threats, and the reliability to forecast the effects of these threats and future events on the status of the species under

consideration. Because a species may be susceptible to a variety of threats for which different data are available, or which operate across different time scales, the foreseeable future is not necessarily reducible to a particular number of years. Thus, in our determinations, we may describe the foreseeable future in general or qualitative terms.

NMFS and the USFWS recently published a policy to clarify the interpretation of the phrase ''significant portion of the range'' (SPR) in the ESA definitions of ''threatened'' and ''endangered'' (76 FR 37577; July 01, 2014). The policy consists of the following four components:

(1) If a species is found to be endangered or threatened in only an SPR, the entire species is listed as endangered or threatened, respectively, and the ESA's protections apply across the species' entire range.

(2) A portion of the range of a species is ''significant'' if its contribution to the viability of the species is so important that without that portion, the species would be in danger of extinction or likely to become so in the foreseeable future.

(3) The range of a species is considered to be the general geographical area within which that species can be found at the time USFWS or NMFS makes any particular status determination. This range includes those areas used throughout all or part of the species' life cycle, even if they are not used regularly (*e.g.,* seasonal habitats). Lost historical range is relevant to the analysis of the status of the species, but it cannot constitute an SPR.

(4) If a species is not endangered or threatened throughout all of its range but is endangered or threatened within an SPR, and the population in that significant portion is a valid DPS, we will list the DPS rather than the entire taxonomic species or subspecies.

We considered this policy in evaluating whether to list the coelacanth as endangered or threatened under the ESA.

Section 4(a)(1) of the ESA requires us to determine whether any species is endangered or threatened due to any one or a combination of the following five threat factors: The present or threatened destruction, modification, or curtailment of its habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; the inadequacy of existing regulatory mechanisms; or other natural or manmade factors affecting its continued existence (16 U.S.C. 1533(a)(1)). We are also required to make listing determinations based solely on the best scientific and commercial data available, after conducting a review of the species' status and after taking into account efforts being made by any state or foreign nation to protect the species (16 U.S.C. 1533(a)(1)).

In making a listing determination, we first determine whether a petitioned species meets the ESA definition of a ''species.'' Next, using the best available information gathered during the status review for the species, we complete a status and extinction risk assessment across the range of the species. In assessing extinction risk, we consider the demographic viability factors developed by McElhany *et al.* (2000) and the risk matrix approach developed by Wainwright and Kope (1999) to organize and summarize extinction risk considerations. The approach of considering demographic risk factors to help frame the consideration of extinction risk has been used in many of our status reviews, including for Pacific salmonids, Pacific hake, walleye pollock, Pacific cod, Puget Sound rockfishes, Pacific herring, scalloped hammerhead sharks, and black abalone (see *http://www.nmfs.noaa.gov/pr/species/* for links to these reviews). In this approach, the collective condition of individual populations is considered at the species level according to four demographic viability factors: Abundance, growth rate/productivity, spatial structure/connectivity, and diversity. These viability factors reflect concepts that are well-founded in conservation biology and that individually and collectively provide strong indicators of extinction risk.

We then assess efforts being made to protect the species, to determine if these conservation efforts are adequate to mitigate the existing threats. Section 4(b)(1)(A) of the ESA requires the Secretary, when making a listing determination for a species, to take into consideration those efforts, if any, being made by any State or foreign nation to protect the species. We also evaluate conservation efforts that have not yet been fully implemented or shown to be effective using the criteria outlined in the joint NMFS/USFWS Policy for Evaluating Conservation Efforts (PECE; 68 FR 15100, March 28, 2003), to determine their certainty of implementation and effectiveness. The PECE is designed to ensure consistent and adequate evaluation of whether any conservation efforts that have been recently adopted or implemented, but not yet demonstrated to be effective, will result in improving the status of the species to the point at which listing is not warranted or contribute to forming the basis for listing a species as threatened rather than endangered. The two basic criteria established by the PECE are: (1) The certainty that the conservation efforts will be implemented; and (2) the certainty that the efforts will be effective. We consider these criteria, as applicable, below. We re-assess the extinction risk of the species in light of the existing conservation efforts.

If we determine that a species warrants listing as threatened or endangered, we publish a proposed rule in the **Federal Register** and seek public comment on the proposed listing.

Status Review

We conducted a status review for the petitioned species addressed in this finding (Whittaker, 2014), which compiled information on the species' biology, ecology, life history, threats, and conservation status from information contained in the petition, our files, a comprehensive literature search, and consultation with experts. We also considered information submitted by the public in response to our petition finding. The draft status review report was also submitted to independent peer reviewers; comments and information received from peer reviewers were addressed and incorporated as appropriate before finalizing the draft report.

The status review report provides a thorough discussion of demographic risks and threats to the particular species. We considered all identified threats, both individually and cumulatively, to determine whether the species should reasonably be expected to respond to the threats in a way that causes actual impacts at the species level. The collective condition of individual populations was also considered at the species level, according to the four demographic viability factors discussed above.

The status review report is available on our Web site (see **ADDRESSES** section). The following section describes our analysis of the status of the African coelacanth, *L. chalumnae.*

Species Description

Latimeria chalumnae, a fish commonly known as the African coelacanth, belongs to a very old lineage of bony fish, the class Sarcopterygii or lobe-finned fishes, which includes the coelacanths, the lungfish, and very early tetrapods. Most species of lobe-finned fish are extinct. Among the lobe-finned fishes, *L. chalumnae* is one of only two living species belonging to the order Coelacanthiformes. The belief that the

coelacanth had gone extinct over 65 million years ago made the discovery of a living specimen off the coast of South Africa in 1938 particularly sensational (McAllister, 1971). *Latimeria chalumnae* inhabits coasts along the western Indian Ocean, while *Latimeria menadoensis*, commonly known as the Indonesian coelacanth, observed for the first time in 1997, appears to be restricted to Indonesian waters, but might also occur along the coastal islands in the eastern Indian Ocean (Erdmann *et al.,* 1998; Erdmann, 1999; Springer, 1999; Fricke *et al.,* 2000b, Hissman pers. com.). *Latimeria chalumnae* and *L. menadoensis* are genetically and geographically distinct (Pouyaud *et al.,* 1999; Holder *et al.,* 1999; Inoue, 2005). While genetically distinct, the Indonesian and African coelacanth species exhibit overlapping morphological traits, which makes it difficult to differentiate between them based on morphology alone.

The coelacanth has a number of unique morphological features. Most obvious are its stalked dorsal, pelvic, anal, and caudal fins. In the water, under camera observation, the body of the fish appears iridescent dark blue, but its natural color is brown (Hissman pers. com.); individuals have white blotches on their bodies that have been used for identification in the field. When individuals die, their color shifts from blue to brown. The name ''coelacanth'' comes from the Greek words for 'hollow' and 'spine,' referring to the fish's hollow oil-filled notochord, which supports the dorsal and ventral caudal fin rays (Balon *et al.,* 1988). This notochord is composed of collagen which is stiffened under fluid pressure (Balon *et al.,* 1988). Coelacanth species have a unique intracranial joint allowing them to simultaneously open the lower and upper jaws, possibly an adaptation for feeding (Balon *et al.,* 1988). Coelacanths undergo osmoregulation via retention of urea (Griffith, 1991). Their swim bladder is filled with wax-esters used to passively regulate buoyancy, allowing the fish to reach depths of 700 meters during nightly feeding excursions (Hissmann *et al.,* 2000). Males and females exhibit sexual dimorphism in size, with females larger than males (Bruton *et al.,* 1991b).

The natural range of the African coelacanth *L. chalumnae* was once thought to be restricted to the Comoro Island Archipelago, located in the Western Indian Ocean between Madagascar and Mozambique. For many years, specimens caught off South Africa, Mozambique, and Madagascar were thought to be strays from the Comoro population (Schliewen *et al.,* 1993; Hissmann *et al.,* 1998). However, between 1995 and 2001, catches and observations of coelacanths from the coasts of Kenya (De Vos *et al.,* 2002), Tanzania (Benno *et al.,* 2006), South Africa (Hissmann *et al.,* 2006), and Madagascar (Heemstra *et al.,* 1996) suggested that the species was more widespread than previously thought, occupying deep water coastal habitat in several locations throughout the Western Indian Ocean. The range extent of the coelacanth remains unclear, as direct observations of established populations rely on dedicated deep water canyon surveys, or bycatch observations from gillnets and artisanal handlines (Hissmann *et al.,* 2006). Today, three established coelacanth populations have been confirmed by survey efforts, inhabiting deep-water caves off the coast of the Comoros, South Africa, and the coast of Tanzania.

The coelacanth is known to inhabit waters deeper than 100m, making surveys difficult and reliant upon sophisticated technology including submersibles and remotely operated vehicles (ROVs), or highly-trained divers using special gas mixtures. To date, the best data addressing coelacanth habitat use come from *in situ* observations of the fish off the steep volcanic coasts of Grand Comoro Island; two decades of coelacanth observation there demonstrate that the coelacanth inhabits deep submarine caves and canyons which are thought to provide shelter from predation and ocean currents (Fricke *et al.,* 2011). The fish aggregate in these caves in groups of up to 10 individuals. Retreat into these caves after nightly feeding activity is most likely a key factor for coelacanth survival, allowing the fish to rest and conserve energy in a deep-water, low-prey environment (Fricke *et al.,* 1991a). At night, coelacanths occupy deeper waters to actively feed, spending the majority of their time between 200 and 300 m (Fricke *et al.,* 1994; Hissmann *et al.,* 2000). Larger individuals are known to venture below 400 m, with the deepest observation at 698 m (Hissmann *et al.,* 2000).

South African coelacanth habitat has also been studied, although to a lesser extent than in the Comoro Islands (Venter *et al.,* 2000; Hissmann *et al.,* 2006; Roberts *et al.,* 2006). In the deep canyons off the coast of South Africa, suitable coelacanth caves have been found at depths of 100–130 m, whereas at Grand Comoro Island, most caves are in depths of 180–230 m (Heemstra *et al.,* 2006). In general, it is thought that the deep overhangs and caves found off the shelf of South Africa provide suitable shelter and refuge for coelacanths.

Habitat off of Tanzania consists of rocky terraces occurring between 70–140 m depth; the water temperature at coelacanth catch depths is around 20 °C (Nyandwi, 2009). A large number (n = 19) of Tanzanian coelacanths have been caught in the outer reefs near the village of Tanga. In this region, some coelacanth catches have been reported to occur at 50–60 m; however, the validity of these reports is questionable (Benno *et al.,* 2006; Nyandwi, 2009, Hissman pers. com.). These incidents may indicate a shallower depth preference for Tanzanian coelacanths than that exhibited by Comoran coelacanths; however, more surveys are needed to better understand coelacanth habitat use in this region (Benno *et al.,* 2006). The benthic substrate off the coast of Tanzania is sedimentary limestone rather than the volcanic rock of the Comoros. In this habitat, coelacanths are thought to use submarine cavities and shelves that have eroded out of the limestone composite for shelter.

Coelacanths demonstrate strong site fidelity with relatively large overlapping home ranges, greater than 8 km, as demonstrated at Comoro and South African sites where expeditions have tracked individual movements using ultrasonic transmitters (Fricke *et al.,* 1994; Heemstra *et al.,* 2006). Surveys off Grand Comoro over 21 years demonstrate that individual coelacanths may inhabit the same network of caves for decades; for example, 17 individuals originally identified in 1989 were re-sighted in 2008 in the same survey area (Fricke *et al.,* 2011).

Temperature use for the Comoran coelacanth, based on survey observations, was found to be between 16.5 and 22.8 °C (Fricke *et al.,* 1991b). Surveys of South African coelacanth habitat off of Sodwana Bay confirm this temperature use across a broad portion of its range (Hissmann *et al.,* 2006). This corresponds to estimates of thermal requirements based on the temperature-dependent oxygen saturation of their blood, with an optimum at 15 °C and an upper threshold at 22–23 °C (Hughes *et al.,* 1972). Thus, the coelacanth depends on cooler waters to help maintain its oxygen demands. Most likely, the depth distribution of coelacanth depends partly on this temperature requirement. The coelacanth's ecological niche is likely shaped by this narrow temperature requirement, prey abundance, and the need for shelter and oxygen.

It is thought that sedimentation and siltation act as a negative influence on coelacanth distribution. This is supported by a hypothesis surrounding

the split between the two living coelacanth species estimated to have occurred 40–30 million years ago (Mya), corresponding with the collision between India and Eurasia (50 Mya), which created high levels of siltation and isolated individuals to the east and west of India (Inoue *et al.,* 2005). This hypothesis has been supported by some surveys off Sodwana Bay where it was observed that some canyons, despite offering suitable habitat requirements, were not occupied by coelacanths; it was concluded that the turbidity of the water in these caves discouraged coelacanth habitation, as nearby canyons not affected by turbidity were occupied by coelacanths (Hissmann *et al.,* 2006; Roberts *et al.,* 2006).

Coelacanths are considered ovoviviparous, meaning the embryos are provided a yolk sac and develop inside the adult female until they are delivered as live births; coelacanth embryos are not surrounded by a solid shell. Embryos remain in gestation for 3 years; this period of embryogenesis has been determined by scale rings of embryo and newborn coelacanth specimens (Froese *et al.,* 2000). The coelacanth gestation period is considered the longest of any vertebrate (Froese *et al.,* 2000). It has been hypothesized that the coelacanth may live upwards of 40 or 50 years, and even up to 100 years (Bruton *et al.,* 1991a, Fricke *et al.,* 2011, Hissman per. com.). Coelacanth generation times are long. In fact, they are expected to reach reproductive maturity between 16 and 19 years of age (Froese *et al.,* 2000). Coelacanth fecundity is not well known; 26 embryos were found within one female caught in 2001 from off of Mozambique, and other known fecundities are 5, 19, and 23 pups (Fricke *et al.,* 1992).

Coelacanths are extremely slow drift-hunters. They descend at least 50 to 100 m below their daytime habitat to feed at night on the bottom or near-bottom, and are thought to consume deep-water prey, or prey found at the bottom of the ocean (Uyeno *et al.,* 1991; Fricke *et al.,* 1994). Stomach content analysis has revealed a variety of prey items including deepwater fishes ranging from cephalopods (including cuttlefish) to eels such as conger eels (Uyeno *et al.,* 1991). The fish exhibits low-energy drift feeding behavior, which is thought to conserve energy and oxygen for the fish. Metabolic demands have been studied in the coelacanth, and demonstrate that they have one of the lowest resting metabolisms of all vertebrates (Hughes *et al.,* 1972; Fricke *et al.,* 2000a). The coelacanth's gill surface area is much smaller than other fishes of similar size; this morphological feature is a factor thought to heavily limit their growth rate and productivity due to its control over oxygen utilization (Froese *et al.,* 2000). Studies of the fish's blood physiology have demonstrated that the oxygen dissociation curve is temperature dependent, and shows an affinity for oxygen at lower temperatures (15 °C). Small gill surface area and blood physiology are thought to influence the coelacanth's restriction to cold deep water habitat, and may correlate with their low metabolic rates, meager food consumption and generally slow growth and maturation (Froese *et al.,* 2000).

Population Abundance, Distribution, and Structure

It was once thought that coelacanths were restricted to the Comoro Island Archipelago, and that individuals caught in other locations in the Western Indian Ocean were strays. However, growing evidence suggests that *L. chalumnae* consists of several established populations throughout the Western Indian Ocean (Schartl *et al.,* 2005). Two resident and scientifically surveyed coelacanth populations exist in waters off South Africa and the Comoro Islands (Hissmann *et al.,* 2006; Fricke *et al.,* 2011). Increases in coelacanth catch off the coast of Tanzania during the last decade and genetic analysis of individuals caught there demonstrated that an established population exists there as well, as confirmed by the observance of 9 coelacanth individuals during a 2007 survey off the Tanzanian coast (Nikaido *et al.,* 2011). Additional coelacanth catches have been recorded off Madagascar, Mozambique, and Kenya, but these regions have not yet been surveyed (Nulens *et al.,* 2011) so their status is unclear. What is known of the coelacanth's distribution is largely based on bycatch data. Thus, the true number of established coelacanth populations, and the extent of the species' range across the Western Indian Ocean remain uncertain.

Insufficient data exist to quantitatively estimate coelacanth population abundance or trends over time for the majority of its range. Population abundance estimates are greatly challenged by sampling and survey conditions wherein deep technical scuba or submersibles are necessary to reach and document the coelacanth in its natural habitat.

Quantitative estimates of coelacanth abundance have been made only for the Comoro Islands. Coelacanth population abundance estimates for the western coastline of Grand Comoro were initially made in the late 1980s by Fricke *et al.* (1991a) and updated to include survey data from 1991 (Fricke *et al.,* 1994). The survey area during this time covered 9 percent of the projected coelacanth habitat along the western coast of Grand Comoro (Hissmann *et al.,* 1998). These estimates showed a relatively stable population ranging between 230–650 individuals (Fricke *et al.,* 1994). Surveys conducted in 1994 across the southwestern coast of Grand Comoro (the same sample area as in earlier surveys) revealed a 68 percent decrease in cave inhabitants and a 32 percent decrease in the total number of coelacanths encountered as compared to a 1991 survey that covered the same area at the same time of year (Hissmann *et al.,* 1998). Three additional surveys of the western coast of Grand Comoro occurred in the 2000s, and are summarized in Fricke *et al.* (2011). These survey methods and area were consistent with earlier surveys occurring in the late 1980s and 1990s. During surveys between 2000 and 2009, several marked individuals not sighted in 1994 re-appeared, and cave occupancy rates in these later surveys were similar to surveys of the early 1990s (Fricke *et al.,* 2011). In total, nine dedicated coelacanth surveys have occurred in this area since 1986 (Fricke *et al.,* 2011). Estimates of population abundance along the western coast of Grand Comoro, based on repeated surveys over almost 2 decades, are between 300 and 400 individuals, with 145 individuals identifiable via unique markings (Fricke *et al.,* 2011). The 1994 survey showing population declines is thought to be an anomaly driven by higher water temperature, as later surveys demonstrate that the local population of western Grand Comoro has remained stable since the 1980s (Fricke *et al.,* 2011). Some local Comoran fishermen have suggested that seasonal abundance patterns may exist for the coelacanth as they do for the locally-targeted oilfish, but there are insufficient data to address this phenomenon (Stobbs *et al.,* 1991).

Across the coelacanth's range, juveniles (<100 cm) are largely absent from survey and catch data, suggesting that earlier life stages may exhibit differences in distribution and habitat use (Fricke *et al.,* 2011). Length at birth is assumed to be 40 cm (Bruton *et al.,* 1991a). Size classes between 40 and 100 cm are largely absent from surveys of the Comoros, South Africa, and Tanzania; these smaller sizes are also absent from shallower water, suggesting that they inhabit deeper water than older individuals (Fricke *et al.,* 2011). In general, the distribution and relative

abundance of juveniles across the coelacanth's range remains unknown.

Population estimates have not been conducted in other parts of the coelacanth's range, and it is possible that undiscovered populations exist across the Western Indian Ocean because coelacanths have been caught (in low numbers) off the coast of Madagascar, Kenya and Mozambique. Based on current understanding, coelacanth habitat and distribution is determined by the species' need for cool water and structurally complex caves and shelf overhangs for refuge. Using these requirements, Green *et al.* (2009) conducted a bathymetric survey using data coverage of the Western Indian Ocean in order to identify potential habitat for coelacanth populations, beyond occupied habitat already identified. The authors identified several locations off Mozambique and South Africa that met characteristics of coelacanth habitat. Lack of adequate data coverage for Tanzania and Madagascar precluded thorough analyses of these regions, so the authors did not rule out these locations as suitable coelacanth habitat. Although this bathymetric study did not lead to any additional surveys to confirm its findings, the analysis demonstrates the presence of suitable habitat throughout the Western Indian Ocean, and thus the potential for yet-undiscovered coelacanth populations. Based on the data presented, populations that have been surveyed appear to be stable with unknown abundance and trends elsewhere.

Genetic data on coelacanth population structure are limited and known distribution of coelacanth populations is potentially biased by targeted survey efforts and fishery catch data. However, recent whole-genome sequencing and genetic data available for multiple coelacanth specimens can be used to cautiously infer some patterns of population structure and connectivity across the coelacanth's known range (Nikaido *et al.,* 2011; Lampert *et al.,* 2012; Nikaido *et al.,* 2013). Currently, whole-genome sequences exist for multiple individuals from Tanzania, the Comoros, and from the Indonesian coelacanth *L. menadoensis.*

Significant genetic divergence at the species level has been demonstrated to exist between *L. chalumnae* and *L. menadoensis* (Inoue *et al.* 2005) as described above.

Intraspecific population structure has been examined using *L. chalumnae* specimens from Tanzania, the Comoros, and southern Africa (Nikaido *et al.,* 2011; Lampert *et al.,* 2012; Nikaido *et al.,* 2013). These studies suggest that *L. chalumnae* comprises multiple independent populations distributed across the Western Indian Ocean. However, based on limited samples, the geographic patterns and relatedness among coelacanth populations are not well understood. Using mitochondrial DNA analyses, Nikaido *et al.* (2011) demonstrated that individuals from northern Tanzania differ from those from southern Tanzania and the Comoros. In fact, this study estimated that a northern Tanzanian population diverged from the rest of the species an estimated 200,000 years ago. Nikaido *et al.* (2011) hypothesized that differentiation of individuals from northern Tanzania may relate to divergence of currents in this region, where hydrography limits gene flow and reduces the potential for drifting migrants. More recent data reflecting a greater number of samples and higher-resolution population analyses do not support a genetic break between individuals from north and south Tanzania. Instead, this more robust population-genetics approach reveals significant divergence among individuals from South Africa, Tanzania, and two populations which diverged but are co-existing within the Comoros; the mechanism of divergence between the two co-existing populations of the Comoros remains unclear (Lampert *et al.,* 2012). All studies are consistent in that they demonstrate low absolute divergence among populations, which either relates to extremely low evolutionary rates in *L. chalumnae,* or recent divergence of populations after going through a bottleneck (such as a founding effect) (Lampert *et al.,* 2012). Information derived from unique sequences of mitochondrial DNA support the Comoros as an ancestral population to other populations distributed throughout the Western Indian Ocean, because this population appears to have a greater number of ancestral haplotypes (Nikaido *et al.,* 2011).

All coelacanth populations demonstrate the common characteristic of low diversity, but the Comoros population is the least diverse (Nikaido *et al.,* 2011, Nikaido *et al.,* 2013). Genetic evidence for inbreeding has been observed in investigations of coelacanth mitochondrial DNA and DNA fingerprinting, where high band-sharing coefficients showed significant inbreeding effects (Schartl *et al.,* 2005). The species *L. chalumnae* exhibits significantly lower levels of genetic divergence than its sister species *L. menadoensis* (Nikaido *et al.,* 2013). Because rates of molecular substitution and evolution are thought to be similar for these two species, the significantly lower diversity measures for *L. chalumnae* points to smaller populations (as compared to *L. menadoensis*) or the occurrence of repeated genetic bottlenecks, rather than slow evolution rate alone (Inoue *et al.,* 2005, Nikaido *et al.,* 2013). Low diversity within populations and evidence for inbreeding suggest that populations are independent and small.

While population structure is not clearly resolved across the region, available genetic data suggest the following: (1) Oceanographic and environmental conditions may cause uneven gene flow among coelacanth populations across the region; (2) populations across the Western Indian Ocean are independent, and do not represent strays from the Comoros, or a panmictic population (or a population in which all individuals are potential mates); (3) Evolutionary rates of coelacanths are extremely slow, and lower diversity in *L. chalumnae* as compared with *L. menadoensis* points to smaller population sizes and/or genetic bottleneck effects.

Summary of Factors Affecting the African Coelacanth

Available information regarding current, historical, and potential threats to the coelacanth was thoroughly reviewed (Whittaker, 2014). Across the species' range, we found the threats to the species to be generally low, with isolated threats of overutilization through bycatch and habitat loss in portions of its range. Other possible threats include climate change, overutilization via the curio trade, and habitat degradation in the form of pollution; however, across the species' full range we classify these threats as low. We summarize information regarding each of these threats below according to the factors specified in section 4(a)(1) of the ESA. Available information does not indicate that neither disease nor predation is operative threats on this species; therefore, we do not discuss those further here. See Whittaker (2014) for additional discussion of all ESA section 4(a)(1) threat categories.

The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

There is no evidence curtailment of the historical range of *L. chalumnae* has occurred throughout its evolutionary history, either due to human interactions or natural forces. Genetic data and geological history suggest that

the split between *L. chalumnae* and its Indonesian sister species *L. menadoensis* occurred 40–30 Mya, and that the genus was previously distributed throughout the coasts of Africa and Eurasia (Springer, 1999; Inoue *et al.,* 2005). However, no data are available to inform an understanding of historical changes in the range of the species *L. chalumnae.* Although the order Coelacanthiformes was deemed to have become extinct 65 million years before the 1938 discovery in South Africa, this surprising encounter cannot be used as evidence for a curtailment of the species' range from historical levels given lack of any historical data on the species prior to its discovery. The species is naturally hidden from human observation, and therefore, highly technical diving, deep water survey equipment, or unique fishing techniques (such as hand lines) are required to reach the fish's cavernous, structurally complex, and deep habitat; thus, the contemporary and historical extent of its range remains unclear.

Due to its occurrence in deep water (>100 meters), the coelacanth may be particularly buffered from human disturbance (Heemstra *et al.,* 2006). Nonetheless, increases in human population and development along the coastline of the Western Indian Ocean could impart long-term effects on the fish throughout its range. World human population forecasts predict that the largest percentage increase by 2050 will be in Africa, where the population is expected to at least double to 2.1 billion (Kincaid, 2010). The result of increased population density on coastal ecosystems of East Africa may include increased pollution and siltation, which may impact the coelacanth despite its use of a deep and relatively stable environment.

Human population growth will likely lead to increases in agricultural production, industrial development, and water use along the coast of the Western Indian Ocean; these land use changes may increase near shore sedimentation, possibly affecting coelacanth habitat. As described earlier, sedimentation is theorized to negatively impact coelacanth distribution (Springer, 1999). The coelacanth has been shown to avoid caves with turbid water, even if other preferred conditions of shelter and food are present (Hissmann *et al.,* 2006). Many East African countries are still developing, and the population is growing. Increased food demand may lead to changes in land and water use, and an increase in agriculture and thus run-off and siltation to the coast. It is possible that, if increases in siltation occur, coelacanth habitat may be affected, and range reduced. However, the nature of these economic and land use changes, as well as their direct effect on sedimentation and subsequent impact on coelacanth habitat, remain highly uncertain.

Pollution of coastal African waters does not currently pose a direct threat to the coelacanth. A review of heavy metals in aquatic ecosystems of Africa showed generally low concentrations, close to background levels, and much lower than more industrial regions of the world (Biney *et al.,* 1994). Yet, surprisingly, a toxicological study of two coelacanth specimens detected lipophilic organochlorine pollutants such as polychlorinated biphenyl (PCBs) and dichlorodiphenyltrichloroethane (DDT) (Hale *et al.,* 1991). Levels ranged from 89 to 510 pg kg^{-1} for PCB and 210 to 840 pg kg^{-1} for DDT concentration, and were highest in lipid-rich tissues such as the swim bladder and liver (Hale *et al.,* 1991). The coelacanth has high lipid content, and its trophic position may increase the probability of toxic bioaccumulation. Insufficient data are available to determine the impact of these toxins on coelacanth health and productivity.

Direct habitat destruction is likely to impact coelacanths off the coast of Tanga, Tanzania. Plans are in place to build a new deep-sea port in Mwambani Bay, 8 km south of the original Tanga Port. The construction of the Mwambani port is part of a large project to develop an alternative sea route for Uganda and other land-locked countries that have been depending on the port of Mombasa. Development of the port would include submarine blasting and channel dredging and destruction of known coelacanth habitat in the vicinity of Yambe and Karange islands—the site of several of the Tanzanian coelacanth catches (Hamlin, 2014). The new port is scheduled to be built in the middle of a newly-implemented Tanga Coelacanth Marine Park. The plans for Mwambani Bay's deep-sea port construction appear to be ongoing, despite conservation concerns. If built, the port would likely disrupt coelacanth habitat by direct elimination of deep-water shelters, or by a large influx of siltation that would likely result in coelacanth displacement.

Habitat destruction in the form of nearshore dynamite fishing on coral reefs may indirectly impact the coelacanth due to a reduction in prey availability, but these impacts are highly uncertain. As a restricted shallow-water activity, this destructive fishing would not impact the coelacanth's deep (+100 m) habitat directly. However, coral reefs in this region provide essential fish nursery habitat and are hot spots for biodiversity (Salm, 1983). Loss of nearshore coral habitat may negatively impact pelagic fish species due to loss of nursery habitat; it is highly uncertain how these impacts may affect the prey availability for the coelacanth. Dynamite fishing in the Comoros was observed recently by researchers (Fricke *et al.,* 2011). While this method is not widespread throughout the Comoros, reduction in the sustainability of nearshore or pelagic fish populations may encourage fishermen to increase use of these new methods. Dynamite fishing in Tanzania is widespread, and has led to destruction of nearshore coral reefs and disruption of essential fish habitat (Wells, 2009). Destructive fishing practices occur throughout coral reefs along the coast of the Western Indian Ocean (Salm, 1983). The true extent to which the destruction of near shore coral habitat may affect the coelacanth remains uncertain, especially as the fish is thought to consume primarily deep-water prey (Uyeno, 1991; Uyeno *et al.,* 1991).

Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Bycatch

Since its discovery in 1938, all known coelacanth catches are considered to have been the result of bycatch. Particularly in the Comoro Islands, where the highest number of coelacanth catches has occurred, researchers have found no evidence of a targeted coelacanth fishery given that methods do not exist to directly catch the deep-dwelling fish (Bruton *et al.,* 1991c). The coelacanth meat is undesirable, and thus the fish is not consumed by humans (Fricke, 1998).

Out of 294 coelacanth catches since its 1939 discovery, the majority of catches (n = 215 as of 2011) have been a result of bycatch in the oilfish, or *Revettus,* artisanal fishery occurring only in the Comoro Island archipelago (Stobbs *et al.* 1991; Nulens *et al.* 2011). The Comoros oilfish fishery uses unmotorized outrigger canoes (locally called *galawas*). The fish are caught using handlines and hooks close to shore at depths as great as 800m (Stobbs *et al.,* 1991). This traditional fishery is known locally as *mazé* fishing, and coelacanth catches have only occurred on Grand Comoro and Anjouan Islands (Stobbs *et al.,* 1991). Oilfish are traditionally caught at night, an act considered locally to be very dangerous (Stobbs *et al.,* 1991). Often, this artisanal fishing is performed only on dark

moonless calm nights. In general, subsistence fishing in the region is limited by weather conditions, and often disrupted by monsoon or tropical storms. This fishery is also limited by a tradition of social pressure which restricts fishing to offshore waters adjacent to each fisherman's village (Stobbs *et al.,* 1991).

Since its discovery in the Comoros (in 1938), coelacanth catch rate has been very low, between 2–4 individuals per year. Coelacanth catch rate in the Comoros shows no significant trend over time; however, it has fluctuated historically with changes in fishing technology and shifts in the ratio between artisanal and more modern pelagic fishing methods (Stobbs *et al.,* 1991; Plante *et al.,* 1998). From a broader temporal perspective, there was an increasing but insignificant change in coelacanth catch from the Comoros from 1954 to 1995 (Plante *et al.,* 1998). However, between 1995 and 2008, the number of *galawas* in the Comoros has declined steadily, corresponding with a steady increase in motorized boats (Fricke *et al.,* 2011). The most recent update of coelacanth catch inventory indicates that catch rates in the Comoro archipelago have declined and stabilized over the past decade (Nulens *et al.,* 2011). In fact, between 2000 and 2008, catch rates were the lowest ever observed, likely due to the increase in motorized boats and decreased artisanal handline fishing over the past decade (Fricke *et al.,* 2011). Today, *mazé* fishing is going out of favor in the Comoros (Plante *et al.,* 1998; Fricke *et al.,* 2011); this trend is expected to continue into the future, and reduces fishing pressure on the coelacanth in this region, most likely explaining the reduction in coelacanth catch over the past decade (Stobbs *et al.,* 1991; Plante *et al.,* 1998; Fricke *et al.,* 2011; Nulens *et al.,* 2011). Fishing mortality has been determined to be negligible in the Comoros population, likely relating to its population stability over time (Bruton *et al.,* 1991a; Fricke *et al.,* 2011).

Outside of the Comoros, coelacanths have been caught in Tanzania, Madagascar, Mozambique, Kenya, and South Africa (Nulens *et al.,* 2011). Historically, far fewer coelacanth catches have occurred outside of the Comoros Islands. However, over the past decade, the trend in coelacanth catches shows a drastic increase in catch rate off Tanzania via shark gillnets (Fricke *et al.,* 2011; Nulens *et al.,* 2011). Hand line *mazé* fisheries are absent outside of the Comoros, thus catches across the rest of the Western Indian Ocean have occurred using different gear—deep-set shark gillnets and trawls. Trawls have been the mechanism for only 3 total coelacanth catches; minimal catch through trawling is thought to relate to the coelacanth's preferred rocky steep cavernous habitat, substrate not suitable for trawling activity (Benno *et al.,* 2006). The first confirmed coelacanth catches using shark gillnets occurred in Madagascar in 1995 and in Tanzania in 2003, although a few earlier unconfirmed catches in these locations may have occurred as early as 1953 (Benno *et al.,* 2006). The first Tanzanian catch in 2003 followed the introduction of shark gillnets in the region in 2001 (Benno *et al.,* 2006). As of September 2003, the capture of coelacanths has been dominated by those caught in Tanzania (Nulens *et al.,* 2011). Since the first 2003 catch in Tanzania, over 60 catches via deep water gillnets have been reported, with over 12 fish caught/year between 2003 and 2008 (Benno *et al.,* 2006; Nulens *et al.,* 2011). These shark gillnets are set at depths between 50 and 150m, and it is thought that accidental coelacanth catches in Tanzania occur when coelacanths leave their caves for nighttime hunting (Nyandwi, 2009).

Expansion of the shark gillnet fishery across the Western Indian Ocean may result in increased bycatch of the coelacanth, as has been observed off the coast of Tanzania, but the potential for such an increase is uncertain. Available information suggests that shark fishing effort has been increasing off the coast of east Africa, including the coelacanth range countries of Mozambique, Madagascar, Kenya, and South Africa (Smale, 2008). Techniques for catching sharks in this region include deep-set shark gillnets, such as those responsible for the commencement of coelacanth bycatch in Tanzania in 2003 (Nulins *et al.,* 2011). Shark gillnet fishing is used in other East African countries, such as Mozambique, where these fisheries are highly profitable, and are driven by the demand for fin exports, with evidence for frequent illegal export occurring (Pierce *et al.,* 2008). Despite the use of gillnet fishing practices elsewhere in East Africa, other areas have not shown a similar spike in coelacanth bycatch as has been observed in Tanzania. Quantification of effort from the shark gill net fishery in South Africa has been challenging due to high levels of illegal or unreported fishing occurring; for example, as little as 21 percent of the actual catch for shark gillnet and seine fisheries may be reported in South Africa (Hutchings *et al.,* 2002). Nonetheless, shark fisheries in this region are thought to be overexploited, which may lead to an increase in future effort due to sustained global demand (Hutchings *et al.,* 2002). It is reasonable to conclude that the use of shark gillnets will continue or increase in Tanzania and will continue to expand throughout the Western Indian Ocean; however, whether this trend will result in an increased threat of coelacanth bycatch is uncertain, especially given the uncertainty over the fish's range and habitat use throughout the coast of East Africa.

Commercial Interest

The coelacanth is not desirable commercially as a traditional food source or for artisanal handicrafts. Targeted methods of fishing the coelacanth have never been developed, and local cultures do not value the coelacanth commercially or for subsistence purposes (Fricke, 1998).

In the Comoros, the coelacanth has become a source of pride and national heritage (Fricke, 1998). However, cultural interest in the coelacanth does not put the fish at risk, and on the contrary, may encourage its conservation. Commercial interest through tourism to the coelacanth's habitat is not a realistic threat either, as the deepwater habitat is largely inaccessible. In the 1980s there was a rumor that Japanese scientists were attempting to develop a new anti-aging serum using the coelacanth notochord oil. Although these claims made international headlines, the rumor has since been rejected. As Fricke pointed out (Fricke, 1998), the unsubstantiated rumor of the 'fountain of youth' serum had an unexpected result of stirring publicity and conservation interest in the fish. Interest in the coelacanth notochord oil for medicinal purposes does not pose a threat to the species, as claims of its life extending properties are unsubstantiated.

Interest in coelacanth specimens on the black market is a possible threat to the species. The concern mostly surrounds a curio trade rather than a potential aquarium trade. Because the fish is deep-water dependent, it survives for only a short period of time at the surface, and thus far, is not maintained in aquariums. Several attempts have been made to keep the coelacanth alive in captivity, but these attempts have demonstrated that the deep water fish is fragile and that it has been shown to survive at the surface for less than 10 hours (Hughes *et al.,* 1972); the cause of death is thought to be a combination of capture stress and overheating resulting in asphyxiation. Comment threads found on the popular Web site Monster Fish Keepers, a forum for private aquarium and fish hobbyists, reveal

widespread knowledge of the coelacanth's fragility; these hobbyists express general understanding that the coelacanth's life can be sustained at surface depth no longer than a few hours (Hamlin, 1992; Monsterfish, 2007). Thus, black market trade of the coelacanth for private aquaria is not a realistic threat. However, the black-market curio trade may be a source of exploitation. The same fish hobbyist forums reveal general interest in the fish as a curio specimen, and willingness to pay large sums relative to the typical Comoran income for a dead specimen (Monsterfish, 2009). Thus, black market curio trade may provide an economic incentive for capture of the fish. However, we did not find data suggesting that a black market curio trade is currently active.

Scientific Interest

Since discovery of the species in 1938, international scientists and researchers have cherished the coelacanth as the only representative of an important evolutionary branch in the tree of life. This has led to a long history of surveys to better understand the fish's ecology, habitat, distribution, and evolution. A tissue library from bycaught specimens is maintained at the Max Planck Institute in Germany, which provides the opportunity for scientific use of samples derived from these accidental coelacanth catches (Fricke, 1998). Coelacanth specimens have been used by more than 30 laboratories. In earlier years of coelacanth research, a reward of US$300–400 was offered to fishermen for each coelacanth caught (Fricke, 1998). However, those rewards have not been offered for decades. Prior to strict regulations on coelacanth trade, the global museum trade offered between US$400 and US$2000 for each specimen caught. Today, trade of the coelacanth is prohibited by the Convention on International Trade in Endangered Species (CITES) because the coelacanth is listed as an Appendix I species; however, some transfer of specimens for scientific study is permitted. We did not find any evidence that targeted coelacanth catch for scientific purposes is occurring. Thus, the demand for specimens for scientific research is not considered a threat.

In the future, scientific interest and study may be used as a basis for the public display of the coelacanth. The public display of the fish would be of high commercial value, and efforts to keep the coelacanth in captivity have already been made. In the late 1980s and early 1990s, American and Japanese aquariums attempted to directly capture and bring the coelacanth into captivity (Suzuki *et al.,* 1985; Hamlin, 1992). These attempts were not successful; it was determined that coelacanth cannot be directly caught, and that they only survive for a few hours outside of their deep water environments (Hamlin, 1992). In the future, larger aquariums may pursue the use of pressurized tanks to keep the coelacanth alive in captivity, but their success is uncertain given the challenge of transporting a fish from its native habitat, and then maintaining it in an aquarium environment.

Other Natural or Manmade Factors Affecting Their Continued Existence

Climate Change

Coelacanth habitat preference and distribution is dictated by specialized requirements for appropriate shelter (caves, caverns, and shelves), prey availability, and a combination of depth and temperature that meets the fish's need for oxygen (relating to optimal blood saturation at 15 °C) (Hughes, 1972). Evidence from coelacanth habitation in South Africa is particularly useful in demonstrating the trade-offs among these important characteristics: There, coelacanths occupy depths of 100–140 m. The optimal temperature for the uptake of oxygen (15 °C) occurs at lower depths of 200 m, where fewer caves exist. It is thought that the occupation of shallower depths is a trade-off between the need for shelter and optimal oxygen uptake; increases in oceanic temperature as is expected in connection with climate change may disrupt the tight balance between coelacanths' metabolic needs and the need for refuge (Roberts *et al.,* 2006).

Across the globe, ocean temperature is increasing at an accelerated rate (IPCC, 2013). The extent of this warming is reaching deeper and deeper waters (Abraham *et al.* 2013). Increase of global mean surface temperatures for 2081–2100 relative to 1986–2005 is projected to likely be in the ranges derived from the concentration-driven CMIP5 model simulations by the Intergovernmental Panel on Climate Change (IPCC), that is, 0.3 °C to 1.7 °C (RCP2.6), 1.1 °C to 2.6 °C (RCP4.5), 1.4 °C to 3.1 °C (RCP6.0), or 2.6 °C to 4.8 °C (RCP8.5) (IPCC, 2013). While these predictions relate to surface ocean temperatures, evidence from deep-water ocean measurements and models suggest that heat flux to the deep ocean has accelerated over the last decade (Abraham *et al.,* 2013). If deep-water warming continues to keep pace with (or exceed the pace of) surface warming, even the most conservative IPCC scenarios may mean a warming of current coelacanth habitat.

The coelacanth is typically observed at 15–20 °C, with upper thermal preferences of 22–23 °C (Hughes *et al.,* 1972). The effect of these thermal boundaries on the coelacanth's distribution has been demonstrated by a 1994 survey of the Comoro Islands, which revealed a 68 percent decrease in cave inhabitants and a 32 percent decrease in the total number of coelacanths encountered as compared to a 1991 survey (Hissmann *et al.,* 1998). Temperature is thought to have directly led to this decline in coelacanth observations; in 1994, temperature of the survey region was 25.1 °C, the warmest ever recorded by researchers there (Hissmann *et al.,* 1998). However, it is important to note that individually-identifiable coelacanths had returned to their previous habitat in subsequent surveys (Fricke *et al.,* 2011); this suggests that the warm conditions in 1994 led to a displacement of coelacanth habitat, but did not lead to extirpation of that population, or a reduction in the population abundance. This information suggests that warming may impact coelacanth distribution, but there may be suitable habitat to accommodate a displacement of populations, where warming may not lead to decreases in population sizes or extirpation of populations. Despite deep water warming that has occurred over the last decade, the surveyed coelacanth population in the Comoros is described as stable, and not declining (Fricke *et al.,* 2011).

Based on the majority of climate model predictions, it is likely that current coelacanth habitat will reach temperatures exceeding the fish's thermal preferences by 2100 (IPCC, 2013). It is unlikely that the low-diversity fish with long generation times will physiologically adapt to withstand the metabolic stress of a warming ocean. However, the fish may be able to move to suitable habitat outside of its current range, thus adapting its range to avoid the warming deep water conditions. If the fish is displaced based on its need for cooler waters, but complex cave shelters are not available, local extirpation or range restriction may occur. However, currently, these impacts and responses are highly uncertain. Thus, it is reasonable to conclude that a warming ocean may impact the fish's distribution, but the impact of warming on the future viability of the species is uncertain. Due to the coelacanth's temperature-dependent oxygen demand, coupled with a highly specific need for deep structurally complex cave shelter, warming oceanic waters may pose a

threat to the coelacanth and displacement of populations, but the impact of this threat on the future viability of the species is highly uncertain, and climate change threats have not been clearly or mechanistically linked to any decline in coelacanth populations.

Inadequacy of Existing Regulatory Mechanisms

CITES Appendix I regulates trade in species in order to reduce the threat international trade poses to those species. The coelacanth is included in CITES-Appendix I. Appendix I addresses those species deemed threatened with extinction by international trade. CITES prohibits international trade in specimens of these species except when the purpose of the import is not commercial, meets criteria for other types of permits, and can otherwise be legally done without affecting the sustainability of the population, for instance, for scientific research. In these exceptional cases, trade may take place provided it is authorized by the granting of both an import permit and an export permit (or re-export certificate). We found no evidence of illegal trade of the coelacanth. Trade is limited to the transfer of specimens for scientific purposes. There is no evidence that CITES regulations are inadequate to address known threats such that they are contributing to the extinction risk of the species.

The coelacanth is also listed as Critically Endangered on the International Union for the Conservation of Nature's (IUCN) Red List. The IUCN is not a regulatory body, and thus the critically endangered listing does not impart any regulatory authority to conserve the species.

The threat to the coelacanth stemming from anthropogenic climate change includes elevated ocean temperature reaching its deep-water habitat and resulting in decreased fitness or relocation of populations based on elimination of suitable habitat, which may become restricted due to the tight interaction between the coelacanth's thermal requirements and need for highly complex cave shelter and prey. Impacts of climate change on the marine environment are already being observed in the Indian Ocean and elsewhere (Hoerling *et al.,* 2004; Melillo *et al.,* 2014) and the most recent IPCC assessment provides a high degree of certainty that human sources of greenhouse gases are contributing to global climate change (IPCC, 2013). Countries have responded to climate change through various international and national mechanisms, including the Kyoto Protocol of 2007. Because climate change-related threats have not been clearly or mechanistically linked to decline of coelacanths, the adequacy of existing or developing measures to control climate change threats is not possible to fully assess, nor are sufficient data available to determine what regulatory measures would be needed to adequately protect this species from the effects of climate change. While it is not possible to conclude that the current efforts have been inadequate such that they have contributed to the decline of this species, we consider it likely that coelacanth will be negatively impacted by climate change given the predictions of widespread ocean warming (IPCC, 2013).

Extinction Risk

In general, demographic characteristics of the coelacanth make it particularly vulnerable to exploitation. While coelacanth abundance across its entire range is not well understood, it is likely that population sizes across the Western Indian Ocean are small, as described in Whittaker (2014). The likelihood of low abundance makes coelacanth populations more vulnerable to extinction by elevating the impact of stochastic events or chronic threats resulting in coelacanth mortality. Their growth rate and productivity is extremely limited. The coelacanth has one of the slowest metabolisms of any vertebrate, and this relates to their meager demand for food, slow swim speed and passive foraging, need for refuge to rest, and small gill surface area which limits their absorption of oxygen. In addition, their gestation period is longer than any vertebrate (3 years), although their fecundity is moderate. They are long-lived species, with long generation times. The extremely long gestation period and late maturity makes the coelacanth particularly vulnerable to external threats such as bycatch, possibly impeding recovery from mortality events (Froese *et al.,* 2000). Genetic data suggest that the coelacanth comprises independent and isolated populations, originating in the Comoros, but fully established around the Western Indian Ocean. The small and isolated nature of coelacanth populations, only three of which are confirmed to exist, increases vulnerability by preventing their replacement and recovery from external threats and mortality events, and increases the potential for local extirpations. Finally, the species exhibits extremely low levels of diversity (Schartl *et al.,* 2005). Low levels of diversity reflect low adaptive and evolutionary potential, making the coelacanth particularly vulnerable to environmental change and episodic events. These events may reduce diversity further, and result in a significant change or loss of variation in life history characteristics (such as reproductive fitness and fecundity), morphology, behavior, or other adaptive characteristics. Due to their low diversity, coelacanth populations may be at an increased risk of random genetic drift and could experience the fixing of recessive detrimental genes that could further contribute to the species' extinction risk (Musick, 2011).

While demographic factors increase the coelacanth's vulnerability, the status review classified the risk of threats across its range as low or very low (Whittaker, 2014). We found that, in general, the coelacanth is largely buffered from habitat impacts due to its occurrence in deep water. Thus, the threats of dynamite fishing, pollution, land-use changes, and sedimentation are considered low-risk. The direct loss of coelacanth habitat may occur if the deep port of Mwambami Bay is developed off the coast of Tanzania. However, whether plans to build this port will come to fruition remains uncertain, and the effects will impact a small portion of the coelacanth's range. The threat of port development does not represent a widespread threat to the species, and the port of Mwambami Bay is the only large coastal development project (that we found) that would directly impact the fish.

As for impacts from overutilization, bycatch has historically been thought to pose the greatest threat to the coelacanth, but survey data show there is no observed link between coelacanth bycatch and population decline. A decade ago, the Comoros oilfish fishery was responsible for the highest rate of coelacanth bycatch. Historically, the Comoran fishery was responsible for catch rates of about 3 fish per year, and is not thought to have contributed to declines in population abundance. While the Comoran oilfish fishery has seen recent declines in effort and has never contributed to population decline of the coelacanth, a greater threat of bycatch has emerged in Tanzania over the last decade. As evidenced by high rates of coelacanth bycatch via the shark gillnet fishery, which began in 2001 in Tanzania, this fishing method has the potential to impact the coelacanth. Since 2003 in Tanzania, coelacanth catch rates have been more than 3 times greater than ever observed in the Comoros, at over 10 fish per year. It is unclear whether this catch rate is

unsustainable due to limited information on trends and abundance of the Tanzanian population. While traditional Comoran handline fishing is no longer the most pressing bycatch threat to the fish, data suggest that the expansion of a shark gill net fishery throughout the Western Indian Ocean could result in additional coelacanth bycatch. The reduction of sustainable fisheries throughout the east African and South African coastline may encourage shifts to alternative fishing methods, such as gillnets, or trawling closer to shore, both of which could increase the probability of coelacanth bycatch. Bycatch in Tanzania is an ongoing threat, and potential for additional coelacanth bycatch across the fish's range poses a potential but uncertain threat to the fish's persistence into the foreseeable future. Coelacanth population abundance in Tanzania, and whether current bycatch rates are sustainable, is unknown. Thus, the risk of bycatch across the species' entire range is generally low. There is no real indication that overutilization for scientific purposes, public display, or the curio trade is occurring; thus we do not consider these factors as contributing a risk to the future persistence of the species across its range.

Because threats are low across the species' range, we have no reason to consider regulatory measures inadequate in protecting the species.

Regarding other natural or manmade factors, the threat of climate change via ocean warming may work synergistically to enhance all other threats to the coelacanth across its range, but the nature of these impacts is highly uncertain as described in Whittaker (2014). The extent of this impact on the coelacanth remains uncertain, and there has been no clear or mechanistic link between climate change or temperature warming and coelacanth population declines. Thus, the threat of climate change poses a low risk to the coelacanth.

Overall, the fish's demographic factors make it particularly vulnerable to ongoing and future threats, but existing threats pose a generally low risk. Thus, we find that the coelacanth is at a low risk of extinction due to current and projected threats to the species.

Protective Efforts

Since its discovery, much debate has surrounded the need to conserve the coelacanth, as an evolutionary relic and for its value to science. The long history of this debate was summarized by Bruton (1991). The international organization the Coelacanth Conservation Council (CCC) has been the primary body advocating for coelacanth conservation over the years since 1987.

The CCC has its headquarters in Moroni, Comoros, and the Secretariat is currently in Grahamstown, South Africa with branches in Canada, the United Kingdom, the United States, Germany and Japan. The CCC has set forth general objectives of promoting coelacanth research and conservation, along with establishing an international registry of coelacanth researchers and the compilation of a coelacanth inventory and bibliography, which were published for the first time in 1991 and recently updated in 2011 (Bruton *et al.,* 1991b; Nulens *et al.,* 2011).

Several conservation initiatives were implemented in the Comoros in the 1990s to reduce coelacanth bycatch. For instance, fishing aggregation devices were installed to encourage pelagic fishing and reduce pressure on the coelacanth from nearshore handline fishing. During this time, the use of motorized boats was encouraged for the same purpose, in order to direct fishing off-shore and reduce the use of artisanal handlines. Initially, there were some challenges, including lack of infrastructure preventing the repair of motors. However, the fishing trend today in the Comoros shows a clear shift to motorized pelagic fishing, and reduced interest in traditional handline fishing; this trend is occurring due to a natural shift in social perspectives and local economic trends.

A supporter of coelacanth conservation and member of the U.S. Explorer Club, Jerome Hamlin, author and curator of the Web site *DINOFISH.com,* has encouraged the use of a 'Deep Release Kit' for coelacanth conservation when bycaught. The Deep Release Kit was created in response to the 'Save the Coelacanth Contest' sponsored by *DINOFISH.com* (Hamlin, 2014). The kit consists of a barbless hook attached to a sack. The fisherman puts some of his sinker stones in the sack, places the hook in the lower jaw of the fish he has just caught with the shank pointing down to the sack, and releases the fish to the bottom where it frees itself. The purpose of the Deep Release procedure is to get the fish quickly to the cold bottom water with no further exertion on its part. A surface release (in theory) leaves the fish without the strength to get back down to depth. Hundreds of these devices have been distributed in the Comoros and Tanzania. These kits are some of the only direct coelacanth conservation measures in the Comoros or Tanzania. Yet, it is unclear whether these have been used at sea, their success is unproven, and it is unknown whether the method has been adopted by local fishermen.

Ongoing scientific research on the coelacanth may play a role in coelacanth conservation, as management of the species can improve with a more complete understanding of its biology and natural history. In 2002, South Africa instituted its African Coelacanth Ecosystem Programme, which has coordinated an extensive array of research including bathymetric surveys, taxonomic studies, and observational expeditions. This program is funded by the Global Environment Facility of the World Bank and it is in its third phase, taking an ecosystem-based approach to understanding coelacanth distribution and habitat utilization across the Western Indian Ocean, and providing deep-water research tools and resources for this research.

Local efforts for marine conservation exist in the Comoros. For example, the Mohéli Marine Park takes a co-management approach to stop some destructive fishing and conserve marine habitat using a series of no-take reserves. The park encompasses 212 km^2, and was set up during a 5-year biodiversity conservation project which began in 1998, funded by the World Bank's Global Environment Facility; the goals of the project were to address the loss of biodiversity in Comoros and develop local capacity for natural resource management (Granek *et al.,* 2005). However, no alternative revenue-generating activities have been provided, making life difficult for some fishermen. The World Bank's Global Environment Facility biodiversity management project in the Park ended in 2003, and there has been no source of additional financing to continue the resource co-management. The Moheli Park has brought together some key institutions to encourage sustainable management and monitoring of marine habitat of the Comoros; however, specific laws have not been enacted, and existing legislation has not been enforced (Ahamada *et al.,* 2002). No coelacanths have ever been caught off the island of Moheli, so the park's impact on bycatch of the species is not applicable.

Other conservation efforts in the form of marine parks distributed throughout the Western Indian Ocean may benefit the coelacanth by reducing habitat destruction and improving prey availability; however, the direct impacts of these conservation efforts on the species is difficult to evaluate. Efforts to

improve marine resource management and conservation in developing nations of east Africa have increased in the past decade. Today, 8.7 percent of the continental shelf in Kenya, 8.1 percent in Tanzania, and 4.0 percent in Mozambique have been designated as marine protected areas (Wells *et al.,* 2007). Many of these parks intersect with known coelacanth habitat, or are in range countries where coelacanths have been caught and potential populations exist. However, in many areas, ongoing socioeconomic challenges have precluded effective management of these regions (Francis *et al.,* 2002). Analysis of east African Marine Protected Area (MPA) management has demonstrated that socio-economic barriers make it more difficult to reach conservation goals (Tobey *et al.,* 2006). Because of this, much effort has gone into creating community-based conservation planning in recent years (*e.g.,* Harrison (2010)). Management constraints still remain. First, there are large gaps in ecosystem knowledge surrounding these marine parks; for instance, many vital habitats and species are not yet fully represented by MPAs in place today (Wells *et al.,* 2007). Next, monitoring is not widely implemented and data are not available to determine whether biodiversity or socio-economic goals are being met (Wells *et al.,* 2007).

A new marine park in Tanga, Tanzania has been put in place, and was prompted by increases in coelacanth catch in the region. The Tanga Coelacanth Marine Park is located on the northern coastline of Tanzania, extending north of the Pangani River estuary 100 km along the coastline towards Mafuriko village just north of Tanga city. The park covers an area of 552 km^2, of which 85 km^2 are terrestrial and 467 km^2 are marine. The plans for the park were announced in 2009, and a general management plan published in 2011 (Parks; MPRU, 2011). The goal of the Tanga Coelacanth Marine Park is to conserve marine biodiversity, resource abundance, and ecosystem functions of the Park, including the coelacanth and its habitat; and enable sustainable livelihoods and full participation of local community users and other key stakeholders. The plans for the park, specific to the coelacanth, are to restrict fishing within its boundaries, including fishing with deep-set shark gillnets, the primary source of coelacanth bycatch in the area. Additional restrictions against destructive fishing and development practices have been set forth in the park's 2011 general management plan (MPRU, 2011). Partnership and guidance from the IUCN has encouraged plans for community-based and adaptive park management (Harrison, 2010).

Applying the considerations mandated by our PECE policy, we determine that the implementation and enforcement of the park's regulations and goals are unclear and untested; further, there are several reasons to believe that infrastructure, funding, and park management may not be adequate to fully prevent coelacanth bycatch within the park's boundaries: For one, illegal fishing off the coast of Tanzania is high (Tobey *et al.,* 2006; Hempson, 2008; Wells, 2009). Widespread poverty and other regional socio-economic challenges in the region have reduced the effectiveness and implementation of other east African marine parks, and it is likely that the Tanga Coelacanth Marine Park will face similar challenges (Toby, 2006; Wells, 2012). Although recommendations and goals are set in place to increase tourism to the Park as an economic offset for stricter fishing regulations, the economic infrastructure and incentives needed for this shift are not in place or have not yet been proven to be effective. Next, there are plans to build a new deep-sea port in Mwambani Bay, just 8 km south of the original old Tanga Port, which would include submarine blasting and channel dredging and destruction of known coelacanth habitat in the vicinity of Yambe and Karange islands—the site of several of the Tanzanian coelacanth catches. The new port is scheduled to be built in the middle of the Tanga Coelacanth Marine Park. The construction of Mwambani port is part of a large project to develop an alternative sea route for Uganda and other land-locked countries which have been depending on the port of Mombasa. The plans for Mwambani Bay's deep-sea port construction appear to be ongoing, despite conservation concerns. It is unclear whether this port will be built, but its presence would negate many of the benefits (even now, unproven) of the Park. The general management plan for the park will be fully evaluated every 10 years, with a mid-term review every 5 years. The effectiveness of Tanga Coelacanth Marine Park is not yet known, and for reasons described above, we do not consider this park to provide certain conservation measures that would alleviate extinction risk to the species.

Significant Portion of Its Range Analysis

As noted above, we find that the species is at a low risk of extinction throughout its range. In other words, our range-wide analysis for the species does not lead us to conclude that the species meets the definition for either an endangered species or a threatened species based on the rangewide analysis. Thus, under the final Significant Portion of Its Range (SPR) policy announced in July 2014, we must go on to consider whether the species may have a higher risk of extinction in a significant portion of its range (79 FR 37577; July 1, 2014).

The final policy explains that it is necessary to fully evaluate a portion for potential listing under the ''significant portion of its range'' authority only if information indicates that the members of the species in a particular area are likely both to meet the test for biological significance and to be currently endangered or threatened in that area. Making this preliminary determination triggers a need for further review, but does not prejudge whether the portion actually meets these standards such that the species should be listed:

> To identify only those portions that warrant further consideration, we will determine whether there is substantial information indicating that (1) the portions may be significant and (2) the species may be in danger of extinction in those portions or likely to become so within the foreseeable future. We emphasize that answering these questions in the affirmative is not a determination that the species is endangered or threatened throughout a significant portion of its range—rather, it is a step in determining whether a more detailed analysis of the issue is required.

79 FR 37586.

Thus, the preliminary determination that a portion may be both significant and endangered or threatened merely requires NMFS to engage in a more detailed analysis to determine whether the standards are actually met (*Id.* at 37587). Unless both are met, listing is not warranted. The policy further explains that, depending on the particular facts of each situation, NMFS may find it is more efficient to address the significance issue first, but in other cases it will make more sense to examine the status of the species in the potentially significant portions first. Whichever question is asked first, an affirmative answer is required to proceed to the second question. *Id.* (''[I]f we determine that a portion of the range is not ''significant,'' we will not need to determine whether the species is endangered or threatened there; if we determine that the species is not endangered or threatened in a portion of its range, we will not need to determine if that portion was ''significant.''). Thus, if the answer to the first question is negative—whether that regards the significance question or the status

question—then the analysis concludes and listing is not warranted.

After a review of the best available information, we identified the Tanzanian population of the African coelacanth as a population facing concentrated threats because of increased catch rates in this region since 2003, and the threat of a deep-water port directly impacting coelacanth habitat in this region. Due to these concentrated threats, we found that the species may be at risk of extinction in this area. Under the policy, if we believe this population also may constitute a ''significant'' portion of the range of the African coelacanth, then we must go on to a more definitive analysis. We may either evaluate the extinction risk of this population first to determine whether it is threatened or endangered in that portion or first determine if it is in fact ''significant.'' Ultimately, of course, both tests have to be met to qualify the species for listing.

We proceeded to evaluate whether this population represents a significant portion of the range of the African coelacanth. The Tanzanian population is one of only three confirmed populations of the African coelacanth, all considered to be small and isolated. Because all three populations are isolated, the loss of one would not directly impact the other remaining populations. However, loss of any one of the three known coelacanth populations would significantly increase the extinction risk of the species as a whole, as only two small populations would remain, making them more vulnerable to catastrophic events such as storms, disease, or temperature anomalies. Tanzanian and Comoran populations are approximately 1,000 km apart, ocean currents are thought to have led to their divergence over 200,000 years ago, and connectivity between them is not thought to be maintained (Nikiado *et al.,* 2011). The South African population is separated from the Comoran and Tanzanian populations by hundreds of miles. The Tanzanian population exhibits the greatest genetic divergence from the other populations, suggesting that it may be the most reproductively isolated among them (Lampert *et al.,* 2012). Potential catastrophic events such as storms or significant temperature changes may affect the Comoran and Tanzanian populations simultaneously, due to their closer geographic proximity. The South African population, while not as genetically isolated, may experience isolated catastrophic events due to its geographic isolation. This reasoning supports our conclusion that the Tanzanian population comprises a significant portion of the range of the species because this portion's contribution to the viability of the African coelacanth is so important that, without the members in this portion, the African coelacanth would be likely to become in danger of extinction within the foreseeable future, throughout all of its range.

Because the Tanzanian population of the coelacanth was determined to represent a significant portion of the range of the species, we performed an extinction risk assessment on the Tanzanian population by evaluating how the demographic factors (abundance, productivity/growth rate, spatial structure/connectivity, and diversity) of the species would be impacted by the ESA section 4(a)(1) factors, considering only those factors affecting the Tanzanian population.

Coelacanth abundance across its entire range is not well understood, and no abundance estimates exist for the Tanzanian population. Based on general knowledge of the African coelacanth, the Tanzanian population is likely associated with very restricted and specific habitat requirements and low growth rates. We conclude that it is likely that the population size of the Tanzanian population is small for the same reasons described above for the species as a whole: It exhibits low levels of diversity (Nikaido *et al.,* 2013), long generation times, and restricted habitat (Hissmann *et al.,* 2006; Fricke *et al.,* 2011). The likelihood of low abundance makes the Tanzanian population more vulnerable to extinction by elevating the impact of stochastic events or chronic threats resulting in coelacanth mortality.

Growth rate and productivity for the Tanzanian population is thought to exhibit similar characteristics to other populations of the species. The species as a whole has one of the slowest metabolisms of any vertebrate. The extremely long gestation period and late maturity makes the Tanzanian population particularly vulnerable to external threats such as bycatch, possibly impeding recovery from mortality events (Froese *et al.,* 2000).

The Tanzanian population is thought to represent a single isolated population of the species. It has been estimated that this population diverged from the rest of the species 200,000 years ago (Nikaido *et al.,* 2011). Differentiation of individuals from the Tanzanian population may relate to divergence of currents in this region, where hydrography limits gene flow and reduces the potential for drifting migrants. The isolated nature of the Tanzanian population lowers the potential for its recovery from external threats; the population is not thought to maintain connectivity with other populations, and thus has no source for replacement of individuals lost outside of its own reproductive processes. Fast-moving currents along the Eastern coast of Africa are thought to prevent connectivity among populations in the region (Nikaido *et al.,* 2011). This may be particularly true for Tanzania. We consider current evidence for the Tanzanian population's high isolation from the rest of the species to contribute to a moderate risk of extinction, as these are natural factors (relevant under section 4(a)(1)(E)) that may increase vulnerability of this population by preventing its replacement and recovery from external threats and mortality events, and increase the potential for extinction.

Genomic analyses of individuals from the Tanzanian population and other representatives of the species reveal that divergence and diversity within and among populations is very low (Nikaido *et al.,* 2013). Low levels of diversity reflect low adaptive and evolutionary potential, making the Tanzanian population particularly vulnerable to environmental change and episodic events. These events may reduce diversity further, and result in a significant change or loss of variation in life history characteristics (such as reproductive fitness and fecundity), morphology, behavior, or other adaptive characteristics. Due to the Tanzanian population's low diversity, this population may be at an increased risk of random genetic drift and could experience the fixing of recessive detrimental genes that could further contribute to the species' extinction risk (Musick, 2011).

Regarding habitat threats to the Tanzanian population, loss and degradation of coelacanth habitat can take the form of pollution, dynamite fishing, sedimentation, and direct loss through development. Future human population growth and land use changes off the coast of Tanzania increase these threats to the Tanzanian population, but their trends and impacts are highly uncertain. In general, the coelacanth is largely buffered from habitat impacts due to its occurrence in deep water, and general effects of pollution and development are similar to those described for the rest of the species. However, specifically related to the Tanzanian population, direct loss of habitat is likely to occur if the deep port of Mwambami Bay is developed. The port is planned to be built just 8 km south of the original old Tanga Port, and this would include submarine blasting and channel dredging and destruction of

known coelacanth habitat in the vicinity of Yambe and Karange islands—the site of several of the Tanzanian coelacanth catches. The new port is scheduled to be built in the middle of the Tanga Coelacanth Marine Park. The construction of Mwambani port is part of a large project to develop an alternative sea route for Uganda and other land-locked countries that have been depending on the port of Mombasa. The plans for Mwambani Bay's deep-sea port construction appear to be ongoing, despite conservation concerns, and thus it is reasonable to conclude that it poses a likely threat to the species. Whether plans to build this port will come to fruition remains uncertain, but if built, the deep port could significantly impact the Tanzanian population of coelacanths by destroying habitat directly. For the Tanzanian population, the construction of this deep-water port could be catastrophic, and it is clear that the boundaries of the new Tanga Marine Park are insufficient in halting plans for the port's development.

As for impacts from overutilization, bycatch has historically been thought to pose the greatest threat to the coelacanth. While survey data from the Comoros show there is no observed link between coelacanth bycatch and population decline, since 2003 in Tanzania, coelacanth catch rates have been more than 3 times greater than ever observed in the Comoros, at over 10 fish per year. It is unclear whether this catch rate is sustainable due to limited information on trends and abundance of the Tanzanian population. The further expansion of a shark gill net fishery in Tanzania, as has been observed over the last decade, could result in additional coelacanth bycatch. Bycatch in Tanzania is an ongoing threat. While direct data assessing Tanzanian coelacanth population decline are not available, the relatively high and persistent catch rate in this region has the potential to deplete this small and isolated population, which has life history characteristics that greatly impede its recovery and resiliency to mortality.

We consider the threat of overutilization for scientific purposes, public display, or for the curio trade as low for reasons described above, as they apply to the rest of the species.

We consider the threat of inadequate regulatory mechanisms as low for the Tanzanian population for the same reasons described above for the rest of the species. Additionally, we classify the risk of climate change as low for the Tanzanian population for the same reasons described above for the rest of the species.

Overall, the Tanzanian population's demographic factors make it particularly vulnerable to ongoing and future threats, which pose a moderate risk to the species. Based on the best available information, threats of bycatch to the Tanzanian population appear to be persistent, and the potential development of a deep port within this population's habitat could be catastrophic to the population in the foreseeable future. Thus, we find that the Tanzanian population is at a moderate risk of extinction due to current and projected threats.

Therefore, we conclude that the Tanzanian population is at moderate risk of extinction in a significant portion of the African coelacanth's range of the species.

Distinct Population Segment Analysis

In accordance with the SPR policy, if a species is determined to be threatened or endangered in a significant portion of its range, and the population in that significant portion is a valid DPS, we will list the DPS rather than the entire taxonomic species or subspecies. Because the Tanzanian population represents a significant portion of the range of the species, and this population is at a moderate risk of extinction, we performed a DPS analysis on that population.

As defined in the ESA (Sec. 3(15)), a ''species'' includes any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature. The joint NMFS–U.S. Fish and Wildlife Service (USFWS) policy on identifying distinct population segments (DPS) (61 FR 4722; February 7, 1996) identifies two criteria for DPS designations: (1) The population must be discrete in relation to the remainder of the taxon (species or subspecies) to which it belongs; and (2) the population must be ''significant'' (as that term is used in the context of the DPS policy, which is different from its usage under the SPR policy) to the remainder of the taxon to which it belongs.

Discreteness: A population segment of a vertebrate species may be considered discrete if it satisfies either one of the following conditions: (1) ''It is markedly separated from other populations of the same taxon as a consequence of physical, physiological, ecological, or behavioral factors. Quantitative measures of genetic or morphological discontinuity may provide evidence of this separation''; or (2) ''it is delimited by international governmental boundaries within which differences in control of exploitation, management of habitat, conservation status, or regulatory mechanisms exist that are significant in light of section 4(a)(1)(D)'' of the ESA (61 FR 4722; February 7, 1996).

Significance: If a population segment is found to be discrete under one or both of the above conditions, then its biological and ecological significance to the taxon to which it belongs is evaluated. This consideration may include, but is not limited to: (1) ''Persistence of the discrete population segment in an ecological setting unusual or unique for the taxon; (2) evidence that the loss of the discrete population segment would result in a significant gap in the range of a taxon; (3) evidence that the discrete population segment represents the only surviving natural occurrence of a taxon that may be more abundant elsewhere as an introduced population outside its historic range; and (4) evidence that the discrete population segment differs markedly from other populations of the species in its genetic characteristics'' (61 FR 4722; February 7, 1996).

Discreteness

The Tanzanian population cannot be differentiated from other populations based on its morphology. In fact, no coelacanth population exhibits significant distinguishing morphological characteristics, and morphological differences within the *Latimeria* genus as a whole have been debated (Pouyad *et al.,* 1999, Holder *et al.,* 1999; Erdmann *et al.,* 1999). No unique behavioral, physical, or ecological characteristics have been identified for the Tanzanian population to set it apart from the rest of the taxon. Only a single dedicated survey of the Tanzanian population is available; thus, future surveys may reveal distinguishing ecological features of the population.

As stated above, genetic data on coelacanth population structure are limited and known distribution of coelacanth populations is potentially biased by targeted survey efforts and fishery catch data. However, recent whole-genome sequencing and genetic data available for multiple coelacanth specimens can be used to cautiously infer some patterns of population structure and connectivity across the coelacanth's known range (Nikaido *et al.,* 2011; Lampert *et al.,* 2012; Nikaido *et al.,* 2013). Intraspecific population structure has been examined using *L. chalumnae* specimens from Tanzania, the Comoros, and southern Africa (Nikaido *et al.,* 2011; Lampert *et al.,* 2012; Nikaido *et al.,* 2013). These

studies suggest that *L. chalumnae* comprises multiple isolated and reproductively independent populations distributed across the Western Indian Ocean, only three which have been confirmed (inhabiting waters off of Tanzania, the Comoros, and South Africa).

While population structure of the taxon, described earlier, is not fully resolved, all genetic data available suggest that the Tanzanian population represents a single isolated population of the species. Multiple genetic studies corroborate a significant divergence between Tanzanian individuals, and individuals from the South African and Comoros populations (Nikaido *et al.;* 2011, Lampert *et al.,* 2012). This includes evidence from both nuclear and mitochondrial DNA (Nikaido *et al.,* 2011, Lampert *et al.,* 2012, Nikaido *et al.,* 2013). The Tanzanian population is the most diverged of all coelacanth populations (Lampert *et* al., 2012). Differentiation of individuals from the Tanzanian population may relate to divergence of currents in this region, where hydrography limits gene flow and reduces the potential for drifting migrants (Nikaido *et al.,* 2011). All available data suggest that the Tanzanian population does not likely maintain connectivity with other populations, and likely has no source for replacement of individuals outside of its own reproductive processes.

The Tanzanian population is geographically isolated from the Comoran and South African populations. The Tanzanian population is approximately 1,000 km away from the Comoran population and over 4,000 km away from the South African population, with oceanic currents further reducing their potential for connectivity. While it is thought that the Comoran population is the source of other populations along the Western Indian Ocean, the Tanzanian and South African populations may have been established as many as 200,000 years ago, as genetic data suggest (Nikaido *et al.,* 2011).

Based on genetic evidence, and the clear geographic isolation of the Tanzanian population, we determined that the Tanzanian population of *L. chalumnae* is discrete from other populations within the species.

Significance

The Tanzanian population does not persist in an ecological setting unusual or unique for the taxon. Although the Tanzanian individuals are thought to inhabit limestone ledges rather than volcanic caves where Comoran and South African individuals are found, the depth, prey, temperature, and shelter requirements are remarkably similar among the known coelacanth populations (Hissman *et al.,* 2006). We found no evidence to suggest that differences in the ecological setting of the Tanzanian population have led to any adaptive or behavioral characteristics that set the population apart from the rest of the taxon, or contribute significant adaptive diversity to the species.

The Tanzanian population is one of only three known populations within the species. Although it is not the only surviving natural occurrence of the taxon, we determined that loss of this population segment would result in a significant gap in the taxon's range for the following reasons: Although coelacanth populations are not thought to maintain reproductive connectivity, loss of one population would make the other two populations more vulnerable to catastrophic events, as explained earlier. The extent of the Tanzanian population's range is not known, but given the existence of only three known coelacanth populations considered to be small and isolated, loss of the Tanzanian population would constitute a significant gap in the range of the taxon, and thus we consider this population to be significant to the taxon as a whole.

We determined that the Tanzanian population is discrete based on evidence for its genetic and geographic isolation from the rest of the taxon. The population also meets the significance criterion set forth by the DPS policy, as its loss would constitute a significant gap in the taxon's range. Because it is both discrete and significant to the taxon as a whole, we identify the Tanzanian population as a valid DPS.

Proposed Determination

We assessed the ESA section 4(a)(1) factors and conclude that the species, viewed across its entire range, experiences a low risk of extinction. However, we determined that the Tanzanian population constitutes a significant portion of the range of the species, as defined by the SPR policy (79 FR 37577; July 1, 2014). The Tanzanian population faces ongoing or future threats from overutilization and habitat destruction, with the species' natural biological vulnerability to overexploitation exacerbating the severity of the threats. The Tanzanian population faces demographic risks, such as population isolation with low productivity, which make it likely to be influenced by stochastic or depensatory processes throughout its range, and place the population at an increased risk of extinction from the aforementioned threats within the foreseeable future. In our consideration of the foreseeable future, we evaluated how far into the future we could reliably predict the operation of the major threats to this population, as well as the population's response to those threats. We are confident in our ability to predict out several decades in assessing the threats of overutilization and habitat destruction, and their interaction with the life history of the coelacanth, with its lifespan of 40 or more years. With regard to habitat destruction, we evaluated the likelihood of the deep water port being constructed. If the port is to be developed, the results could significantly impact the Tanzanian coelacanth population. Evidence suggests that the plans for its construction are moving forward; its construction is not certain, but likely. If built, the construction of the port would likely occur within the next decade. With bycatch, and its interaction with the fish's demographic characteristics, we feel that defining the foreseeable future out to several decades is appropriate. Based on this information, we find that the Tanzanian population is at a moderate risk of extinction within the foreseeable future. Therefore, we consider the Tanzanian population to be threatened.

In accordance with the our SPR policy, if a species is determined to be threatened or endangered across a significant portion of its range, and the population in that significant portion is a valid DPS, we will list the DPS rather than the entire taxonomic species or subspecies. Based on the best available scientific and commercial information as presented in the status report and this finding, we do not find that the African coelacanth *L. chalumnae* is currently in danger of extinction throughout all of its range, nor is it likely to become so in the foreseeable future. However, because the Tanzanian population represents a significant portion of the range of the species, and this population is threatened, we conclude that the African coelacanth is threatened in a significant portion of its range. Because the population in the significant portion of the range is a valid DPS, we will list the DPS rather than the entire taxonomic species or subspecies.

Therefore, we propose to list the Tanzanian DPS of the African coelacanth as threatened under the ESA.

Similarity of Appearance

The petition requested that, if the African coelacanth were listed under the ESA, the Indonesian coelacanth also be listed due to its ''similarity of

appearance.'' The ESA provides for treating any species as an endangered species or a threatened species even if it is not listed as such under the ESA if: (1) Such species so closely resembles in appearance, at the point in question, a species which has been listed pursuant to section 4 of the ESA that enforcement personnel would have substantial difficulty in attempting to differentiate between the listed and unlisted species; (2) the effect of this substantial difficulty is an additional threat to the listed species; and (3) such treatment of an unlisted species will substantially facilitate the enforcement and further the policy of the ESA.

While the African and Indonesian species exhibit morphological similarities, they are clearly geographically and genetically separated. Enforcement personnel would have no difficulty in differentiating between the Tanzanian DPS of the African coelacanth and the Indonesian coelacanth because of similarity of appearance because their geographic separation (in the Western Indian Ocean and Indo-Pacific, respectively) should facilitate regulation of taking. The species experience no overlap in range and catch of both species is relatively low, and well-documented. We do not deem ESA protection for the Indonesian coelacanth to be advisable at this time, as the clear genetic and geographic differences between the two species set them apart in a way that allows for easy identification, regardless of their similar appearance.

Because we are proposing to list the Tanzanian DPS as a threatened species under the ESA, we also considered any potential similarity of appearance issues that may arise in differentiating between the proposed DPS and other populations of the species. No morphological characteristics separate the Tanzanian DPS from other populations of the species. However, we do not conclude that listing the South African or Comoran populations based on similarity of appearance is warranted. First, outside of Tanzania, coelacanth catches are infrequent, and well documented. Second, the three known coelacanth populations do not overlap geographically. Differentiation between the African and Indonesian coelacanth, and likewise between the Tanzanian DPS and other populations of the species, could potentially pose a problem for enforcement of section 9 prohibitions on trade, should any be applied. However, that issue is addressed, at least with respect to imports and exports, by the inclusion of coelacanth in CITES Appendix I.

Effects of Listing

Conservation measures provided for species listed as endangered or threatened under the ESA include recovery plans (16 U.S.C. 1533(f)); concurrent designation of critical habitat, if prudent and determinable (16 U.S.C. 1533(a)(3)(A)) and consistent with implementing regulations; Federal agency requirements to consult with NMFS under section 7 of the ESA to ensure their actions do not jeopardize the species or result in adverse modification or destruction of critical habitat should it be designated (16 U.S.C. 1536); and, for endangered species, prohibitions on taking (16 U.S.C. 1538). Recognition of the species' plight through listing promotes conservation actions by Federal and state agencies, foreign entities, private groups, and individuals.

Identifying Section 7 Conference and Consultation Requirements

Section 7(a)(2) (16 U.S.C. 1536(a)(2)) of the ESA and NMFS/USFWS regulations require Federal agencies to consult with us to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of listed species or destroy or adversely modify critical habitat. Section 7(a)(4) (16 U.S.C. 1536(a)(4)) of the ESA and NMFS/USFWS regulations also require Federal agencies to confer with us on actions likely to jeopardize the continued existence of species proposed for listing, or that result in the destruction or adverse modification of proposed critical habitat of those species. It is unlikely that the listing of this DPS under the ESA will increase the number of section 7 consultations, because the DPS occurs outside of the United States and is unlikely to be affected by Federal actions.

Critical Habitat

Critical habitat is defined in section 3 of the ESA (16 U.S.C. 1532(5)) as: (1) The specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the ESA, on which are found those physical or biological features (a) essential to the conservation of the species and (b) that may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by a species at the time it is listed upon a determination that such areas are essential for the conservation of the species. ''Conservation'' means the use of all methods and procedures needed to bring the species to the point at which listing under the ESA is no longer necessary. Section 4(a)(3)(A) of the ESA (16 U.S.C. 1533(a)(3)(A)) requires that, to the maximum extent prudent and determinable, critical habitat be designated concurrently with the listing of a species. However, critical habitat shall not be designated in foreign countries or other areas outside U.S. jurisdiction (50 CFR 424.12(h)).

The best available scientific data as discussed above identify the geographical area occupied by the species as being entirely outside U.S. jurisdiction, so we cannot designate critical habitat for this species. We can designate critical habitat in areas in the United States currently unoccupied by the species, if the area(s) are determined by the Secretary to be essential for the conservation of the species. Based on the best available information, we have not identified unoccupied area(s) in U.S. water that are currently essential to the species proposed for listing. Thus, as we discussed above, we will not propose critical habitat for this species.

Identification of Those Activities That Would Constitute a Violation of Section 9 of the ESA

On July 1, 1994, NMFS and FWS published a policy (59 FR 34272) that requires NMFS to identify, to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the ESA.

Because we are proposing to list the Tanzanian DPS of the African coelacanth as threatened, no prohibitions of Section 9(a)(1) of the ESA will apply to this species.

Protective Regulations Under Section 4(d) of the ESA

We are proposing to list Tanzanian DPS of the African coelacanth, *L. chalumnae* as threatened under the ESA. In the case of threatened species, ESA section 4(d) leaves it to the Secretary's discretion whether, and to what extent, to extend the section 9(a) ''take'' prohibitions to the species, and authorizes us to issue regulations necessary and advisable for the conservation of the species. Thus, we have flexibility under section 4(d) to tailor protective regulations, taking into account the effectiveness of available conservation measures. The 4(d) protective regulations may prohibit, with respect to threatened species, some or all of the acts which section 9(a) of the ESA prohibits with respect to endangered species. These 9(a) prohibitions apply to all individuals, organizations, and agencies subject to U.S. jurisdiction. We will consider potential protective regulations

pursuant to section 4(d) for the proposed threatened coelacanth DPS. We seek public comment on potential 4(d) protective regulations (see below).

Public Comments Solicited

To ensure that any final action resulting from this proposed rule to list the Tanzanian DPS of the African coelacanth will be as accurate and effective as possible, we are soliciting comments and information from the public, other concerned governmental agencies, the scientific community, industry, and any other interested parties on information in the status review and proposed rule. Comments are encouraged on this proposal (See **DATES** and **ADDRESSES**). We must base our final determination on the best available scientific and commercial information. We cannot, for example, consider the economic effects of a listing determination. Before finalizing this proposed rule, we will consider the comments and any additional information we receive, and such information may lead to a final regulation that differs from this proposal or result in a withdrawal of this listing proposal. We particularly seek:

(1) Information concerning the threats to the Tanzanian DPS of the African coelacanth proposed for listing;

(2) Taxonomic information on the species;

(3) Biological information (life history, genetics, population connectivity, etc.) on the species;

(4) Efforts being made to protect the species throughout its current range;

(5) Information on the commercial trade of the species;

(6) Historical and current distribution and abundance and trends for the species; and

(7) Information relevant to potential ESA section 4(d) protective regulations for the proposed threatened DPS, especially the application, if any, of the ESA section 9 prohibitions on import, take, possession, receipt, and sale of the African coelacanth.

We request that all information be accompanied by: (1) Supporting documentation, such as maps, bibliographic references, or reprints of pertinent publications; and (2) the submitter's name, address, and any association, institution, or business that the person represents.

Role of Peer Review

In December 2004, the Office of Management and Budget (OMB) issued a Final Information Quality Bulletin for Peer Review establishing a minimum peer review standard. Similarly, a joint NMFS/FWS policy (59 FR 34270; July 1, 1994) requires us to solicit independent expert review from qualified specialists, in addition to a public comment period. The intent of the peer review policy is to ensure that listings are based on the best scientific and commercial data available. We solicited peer review comments on the African coelacanth status review report, including from: Five scientists with expertise on the African coelacanth. We incorporated these comments into the status review report for the African coelacanth and this 12-month finding.

References

A complete list of the references used in this proposed rule is available upon request (see **ADDRESSES**).

Classification

National Environmental Policy Act

The 1982 amendments to the ESA, in section 4(b)(1)(A), restrict the information that may be considered when assessing species for listing. Based on this limitation of criteria for a listing decision and the opinion in *Pacific Legal Foundation* v. *Andrus,* 675 F. 2d 825 (6th Cir. 1981), NMFS has concluded that ESA listing actions are not subject to the environmental assessment requirements of the National Environmental Policy Act (NEPA) (See NOAA Administrative Order 216–6).

Executive Order 12866, Regulatory Flexibility Act, and Paperwork Reduction Act

As noted in the Conference Report on the 1982 amendments to the ESA, economic impacts cannot be considered when assessing the status of a species. Therefore, the economic analysis requirements of the Regulatory Flexibility Act are not applicable to the listing process. In addition, this proposed rule is exempt from review under Executive Order 12866. This proposed rule does not contain a collection-of-information requirement for the purposes of the Paperwork Reduction Act.

Executive Order 13132, Federalism

In accordance with E.O. 13132, we determined that this proposed rule does not have significant Federalism effects and that a Federalism assessment is not required. In keeping with the intent of the Administration and Congress to provide continuing and meaningful dialogue on issues of mutual state and Federal interest, this proposed rule will be given to the relevant governmental agencies in the countries in which the species occurs, and they will be invited to comment. We will confer with the U.S. Department of State to ensure appropriate notice is given to foreign nations within the range the DPS (Tanzania). As the process continues, we intend to continue engaging in informal and formal contacts with the U.S. State Department, giving careful consideration to all written and oral comments received.

List of Subjects in 50 CFR Parts 223

Administrative practice and procedure, Endangered and threatened species, Exports, Imports, Reporting and record keeping requirements, Transportation.

Dated: February 25, 2015.

Samuel D. Rauch, III.

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, we propose to amend 50 CFR part 223 as follows:

PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

■ 1. The authority citation for part 223 continues to read as follows:

Authority: 16 U.S.C. 1531–1543; subpart B, § 223.201–202 also issued under 16 U.S.C. 1361 *et seq.;* 16 U.S.C. 5503(d) for § 223.206(d)(9).

■ 2. In § 223.102, amend the table in paragraph (e) by adding a new entry for one species in alphabetical order under the ''Fishes'' table subheading to read as follows:

§ 223.102 Enumeration of threatened marine and anadromous species.

* * * * *

(e) * * *

Species [1]			Citation(s) for listing determination(s)	Critical habitat	ESA rules
Common name	Scientific name	Description of listed entity			
*	*	*	*	*	*
		Fishes			
Coelacanth, African (Tanzanian DPS).	*Latimeria chalumnae*.	African coelacanth population inhabiting deep waters off the coast of Tanzania.	[Insert **Federal Register** citation and date when published as a final rule].	NA	NA
*	*	*	*	*	*

[1] Species includes taxonomic species, subspecies, distinct population segments (DPSs) (for a policy statement, see 61 FR 4722, February 7, 1996), and evolutionarily significant units (ESUs) (for a policy statement, see 56 FR 58612, November 20, 1991).

* * * * *

[FR Doc. 2015–04405 Filed 3–2–15; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 224

[Docket No. 141219999–5132–01]

RIN 0648–XD680

Endangered and Threatened Wildlife; 90-Day Finding on a Petition To List the Common Thresher Shark as Threatened or Endangered Under the Endangered Species Act

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

ACTION: Notice of 90-day petition finding, request for information, and initiation of status review.

SUMMARY: We, NMFS, announce the 90-day finding for a petition to list the common thresher shark (*Alopias vulpinus*) as either endangered or threatened under the U.S. Endangered Species Act (ESA) either worldwide or as one or more distinct population segments (DPSs) identified by the petitioners. We find that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted for the species worldwide. We find that the petition fails to present substantial scientific or commercial information to support the identification of DPSs of the common thresher suggested by the petitioners, and, as such, we find that the petitioned action of listing one or more of these DPSs is not warranted. Accordingly, we will initiate a review of the status of the common thresher shark at this time. To ensure that the status review is comprehensive, we are soliciting scientific and commercial information regarding this species.

DATES: Information and comments on the subject action must be received by May 4, 2015.

ADDRESSES: You may submit comments, information, or data, identified by ''NOAA–NMFS–2015–0025'' by either of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0025.* Click the ''Comment Now'' icon, complete the required fields, and enter or attach your comments.
- *Mail or hand-delivery:* Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

Instructions: You must submit comments by one of the above methods to ensure that we receive, document, and consider them. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on *http://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. We will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Chelsey Young, NMFS, Office of Protected Resources (OPR), (301) 427–8491 or Marta Nammack, NMFS, OPR, (301) 427–8469.

SUPPLEMENTARY INFORMATION:

Background

On August 26, 2014, we received a petition from Friends of Animals requesting that we list the common thresher shark (*Alopias vulpinus*) as endangered or threatened under the ESA, or, in the alternative, delineate six distinct population segments (DPSs) of the common thresher shark, as described in the petition, and list them as endangered or threatened. Friends of Animals also requested that critical habitat be designated for this species in U.S. waters concurrent with final ESA listing.

The petitioner states that the common thresher shark merits listing as an endangered or threatened species under the ESA because of the following: (1) The species faces threats from historical and continued fishing for both commercial and recreational purposes; (2) life history characteristics and limited ability to recover from fishing pressure makes the species particularly vulnerable to overexploitation; and (3) there is a lack of regulations that specifically protect the common thresher shark.

ESA Statutory Provisions and Policy Considerations

Section 4(b)(3)(A) of the ESA of 1973, as amended (U.S.C. 1531 *et seq.*), requires, to the maximum extent practicable, that within 90 days of receipt of a petition to list a species as threatened or endangered, the Secretary of Commerce make a finding on whether that petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, and promptly publish the finding in the **Federal Register** (16 U.S.C. 1533(b)(3)(A)). When we find that substantial scientific or commercial information in a petition and in our files indicates the petitioned action may be warranted (a ''positive 90-day finding''), we are required to promptly commence a review of the status of the species concerned, which includes conducting a comprehensive review of the best available scientific and commercial information. Within 12 months of receiving the petition, we must conclude the review with a finding as to whether, in fact, the petitioned

action is warranted. Because the finding at the 12-month stage is based on a significantly more thorough review of the available information, a ''may be warranted'' finding at the 90-day stage does not prejudge the outcome of the status review.

Under the ESA, a listing determination may address a ''species,'' which is defined to also include subspecies and, for any vertebrate species, any DPS that interbreeds when mature (16 U.S.C. 1532(16)). A joint NMFS–U.S. Fish and Wildlife Service (USFWS) policy clarifies the agencies' interpretation of the phrase ''distinct population segment'' for the purposes of listing, delisting, and reclassifying a species under the ESA (''DPS Policy''; 61 FR 4722; February 7, 1996). A species, subspecies, or DPS is ''endangered'' if it is in danger of extinction throughout all or a significant portion of its range, and ''threatened'' if it is likely to become endangered within the foreseeable future throughout all or a significant portion of its range (ESA sections 3(6) and 3(20), respectively; 16 U.S.C. 1532(6) and (20)). Pursuant to the ESA and our implementing regulations, the determination of whether a species is threatened or endangered shall be based on any one or a combination of the following five section 4(a)(1) factors: The present or threatened destruction, modification, or curtailment of habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; inadequacy of existing regulatory mechanisms; and any other natural or manmade factors affecting the species' existence (16 U.S.C. 1533(a)(1), 50 CFR 424.11(c)).

ESA-implementing regulations issued jointly by NMFS and USFWS (50 CFR 424.14(b)) define ''substantial information'' in the context of reviewing a petition to list, delist, or reclassify a species as the amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted. When evaluating whether substantial information is contained in a petition, we must consider whether the petition: (1) Clearly indicates the administrative measure recommended and gives the scientific and any common name of the species involved; (2) contains detailed narrative justification for the recommended measure, describing, based on available information, past and present numbers and distribution of the species involved and any threats faced by the species; (3) provides information regarding the status of the species over all or a significant portion of its range; and (4) is accompanied by the appropriate supporting documentation in the form of bibliographic references, reprints of pertinent publications, copies of reports or letters from authorities, and maps (50 CFR 424.14(b)(2)).

At the 90-day stage, we evaluate the petitioner's request based upon the information in the petition including its references, and the information readily available in our files. We do not conduct additional research, and we do not solicit information from parties outside the agency to help us in evaluating the petition. We will accept the petitioner's sources and characterizations of the information presented, if they appear to be based on accepted scientific principles, unless we have specific information in our files that indicates the petition's information is incorrect, unreliable, obsolete, or otherwise irrelevant to the requested action. Information that is susceptible to more than one interpretation or that is contradicted by other available information will not be dismissed at the 90-day finding stage, so long as it is reliable and a reasonable person would conclude that it supports the petitioner's assertions. Conclusive information indicating the species may meet the ESA's requirements for listing is not required to make a positive 90-day finding. We will not conclude that a lack of specific information alone negates a positive 90-day finding, if a reasonable person would conclude that the unknown information itself suggests an extinction risk of concern for the species at issue.

To make a 90-day finding on a petition to list a species, we evaluate whether the petition presents substantial scientific or commercial information indicating the subject species may be either threatened or endangered, as defined by the ESA. First, we evaluate whether the information presented in the petition, along with the information readily available in our files, indicates that the petitioned entity constitutes a ''species'' eligible for listing under the ESA. Next, we evaluate whether the information indicates that the species at issue faces extinction risk that is cause for concern; this may be indicated in information expressly discussing the species' status and trends, or in information describing impacts and threats to the species. We evaluate any information on specific demographic factors pertinent to evaluating extinction risk for the species at issue (*e.g.,* population abundance and trends, productivity, spatial structure, age structure, sex ratio, diversity, current and historical range, habitat integrity or fragmentation), and the potential contribution of identified demographic risks to extinction risk for the species. We then evaluate the potential links between these demographic risks and the causative impacts and threats identified in ESA section 4(a)(1).

Information presented on impacts or threats should be specific to the species and should reasonably suggest that one or more of these factors may be operative threats that act or have acted on the species to the point that it may warrant protection under the ESA. Broad statements about generalized threats to the species, or identification of factors that could negatively impact a species, do not constitute substantial information that listing may be warranted. We look for information indicating that not only is the particular species exposed to a factor, but that the species may be responding in a negative fashion; then we assess the potential significance of that negative response.

Many petitions identify risk classifications made by non-governmental organizations, such as the International Union for the Conservation of Nature (IUCN), the American Fisheries Society, or NatureServe, as evidence of extinction risk for a species. Risk classifications by other organizations or made under other Federal or state statutes may be informative, but such classification alone may not provide the rationale for a positive 90-day finding under the ESA. For example, as explained by NatureServe, their assessments of a species' conservation status do ''not constitute a recommendation by NatureServe for listing under the U.S. Endangered Species Act'' because NatureServe assessments ''have different criteria, evidence requirements, purposes and taxonomic coverage than government lists of endangered and threatened species, and therefore these two types of lists should not be expected to coincide'' (*http://www.natureserve.org/prodServices/statusAssessment.jsp*). Thus, when a petition cites such classifications, we will evaluate the source of information that the classification is based upon in light of the standards on extinction risk and impacts or threats discussed above.

Species Description

Distribution

The common thresher shark (*Alopias vulpinus*) is a large highly migratory pelagic species of shark found throughout the world in temperate and tropical seas. In the North Atlantic, common thresher sharks occur from Newfoundland, Canada, to Cuba in the

west and from Norway and the British Isles to the African coast in the east (Gervelis, 2013). Landings along the South Atlantic coast of the United States and in the Gulf of Mexico are rare. Common thresher sharks also occur along the Atlantic coast of South America from Venezuela to southern Argentina. In the eastern Atlantic, *A. vulpinus* ranges from the central coast of Norway south to, and including, the Mediterranean Sea and down the African coast to the Ivory Coast. They appear to be most abundant along the Iberian coastline, particularly during spring and fall. Specimens have also been recorded at Cape Province, South Africa (Goldman, 2009). In the Indian Ocean, *A. vulpinus* is found along the east coast of Somalia, and in waters adjacent to the Maldive Islands and Chagos archipelago. They are also present off Australia (Tasmania to central Western Australia), Sumatra, Pakistan, India, Sri Lanka, Oman, Kenya, the northwestern coast of Madagascar and South Africa. A few specimens have been taken from southwest of the Chagos archipelago, the Gulf of Aden, and northwest Red Sea. In the western Pacific Ocean, the range of *A. vulpinus* includes southern Japan, Korea, China, parts of Australia and New Zealand. They are also present around several Pacific Islands, including New Caledonia, Society Islands, Fanning Islands and Hawaii. In the Northeast Pacific Ocean, the geographic range of common thresher sharks extends from Goose Bay, British Columbia, Canada to the Baja Peninsula, Mexico and out to about 200 miles from the coast (Goldman, 2009). Additionally, they are found off Chile and records exist from Panama (Campagno, 1984).

Physical Characteristics

The common thresher shark possesses an elongated upper caudal lobe almost equal to its body length, which is unique to this family. It has a moderately large eye, a broad head, short snout, narrow tipped pectoral fins, no grooves on the head above the gills, and lateral teeth without distinct cusplets. The origin of the pelvic fins is well behind the insertion of the first dorsal fin. While some of the above characteristics may be shared by other thresher shark species, diagnostic features separating this species from the other two thresher shark species (bigeye thresher, *A. superciliosus,* and pelagic thresher, *A. pelagicus*) are the presence of labial furrows, the origin of the second dorsal fin posterior to the end of the pelvic fin free rear tip, and the white color of the abdomen extending upward over the pectoral fin bases, and again rearward of the pelvic fins. In living specimens, dorsal coloration may vary from brown, blue slate, slate gray, blue gray, and dark lead to nearly black, with a metallic, often purplish, luster. The lower surface of the snout (forward of the nostrils) and pectoral fin bases are generally not white and may be the same color as the dorsal surface (Goldman, 2009).

Habitat

Surveys of the common thresher shark from our Southwest Fisheries Science Center (SWFSC) demonstrate habitat separation between juveniles and adults (PMFC, 2003; Smith *et al.,* 2008). Juveniles occupy relatively shallow water over the continental shelf, while adults are found in deeper water, but rarely range beyond 200 miles (321.87 km) from the coast (PMFC, 2003; Smith *et al.,* 2008). Both adults and juveniles are associated with highly biologically productive waters, found in regions of upwelling or intense mixing.

Feeding Ecology

Common thresher sharks feed at mid-trophic levels on small pelagic fish and squid. Given their more specialized diet compared to other local pelagic sharks, they are more likely to exert top-down effects on their prey, although this remains to be demonstrated. Based on studies at the SWFSC, the top six prey species, in order, are northern anchovy, Pacific sardine, Pacific hake, Pacific mackerel, jack mackerel, and market squid (Preti *et al.,* 2001, 2004*).* Thresher sharks are unique, in that they use their tail in a whip-like fashion to disorient and incapacitate their prey (Oliver, 2013).

Life History

The life span of the common thresher shark is estimated between 15 and 50 years, although additional research to confirm this is necessary (Gervalis, 2013). Thresher sharks reach maturity at approximately 5 years of age and at around 166 cm fork length for both sexes. They grow approximately 30 cm per year for the first 5 years of their lives (Gervalis, 2013; Smith *et al.,* 2008). Maximum size has been estimated for thresher sharks along the U.S. West Coast at 550 cm (Gervalis, 2013; Smith *et al.,* 2008). Their mode of reproduction is aplacental ovoviviparous and oophagous, and a typical litter size is 2–4 pups, with gestation thought to be around 9 months (NMFS Common Thresher Shark Fact Sheet; PMFC, 2003; Smith *et al.,* 2008). Pupping is thought to occur in the springtime, with mating thought to occur in the summer, and nursery grounds for pups are in shallow continental shelf waters 90 m deep or less (NMFS Common Thresher Shark Fact Sheet).

Analysis of DPS Information

The petition requests that we list the common thresher shark throughout its range, or list the species as six DPSs. The petitioner identifies six subpopulations that it believes may qualify for listing: Eastern Central Pacific, Indo-West Pacific, Northwest and Western Central Atlantic, Southwest Atlantic, Mediterranean, and Northeast Atlantic. To meet the definition of a DPS, a population must be both discrete from other populations of the species and significant to the species as a whole (61 FR 4722; February 7, 1996).

The petition does not provide biological evidence to support the existence of the six ''subpopulations'' identified; however, the petition states that six subpopulations of the common thresher shark are discrete. The petition goes on to define this discreteness according to the second discreteness factor listed in the NMFS/USFWS joint DPS policy, where a population can be considered discrete if it ''is delimited by international governmental boundaries within which differences in control of exploitation, management of habitat, conservation status, or regulatory mechanisms exist that are significant in light of section 4(a)(1)(D) of the Act.'' The petitioner maintains that the ''broad and varied spectrum of harvest control, habitat management, conservation status, and regulatory mechanisms'' addressing the species may qualify different ''subpopulations'' as discrete under this discreteness factor, asserting that, ''due to broad differences in regulation of their management and capture, the subpopulations of common thresher sharks should be considered sufficiently discrete for protection as DPSs under the ESA.''

The petition does not propose any boundaries for the six suggested DPSs, nor does the petition describe in any detail the ways in which different management relating to international governmental boundaries may delineate the species into boundaries aligning with the six suggested DPSs. Specific gaps in management or intergovernmental boundaries are not described as they relate to any of the six proposed DPSs. We were also unable to find information to define the six subpopulations as discrete on biological grounds. In our files, only a single preliminary study was available to suggest population structure of the

common thresher shark. This study examined mitochondrial control region DNA, which demonstrated significant population structure between most pairwise comparisons, but the sample sizes were extremely low, and thus the results could not be interpreted with confidence. The data support separate Atlantic vs. Pacific populations (or at least female philopatry) (Trejo, 2005). However, based on the preliminary nature of these data, and low sample size throughout the study, these results cannot be relied upon to divide the common thresher shark into the six subpopulations proposed by the petition.

Based on information in the petition and readily available in our files, we were unable to find evidence to support the discreteness of any of the six DPSs proposed. Because of this, arguments made by the petitioner describing the potential significance of any suggested DPS are irrelevant. Thus, we conclude that the petition provides insufficient evidence to identify any DPSs of the common thresher shark at this time.

Analysis of Petition and Information Readily Available in NMFS Files

The following sections contain information found in the petition and readily available in our files to determine whether a reasonable person would conclude that an endangered or threatened listing may be warranted as a result of any of the factors listed under section 4(a)(1) of the ESA.

Common Thresher Shark Status and Trends

The petition does not provide a population abundance estimate for common thresher sharks, but points to its ''vulnerable'' status on the IUCN Red List, and quotes extensively from the Encyclopedia of Life, an online collaborative database intended for documenting information on all species of life. The petition asserts that a global decline of common thresher sharks has been caused mainly by commercial and recreational fishing (both direct harvest and bycatch), particularly during the 1970s and early 1980s. The petition references high commercial catch rates for common threshers along the U.S. West Coast during the 1980s, and declines in catch by the mid-1990s, indicative of overexploitation (Goldman *et al.,* 2009). In the Northwest and Western Central Atlantic, the petition cites the Encyclopedia of Life for asserting 50–80 percent declines in common thresher shark abundance occurring from 1986–2005. The petition describes likely declines of common thresher sharks in the Mediterranean due to high fishing pressure. In the Northeast Atlantic, the petition describes variable landings prior to 2000 and a decline in landings since 2002 (ICES, 2006). Finally, the petition points to increased interest in recreational fishing of the common thresher shark, with the potential for high post-release mortality. The petition does not provide information on estimates of abundance across the range of the species.

Although historical overfishing of the common thresher shark led to serious declines in population abundance, particularly during the 1980s, regulations since the early 1990s have contributed to trends of rebuilding of the species over the past two decades in some portions of its range, particularly in the Eastern Pacific Ocean (PFMC, 2011; NMFS Common Thresher Shark Fact Sheet). However, in other portions of the species' global range, declines due to overutilization (bycatch, recreation, and directed catch) may be ongoing, leading to declines in abundance. The threat of commercial fishing is discussed in more detail below (see ''Overutilization'').

The last IUCN assessment of the common thresher shark was completed in 2009 and since then several estimates of global and subpopulation trends and status have been made. Perhaps most heavily studied have been common thresher sharks in the Eastern Pacific Ocean, where the shark has historically been most heavily fished. Commercial fishing of thresher sharks in the U.S. was eliminated by gill net regulations by 1990, and within a decade, the population began to slowly rebuild to just below 50 percent of the initial subpopulation size (Camhi *et al.,* 2007). A preliminary examination of trends in the catch-per-unit-effort and total catch of common thresher sharks in this region is consistent with earlier conclusions that the population is increasing from its decline in the late 1980s and early 1990s (PMFC, 2011). Efforts to conduct a full stock assessment have been initiated by NMFS. Based on preliminary stock assessment results, there appears to be an initial period of decline from 1981 to 1986, followed by a gradual recovery of the stock. The index is highly variable after 2000, which is possibly due to regulatory and operational changes in the fishery (SWFSC, unpublished data).

In the Northwest Atlantic, declines in relative abundance cited by the petitioner were derived from analyses of logbook data, reported in Cortés (2007). This study reported a 63 percent decline of thresher sharks (on the genus level) based on logbook data, occurring between 1986 and 2006 (Cortés, 2007). The observer index data from the same study shows an opposite trend in relative abundance, with a 28 percent increase of threshers in the Northwest Atlantic since 1992. Logbook data over the same period (1992–2006) showed a 50 percent decline in thresher sharks. The logbook dataset is the largest available for the western North Atlantic Ocean, but the observer dataset is generally more reliable in terms of consistent identification and reporting. According to observer data, relative abundance of thresher sharks (again, only at the genus level) in the western North Atlantic Ocean appears to have stabilized or even be increasing since the late 1990s (Cortés, 2007). A more recent analysis using logbook data between 1996 and 2005 provides some supporting evidence that the abundance of thresher sharks has stabilized over this time period (Baum, 2010). However, the conflicting evidence between logbook and observer data showing opposite trends in thresher shark abundance cannot be fully resolved at this time. Data are not available in the petition or in our own files to assess the trend in population abundance in this region since 2006, or to assess the trend specific to the common thresher shark. Because the logbook data from this region shows consistent evidence of a significant and continued decline in thresher sharks, we must consider this information in our 90-day determination.

For the Northeast Atlantic, there are no population abundance estimates available, but data indicate that the species is taken in driftnets and gillnets. In the Mediterranean Sea, estimates show significant declines in thresher shark abundance during the past two decades, reflecting data up to 2006; according to historical data compiled using a generalized linear model, thresher sharks have declined between 96 and 99 percent in abundance and biomass in the Mediterranean Sea (Ferretti *et al.,* 2008).

In other areas of the world, estimates of thresher shark abundance are limited. For the Indo-West Pacific, little information is currently available on common thresher sharks. Although pelagic fishing effort in this region is high, with reported increases in recent years, the common thresher shark is more characteristic of cooler waters, and further information needs to be collected on records and catches of the species in this region (IUCN assessment, 2009).

In conclusion, trends throughout the Eastern Pacific Ocean portion of the species' range suggest that the population there is rebuilding from

historical overexploitation. However, across the rest of its global range, we find evidence suggesting that population abundance of common thresher sharks has continued to decline or, as in the Northwest Atlantic Ocean, may be stable at a diminished abundance. While data are still limited with respect to population size and trends, we find the petition and our files sufficient in presenting substantial information on common thresher shark abundance, trends, or status to indicate that the petitioned action may be warranted.

ESA Section 4(a)(1) Factors

The petition indicated three main categories of threats to the common thresher shark: Overutilization for commercial, recreational, scientific, or educational purposes; the inadequacy of existing regulatory mechanisms; and other natural or manmade factors affecting its continued existence. We discuss each of these below, as well as an additional evaluation of other 4(a)(1) factors based on information in the petition, and the information readily available in our files.

Present or Threatened Destruction, Modification or Curtailment of Habitat or Range

The petition does not list threats to habitat as impacting the common thresher shark. In our files, we were also unable to find evidence that destruction, modification, or curtailment of habitat or range were negatively impacting the species. Supporting this conclusion, in our files, we found evidence demonstrating that habitat pollution has not resulted in high concentrations of pollutants in the bodies of common thresher sharks. For example, Suk *et al.* (2009) demonstrated that the level of mercury measured in the muscle of individual thresher sharks was quite low (mean 0.13 ± 0.15 μg/g), with no traces of mercury detected in the liver. Mercury concentration increased with shark size to a maximum of 0.7 μg/g for a 241 cm fork length (~ 425 lb) individual, still far lower than for other sharks examined in the study, including the shortfin mako and the sevengill shark (Suk *et al.,* 2009). Although data are unavailable to assess the impact of these mercury levels on the health of the common thresher shark, low mercury levels exhibited by the common thresher shark likely relate to its tendency to feed on small schooling fish and cephalopods, at lower trophic levels than the prey consumed by other sharks studied.

In summary, the petition, references cited, and information in our files do not comprise substantial information indicating there is present or threatened destruction, modification, or curtailment of the common thresher shark's habitat or range such that listing may be warranted.

Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

The petition states that ''historical and continued trends of fishing of this commercially and recreationally valuable shark remain a threat,'' listing commercial exploitation as the first threat of overutilization of the species. Historically, common thresher sharks were primarily caught in the drift gillnet fishery established off the West Coast of the United States, which targeted the species in the late 1970s. The fishery had shifted its focus to a swordfish fishery by the mid-1980s due to economic drivers, but also to protect pupping female thresher sharks (PFMC, 2003). Since that time, common thresher sharks have only been targeted secondarily or caught incidentally in the drift gillnet fishery there. West Coast commercial landings are down from 1,800 metric tons (mt) in the early 1980s to below 200 mt in 2008 and 2009 (PFMC, 2010). As stated above, based on preliminary stock assessment results, there appears to be an initial period of decline from 1981 to 1986, followed by a gradual rebuilding of the stock (NMFS SWFSC, unpublished data). Average annual landings since 2004 have been about 200 mt (PFMC, 2011), well below an established sustainable and precautionary harvest level of 450 mt, and this level of landings has allowed the population to further rebuild. Regulations on commercial fishing operations (*e.g.,* time and area closures) to protect gravid females during the pupping season (March through August), combined with a switch in the primary target of the driftnet fishery from thresher sharks to swordfish, have likely contributed to the rebuilding of the common thresher shark in the Eastern Pacific Ocean over the past 25 years (PMFC, 2003).

The petition states that in addition to broad commercial harvest of the species, direct catch related to the shark fin trade has resulted in population decline. No information connecting population declines as a result of this direct catch is provided in the petition. The petition states that common thresher shark fins are valuable due to their large size and longer fin needles. Evidence suggests that the three thresher shark species, collectively, may account for approximately 2.3 percent of the fins auctioned in Hong Kong, the world's largest fin-trading center (Clarke, 2006). This translates to 0.4 million to 3.9 million threshers that may enter the global fin trade each year (Clarke, 2006). However, information on the species-specific impact of this harvest on common thresher shark abundance is not provided by the petitioner, and is not available in our files. The bigeye thresher shark is of higher value and vulnerability to fishing than the common thresher shark (Cortez, 2010); however, the relative proportion of each thresher shark species comprising the shark-fin trade is not available in this genus-level assessment. Overall, evidence that common thresher sharks (and threshers in general) are highly valued for their fins and comprise a portion of the Hong Kong fin-trading auction suggests that this threat may impact the species.

Indirect catch is another category of overutilization identified by the petition, which states that post-release mortality may be high in the species. However, no information is provided in the petition to connect the effect of bycatch on population declines of the species. In our own files, we found evidence to support that adults and juveniles of common thresher shark are caught as bycatch in longline, purse seine and mid-water fisheries (IATTC, 2006). As stated in the petition, in the Northeast Atlantic Ocean prior to 2000, estimated landings fluctuated at 13–17 t, and in 2000–2001 they exceeded 100 t, after which they dropped to 4 t in 2002 and have not exceeded 7 t since (ICES, 2006). In the Mediterranean, there are no large-scale fisheries targeting pelagic sharks and rays, but these species are taken as bycatch in surface longline fisheries (Cahmi, 2009). In our files, we found evidence that, in the last two decades, common thresher sharks have declined between 96 and 99 percent in abundance and biomass in the Mediterranean Sea (Ferretti, 2008). Currently, there is no commercial fishery for common thresher sharks on the East Coast of the United States, but they are taken as bycatch on pelagic longlines and in gillnets; here, commercial bycatch landings averaged 19,958 kg (dressed weight) from 2003 to 2011, with landings peaking at 27,801 kg (dressed weight) in 2010 (NMFS, 2012; Gervalis *et al.,* 2013). These landings may be linked to declines in the species across the Northwest Atlantic portion of its range; however, as discussed earlier, conflicting logbook and observer data decrease the certainty of these trends (Cortés, 2007; Baum, 2010). In the Southwest Atlantic Ocean, off the coast of Brazil, big eye thresher

sharks represent almost 100 percent of thresher sharks caught, and only occasionally are common thresher sharks caught in the longline fishery (Amorin, 1998).

The petition identified recreational fishing as the fourth category of overutilization. In our files, we found evidence that common thresher sharks are valued by recreational sport fishermen throughout the species' U.S. East Coast and West Coast range, and those that are caught are generally landed; the common thresher shark is considered one of the better species for human consumption (Compagno, 2001). The species appears to be increasing in importance at shark tournaments in the Northeastern United States. As described in the petition, at one major tournament, common thresher shark numbers increased steadily such that the percent of total catch increased from 0.1 percent to 4.8 from 1965 to 1995 and jumped to 27.8 percent of the total catch in 2004 (Gervalis *et al.,* 2013). Heberer (2010) identified the potential negative impact of recreational fishing on the survival of the common thresher shark by assessing post-release survivorship of sharks captured using the caudal-fin-based techniques used by most recreational fishermen. Since common thresher sharks use their elongate upper caudal lobe to immobilize prey before it is consumed, the majority of thresher sharks captured in the recreational fishery are hooked in the caudal fin and hauled-in backwards (Heberer, 2010). The common thresher is an obligate ram ventilator that requires forward motion to ventilate the gills (Heberer, 2010). The reduced ability to extract oxygen from the water during capture as well as the stress induced from these capture methods may influence recovery following release. The findings of Heberer (2010) demonstrate that large tail-hooked common thresher sharks with prolonged fight times (≥85 min) exhibit a heightened stress response, which may contribute to an increased mortality rate. This work suggests, especially for larger thresher sharks, that recreational catch-and-release may not be an effective conservation-based strategy for the species. A recent paper by Sepulveda (2014) found similar evidence for high post-release mortality of recreationally caught common thresher sharks in the California recreational shark fishery. Their results demonstrated that caudal-fin-based angling techniques, which often result in trailing gear left embedded in the shark, can negatively affect post-release survivorship. This work suggests that mouth-based angling techniques can, when performed properly, result in a higher survivorship of released sharks. However, these techniques are not a common practice. Recreational catch varies widely from year to year but has averaged roughly 20 mt annually in recent years (CDFG, 2008). The estimated level of catch in this fishery may be imprecise because the fishery is patchy and sporadic. Although recreational catch rate data are unavailable or highly unreliable, evidence for high post-release mortality suggests that increases in recreational fishing may pose a threat to the common thresher shark.

Overall, trends throughout the Eastern Pacific Ocean suggest that the species either may be rebuilding from historical overexploitation, or may be stable. Elsewhere across the species' range, information in the petition and in our files suggests that the species may continue to experience declines as a result of overutilization. While measures may be implemented to improve post-release mortality of a recreational common thresher shark fishery, and to reduce bycatch, we found no evidence that these measures have been incorporated into common practice. In summary, the petition, references cited, and information in our files comprise substantial information indicating that listing may be warranted because of overutilization for commercial, recreational, scientific or educational purposes.

Disease and Predation

The petitioner does not identify predation and disease as a threat to the common thresher shark, and we were unable to find any information in our files to suggest that this factor is affecting the continued survival of the species.

Inadequacy of Existing Regulatory Mechanisms

The petition states that ''the U.S. does not provide adequate protection for this species. Additionally, this global species lacks international protection under the Convention on International Trade in Endangered Species (CITES), and regional management mechanisms remain ineffective.''

On the contrary, we found that national fishing regulations on common thresher shark fishing in the United States are precautionary, and have led to the rebuilding of the species in U.S. waters over the last two decades. The Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species includes an annual harvest guideline of 340 mt for thresher shark. This is a precautionary harvest guideline for commercial catch, which is estimated to be 75 percent of the regional maximum sustainable yield for this population. Time and area restrictions in the pelagic drift gillnet fishery were imposed off California in the mid-1980s to protect thresher sharks, and more regulations were added in 2000 to protect sea turtles, resulting in reduced effort. In the United States Atlantic Ocean, the species has been managed as part of the pelagic shark complex under the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan. Management measures include the following: Commercial quotas, limited entry, time-area closures, and recreational bag limits. Sharks are required to be landed with fins naturally attached to the carcass. Overfishing and overfished status is currently unknown (NMFS HMS 3rd Qtr 2011 stock status), but preliminary stock assessment data suggest that the species is rebuilding in U.S. waters due to management measures to conserve the species (SWFSC, unpublished).

Since we received the petition, the common thresher shark has been listed in Appendix II under the International Convention on the Conservation of Migratory Species of Wild Animals (CMS). The petitioner stated that there are no laws specifically addressing the needs of the common thresher shark; however, a CMS Appendix II listing now encourages international cooperation towards conservation of the species.

We agree with the petition that the majority of other international regulations provide general protection for all sharks, and that includes the common thresher shark. The petition asserts that finning regulations are ''inadequate'' for protecting the common thresher shark species because common thresher sharks may still be caught, either directly or indirectly as bycatch. The petition also cites several regional fisheries management organizations (RFMOs) that implement a 5-percent fin-to-carcass ratio regulation, describes what the petitioner contends are potential loopholes in those regulations, and states that these general regulations are inadequate for the common thresher shark, whose larger fins make it a more targeted species. We agree with the petitioner that the common thresher shark is highly valued for its fins, and can be identified in the shark fin market, although only to the genus level. However, we do not find that national and international regulations are inadequate for protecting the common thresher shark.

Finning regulations are a common form of shark management regulation and have been adopted by far more countries and regional fishery management organizations than the petition lists (see HSI, 2012). While the petitioner asserts that there may be some loopholes in regulations using a 5% fin-to-carcass ratio, we find that the common thresher shark is rebuilding in broad portions of its range and is of lower vulnerability due to its demographic characteristics, such that current regulations are not considered inadequate. In addition, a number of countries have also enacted complete shark fishing bans, with the Bahamas, Marshall Islands, Honduras, Sabah (Malaysia), and Tokelau (an island territory of New Zealand) added to the list in 2011, and an area of 1.9 million km off the Cook Islands added in 2012. The petition states that Tokelau and the Cook Islands have only partial fishing bans, but this statement appears to be based on incomplete information. Shark sanctuaries can also be found in the Eastern Tropical Pacific Seascape (which encompasses around 2,000,000 km^2 and includes the Galapagos, Cocos, and Malpelo Islands), and in waters off the Maldives, Mauritania, Palau, and French Polynesia. Countries, states, and territories that prohibit the sale or trade of shark fins or products include the Bahamas, Commonwealth of the Northern Mariana Islands, American Samoa, Cook Islands, Egypt, French Polynesia, Guam, Republic of Marshall Islands, and Sabah. Several U.S. States prohibit the sale or trade of shark fins/products as well, including Hawaii, Oregon, Washington, California, Illinois, Maryland, Delaware, New York and Massachusetts. The U.S. Shark Conservation Act of 2010 protects all shark species, making it illegal to remove any of the fins of a shark (including the tail) at sea; to have custody, control, or possession of any such fin aboard a fishing vessel unless it is naturally attached to the corresponding carcass; to transfer any such fin from one vessel to another vessel at sea, or to receive any such fin in such transfer, without the fin naturally attached to the corresponding carcass; or to land any such fin that is not naturally attached to the corresponding carcass, or to land any shark carcass without such fins naturally attached. Additionally, many cities in Canada also prohibit the sale or trade of shark fins/products. All of these measures provide protections for the global common thresher shark population.

The petition also mentions the lack of CITES protections for the common thresher shark. The common thresher shark is not a CITES listed species, however, a CITES listing would only address threats associated with the international trade of the species, and would not address such impacts as bycatch or recreational catch-and-release of the species. Although a CITES Appendix II listing or international reporting requirements would provide better data on the global catch and trade of the common thresher shark, the lack of a CITES listing or requirements would not suggest that current regulatory mechanisms are inadequate to protect the common thresher shark population from becoming endangered under the ESA.

In summary, the petition, references cited, and information in our files do not comprise substantial information indicating that the species is impacted by inadequacy of regulatory mechanisms such that listing may be warranted.

Other Natural or Manmade Factors Affecting Its Existence

The petition states that the biological constraints of the common thresher shark, such as its low reproduction rate (typically 2–4 pups a year), coupled with the time required to reach maturity (approximately 5 years), contribute to the species' vulnerability to harvesting and its inability to recover rapidly. It is true that the common thresher shark and pelagic sharks, in general, exhibit relatively slow growth rates and low fecundity; however, not all species are equally vulnerable to fishing pressure due to these life history characteristics.

An ecological risk assessment conducted to inform the International Commission for the Conservation of Atlantic Tunas (ICCAT) categorized the relative risk of overexploitation of the 11 major species of pelagic sharks, including the common thresher shark (Cortés *et al.,* 2010, 2012). The study derived an overall vulnerability ranking for each of the 11 species, which was defined as ''a measure of the extent to which the impact of a fishery [Atlantic long line] on a species will exceed its biological ability to renew itself'' (Cortés *et al.,* 2010, 2012). This robust assessment found that common thresher sharks, along with pelagic stingrays, are relatively productive species that show very low susceptibility to the combined pelagic longline fisheries in the Atlantic Ocean (Cortés *et al.,* 2010, 2012). In fact, of 11 species examined, common thresher sharks exhibited one of the lowest vulnerability rankings. The relatively low vulnerability of the common thresher shark is further supported by a recent comparison of demographic models which ranked 26 pelagic sharks according to their potential growth rate and rebound potential (Chapple *et al.,* 2013). The common thresher shark was found to rank 9 out of 26 overall in terms of its egg production, rebound potential, potential for population increase, and for its stochastic growth rate; again ranking among the highest in productivity when compared with other pelagic sharks (Chapple *et al.,* 2013). Even within the genus *Alopiidae,* the common thresher shark is considered the fastest-growing and earliest-maturing of the three species, and attains the largest size (Smith *et al.,* 2008).

In summary, the petition, references cited, and information in our files do not comprise substantial information indicating that the species is impacted by ''other natural or manmade factors,'' including the life history trait of slow productivity, such that listing of the species may be warranted.

Summary of Section 4(a)(1) Factors

We conclude that the petition does not present substantial scientific or commercial information indicating that the ESA section (4)(a)(1) threats of ''other manmade or natural factors'' or ''inadequacy of regulatory mechanisms'' may be causing or contributing to an increased risk of extinction for the global population of the common thresher shark. In addition, neither the petition nor information in our files indicated that the ''present or threatened destruction, modification, or curtailment of its habitat or range,'' or ''disease or predation'' are threats to the species. However, we do conclude that the petition and information in our files present substantial scientific or commercial information indicating that the section 4(a)(1) factor ''overutilization for commercial, recreational, scientific, or educational purposes'' may be causing or contributing to an increased risk of extinction for the species.

Petition Finding

Based on the above information and the criteria specified in 50 CFR 424.14(b)(2), we find that the petition and information readily available in our files presents substantial scientific and commercial information indicating that the petitioned action of listing the common thresher shark worldwide as threatened or endangered may be warranted. Therefore, in accordance with section 4(b)(3)(B) of the ESA and NMFS' implementing regulations (50

CFR 424.14(b)(2)), we will commence a status review of the species. During the status review, we will determine whether the species is in danger of extinction (endangered) or likely to become so within the foreseeable future (threatened) throughout all or a significant portion of its range. We now initiate this review, and thus, we consider the common thresher shark to be a candidate species (69 FR 19975; April 15, 2004). Within 12 months of the receipt of the petition (August 26, 2015), we will make a finding as to whether listing the species as endangered or threatened is warranted as required by section 4(b)(3)(B) of the ESA. If listing the species is found to be warranted, we will publish a proposed rule and solicit public comments before developing and publishing a final rule.

Information Solicited

To ensure that the status review is based on the best available scientific and commercial data, we are soliciting information relevant to whether the common thresher shark is endangered or threatened. Specifically, we are soliciting information in the following areas: (1) Historical and current distribution and abundance of this species throughout its range; (2) historical and current population trends; (3) life history in marine environments, including identified nursery grounds; (4) historical and current data on common thresher shark bycatch and retention in industrial, commercial, artisanal, and recreational fisheries worldwide; (5) historical and current data on common thresher shark discards in global fisheries; (6) data on the trade of common thresher shark products, including fins, jaws, meat, and teeth; (7) any current or planned activities that may adversely impact the species; (8) ongoing or planned efforts to protect and restore the species and its habitats; (9) population structure information, such as genetics data; and (10) management, regulatory, and enforcement information. We request that all information be accompanied by: (1) Supporting documentation such as maps, bibliographic references, or reprints of pertinent publications; and (2) the submitter's name, address, and any association, institution, or business that the person represents.

References Cited

A complete list of references is available upon request to the Office of Protected Resources (see **ADDRESSES**).

Authority; The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: February 25, 2015.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2015–04409 Filed 3–2–15; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 80, No. 41
Tuesday, March 3, 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.

JUDICIAL CONFERENCE OF THE UNITED STATES

Hearing of the Judicial Conference Advisory Committee on Rules of Appellate Procedure; Federal Register Citation of Previous Announcements: 79 FR 48250 and 79 FR 72702.

AGENCY: Judicial Conference of the United States, Advisory Committee on Rules of Appellate Procedure.

ACTION: Revised Notice of Proposed Amendments and Open Hearing.

Please note: The public hearing on the amendments to the Appellate Rules and Forms previously scheduled in Washington, DC for February 17, 2015, was canceled due to weather conditions. That public hearing has been rescheduled for March 6, 2015, at 10:00 a.m. in the Mecham Center of the Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE., Washington, DC 20544.

SUMMARY: The Advisory Committee on Rules of Appellate Procedure has proposed amendments to the following rules and forms:

Appellate Rules 4, 5, 21, 25, 26, 27, 28.1, 29, 32, 35, and 40, and Forms 1, 5, 6, and New Form 7.

Written comments and suggestions with respect to the proposed amendments were accepted from August 15, 2014 through February 17, 2015. In accordance with established procedures, all comments submitted are available for public inspection and can be found along with the text of the proposed rules amendments and the accompanying Committee Notes at the United States Federal Courts' Web site at *http://www.uscourts.gov/rulesandpolicies/rules/proposed-amendments.aspx.*

FOR FURTHER INFORMATION CONTACT: Rebecca A. Womeldorf, Secretary, Committee on Rules of Practice and Procedure of the Judicial Conference of the United States, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE., Suite 7–240, Washington, DC 20544, Telephone (202) 502–1820.

Dated: February 25, 2015.

Julie Wilson,

Attorney Advisor, Rules Committee Support.

[FR Doc. 2015–04329 Filed 3–2–15; 8:45 am]

BILLING CODE 2210–55–P

AGENCY FOR INTERNATIONAL DEVELOPMENT

Privacy Act of 1974; System of Records

AGENCY: United States Agency for International Development.

ACTION: New system of records notice.

SUMMARY: Pursuant to the Privacy Act, 5 U.S.C. 552a, the United States Agency for International Development (USAID) is issuing new public notice for a system of records entitled ''USAID–1 Foreign Service Personnel Records''. This action is necessary to meet the requirements of the Privacy Act, 5 U.S.C. 522a(e)(4), to publish in the **Federal Register** notice of the existence and character of record systems maintained by the agency.

DATES: In accordance with 5 U.S.C. 522a(e)(4) and (11), the public is given a 30-day period in which to comment. Therefore, any comments must be received on or before April 2, 2015. Unless comments are received that would require a revision, this altered system of records will become effective on April 2, 2015.

ADDRESSES: You may submit comments:

Electronic

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions on the Web site for submitting comments.
- *Email: privacy@usaid.gov.*

Paper

- *Fax:* (703) 666–5670.
- *Mail:* Chief Privacy Officer, United States Agency for International Development, 1300 Pennsylvania Avenue NW., Washington, DC 20523.

FOR FURTHER INFORMATION CONTACT: The USAID Privacy Office at United States Agency for International Development, Bureau for Management, Office of the Chief Information Officer, Information Assurance Division, 1300 Pennsylvania Avenue NW., Washington, DC 20523; or via email at *privacy@usaid.gov.*

SUPPLEMENTARY INFORMATION: USAID has recently conducted a review of systems of records notices and has determined that it deleted USAID–1 Foreign Service Personnel Records in error at 72 FR 50096 (August 30, 2007). USAID–1 was last published at 42 FR 47371 (Sept. 20, 1977). USAID will create a new USAID–1 with the same title, Foreign Service Personnel Records. Also, USAID has determined that USAID–6 Recruiting, Examining and Placement Records and USAID–7 Foreign Service Personnel Evaluation Records were deleted in error on August 30, 2007 (72 FR 50096). In addition, USAID has determined that the portions of USAID–11 Employee Conduct and Discipline Records, USAID–12 Executive Assignment Records, USAID–13 Orientation and Training Records, and USAID–24 Emergency Case File that cover Foreign Service personnel records were deleted in error on August 30, 2007 (72 FR 50096). In order to reflect the current status of the USAID Foreign Service personnel system of records, the new USAID–1 Foreign Service Personnel Records will incorporate the Foreign Service personnel records from USAID–1, USAID–6, USAID–7, USAID–11, USAID–12, USAID–13, and USAID–24.

Dated: February 5, 2015.

William Morgan,

Chief Privacy Officer, United States Agency for International Development.

USAID–1

SYSTEM NAME:

Foreign Service Personnel Records.

SYSTEM LOCATION:

United States Agency for International Development (USAID), 1300 Pennsylvania Avenue NW., Washington, DC 20523 and other USAID offices in the United States and throughout the world; U.S. Department of Agriculture (USDA), National Finance Center (NFC), New Orleans, LA 70129; U.S. Department of the Treasury, Internal Revenue Service, IRS-Enterprise Computing Center-Detroit, Detroit, MI 48232; Washington National Records Center, 4205 Suitland Road, Suitland, MD 20746–8001; and National Personnel Records Center, National Archives and Records Administration (NARA), 111 Winnebago Street, St. Louis, MO 63118.

CATEGORIES OF INDIVIDUALS IN THE SYSTEM:

The system encompasses all individuals who are current or former employees hired under the Foreign Service Act authority by 1) USAID or 2) another federal agency and on detail to USAID.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of records created or compiled for Foreign Service Act personnel actions, including official personnel files; work experience, education level achieved, and specialized education or training obtained both inside and outside of Foreign Service; Federal service, past and present positions held, grades, salaries, duty station locations; notices of all personnel actions, such as appointments, transfers, reassignments, details, promotions, demotions, reductions-in-force, resignations, separations, suspensions, and removals; life and health insurance benefits; position classification; recruiting, examining, and placement; disability, race/ethnicity, and national origin classification data; evaluation and performance management; employee conduct and discipline; executive assignments; orientation and training; awards and incentives; workers compensation; designations for lump-sum death benefits; classified information nondisclosure agreements; Thrift Savings Plan; and ethics pledges and all pledge waiver certifications. Medical records, forms, and reports are included when they are related to the application for and employment as a Foreign Service position, including health records related to workers' compensation claims, employee health promotion and wellness activities, and drug testing. All categories of records may include identifying information, such as name, Social Security Number, mailing address, home telephone number, cell phone number, resume, clearance level, pay grade, salary, direct-deposit financial information, position title, and position number.

AUTHORITY FOR MAINTENANCE OF SYSTEM OF RECORDS:

The system was established and is maintained pursuant to 5 U.S.C. 301, Departmental Regulations; 5 U.S.C. 302, Delegation of Authority; 22 U.S.C. Ch. 32, Foreign Assistance, Subchapter I, International Development; 22 U.S.C. Ch. 52, Foreign Service.

PURPOSE(S):

The records are collected, used, maintained, and disseminated for the purpose of documenting all processes associated with individual Foreign Service employment histories and career progression, including screening qualifications of employees; determining status, eligibility, and employee's rights and benefits; computing length of service; other Foreign Service personnel services; and making personnel management determinations about Foreign Service personnel throughout their Foreign Service careers.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USE:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b), all or a portion of the records contained in this system of records may be disclosed outside USAID as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

(1) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when USAID is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary.

(2) To the Department of Justice or other appropriate Federal Government agency when the records are arguably relevant to a proceeding in a court or other tribunal in which USAID or a USAID official in his or her official capacity is a party or has an interest, or when the litigation is likely to affect USAID.

(3) To a Federal Government agency or entity that furnished the record or information for the purpose of permitting that agency or entity to make a decision as to access to or correction of the record or information.

(4) In the event of an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by statute or particular program pursuant thereto, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

(5) To the Department of State and its posts abroad for the purpose of transmission of information between organizational units of the Agency, or for purposes related to the responsibilities of the Department of State in conducting United States foreign policy or protecting United States citizens, such as the assignment of employees to positions abroad, the reporting of accidents abroad, evacuation of employees and dependents, and other purposes for which officers and employees of the Department of State have a need for the records in the performance of their duties.

(6) To a foreign government or international agency in response to its request for information to facilitate the conduct of U.S. relations with that government or agency through the issuance of such documents as visas, country clearances, identification cards, drivers' licenses, diplomatic lists, licenses to import or export personal effects, and other official documents and permits routinely required in connection with the official service or travel abroad of the individual and his or her dependents.

(7) To Federal agencies with which USAID has entered into an agreement to provide services to assist USAID in carrying out its functions under the Foreign Assistance Act of 1961, as amended. Such disclosures would be for the purpose of transmission of information between organizational units of USAID; of providing to the original employing agency information concerning the services of its employee while under the supervision of USAID, including performance evaluations, reports of conduct, awards and commendations, and information normally obtained in the course of personnel administration and employee supervision; or of providing other information directly related to the purposes of the inter-agency agreement as set forth therein, and necessary and relevant to its implementation.

(8) To appropriate officials and employees of a Federal Government agency or entity when the information is relevant to a decision concerning the hiring, appointment, or retention of an employee; the assignment, detail or deployment of an employee; the issuance, renewal, suspension, or revocation of a security clearance; the execution of a security or suitability investigation; the letting of a contract; or the issuance of a grant or benefit.

(9) To a committee or subcommittee of Congress and the Government Accountability Office for the purposes of responding to inquiries.

(10) To the National Archives and Records Administration, Information Security Oversight Office, Interagency Security Classification Appeals Panel, for the purpose of adjudicating an appeal from a USAID denial of a request for mandatory declassification review of records, made under the applicable

executive order(s) governing classification.

(11) To the National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. 552(h), to review administrative agency policies, procedures, and compliance with the Freedom of Information Act, and to facilitate OGIS' offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies.

(12) To the National Archives and Records Administration for the purposes of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

(13) To a former employee of USAID for purposes of responding to an official inquiry by a Federal, State, or local government entity or professional licensing authority, in accordance with applicable agency regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where USAID requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

(14) To appropriate agencies, entities, and persons when (1) USAID suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) USAID has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the USAID or another agency, entity, or person) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with USAID's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

(15) To attorneys, union representatives, or other persons designated by USAID employees in writing to represent them in complaints, grievance, appeal, or litigation cases.

(16) To requestors in determining a former spouse's entitlement to benefits and other inquiries related to retirement benefits.

(17) To labor organization officials when such information is relevant to personnel policies affecting employment conditions and necessary for exclusive representation by the labor organization.

(18) To officials of foreign governments and other U.S. government agencies for clearance before a Federal employee is assigned to that country as well as for the procurement of necessary services for American personnel assigned overseas, such as permits of free entry and identity cards.

(19) To the Department of Labor, Department of Veterans Affairs, Social Security Administration, Department of Defense, or any other Federal agencies that have special civilian employee retirement and disability programs; or to a national, state, county, municipal, or other publicly recognized income administration agency (*e.g.* State unemployment compensation agencies), when necessary to adjudicate a claim under the retirement, insurance, unemployment or health benefits programs of USAID or an agency cited above, or to an agency to conduct an analytical study or audit of benefits being paid under such programs.

(20) To the Office of Federal Employees Group Life Insurance, information necessary to verify election, declination, or waiver of regular and/or optional life insurance coverage, or eligibility for payment of a claim for life insurance.

(21) To health insurance carriers contracting with the Federal government to provide a health benefits plan under the Federal Employees Health Benefits Program, information necessary to identify enrollment in a plan, to verify eligibility for payment of a claim for health benefits, or to carry out the coordination or audit of benefit provisions of such contracts.

(22) To any person who is responsible for the care of an individual to whom a record pertains who is mentally incompetent or under other legal disability. Information in the individual's record may be disclosed to said person to the extent necessary to assure payment of benefits to which the individual is entitled.

(23) To public and private organizations, including news media, which grant or publicize employee recognition to consider and select employees for incentive awards and other honors and to publicize awards and honors granted.

(24) To the Department of Justice in connection with proceedings before a court, adjudicative body, or other administrative body when any of the following is a party to litigation or has an interest in such litigation and USAID determines that the use of such records is arguably relevant and necessary to the litigation of (1) the USAID or any component thereof, (2) any employee of the USAID in his or her official capacity, (3) any employee of the USAID in his or her individual capacity where the Department of Justice or the USAID has agreed to represent the employee, or (4) the United States, when the USAID determines that litigation is likely to affect the USAID or any of its components.

(25) To implement court decisions and/or terms of settlement agreements reached by the parties.

(26) To prepare reports to the courts in compliance with monitoring requirements.

(27) To courts or federal agencies including, but not limited to, the Equal Employment Opportunity Commission, the Foreign Service Grievance Board, and the Merit Systems Protection Board, in response to an order directing the production of personnel records.

(28) To other Government agencies and private organizations, institutions or individuals to verify employment, to process security clearances and to request record or credit checks.

(29) To officials of other Federal agencies for purposes of performance of official duties in support of the functions for which the records were collected and maintained.

(30) To disclose information to Equal Employment Opportunity (EEO) counselors and EEO investigators in connection with EEO complaints and to the Equal Employment Opportunity Commission when requested in connection with investigations of alleged or possible discrimination practices in the Federal sector, examination of Federal affirmative employment programs, compliance by Federal agencies with the Uniform Guidelines on Employee Selection Procedures, or other functions vested in the Commission.

(31) To the Department of Labor's Office of Workers' Compensation programs relating to benefits under the Federal Employees Compensation Act.

(32) To disclose information to the news media and the public when a matter involving the USAID has become public knowledge; the Assistant Administrator Under Secretary for Management determines that in response to the matter in the public domain, disclosure is necessary to provide an accurate factual record on the matter; and the Assistant Administrator for Management determines that there is a legitimate public interest in the information disclosed.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and microfiche records are maintained by USAID and are safeguarded in secured cabinets within secured rooms. The electronic records are stored in the HR Connect system, Electronic Official Personnel File (eOPF) system, and National Finance Center Payroll/Personnel System, which are safeguarded in accordance with applicable rules and policies, including all applicable USAID 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 records 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.

RETRIEVABILITY:

Records are retrieved by the name of the Foreign Service personnel and numeric identifier.

SAFEGUARDS:

Information in this system is safeguarded in accordance with applicable laws, rules and policies, including the agency's automated directive system. In general, records and technical equipment are maintained in buildings with restricted access. The required use of password protection identification features and other system protection methods also restrict access. Access is limited to those officers and authorized USAID employees who have an official need to access the records in the performance of their official duties.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the National Archives Records Administration's General Records Disposition Schedules and the agency's approved disposition schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Foreign Service Center, Human Capital and Talent Management, United States Agency for International Development, Office of Human Resources, 1300 Pennsylvania Avenue NW., Washington, DC 20523.

NOTIFICATION PROCEDURE:

Same as Record Access Procedures.

RECORDS ACCESS PROCEDURES:

Under the Privacy Act, individuals may request access to records about themselves. If an agency or a person, who is not the individual who is the subject of the records, requests access to records about an individual, the written consent of the individual who is the subject of the records is required.

Requesters may submit requests for records under the Privacy Act: (1) By mail to the USAID FOIA Office, Bureau for Management, Office of Management Services, Information and Records Division, 1300 Pennsylvania Avenue NW., Room 2.07C–RRB, Washington, DC 20523–2701; (2) via Facsimile to 202–216–3070; (3) via email to *foia@usaid.gov;* (4) on the USAID Web site at *www.usaid.gov/foia-requests;* or (5) in person during regular business hours at USAID, 1300 Pennsylvania Avenue NW., Washington, DC 20523–2701, or at USAID overseas missions.

Requesters using 1 through 4 may provide a written statement or may complete and submit USAID Form 507–1, Freedom of Information/Privacy Act Record Request Form, which can be obtained: (a) On the USAID Web site at *www.usaid.gov/foia-requests;* (b) by email request to *foia@usaid.gov;* or (c) by writing to the USAID FOIA Office, Bureau for Management, Office of Management Services, Information and Records Division, 1300 Pennsylvania Avenue NW., Room 2.07C–RRB, Washington, DC 20523–2701, and provide information that is necessary to identify the records, including the following: Requester's full name; present mailing address; home telephone; work telephone; name of subject, if other than requester; requester relationship to subject; description of type of information or specific records; and purpose of requesting information. Requesters should provide the system of record identification name and number, if known; and, to facilitate the retrieval of records contained in those systems of records which are retrieved by Social Security Numbers, the Social Security Number of the individual to whom the record pertains.

In addition, requesters using 1 through 4 must include proof of identity information by providing copies of two (2) source documents that must be notarized by a valid (un-expired) notary public. Acceptable proof-of-identity source documents include: An unexpired United States passport; Social Security Card (both sides); unexpired United States Government employee identity card; unexpired driver's license or identification card issued by a state or United States possession, provided that it contain a photograph; certificate of United States citizenship; certificate of naturalization; card showing permanent residence in the United States; United States alien registration receipt card with photograph; United States military card or draft record; or United States military dependent's identification card.

Requesters using 1 through 4 must also provide a signed and notarized statement that they are the person named in the request; that they understand that any falsification of their statement is punishable under the provision of 18 U.S.C. 1001 by a fine, or by imprisonment of not more than five years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisonment of not more than eight years, or both; and that requesting or obtaining records under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) as a misdemeanor and by a fine of not more than $5,000.

Requesters using 5 must provide such personal identification as is reasonable under the circumstances to verify the requester's identity, including the following: An unexpired United States passport; Social Security Card; unexpired United States Government employee identity card; unexpired driver's license or identification card issued by a state or United States possession, provided that it contain a photograph; certificate of United States citizenship; certificate of naturalization; card showing permanent residence in the United States; United States alien registration receipt card with photograph; United States military card or draft record; or United States military dependent's identification card.

CONTESTING RECORDS PROCEDURES:

Individuals seeking to contest or amend records maintained on himself or herself must clearly and concisely state that information is being contested, and the proposed amendment to the information sought. Requests to amend a record must follow the Record Access Procedures above.

RECORDS SOURCE CATEGORIES:

These records contain information provided directly by the individuals who are the subject of these records; and from administrative officers in USAID bureaus and missions, Office of Human Resources employees, and other sources of records maintained in the official personnel files of Foreign Service personnel.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a (k)(1), subject to the provisions of section 552(b)(1), records are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) to protect material required to be kept Secret. Pursuant to

5 U.S.C. 552a (k)(4), records contained within this system that are maintained solely for statistical purposes are also exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). Pursuant to 5 U.S.C. 552a (k)(5) and (k)(7), certain records contained within this system contain confidential source information and are exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). Pursuant to 5 U.S.C. 552a (k)(6), records that contain testing or examination material the release of which may compromise testing or examination procedures are also exempted from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). See USAID Rules published in 22 CFR 215.13 and 215.14.

[FR Doc. 2015–04305 Filed 3–2–15; 8:45 am]

BILLING CODE 6116–02–P

AGENCY FOR INTERNATIONAL DEVELOPMENT

Privacy Act of 1974; System of Records

AGENCY: United States Agency for International Development.

ACTION: New system of records.

SUMMARY: Pursuant to the Privacy Act, 5 U.S.C. 552a, the United States Agency for International Development (USAID) is issuing public notice for a new system of records entitled, ''USAID–34 Personal Services Contracts Records''. This action is necessary to meet the requirements of the Privacy Act, 5 U.S.C. 522a(e)(4), to publish in the **Federal Register** notice of the existence and character of record systems maintained by the agency.

DATES: In accordance with 5 U.S.C. 522a(e)(4) and (11), the public is given a 30-day period in which to comment. Therefore, any comments must be received on or before April 2, 2015. Unless comments are received that would require a revision, this new system of records will become effective on April 2, 2015.

ADDRESSES: You may submit comments:

Electronic

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions on the Web site for submitting comments.
- *Email: privacy@usaid.gov.*

Paper

- *Fax:* (703) 666–5670.
- *Mail:* Chief Privacy Officer, United States Agency for International Development, 1300 Pennsylvania Avenue NW., Washington, DC 20523.

FOR FURTHER INFORMATION CONTACT: The USAID Privacy Office at United States Agency for International Development, Bureau for Management, Office of the Chief Information Officer, Information Assurance Division, 1300 Pennsylvania Avenue NW., Washington, DC 20523; or via email at *privacy@usaid.gov.*

SUPPLEMENTARY INFORMATION: USAID has recently conducted a review of systems of records notices and has determined that a new system of records ''USAID–34 Personal Services Contracts Records'' is needed to document records created during the development, operation, and conclusion of personal services contracts by USAID. A personal services contract creates an employer-employee relationship between USAID and the contractor, requires continuous monitoring of the contractor by USAID, and must be specifically authorized by a statute applicable to USAID. The new USAID–34 Personal Services Contracts Records will read as set forth below.

Dated: February 5, 2015.

William Morgan,

Chief Privacy Officer, United States Agency for International Development.

USAID–34

SYSTEM NAME:

Personal Services Contracts Records.

SYSTEM LOCATION:

United States Agency for International Development (USAID), 1300 Pennsylvania Avenue NW., Washington, DC 20523; Terremark, 50 NE 9th Street, Miami, FL 33132; U.S. Department of State COOP Beltsville (BIMC), 8101 Odell Road, Floor/Room—173, Beltsville, MD 20705; U.S. Department of State, Global Financial Service Center (GFSC—DoS), 1969 Dyess Ave., Building A, Computer Room 2A228, Charleston, SC 29405; and other USAID offices in the United States and throughout the world that have personal services contractor hiring authority.

CATEGORIES OF INDIVIDUALS IN THE SYSTEM:

The system encompasses all individuals who are personal services contractors with USAID.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of records created or compiled for contract actions related to personal services contractors, including personal services contractor files and contract documents. A personal services contractor file includes name, Social Security Number, address, citizenship, resume, education, professional experience, other qualifications, Selective Service registration data, language proficiencies, licenses and certifications, clearance level, salary, direct-deposit financial information, contract number, position title, travel availability, training received, assignments, position number, applicable medical clearances, and performance evaluations. Contract documents include applications, salary worksheet computations, statements of work, qualifications approval memoranda, final offer letters, contract, performance evaluations, correspondence, advanced leave requests, training certifications, release forms, and out-processing checklists.

AUTHORITY FOR MAINTENANCE OF SYSTEM OF RECORDS:

The system was established and is maintained pursuant to the Foreign Assistance Act, Public Law 87–165, as amended; 48 CFR 37.104, Personal services contracts; 48 CFR Ch. 7, App. D, Direct USAID Contracts with a U.S. Citizen or a U.S. Resident Alien for Personal Services Abroad.

PURPOSE(S):

The records are collected, used, maintained, and disseminated for the purposes of documenting personal services contracts processing, including personal services contracts records, pay and benefits determinations and processing, determining accountability and liability of contract parties, reports of contractor actions, and the records required in connection with the personal services contractor during the contract cycle.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USE:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b), all or a portion of the records contained in this system of records may be disclosed outside USAID as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

(1) To the Internal Revenue Service and the Social Security Administration for the purposes of reporting earnings information.

(2) To a court, magistrate, or other administrative body in the course of presenting evidence, including disclosures to counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal proceedings, when USAID is a party to the proceeding or has a significant interest in the proceeding, to the extent that the information is determined to be relevant and necessary.

(3) To the Department of Justice or other appropriate Federal Government agency when the records are arguably

relevant to a proceeding in a court or other tribunal in which USAID or a USAID official in his or her official capacity is a party or has an interest, or when the litigation is likely to affect USAID.

(4) To a Federal Government agency or entity that furnished the record or information for the purposes of permitting that agency or entity to make a decision as to access to or correction of the record or information.

(5) In the event of an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by statute or particular program pursuant thereto, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

(6) To the Department of State and its posts abroad for the purposes of transmission of information between organizational units of the Agency, or for the purposes related to the responsibilities of the Department of State in conducting United States foreign policy or protecting United States citizens, such as the assignment of employees to positions abroad, the reporting of accidents abroad, evacuation of employees and dependents, and for other purposes for which officers and employees of the Department of State have a need for the records in the performance of their duties.

(7) To a foreign government or international agency in response to its request for information to facilitate the conduct of U.S. relations with that government or agency through the issuance of such documents as visas, country clearances, identification cards, drivers' licenses, diplomatic lists, licenses to import or export personal effects, and other official documents and permits routinely required in connection with the official service or travel abroad of the individual and his or her dependents.

(8) To Federal agencies with which USAID has entered into an agreement to provide services to assist USAID in carrying out its functions under the Foreign Assistance Act of 1961, as amended. Such disclosures would be for the purpose of transmission of information between organizational units of USAID; of providing to the original employing agency information concerning the services of its employee while under the supervision of USAID, including performance evaluations, reports of conduct, awards and commendations, and information normally obtained in the course of personnel administration and employee supervision; or of providing other information directly related to the purposes of the inter-agency agreement as set forth therein, and necessary and relevant to its implementation.

(9) To appropriate officials and employees of a Federal Government agency or entity when the information is relevant to a decision concerning the hiring, appointment, or retention of an employee; the assignment, detail or deployment of an employee; the issuance, renewal, suspension, or revocation of a security clearance; the execution of a security or suitability investigation; the letting of a contract; or the issuance of a grant or benefit.

(10) To the National Archives and Records Administration, Information Security Oversight Office, Interagency Security Classification Appeals Panel, for the purposes of adjudicating an appeal from a USAID denial of a request for mandatory declassification review of records, made under the applicable executive order(s) governing classification.

(11) To the National Archives and Records Administration for the purposes of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

(12) To appropriate agencies, entities, and persons when (1) USAID suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (2) USAID has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the USAID or another agency, entity, or person) that rely upon the compromised information; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with USAID's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

(13) To a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, or to private individuals, for the purposes of requesting information relevant to a USAID decision concerning the hiring, retention, or promotion of a personal services contractor, the issuance of a security clearance, or other decision within the purposes of this system of records.

(14) To a prospective employer of a current or former USAID personal services contractor for the purposes of providing the following information to prospective employers: Job descriptions, dates of contract, and reason for termination of contract.

(15) To appropriate agencies, entities, and persons for the purposes of confirming the qualifications of an applicant for the award of a personal services contract.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records in this system are stored on paper and/or electronic form; and are maintained in locked cabinets and/or user-authenticated, password-protected systems.

RETRIEVABILITY:

Records are retrieved by the name of the personal services contractor and the contract number.

SAFEGUARDS:

Information in this system is safeguarded in accordance with applicable laws, rules and policies, including the agency's automated directive system. In general, records and technical equipment are maintained in buildings with restricted access. The required use of password protection identification features and other system protection methods also restrict access. Paper records and Sensitive But Unclassified records are kept in an approved security container at the USAID Washington headquarters, and at the relevant locations where USAID has a program. The electronic records are stored in the Agency Secure Image and Storage Tracking (ASIST) or other document management systems, which are safeguarded in accordance with applicable laws, rules, and policies, including USAID's automated systems security and access policies. Access to the records is restricted to those authorized USAID personnel and authorized contractors who have an official need to access the records in the performance of their official duties.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with the Federal Acquisition Regulations and/or the National Archives Records Administration's General Records Disposition Schedules, and the agency's approved disposition schedules.

SYSTEM MANAGER(S) AND ADDRESS:

USAID Contracting Officers or Heads of Contracting Activities, United States

Agency for International Development, 1300 Pennsylvania Avenue NW., Washington, DC 20523; and USAID Missions throughout the world.

NOTIFICATION PROCEDURE:

Same as Record Access Procedures.

RECORDS ACCESS PROCEDURES:

Under the Privacy Act, individuals may request access to records about themselves. If an agency or a person, who is not the individual who is the subject of the records, requests access to records about an individual, the written consent of the individual who is the subject of the records is required.

Requesters may submit requests for records under the Privacy Act: (1) By mail to the USAID FOIA Office, Bureau for Management, Office of Management Services, Information and Records Division, 1300 Pennsylvania Avenue NW., Room 2.07C–RRB, Washington, DC 20523–2701; (2) via Facsimile to 202–216–3070; (3) via email to *foia@usaid.gov;* (4) on the USAID Web site at *www.usaid.gov/foia-requests;* or (5) in person during regular business hours at USAID, 1300 Pennsylvania Avenue NW., Washington, DC 20523–2701, or at USAID overseas missions.

Requesters using 1 through 4 may provide a written statement or may complete and submit USAID Form 507–1, Freedom of Information/Privacy Act Record Request Form, which can be obtained: (a) On the USAID Web site at *www.usaid.gov/foia-requests;* (b) by email request to *foia@usaid.gov;* or (c) by writing to the USAID FOIA Office, Bureau for Management, Office of Management Services, Information and Records Division, 1300 Pennsylvania Avenue NW., Room 2.07C–RRB, Washington, DC 20523–2701, and provide information that is necessary to identify the records, including the following: Requester's full name; present mailing address; home telephone; work telephone; name of subject, if other than requester; requester relationship to subject; description of type of information or specific records; and purpose of requesting information. Requesters should provide the system of record identification name and number, if known; and, to facilitate the retrieval of records contained in those systems of records which are retrieved by Social Security Numbers, the Social Security Number of the individual to whom the record pertains.

In addition, requesters using 1 through 4 must include proof of identity information by providing copies of two (2) source documents that must be notarized by a valid (un-expired) notary public. Acceptable proof-of-identity source documents include: An unexpired United States passport; Social Security Card (both sides); unexpired United States Government employee identity card; unexpired driver's license or identification card issued by a state or United States possession, provided that it contain a photograph; certificate of United States citizenship; certificate of naturalization; card showing permanent residence in the United States; United States alien registration receipt card with photograph; United States military card or draft record; or United States military dependent's identification card.

Requesters using 1 through 4 must also provide a signed and notarized statement that they are the person named in the request; that they understand that any falsification of their statement is punishable under the provision of 18 U.S.C. 1001 by a fine, or by imprisonment of not more than five years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisonment of not more than eight years, or both; and that requesting or obtaining records under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) as a misdemeanor and by a fine of not more than $5,000.

Requesters using 5 must provide such personal identification as is reasonable under the circumstances to verify the requester's identity, including the following: An unexpired United States passport; Social Security Card; unexpired United States Government employee identity card; unexpired driver's license or identification card issued by a state or United States possession, provided that it contain a photograph; certificate of United States citizenship; certificate of naturalization; card showing permanent residence in the United States; United States alien registration receipt card with photograph; United States military card or draft record; or United States military dependent's identification card.

CONTESTING RECORDS PROCEDURES:

Individuals seeking to contest or amend records maintained on himself or herself must clearly and concisely state that information is being contested, and the proposed amendment to the information sought. Requests to amend a record must follow the Record Access Procedures above.

RECORDS SOURCE CATEGORIES:

These records contain information directly from the individuals who are the subject of these records; as well as from contracting officers and contracting officers' representatives in USAID bureaus and missions, and Office of Human Resources employees.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Pursuant to 5 U.S.C. 552a(k)(5) and as specified in 22 CFR 215.14(a)(5) and (c)(5), certain records in this system of records are exempt from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3); (d); (e)(1); (e)(4)(G); (H); (I); and (f).

[FR Doc. 2015–04307 Filed 3–2–15; 8:45 am]

BILLING CODE 6116–02–P

DEPARTMENT OF AGRICULTURE

Forest Service

Black Hills National Forest Advisory Board

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Black Hills National Forest Advisory Board (Board) will meet in Rapid City, South Dakota. The Board is established consistent with the Federal Advisory Committee Act of 1972 (5 U.S.C. App. II), the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 *et seq.*), the National Forest Management Act of 1976 (16 U.S.C. 1612), and the Federal Public Lands Recreation Enhancement Act (Pub. L. 108–447). Additional information concerning the Board, including the meeting summary/minutes, can be found by visiting the Board's Web site at: *http://www.fs.usda.gov/main/blackhills/workingtogether/advisorycommittees.*

DATES: The meeting will be held Wednesday, March 18, 2015 at 1:00 p.m.

All meetings are subject to cancellation. For updated status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Mystic Ranger District, 8221 South Highway 16, Rapid City, South Dakota. Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION.** All comments, including names and addresses, when provided, are placed in the record and available for public inspection and copying. The public may inspect comments received at the Black Hills National Forest Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Scott Jacobson, Committee Coordinator, by phone at 605–673–9216, or by email at *sjjacobson@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to provide:

(1) Climate Change and Forest Management presentation.

(2) Motorized Travel Fees for FY 16—Working Group Update;

(3) Over Snow Use—Subpart c discussion; and

(4) Lakes Enhancement Project Update;

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should submit a request in writing by March 9, 2015 to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the Board may file written statements with the Board's staff before or after the meeting. Written comments and time requests for oral comments must be sent to Scott Jacobson, Black Hills National Forest Supervisor's Office, 1019 North Fifth Street, Custer, South Dakota 57730; by email to *sjjacobson@fs.fed.us,* or via facsimile to 605–673–9208.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: February 25, 2015.

Craig Bobzien,

Forest Supervisor.

[FR Doc. 2015–04359 Filed 3–2–15; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Meeting Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Briefing notice.

DATES: *Date and Time:* Monday, March 16, 2015; 9 a.m.–5 p.m. EST.

ADDRESSES: *Place:* 1331 Pennsylvania Ave. NW., Suite 1150, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lenore Ostrowsky, Acting Chief, Public Affairs Unit (202) 376–8591.

Hearing-impaired persons who will attend the briefing and require the services of a sign language interpreter should contact Pamela Dunston at (202) 376–8105 or at *signlanguage@usccr.gov* at least seven business days before the scheduled date of the meeting.

SUPPLEMENTARY INFORMATION:

This briefing is open to the public.

Topic: *Examining Workplace Discrimination Against Lesbian, Gay, Bisexual, and Transgender Americans*

I. Introductory Remarks by Chairman Castro

II. Panel I—9 a.m.–10:45 a.m.: General Issues; Speakers' Remarks and Questions from Commissioners

III. Panel II—10:45 a.m.–12:25 p.m.: Economic Issues; Speakers' Remarks and Questions from Commissioners

IV. LUNCH—12:30 p.m.–1:30 p.m.

V. Panel III—1:30 p.m.–3:10 p.m.: Transgender Issues; Speakers' Remarks and Questions from Commissioners

VI. Panel IV—3:10 p.m.–5 p.m.: Religious Exemption Issues; Speakers' Remarks and Questions from Commissioners

VII. Adjourn Briefing—5 p.m.

Dated: February 27, 2015.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2015–04430 Filed 2–27–15; 11:15 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

First Responder Network Authority

First Responder Network Authority Board Meetings

AGENCY: First Responder Network Authority (FirstNet), U.S. Department of Commerce.

ACTION: Notice of public meetings.

SUMMARY: The Board of the First Responder Network Authority (FirstNet) will convene an open public meeting of the Board on March 25, 2015, preceded by meetings of the Board Committees on March 24, 2015.

DATES: On March 24, 2015 between 9:00 a.m. and 5 p.m. Eastern Standard Time there will be sequential meetings of FirstNet's four Board Committees: (1) Governance and Personnel; (2) Technology; (3) Outreach; and (4) Finance. The full FirstNet Board will hold a meeting on March 25, 2015 between 9:00 a.m. and 12:00 p.m. Eastern Standard Time.

ADDRESSES: The meetings on March 24 and 25, 2015 will be held in the auditorium of the Herbert C. Hoover Building, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Uzoma Onyeije, Secretary, FirstNet, 12201 Sunrise Valley Drive, M/S 243, Reston, VA 20192; telephone: (703) 648–4165; email: *uzoma.onyeije@firstnet.gov.* Please direct media inquiries to Ryan Oremland at (703) 648–4114.

SUPPLEMENTARY INFORMATION: This notice informs the public that the Board of FirstNet will convene an open public meeting of the Board on March 25, 2015, preceded by meetings of the Board Committees on March 24, 2015.

Background: The Middle Class Tax Relief and Job Creation Act of 2012 (Act), Public Law 112–96, 126 Stat. 156 (2012), established FirstNet as an independent authority within the National Telecommunications and Information Administration (NTIA) that is headed by a Board. The Act directs FirstNet to ensure the building, deployment, and operation of a nationwide, interoperable public safety broadband network. The FirstNet Board is responsible for making strategic decisions regarding FirstNet's operations. The FirstNet Board held its first public meeting on September 25, 2012.

Matters To Be Considered: FirstNet will post detailed agendas of each meeting on its Web site, *http://www.firstnet.gov, prior* to the meetings. The agenda topics are subject to change. Please note that the subjects that will be discussed by the Committees and the Board may involve commercial or financial information that is privileged or confidential, personnel matters, or other legal matters affecting FirstNet. As such, the Committee chairs and Board Chair may call for a vote to close the meetings only for the time necessary to preserve the confidentiality of such information, pursuant to 47 U.S.C. 1424(e)(2).

Times and Dates of March 2015 Meetings: On March 24, 2015, between 9:00 a.m. and 5:00 p.m. Eastern Standard Time there will be sequential meetings of FirstNet's four committees. The full FirstNet Board meeting will be held on March 25, 2015, between 9:00 a.m. and 12:00 p.m. Eastern Standard Time.

Place: The meetings on March 24 and 25, 2015 will be held in the auditorium of the Herbert C. Hoover Building, U.S.

Department of Commerce, 1401 Constitution Avenue NW., Washington, DC.

Other Information: These meetings are open to the public and press on a first-come, first-served basis. Space is limited. In order to get an accurate headcount, all expected attendees are asked to provide notice of intent to attend by sending an email to *BoardRSVP@firstnet.gov.* If the number of RSVPs indicates that expected attendance has reached auditorium capacity, FirstNet will respond to all subsequent notices indicating that auditorium capacity has been reached and that in-person viewing may no longer be available but that the meeting may still be viewed by webcast as detailed below. For access to the meetings, valid government issued photo identification may be requested for security reasons.

The meetings are accessible to people with disabilities. Individuals requiring accommodations, such as sign language interpretation or other ancillary aids, are asked to notify Uzoma Onyeije, Secretary, FirstNet, at (703) 648–4165 or *uzoma.onyeije@firstnet.gov* at least five (5) business days before the meeting.

The meetings will also be webcast. Please refer to FirstNet's Web site at *www.firstnet.gov* for webcast instructions and other information. The meetings will also be available to interested parties by phone. To be connected to the meetings in listen-only mode by telephone, please dial (888) 997–9859 and passcode 3572169. If you have technical questions regarding the webcast, please contact Margaret Baldwin at (703) 648–4161 or by email at *margaret.baldwin@firstnet.gov.*

Records: FirstNet maintains records of all Board proceedings. Minutes of the Board Meeting and the Committee meetings will be available at *www.firstnet.gov.*

Dated: February 26, 2015.

Stuart Kupinsky,

Chief Counsel, First Responder Network Authority.

[FR Doc. 2015–04367 Filed 3–2–15; 8:45 am]

BILLING CODE 3510–TL–P

DEPARTMENT OF COMMERCE

First Responder Network Authority

First Responder Network Authority Board Special Meeting

AGENCY: First Responder Network Authority, National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Public meeting notice.

SUMMARY: The Board of the First Responder Network Authority (FirstNet) will hold a Special Meeting via telephone conference (teleconference) on March 9, 2015.

DATES: The Special Meeting will be held on Thursday, March 9, 2015, from 10:00 a.m. to 11:00 a.m. Eastern Standard Time.

ADDRESSES: The Special Meeting will be conducted via teleconference. Members of the public may listen to the meeting by dialing toll-free 1–888–997–9859 and using passcode 3572169. Due to the limited number of ports, attendance via teleconference will be on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Uzoma Onyeije, Secretary, FirstNet, 12201 Sunrise Valley Drive, Reston, VA 20192; telephone: (703) 648–4165; email: *uzoma.onyeije@firstnet.gov.* Please direct media inquiries to Ryan Oremland at (703) 648–4114.

SUPPLEMENTARY INFORMATION:

Background: The Middle Class Tax Relief and Job Creation Act of 2012 (Act), Public Law 112–96, 126 Stat. 156 (2012), created FirstNet as an independent authority within the National Telecommunications and Information Administration (NTIA). The Act directs FirstNet to establish a single nationwide, interoperable public safety broadband network. The FirstNet Board is responsible for making strategic decisions regarding FirstNet's operations. As provided in section 4.08 of the FirstNet Bylaws, the Board through this Notice provides at least two days' notice of a Special Meeting of the Board to be held March 9, 2015, from 10:00 a.m. to 11:00 a.m. Eastern Standard Time. The Board may, by a majority vote, close a portion of the Special Meeting as necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, or to discuss legal matters affecting FirstNet, including pending or potential litigation. See 47 U.S.C. 1424(e)(2).

Matters To Be Considered: FirstNet will post an agenda for the Special Meeting on its Web site at *www.firstnet.gov* prior to the meeting. The agenda topics are subject to change.

Time and Date: The Special Meeting will be held on March 9, 2015, from 10:00 a.m. to 11:00 a.m. Eastern Standard Time. The times and dates are subject to change. Please refer to FirstNet's Web site at *www.firstnet.gov* for the most up-to-date information.

Other Information: The teleconference for the Special Meeting is open to the public. On the date and time of the Special Meeting, members of the public may call toll-free 1–888–997–9859 and use passcode 1849005 to listen to the meeting. If you experience technical difficulty, please contact Margaret Baldwin by telephone (703) 648–4161 or via email *margaret.baldwin@firstnet.gov.* Public access will be limited to listen-only. Due to the limited number of ports, attendance via teleconference will be on a first-come, first-served basis. The Special Meeting is accessible to people with disabilities. Individuals requiring accommodations are asked to notify Mr. Onyeije, by telephone at (703) 648–4165 or email at *uzoma.onyeije@firstnet.gov,* at least two (2) business days before the meeting.

Records: FirstNet maintains records of all Board proceedings. Minutes of the meetings will be available at *www.firstnet.gov.*

Dated: February 26, 2015.

Stuart Kupinsky,

Chief Counsel, First Responder Network Authority.

[FR Doc. 2015–04413 Filed 3–2–15; 8:45 am]

BILLING CODE 3510–TL–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–143–2014]

Approval of Subzone Status; Spenco Medical Corporation; Waco, Texas

On November 17, 2014, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the City of Waco, grantee of FTZ 246, requesting subzone status subject to the existing activation limit of FTZ 246, on behalf of Spenco Medical Corporation, in Waco, Texas.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (79 FR 69424, November 21, 2014). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval.

Pursuant to the authority delegated to the FTZ Board's Executive Secretary (15 CFR Sec. 400.36(f)), the application to establish Subzone 246A is approved, subject to the FTZ Act and the Board's regulations, including Section 400.13, and further subject to FTZ 246's 412-acre activation limit.

Dated: February 23, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–04393 Filed 3–2–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–001–2015]

Approval of Subzone Status; Red Wing Shoe Company; Salt Lake City, Utah

On January 8, 2015, the Executive Secretary of the Foreign-Trade Zones (FTZ) Board docketed an application submitted by the Salt Lake City Corporation, grantee of FTZ 30, requesting subzone status subject to the existing activation limit of FTZ 30, on behalf of Red Wing Shoe Company, Inc., in Salt Lake City, Utah.

The application was processed in accordance with the FTZ Act and Regulations, including notice in the **Federal Register** inviting public comment (80 FR 1894, 01/14/2015). The FTZ staff examiner reviewed the application and determined that it meets the criteria for approval. Pursuant to the authority delegated to the FTZ Board Executive Secretary (15 CFR 400.36(f)), the application to establish Subzone 30A is approved, subject to the FTZ Act and the Board's regulations, including section 400.13, and further subject to FTZ 30's 55-acre activation limit.

Dated: February 25, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–04390 Filed 3–2–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–891]

Hand Trucks and Certain Parts Thereof From the People's Republic of China: Initiation and Preliminary Results of Changed Circumstances Review, and Intent To Revoke Order In Part

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In response to a request by Positec USA, Inc., and RQ Direct, Inc. (collectively, Positec), and pursuant to section 751(b) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.216 and 351.221(c)(3)(ii), the Department of Commerce (the Department) is initiating a changed circumstances review (CCR) of the antidumping duty (AD) order on hand trucks and certain parts thereof (hand trucks) from the People's Republic of China (PRC). Based on the information received, we preliminarily intend to revoke, in part, the *Order.*[1] Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* December 1, 2012.

FOR FURTHER INFORMATION CONTACT: Scott Hoefke, or Robert James, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4947 or (202) 482–0649, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 2, 2004, the Department published in the **Federal Register** the AD order on hand trucks from the PRC.[2] On December 9, 2014, in accordance with sections 751(b) and 751(d)(1) of the Act, 19 CFR 351.216(b), and 19 CFR 351.222(g)(1), Positec, an interested party, requested revocation, in part, of the *Order* with respect to its WORX Aerocart (Aerocart) as part of a changed circumstances review. Positec requested that the Department conduct the changed circumstances review on an expedited basis pursuant to 19 CFR 351.221(c)(3)(ii). On December 10, 2014, Gleason Industrial Products, Inc. and Precision Products, Inc. (collectively, Petitioners) submitted a statement asserting that Petitioners have no interest in the patented and trademarked product known as the WORX Aerocart being subject to the *Order.*[3] On January 30, 2015, Positec clarified the language for revoking the *Order,* in part, with respect to Aerocart for this changed circumstances review.[4] On February 2, 2015, Petitioners assented to the revised description.[5] On February 12, 2015, Positec, in consultation with Petitioners, further modified the language for revoking the *Order,* in part, with respect to Aerocart for this changed circumstance review.[6]

Scope of the Order

The merchandise subject to this AD order consists of hand trucks manufactured from any material, whether assembled or unassembled, complete or incomplete, suitable for any use, and certain parts thereof, namely the vertical frame, the handling area and the projecting edges or toe plate, and any combination thereof.

A complete or fully assembled hand truck is a hand-propelled barrow consisting of a vertically disposed frame having a handle or more than one handle at or near the upper section of the vertical frame; at least two wheels at or near the lower section of the vertical frame; and a horizontal projecting edge or edges, or toe plate, perpendicular or angled to the vertical frame, at or near the lower section of the vertical frame. The projecting edge or edges, or toe plate, slides under a load for purposes of lifting and/or moving the load.

That the vertical frame can be converted from a vertical setting to a horizontal setting, then operated in that horizontal setting as a platform, is not a basis for exclusion of the hand truck from the scope of this petition. That the vertical frame, handling area, wheels, projecting edges or other parts of the hand truck can be collapsed or folded is not a basis for exclusion of the hand truck from the scope of the petition. That other wheels may be connected to the vertical frame, handling area, projecting edges, or other parts of the hand truck, in addition to the two or more wheels located at or near the lower section of the vertical frame, is not a basis for exclusion of the hand truck from the scope of the petition. Finally, that the hand truck may exhibit physical characteristics in addition to the vertical frame, the handling area, the projecting edges or toe plate, and the two wheels at or near the lower section of the vertical frame, is not a basis for exclusion of the hand truck from the scope of the petition.

Examples of names commonly used to reference hand trucks are hand truck, convertible hand truck, appliance hand truck, cylinder hand truck, bag truck, dolly, or hand trolley. They are typically imported under heading 8716.80.5010 of the Harmonized Tariff Schedule of

[1] *See Notice of Antidumping Duty Order: Hand Trucks and Certain Parts Thereof From the People's Republic of China,* 69 FR 70122 (December 2, 2004) (*Order*).

[2] *Id.*

[3] *See* Petitioners' submission, ''*Hand Trucks and Certain Parts Thereof From the People's Republic of China:* Petitioner's Statement That It Has No Interest In the WORX Aerocart Being Subject to the Order,'' dated December 10, 2014 at 1.

[4] *See* Positec's submission, ''Changed Circumstances Review—Modification *Antidumping Duty Order on Hand Trucks and Certain Parts Thereof From the People's Republic of China,*'' dated 1/30/2015.

[5] See Petitioners' submission, ''*Hand Trucks and Certain Parts Thereof From the People's Republic of China:* Petitioner's Statement That It Has No Interest In the WORX Aerocart Being Subject to the Order,'' dated February 2, 2015.

[6] *See* Positec's submission, ''Changed Circumstances Review—Modification *Antidumping Duty Order on Hand Trucks and Certain Parts Thereof From the People's Republic of China,*'' dated February 12, 2015.

the United States (HTSUS), although they may also be imported under heading 8716.80.5090. Specific parts of a hand truck, namely the vertical frame, the handling area and the projecting edges or toe plate, or any combination thereof, are typically imported under heading 8716.90.5060 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the Department's written description of the scope is dispositive.

Excluded from the scope are small two-wheel or four-wheel utility carts specifically designed for carrying loads like personal bags or luggage in which the frame is made from telescoping tubular material measuring less than ⅝ inch in diameter; hand trucks that use motorized operations either to move the hand truck from one location to the next or to assist in the lifting of items placed on the hand truck; vertical carriers designed specifically to transport golf bags; and wheels and tires used in the manufacture of hand trucks.

Initiation and Preliminary Results of Changed Circumstances Review

Pursuant to section 751(b)(1) of the Act, the Department will conduct a changed circumstances review upon receipt of information concerning, or a request from an interested party for a review of, a final affirmative determination that resulted in an AD order which shows changed circumstances sufficient to warrant a review. Section 782(h)(2) of the Act and 19 CFR 351.222(g)(1)(i) provide that the Department may revoke an order (in whole or in part) if it determines that producers accounting for substantially all of the production of the domestic like product have expressed a lack of interest in the order, in whole or in part. In addition, in the event the Department determines that expedited action is warranted, 19 CFR 351.221(c)(3)(ii) permits the Department to combine the notices of initiation and preliminary results.

On December 9, 2014, Positec requested the Department conduct a changed circumstances review on an expedited basis. On December 10, 2014, Petitioners filed a letter stating that they did not oppose partial revocation of the *Order* that is limited to Positec's Aerocart. Petitioners claimed that they are producers accounting for substantially all of the production of the domestic like product and they have no interest in Positec's Aerocart being subject to the scope of the *Order.* On January 30, 2015, Positec clarified the description of the Aerocart for purposes of this changed circumstances review. On February 2, 2015, Petitioners assented to the revised description. On February 12, 2015, Positec, in consultation with Petitioners, further modified the exclusionary language of the Aerocart for purposes of this changed circumstances review.

Therefore, at the request of Positec and in accordance with sections 751(b)(1) and 751(d)(1) of the Act, 19 CFR 351.216, and 19 CFR 351.222(g)(1), we are initiating this changed circumstances review of hand trucks to determine whether partial revocation of the *Order* is warranted with respect to this product. In addition, pursuant to 19 CFR 351.221(c)(3)(ii), we determine that expedited action is warranted.

We find that Petitioners' affirmative statement of no interest constitutes a reasonable basis for the conduct of this review. Additionally, our decision to expedite this review pursuant to 19 CFR 351.221(c)(3)(ii) stems from the domestic industry's lack of interest in application of the *Order* to Positec's Aerocart.

Based on the expression of no interest by Petitioners, and absent any objections by other domestic interested parties, we preliminarily determine that substantially all of the domestic producers have no interest in the continued application of the *Order* on hand trucks from the PRC to the merchandise that is subject to Positec's request. Therefore, we are notifying the public of our intent to revoke, in part, the *Order* as it relates to imports of Positec's Aerocart. If we make a final determination to revoke the *Order* in part, this partial revocation will be retroactively applied to entries of Positec's Aerocart entered or withdrawn from warehouse, for consumption, on or after December 1, 2012, which corresponds to the day following the last day of the most recently completed administrative review under the order.[7] We intend to modify the scope of the AD order to add the following:

> Excluded from the scope of the order is a multifunction cart that combines, among others, the capabilities of a wheelbarrow and dolly. The product comprises a steel frame than can be converted from vertical to horizontal functionality, two wheels toward the lower end of the frame and two removable handles near the top. In addition to a foldable projection edge in its extended position, it includes a permanently attached steel tub or barrow. This product is currently available under proprietary trade names such as the 'Aerocart'.

Public Comment

Interested parties are invited to comment on these preliminary results. Written comments may be submitted no later than 14 days after the publication of this notice. Rebuttals to written comments, limited to issues raised in such comments, may be filed no later than 21 days after the date of publication of this notice. Consistent with 19 CFR 351.309, parties who submit written comments or rebuttal comments in this changed circumstances review are requested to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities. Pursuant to 19 CFR 351.310(c), any interested party may request a hearing within 10 days after publication of this notice.[8] Further, any hearing, if requested, will be held no later than 25 days after the date of publication of this notice, or the first business day thereafter. Parties will be notified of the time and date of any hearing if requested. All written comments and/or hearing requests must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).[9] ACCESS is available to registered users at *http://access.trade.gov.* An electronically-filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5 p.m. Eastern Time on the date the document is due.

We intend to issue our final results of this changed circumstances review not later than 270 days after the date on which we initiated the changed circumstances review or within 45 days if all parties agree to our preliminary results, in accordance with 19 CFR 351.216(e).

If final revocation, in part, occurs, we will instruct U.S. Customs and Border Protection to end the suspension of liquidation for the merchandise covered by the revocation on the effective date of the notice of revocation and to release any cash deposit or bond. The current requirement for a cash deposit of estimated AD duties on all subject

[7] *See Hand Trucks and Certain Parts Thereof From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2011–2012,* 79 FR 44008 (July 29, 2014).

[8] *See* 19 CFR 351.303 for general filing requirements.

[9] 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).

merchandise will continue unless and until it is modified pursuant to the final results of this changed circumstances review.

This initiation, preliminary results of review and notice are published in accordance with sections 751(b)(1) and 777(i)(1) of the Act and 19 CFR 351.216, 351.221(b)(1) and (4), and 351.222(g).

Dated: February 23, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–04279 Filed 3–2–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD739

Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Application for an Exempted Fishing Permit (EFP)

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

ACTION: Notice; receipt of EFP applications; request for comments.

SUMMARY: NMFS announces the receipt of an exempted fishing permit (EFP) application for 2015 and 2016 that would continue work done in 2013 and 2014, and is considering issuance of EFPs for vessels participating in the EFP fishery. The EFPs are necessary to allow activities that are otherwise prohibited by Federal regulations. The EFPs would be effective no earlier than March 18, 2015, and would expire no later than December 31, 2016, but could be terminated earlier under terms and conditions of the EFPs and other applicable laws.

DATES: Comments must be received no later than 5 p.m., local time on March 18, 2015.

ADDRESSES: You may submit comments, identified by 0648–XD739, by any one of the following methods:

- *Email: EFPs.2015@noaa.gov.*
- *Fax:* 206–526–6736, Attn: Colby Brady.
- *Mail:* William W. Stelle, Regional Administrator, West Coast Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115–0070, Attn: Colby Brady.

FOR FURTHER INFORMATION CONTACT: Colby Brady (West Coast Region, NMFS), phone: 206–526–6117, fax: 206–526–6736.

SUPPLEMENTARY INFORMATION: This action is authorized by the Pacific Coast Groundfish Fishery Management Plan (FMP) and the Magnuson-Stevens Fishery Conservation and Management Act provisions at 50 CFR 600.745, which states that EFPs may be used to authorize fishing activities that would otherwise be prohibited. At the June 2014 Pacific Fishery Management Council (Council) meeting in Garden Grove, CA, the Council considered an EFP application from the San Francisco Community Fishing Association and Dan Platt. An opportunity for public testimony was provided during the Council meeting. For more details on this EFP application and to view a copy of the application, see the Council's Web site at *www.pcouncil.org* and browse the June 2014 Briefing Book. The Council recommended that NMFS consider issuing the following EFP, and that this EFP be issued for 2 years. The 2-year duration is intended to coincide with the 2015–2016 biennial harvest specifications and management measures process. Therefore, to reduce the administrative burden of issuing annual EFPs during the 2-year management cycle, NMFS is considering issuing the EFP described below for a 2-year period. The EFP issued for this 2-year period would expire no later than December 31, 2016, but could be terminated earlier under terms and conditions of the EFP and other applicable laws.

Commercial Yellowtail EFP

The San Francisco Community Fishing Association and Dan Platt submitted an application to continue their 2013–2014 EFP work for two more years. The primary purpose of the EFP is to test a commercial hook and line gear to target underutilized yellowtail rockfish, while keeping bycatch of overfished species low. During their work in 2013 and 2014, a total of approximately 3.6 mt (3,600 kg) of yellowtail rockfish was harvested with very little bycatch of co-occurring overfished species.

Authority: 16 U.S.C. 1801 *et seq.,* 16 U.S.C. 773 *et seq.,* and 16 U.S.C. 7001 *et seq.*

Dated: February 25, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–04355 Filed 3–2–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD732

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Shell Ice Overflight Surveys in the Beaufort and Chukchi Seas, Alaska

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

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: NMFS received an application from Shell Gulf of Mexico Inc. (Shell) for an Incidental Harassment Authorization (IHA) to take marine mammals, by harassment, incidental to ice overflight surveys in the Chukchi and Beaufort Seas, Alaska. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an IHA to Shell to take, by Level B harassment only, seven species of marine mammals during the specified activity.

DATES: Comments and information must be received no later than April 2, 2015.

ADDRESSES: Comments on the application should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. The mailbox address for providing email comments is *ITP.Guan@noaa.gov.* NMFS is not responsible for email comments sent to addresses other than the one provided here. Comments sent via email, including all attachments, must not exceed a 10-megabyte file size.

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.nmfs.noaa.gov/pr/permits/incidental.htm* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

A copy of the application, which contains several attachments used in this document, including Shell's marine mammal mitigation and monitoring plan (4MP) and Plan of Cooperation, may be obtained by writing to the address specified above, telephoning the

contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or visiting the internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm.* Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Shane Guan, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Summary of Request

On December 2, 2014, Shell submitted an application to NMFS for the taking of marine mammals incidental to ice overflight surveys the Chukchi and Beaufort Seas, Alaska. After receiving comments and questions from NMFS, Shell revised its IHA application on January 13, 2015. NMFS determined that the application was adequate and complete on January 15, 2015.

The proposed activity would occur between May 1, 2015 and April 30, 2016. The following specific aspects of the proposed activities are likely to result in the take of marine mammals: Ice overflight surveys using fixed and rotate winged aircraft when flying at low altitudes.

Shell has requested an authorization to take seven marine mammal species by Level B harassment. These species include: Beluga whale (*Delphinapterus leucas*); bowhead whale (*Balaena mysticetus*); gray whale (*Eschrichtius robustus*); bearded seal (*Erignathus barbatus*); ringed seal (*Phoca hispida*); spotted seal (*P. largha*); and ribbon seal (*Histriophoca fasciata*).

Description of the Specified Activity

Overview

Shell plans to conduct two periods of ice overflight surveys during May 2015–April 2016: Break-up surveys and freeze-up surveys.

Shell plans to conduct the overflight surveys from fixed wing and rotary aircraft. The aircraft to be used for the surveys are not currently under contract to Shell or a contractor to Shell. Ice and weather conditions will influence when and where the surveys can be conducted.

Dates and Duration

For initial planning purposes, Shell proposes to conduct the overflight surveys during May 1, 2015 to April 30, 2016.

Specified Geographic Region

The ice overflight survey areas are the Chukchi and Beaufort Seas, Alaska, as indicated in Figure 1–1 of Shell's IHA application. Aircraft supporting these surveys will operate out of Barrow and Deadhorse, Alaska.

Detailed Description of Activities

(1) Proposed Break-Up Surveys

The break-up surveys will occur between June and July in either the Chukchi or Beaufort Sea and will include:

- Up to five fixed-wing flights of approximately 1,500 nm total for up to approximately 13 hours total;
- One helicopter flight totaling of approximately 200 nm total for up to approximately 3 hours total.

Flight altitudes for fixed wing surveys will range from 30 to 610 m (100 to 2,000 ft) but will mostly be at or above 152 m (500 ft). For helicopter flights, the altitude will range from 15 to 152 m (50 to 500 ft) but will mostly be at or above 61 m (200 ft). Flights will occur when there is daylight. Aircraft are not scheduled to fly at the same time.

(2) Proposed Freeze-Up Surveys

The freeze-up surveys will occur between November 2015 and March 2016 in either the Chukchi or Beaufort Sea and will include:

- Up to seven fixed-wing flights of approximately 2,500 nautical miles (nm) total in early winter for up to approximately 21 hours total;
- One helicopter flight in the Beaufort of approximately 200 nm that will include approximately 4 landings to collect ice measurements during late freeze-up including sampling with a battery powered ice auger for up to approximately 3 hours total.

Flight altitudes for fixed wing surveys will range from 30 to 610 m (100 to 2,000 ft) but will mostly be at or above 152 m (500 ft). For helicopter flights, the altitude will range from 15 to 152 m (50 to 500 ft) but will mostly be at or above 61 m (200 ft). Helicopter flights will also include landings. Flights will occur when there is daylight. Aircraft are not scheduled to fly at the same time.

Proposed Aircraft To Conduct Ice Overflight Surveys

Shell plans to conduct the ice overflight surveys with an Aero Commander (or similar) fixed winged aircraft and a Bell 412, AW 139, EC 145 (or similar) helicopter.

Shell will also have a dedicated helicopter for Search and Rescue (SAR) for the spring 2015 surveys. The SAR helicopter is expected to be a Sikorsky S–92 (or similar). This aircraft will stay grounded at the Barrow shorebase location except during training drills, emergencies, and other non-routine events.

Description of Marine Mammals in the Area of the Specified Activity

The Chukchi and Beaufort Seas support a diverse assemblage of marine mammals, including: Bowhead, gray, beluga, killer, minke, humpback, and fin whales; harbor porpoise; ringed, ribbon, spotted, and bearded seals; narwhals; polar bears; and walruses. Both the walrus and the polar bear are managed by the U.S. Fish and Wildlife Service (USFWS) and are not considered further in this proposed IHA notice.

Among the rest of marine mammal species, only beluga, bowhead, and gray whales, and ringed, spotted, bearded, and ribbon seals could potentially be affected by the proposed ice overflight activity. The remaining cetacean species

are rare and not likely to be encountered during Shell's ice overflight surveys, which are planned either during winter when nearly 10/10 ice coverage is present, or during spring when sea ice also pre-dominants the study area. Therefore, these species are not further discussed.

The bowhead whale is listed as ''endangered'' under the Endangered Species Act (ESA) and as depleted under the MMPA. The ringed seal is listed as ''threatened'' under the ESA. Certain stocks or populations of gray and beluga whales and spotted seals are listed as endangered under the ESA; however, none of those stocks or populations occur in the proposed activity area.

Shell's application contains information on the status, distribution, seasonal distribution, abundance, and life history of each of the species under NMFS' jurisdiction mentioned in this document. When reviewing the application, NMFS determined that the species descriptions provided by Shell correctly characterized the status, distribution, seasonal distribution, and abundance of each species. Please refer to the application for that information (see **ADDRESSES**). Additional information can also be found in the NMFS Stock Assessment Reports (SAR). The Alaska 2013 SAR is available at: *http://www.nmfs.noaa.gov/pr/sars/pdf/ak2013_final.pdf.*

Table 1 lists the seven marine mammal species under NMFS' jurisdiction with confirmed or possible occurrence in the proposed project area.

TABLE 1—MARINE MAMMAL SPECIES AND STOCKS THAT COULD BE AFFECTED BY SHELL'S ICE OVERFLIGHT SURVEYS IN THE BEAUFORT AND CHUKCHI SEAS

Common name	Scientific name	Status	Occurrence	Seasonality	Range	Abundance
Odontocetes						
Beluga whale (Eastern Chukchi Sea stock).	*Dephinapterus leucas.*	.....	Common	Mostly spring and fall with some in summer.	Russia to Canada	3,710
Beluga whale (Beaufort Sea stock).	*Delphinapterus leucas.*	.....	Common	Mostly spring and fall with some in summer.	Russia to Canada	39,258
Mysticetes						
Bowhead whale	*Balaena mysticetus.*	Endangered; Depleted.	Common	Mostly spring and fall with some in summer.	Russia to Canada	19,534
Gray whale	*Eschrichtius robustus.*	.....	Somewhat common.	Mostly summer	Mexico to the U.S. Arctic Ocean.	19,126
Pinnipeds						
Bearded seal (Beringia distinct population segment).	*Erigathus barbatus.*	Candidate	Common	Spring and summer	Bering, Chukchi, and Beaufort Seas.	155,000
Ringed seal (Arctic stock).	*Phoca hispida*	Threatened; Depleted.	Common	Year round	Bering, Chukchi, and Beaufort Seas.	300,000
Spotted seal	*Phoca largha* ..	.....	Common	Summer	Japan to U.S. Arctic Ocean	141,479
Ribbon seal	*Histriophoca fasciata.*	Species of concern.	Occasional	Summer	Russia to U.S. Arctic Ocean ...	49,000

Potential Effects of the Specified Activity on Marine Mammals

This section includes a summary and discussion of the ways that the types of stressors associated with the specified activity (*e.g.,* aircraft overflight) have been observed to or are thought to impact marine mammals. This section may include a discussion of known effects that do not rise to the level of an MMPA take (for example, with acoustics, we may include a discussion of studies that showed animals not reacting at all to sound or exhibiting barely measurable avoidance). The discussion may also include reactions that we consider to rise to the level of a take and those that we do not consider to rise to the level of a take. This section is intended as a background of potential effects and does not consider either the specific manner in which this activity will be carried out or the mitigation that will be implemented or how either of those will shape the anticipated impacts from this specific activity. The ''Estimated Take by Incidental Harassment'' section later in this document will include a quantitative analysis of the number of individuals that are expected to be taken by this activity. The ''Negligible Impact Analysis'' section will include the analysis of how this specific activity will impact marine mammals and will consider the content of this section, the ''Estimated Take by Incidental Harassment'' section, the ''Mitigation'' section, and the ''Anticipated Effects on Marine Mammal Habitat'' section to draw conclusions regarding the likely impacts of this activity on the reproductive success or survivorship of individuals and from that on the affected marine mammal populations or stocks.

The reasonably expected or reasonably likely impacts of the specified activities on marine mammals will be related primarily to localized, short-term acoustic disturbance from aircraft flying primarily over areas covered by sea ice with limited flight activity over open water and adjacent ice edges. The acoustic sense of marine mammals probably constitutes their most important distance receptor

system. Potential acoustic effects relate to sound produced by helicopters and fixed-wing aircraft.

Dominant tones in noise spectra from helicopters are generally below 500 Hz (Greene and Moore 1995). Harmonics of the main rotor and tail rotor usually dominate the sound from helicopters; however, many additional tones associated with the engines and other rotating parts are sometimes present. Because of Doppler shift effects, the frequencies of tones received at a stationary site diminish when an aircraft passes overhead. The apparent frequency is increased while the aircraft approaches and is reduced while it moves away.

Aircraft flyovers are not heard underwater for very long, especially when compared to how long they are heard in air as the aircraft approaches an observer. Very few cetaceans, including the species in the proposed ice overflight survey areas, are expected to be encountered during ice overflights due to the low density of cetacean species in the winter survey area and small area to be flown over open water during spring. Most of these effects are expected in open-water where limited aircraft noise could penetrate into the water column. For cetaceans under the ice, the noise levels from the aircraft are expected to be dramatically reduced by floating ice. Long-term or population level effects are not expected.

Evidence from flyover studies of ringed and bearded seals suggests that a reaction to helicopters is more common than to fixed wing aircraft, all else being equal (Born *et al.* 1999; Burns and Frost 1979). Under calm conditions, rotor and engine sounds are coupled into the water through ice within a 26° cone beneath the aircraft (Richardson *et al.* 1995). Scattering and absorption, however, will limit lateral propagation in the shallow water (Greene and Moore 1995). The majority of seals encountered by fixed wing aircraft are unlikely to show a notable disturbance reaction, and approximately half of the seals encountered by helicopters may react by moving from ice into the water (Born *et al.* 1999). Any potential disturbance from aircraft to seals in the area of ice overflights will be localized and short-term in duration with no population level effects.

Historically, there have been far greater levels of aviation activity in the offshore Chukchi and Beaufort Seas compared with that of the proposed ice overflights. None of this previous offshore aviation activity is believed to have resulted in long-term impacts to marine mammals, as demonstrated by results from a wide range of monitoring programs and scientific studies. Impacts to marine mammals from aviation activities in Arctic offshore habitats have been shown to be, at most, short-term and highly-localized in nature (*e.g.,* Funk *et al.* 2013; Richardson *et al.* 1985a, b; Patenaude *et al.* 2002; Born *et al.* 1999).

The effect of aircraft overflight on marine mammals will depend on the behavior of the animal at the time of reception of the stimulus, as well as the distance from the aircraft and received level of sound. Cetaceans (such as bowhead, gray, and beluga whales) will only be present, and thus have the potential to be disturbed, when aircraft fly over open water in between ice floes; seals may be disturbed when aircraft are over open water or over ice on which seals may be present. Disturbance reactions are likely to vary among some of the seals in the general vicinity, and not all of the seals present are expected to react to fixed wing aircraft and helicopters.

Behavioral distances from marine mammals also depend on the altitudes of the aircraft overflight. Marine mammals are not likely to be affected by aircraft overflights that are above 1,000 ft. Therefore, behavioral harassments discussed above are only limited to those aircraft flying at lower altitudes. Proposed monitoring measures discussed below would further reduce potential affects from Shell's proposed ice overflight surveys.

In light of the nature of the activities, and for the reasons described below, NMFS does not expect marine mammals will be injured or killed as a result of ice overflight surveys. In addition, due to the low received noise levels from aircraft overflights, NMFS does not expect marine mammals will experience hearing impairment such as TTS or PTS.

Of the seal species which may be encountered, only ringed seals are abundant in the Chukchi and Beaufort Seas during the winter and early spring when the overflights are scheduled to occur. In March–April, ringed seals give birth in subnivean lairs established on shorefast and stable pack ice (Smith and Stirling 1975; Smith 1973). Ringed seals in subnivean layers have been known to react to aircraft overhead by entering the water in some instances (Kelly *et al.* 1986); however, there is no evidence to indicate injurious effects to adults or pups from such a response.

Bearded seals spend the winter season in the Bering Sea, and then follow the ice edge as it retreats in spring (MacIntyre and Stafford 2011). Large numbers of bearded seals are unlikely to be present in the project area during the time of planned operations. However, some individuals may be encountered. Spotted seals are found in the Bering Sea in winter and spring where they breed, molt, and pup in large groups (Quakenbush 1988; Rugh *et al.* 1997). Few spotted seals are expected to be encountered in the Chukchi and Beaufort seas until July. Even then, they are rarely seen on pack ice but are commonly observed hauled out on land or swimming in open water (Lowry *et al.* 1998). The ice overflights are designed to maximize flying over ice, avoiding coastal and terrestrial areas. Haul outs for spotted seals are generally known, and Shell will avoid these areas during the break up surveys.

Based on extensive analysis of digital imagery taken during aerial surveys in support of Shell's 2012 operations in the Chukchi and Beaufort Seas, ice seals are very infrequently observed hauled out on the ice in groups of greater than one individual (Shell 2015). Tens of thousands of images from 17 flights that took place from July through October were reviewed in detail. Of 107 total observations of spotted or ringed seals on ice, only three of those sightings were of a group of two individuals (Shell 2015). Since seals typically are found as individuals or in very small groups when they are in the project area, the chance of a stampede event is very unlikely. Finally, ice seals are well adapted to move between ice and water without injury, including ''escape reactions'' to avoid predators.

Ringed and bearded seals sometimes, but not always, dive when approached by low-flying aircraft (Burns and Frost 1979; Burns *et al.* 1982). Ringed and bearded seals may be more sensitive to helicopter sounds than to fixed-wing aircraft (Burns and Frost 1979). In 2000, during a study on the impacts of pipe-driving sounds on pinnipeds at Northstar in the Beaufort Sea which involved helicopter, only some of the ringed seals present exhibited a reaction to an approaching helicopter (Blackwell *et al.* 2001). Of 23 individuals, only 11 reacted; of those 11, 10 increased alertness and only 1 moved into the water (when the helicopter was 100 m away; Blackwell *et al.* 2004). Reactions of ringed seals while they are in subnivean lairs vary with the characteristics of the flyover, including lateral distance and altitude of aircraft (Kelly *et al.* 1986).

The sound of aircraft is also reduced by the snow of the lair (Cummings and Holliday 1983). Spotted seals are sensitive to aircraft, reacting erratically at considerable distances which may result in mother-pup separation or injury to pups (Frost *et al.* 1993, Rugh *et al.* 1993). However, as previously

noted, few spotted seals are expected to be present in the project area during the time of planned ice overflights, and overflights will focus on offshore areas as opposed to terrestrial habitat with potential spotted seal haulouts.

Anticipated Effects on Marine Mammal Habitat

Shell's planned 2015/16 ice overflight surveys will not result in any permanent impact on habitats used by marine mammals, or to their prey sources. The primary potential impacts on marine mammal habitat and prey resources that are reasonably expected or reasonably likely are associated with elevated sound levels from the aircraft passing overhead. Effects on marine mammal habitat from the generation of sound from the planned surveys would be negligible and temporary, lasting only as long as the aircraft is overhead. Water column effects will be localized and ephemeral, lasting only the duration of the aircrafts presence. All effects on marine mammal habitat from the planned surveys are expected to be negligible and confined to very small areas within the Chukchi and Beaufort Seas.

The primary effect of the sound energy generated by ice overflight survey activities on marine mammal habitat will be the ensonification of the water column and air at the surface. Sound energy can also affect invertebrates and fish that are marine mammal prey, and thereby indirectly impact the marine mammals.

Levels and duration of sounds received by marine mammals underwater from a passing helicopter or fixed-wing aircraft are a function of the type of aircraft, orientation and altitude of the aircraft, depth of the animal, and water depth. Aircraft sounds are detectable underwater at greater distances when the receiver is in shallow rather than deep water. Generally, sound levels received underwater decrease as the altitude of the aircraft increases (Richardson *et al.* 1995a). The nature of sounds produced by aircraft activities does not pose a direct threat to the underwater marine mammal habitat or prey.

Aircraft sounds are audible for much greater distances in air than in water. Under calm conditions, rotor and engine sounds are coupled into the water within a 26° cone beneath the aircraft. Some of the sound will transmit beyond the immediate area, and some sound will enter the water outside the 26 degree area when the sea surface is rough. However, scattering and absorption will limit lateral propagation in shallow water. Dominant tones in noise spectra from helicopters are generally below 500 Hz (Greene and Moore 1995). Because of Doppler shift effects, the frequencies of tones received at a stationary site diminish when an aircraft passes overhead. The apparent frequency is increased while the aircraft approaches and is reduced while it moves away. Sounds generated underwater from aircraft flyovers are of short duration.

Helicopters will generally maintain straight-line routes, thereby limiting the sound levels at and below the surface. Given the timing and location of the proposed ice overflight activities, as well as the mitigation measures that will be implemented as a part of the program, any impacts from aircraft traffic on marine mammal habitat or prey will be localized and temporary with no anticipated population level effects.

Proposed Mitigation

In order to issue an incidental take authorization (ITA) under sections 101(a)(5)(A) and (D) of the MMPA, NMFS must, where applicable, set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (where relevant). This section summarizes the contents of Shell's Marine Mammal Monitoring and Mitigation Plan (4MP). Later in this document in the ''Proposed Incidental Harassment Authorization'' section, NMFS lays out the proposed conditions for review, as they would appear in the final IHA (if issued).

Shell submitted a 4MP as part of its application (see **ADDRESSES**). Shell proposes a suite of mitigation measures to minimize any adverse impacts associated with the ice overflight surveys in the Chukchi and Beaufort Sea. These include, among others discussed in the 4MP (See Attachment A of Shell's IHA application), the following: (1) The timing and locations for active survey acquisition work; and (2) increasing altitude or deviating from survey tract when the protected species observers sight visually (from the aircraft) the presence of marine mammals. The mitigation measures are presented in the 4MP. To summarize:

- A PSO will be aboard all flights recording all sightings/observations (*e.g.* including number of individuals, approximate age (when possible to determine), and any type of potential reaction to the aircraft). Environmental information the observer will record includes weather, air temperature, cloud and ice cover, visibility conditions, and wind speed.
- The aircraft will maintain a 1 mi radius when flying over areas where seals appear to be concentrated in groups of ≥5 individuals;
- The aircraft will not land on ice within 0.5 mi of hauled out pinnipeds or polar bears;
- The aircraft will avoid flying over polynyas and along adjacent ice margins as much as possible to minimize potential disturbance to cetaceans; and
- Shell will routinely engage with local communities and subsistence groups to ensure no disturbance of whaling or other subsistence activities.

Mitigation Conclusions

NMFS has carefully evaluated the applicant's proposed mitigation measures and considered a range of other measures in the context of ensuring that NMFS prescribes the means of effecting the least practicable impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another:

- The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals
- The proven or likely efficacy of the specific measure to minimize adverse impacts as planned, and
- The practicability of the measure for applicant implementation.

Any mitigation measure(s) prescribed by NMFS should be able to accomplish, have a reasonable likelihood of accomplishing (based on current science), or contribute to the accomplishment of one or more of the general goals listed below:

1. Avoidance or minimization of injury or death of marine mammals wherever possible (goals 2, 3, and 4 may contribute to this goal).

2. A reduction in the numbers of marine mammals (total number or number at biologically important time or location) exposed to received levels of noises generated from ice overflight surveys, or other activities expected to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

3. A reduction in the number of times (total number or number at biologically important time or location) individuals would be exposed to received levels of noises generated from ice overflight surveys, or other activities expected to

result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

4. A reduction in the intensity of exposures (either total number or number at biologically important time or location) to received levels of noises generated from ice overflight surveys, or other activities expected to result in the take of marine mammals (this goal may contribute to a, above, or to reducing the severity of harassment takes only).

5. Avoidance or minimization of adverse effects to marine mammal habitat, paying special attention to the food base, activities that block or limit passage to or from biologically important areas, permanent destruction of habitat, or temporary destruction/disturbance of habitat during a biologically important time.

6. For monitoring directly related to mitigation—an increase in the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation.

Based on our evaluation of the applicant's proposed measures, as well as other measures considered by NMFS, NMFS has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on marine mammals species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed measures to ensure availability of such species or stock for taking for certain subsistence uses are discussed later in this document (see ''Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses'' section).

Proposed Monitoring and Reporting

In order to issue an ITA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth, ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for ITAs must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. Shell submitted a marine mammal monitoring plan as part of the IHA application. It can be found in Appendix B of the Shell's IHA application. The plan may be modified or supplemented based on comments or new information received from the public during the public comment period or from the peer review panel (see the ''Monitoring Plan Peer Review'' section later in this document).

Monitoring measures prescribed by NMFS should accomplish one or more of the following general goals:

1. An increase in the probability of detecting marine mammals, both within the mitigation zone (thus allowing for more effective implementation of the mitigation) and in general to generate more data to contribute to the analyses mentioned below;

2. An increase in our understanding of how many marine mammals are likely to be exposed to levels of noises generated from ice overflight surveys that we associate with specific adverse effects, such as behavioral harassment, TTS, or PTS;

3. An increase in our understanding of how marine mammals respond to stimuli expected to result in take and how anticipated adverse effects on individuals (in different ways and to varying degrees) may impact the population, species, or stock (specifically through effects on annual rates of recruitment or survival) through any of the following methods:

- Behavioral observations in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict received level, distance from source, and other pertinent information);
- Physiological measurements in the presence of stimuli compared to observations in the absence of stimuli (need to be able to accurately predict received level, distance from source, and other pertinent information);
- Distribution and/or abundance comparisons in times or areas with concentrated stimuli versus times or areas without stimuli;

4. An increased knowledge of the affected species; and

5. An increase in our understanding of the effectiveness of certain mitigation and monitoring measures.

Proposed Monitoring Measures

(1) Protected Species Observers

Aerial monitoring for marine mammals will be conducted by a trained protected species observer (PSO) aboard each flight. PSO duties will include watching for and identifying marine mammals, recording their numbers, distances from, and potential reactions to the presence of the aircraft, in addition to working with the helicopter pilots to identify areas for landings on ice that is clear of marine mammals.

(2) Observer Qualifications and Training

Observers will have previous marine mammal observation experience in the Chukchi and Beaufort Seas. All observers will be trained and familiar with the marine mammals of the area, data collection protocols, reporting procedures, and required mitigation measures.

(3) Specialized Field Equipment

The following specialized field equipment for use by the onboard PSO: Fujinon 7 X 50 binoculars for visual monitoring, a GPS unit to document the route of each ice overflight, a laptop computer for data entry, a voice recorder to capture detailed observations and data for post flight entry into the computer, and digital still cameras.

(4) Field Data-Recording

The observer on the aircraft will record observations directly into computers using a custom software package. The accuracy of the data entry will be verified in the field by computerized validity checks as the data are entered, and by subsequent manual checking following the flight. Additionally, observers will capture the details of sightings and other observations with a voice recorder, which will maximize observation time and the collection of data. These procedures will allow initial summaries of data to be prepared during and shortly after the surveys, and will facilitate transfer of the data to statistical, graphical or other programs for further processing.

During the course of the flights, the observer will record information for each sighting including number of individuals, approximate age (when possible to determine), and any type of potential reaction to the aircraft. Environmental information the observer will record includes weather, air temperature, cloud and ice cover, visibility conditions, and wind speed.

Monitoring Plan Peer Review

The MMPA requires that monitoring plans be independently peer reviewed ''where the proposed activity may affect the availability of a species or stock for taking for subsistence uses'' (16 U.S.C. 1371(a)(5)(D)(ii)(III)). Regarding this requirement, NMFS' implementing regulations state, ''Upon receipt of a complete monitoring plan, and at its discretion, [NMFS] will either submit the plan to members of a peer review panel for review or within 60 days of receipt of the proposed monitoring plan, schedule a workshop to review the plan'' (50 CFR 216.108(d)).

NMFS has established an independent peer review panel to review Shell's 4MP for ice overflight survey in the Beaufort and Chukchi Seas. The panel is scheduled to meet in early March 2015, and will provide comments to NMFS shortly after they meet. After completion of the peer review, NMFS will consider all recommendations made by the panel, incorporate appropriate changes into the monitoring requirements of the IHA (if issued), and publish the panel's findings and recommendations in the final IHA notice of issuance or denial document.

Reporting Measures

(1) Final Report

The results of Shell's ice overflight monitoring report will be presented in the ''90-day'' final report, as required by NMFS under the proposed IHA. The initial final report is due to NMFS within 90 days after the expiration of the IHA (if issued). The report will include:

- Summaries of monitoring effort: Total hours, total distances flown, and environmental conditions during surveys;
- Summaries of occurrence, species composition, and distribution of all marine mammal sightings including date, numbers, age/size/gender categories (when discernible), group sizes, ice cover and other environmental variables; data will be visualized by plotting sightings relative to the position of the aircraft; and
- Analyses of the potential effects of ice overflights on marine mammals and the number of individuals that may have been disturbed by aircraft.

The ''90-day'' report will be subject to review and comment by NMFS. Any recommendations made by NMFS must be addressed in the final report prior to acceptance by NMFS.

(2) Notification of Injured or Dead Marine Mammals

Shell will be required to notify NMFS' Office of Protected Resources and NMFS' Stranding Network of any sighting of an injured or dead marine mammal. Based on different circumstances, Shell may or may not be required to stop operations upon such a sighting. Shell will provide NMFS with the species or description of the animal(s), the condition of the animal(s) (including carcass condition if the animal is dead), location, time of first discovery, observed behaviors (if alive), and photo or video (if available). The specific language describing what Shell must do upon sighting a dead or injured marine mammal can be found in the ''Proposed Incidental Harassment Authorization'' section of this document.

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment]. Only take by Level B behavioral harassment is anticipated as a result of the proposed ice overflight surveys.

As discussed earlier in this document, potential noise impacts to marine mammals from ice overflight surveys would be limited in a 26° cone under the flight path. The intensity of noise enters the water depends on the altitude of the aircraft (Richardson *et al.* 1995). Scattering and absorption, however, will limit lateral propagation in the shallow water (Greene and Moore 1995).

Basis for Estimating ''Take by Harassment''

Exposures were calculated in the following sections for cetaceans and seals. The methods used to estimate exposure for each species group was fundamentally the same with minor differences as described below. Exposure estimates for cetaceans were calculated by multiplying the anticipated area to be flown over open water each season (winter and spring) by the expected densities of cetaceans that may occur in the survey area.

Exposures of seals were calculated by multiplying the anticipated area to be flown over open water and ice in each season (winter and spring) by the expected densities of seals that may occur in the survey area by the proportion of seals on ice that may actually show a disturbance reaction to each type of aircraft (Born *et al.* 1999).

Marine Mammal Density Estimates

Marine mammal density estimates in the Chukchi and Beaufort Seas have been derived for two time periods: The winter period covering November through April, and the spring period including May through early July.

There is some uncertainty about the representativeness of the data and assumptions used in the calculations. To provide some allowance for uncertainties, ''average'' as well as ''maximum'' estimates of the numbers of marine mammals potentially affected have been derived. For a few species, several density estimates were available. In those cases, the mean and maximum estimates were determined from the reported densities or survey data. In other cases, only one or no applicable estimate was available, so correction factors were used to arrive at ''average'' and ''maximum'' estimates. These are described in detail in the following sections.

In Polar Regions, most pinnipeds are associated with sea ice and typical census methods involve counting pinnipeds when they are hauled out on ice. In the Beaufort Sea, abundance surveys typically occur in spring when ringed seals emerge from their lairs (Frost *et al.* 2004). Depending on the species and study, a correction factor for the proportion of animals hauled out at any one time may or may not have been applied (depending on whether an appropriate correction factor was available for the particular species, area, and time period). By applying a correction factor, the density of the pinniped species in an area can be estimated.

Detectability bias, quantified in part by f(0), is associated with diminishing sightability with increasing lateral distance from the survey trackline. Availability bias, g(0), refers to the fact that there is <100 percent probability of sighting an animal that is present along the survey trackline. Some sources below included these correction factors in the reported densities (*e.g.* ringed seals in Bengtson *et al.* 2005) and the best available correction factors were applied to reported results when they had not already been included (*e.g.* bearded seals in Bengtson *et al.* 2005).

(1) Cetaceans: Winter

(A) Beluga Whales

Beluga whale density estimates were calculated based on aerial survey data collected in October in the eastern Alaskan Beaufort Sea by the NMML (as part of the BWASP program funded by BOEMRE) in 2007–2010. They reported 31 sightings of 66 individual whales during 1597 km of on-transect effort over waters 200–2000 m deep. An f(0) value of 2.326 was applied and it was calculated using beluga whale sightings data collected in the Canadian Beaufort Sea (Innes *et al.* 2002). A g(0) value of 0.419 was used that represents a combination of ga(0) = 0.55 (Innes *et al.* 2002) and gd(0) = 0.762 (Harwood *et al.* 1996). The resulting densities were then multiplied by 0.10 because the Beaufort

Sea and north-eastern Chukchi Sea is believed to be at the edge of the species' range in by November. Belugas typically migrate into the Bering Sea for the winter (Allen and Angliss 2014) and are not expected to be present in the study area in the winter. Satellite tagging data support this and indicate belugas migrate out of the Beaufort Sea in the October–November period (Suydam *et al.* 2005).

(B) Bowhead Whales

Bowhead whale density estimates in the winter in the planned ice overflight area are expected to be quite low. Miller *et al.* (2002) presented a 10-day moving average of bowhead whale abundance in the eastern Beaufort Sea using data from 1979–2000 that showed a decrease of ~90% from early to late October. Based on these data, it is expected that almost all whales that had been in the Chukchi Sea during early October would likely have migrated beyond the survey areas by November–December. In addition, kernel density estimates and animal tracklines generated from satellite-tagged bowhead whales, along with acoustic monitoring data, suggest that few bowhead whales are present in the proposed survey area in November (near Point Barrow), and no whales were present in December (ADFG 2010; Moore *et al.* 2010). Therefore, minimal density estimates (0.0001 whales/km^2) were used.

(C) Gray whales

Gray whales may be encountered as they have been detected near Pt. Barrow throughout the winter (Moore *et al.* 2006, Stafford *et al.* 2007), but they are expected to be very rare. Thus no density estimate is available.

(2) Cetaceans: Spring

(A) Beluga Whales

Spring densities of beluga whales in offshore waters are expected to be low, with somewhat higher densities in ice-margin and nearshore areas. Past aerial surveys have recorded few belugas in the offshore Chukchi Sea during the summer months and belugas are most likely encountered in offshore waters of the eastern Alaskan Beaufort Sea (Moore *et al.* 2000). More recent aerial surveys from 2008–2012 flown by the National Marine Mammal Laboratory (NMML) as part of the Chukchi Offshore Monitoring in Drilling Area (COMIDA) project, now part of the Aerial Surveys of Arctic Marine Mammals (ASAMM) project, reported 10 beluga sightings (22 individuals) in offshore waters during 22,154 km of on-transect effort. Larger groups of beluga whales were recorded in nearshore areas, especially in June and July during the spring migration (Clarke and Ferguson in prep; Clarke *et al.* 2012, 2013). Effort and sightings reported by Clarke and Ferguson (in prep.) and Clarke *et al.* (2012, 2013) were used to calculate the average open-water density estimate.

Those aerial surveys recorded 10 on-transect beluga sightings (22 individuals) during 22,154 km of on transect effort in waters 36–50 m deep in the Chukchi Sea during July and August. The mean group size of the sightings was 2.2. An f(0) value of 2.841 and g(0) value of 0.58 from Harwood *et al.* (1996) were also used in the density calculation resulting in an average open-water density of 0.0024 belugas/km^2. Specific data on the relative abundance of beluga whales in open-water versus ice-margin habitat during the summer in the Chukchi Sea is not available. However, belugas are commonly associated with ice, particularly ice edges and adjacent polynyas, so an inflation factor of 4 was used to estimate the ice-margin densities from the open-water densities.

(B) Bowhead Whales

Eastward migrating bowhead whales were recorded during industry aerial surveys of the continental shelf near Camden Bay in 2008 until 12 July (Christie *et al.* 2010). No bowhead sightings were recorded again, despite continued flights, until 19 August. Aerial surveys by industry operators did not begin until late August of 2006 and 2007, but in both years bowheads were also recorded in the region before the end of August (Lyons *et al.* 2009). The late August sightings were likely of bowheads beginning their fall migration so the densities calculated from those surveys were not used to estimate summer densities in this region. The three surveys in July of 2008 resulted in density estimates of 0.0099, 0.0717, and 0.0186 bowhead whales/km^2, respectively (Christie *et al.* 2010). The estimate of 0.0186 whales/km^2 was used as the average nearshore density and the estimate of 0 0.0717 whales/km2 was used as the maximum. Sea ice was not present during these surveys. Moore *et al.* (2000) reported that bowhead whales in the Alaskan Beaufort Sea were distributed uniformly relative to sea ice.

(C) Gray Whales

Gray whales are expected to be present in the Chukchi Sea but are unlikely in the Beaufort Sea. Moore *et al.* (2000) found the distribution of gray whales in Chukchi Sea was scattered and limited to nearshore areas where most whales were observed in water less than 35 m deep. The average open-water summer density (Table 2) was calculated from 2008–2012 aerial survey effort and sightings in Clarke and Ferguson (in prep) and Clarke *et al.* (2012, 2013) for water depths 36–50 m including 98 sightings (137 individuals) during 22,154 km of on-transect effort. The average group size of those sightings was 1.4. Correction factors f(0) = 2.49 (Forney and Barlow 1998) and g(0) = 0.30 (Forney and Barlow 1998, Mallonee 1991) were used to calculate and average open-water density of 0.0253 gray whales/km^2 (Table 2). The highest density from the survey periods reported in Clarke and Ferguson (in prep) and Clarke *et al.* (2012, 2013) was 0.0268 gray whales/km^2 in 2012 and this was used as the maximum open-water density.

(3) Pinnipeds: Winter

(A) Ringed Seals

Ringed seal densities were taken from offshore aerial surveys of the pack ice zone conducted in spring 1999 and 2000 (Bengtson *et al.* 2005). Seal distribution and density in spring, prior to break-up, are thought to reflect distribution patterns established earlier in the year (*i.e.,* during the winter months; Frost *et al.* 2004). The average density from those two years (weighted by survey effort) was 0.4892 seals/km^2. This value served as the average density while the highest density from the two years (0.8100 seals/km^2 in 1999) was used as the maximum density.

(B) Other Seal Species

Other seal species are not expected to be present in the ice overflight survey area in large numbers during the winter period of the ice overflights. Bearded, spotted, and ribbon seals would be present in the area in smaller numbers than ringed seals during spring through fall summer, but these less common seal species generally migrate into the southern Chukchi and Bering Seas during fall and remain there through the winter (Allen and Angliss 2014). Few satellite-tagging studies have been conducted on these species in the Beaufort Sea, winter surveys have not been conducted, and a few bearded seals have been reported over the continental shelf in spring prior to general break-up. However, the tracks of three bearded seals tagged in 2009 moved south into the Bering Sea along the continental shelf by November (Cameron and Boveng 2009). These species would be more common in the area during spring through fall, but it is possible that some individuals, bearded seals in particular, may be present in the area surveyed in winter. Ribbon seals

are unlikely to be present in the survey area during winter as they also migrate southward from the northeastern Chukchi Sea during this period. In the absence of better information from the published literature or other sources that would indicate that significant numbers of any of these species might be present during winter, minimal density estimates were used for these species. Estimates for bearded seals were assumed to be slightly higher than those for spotted and ribbon seals.

(4) Pinnipeds: Spring

Three species of pinnipeds under NMFS' jurisdiction are likely to be encountered in the Chukchi and Beaufort Seas during planned ice overflights in spring of 2015: Ringed, bearded, and spotted seals. Ringed and bearded seals are associated with both the ice margin and the nearshore open water area during spring. Spotted seals are often considered to be predominantly a coastal species except in the spring when they may be found in the southern margin of the retreating sea ice. However, satellite tagging has shown that some individuals undertake long excursions into offshore waters during summer (Lowry *et al.* 1994, 1998). Ribbon seals have been reported in very small numbers within the Chukchi Sea by observers on industry vessels (Patterson *et al.* 2007, Hartin *et al.* 2013).

(A) Ringed Seal and Bearded Seal

Ringed seal and bearded seal ''average'' and ''maximum'' spring densities were available in Bengtson *et al.* (2005) from spring surveys in the offshore pack ice zone (zone 12P) of the northern Chukchi Sea. However, corrections for bearded seal availability, g(0), based on haulout and diving patterns were not available.

(B) Spotted Seal

Little information on spotted seal densities in offshore areas of the Alaskan Arctic is available. Spotted seal densities in the spring were estimated by multiplying the ringed seal densities by 0.02. This was based on the ratio of the estimated occurrence of the two species during ice overflight surveys and the assumption that the vast majority of seals present in areas of pack ice would be ringed seals (Funk *et al.*, 2010; 2013).

(C) Ribbon Seal

Four ribbon seal sightings were reported during industry vessel operations in the Chukchi Sea in 2006–2010 (Hartin *et al.* 2013). The resulting density estimate of 0.0007/km^2 was used as the average density and 4 times that was used as the maximum for the spring season.

Estimated Areas Where Cetaceans May Be Encountered by Aircraft

Encounters that may result in potential disturbance of cetaceans will likely occur only in open water. Flight paths over open water and adjacent ice edges will be minimized by the objectives of the program as an effort to reduce encounters with cetaceans. It is estimated that five to ten percent of distance flown in winter will be over open water, and ten to twenty percent of distance flown in spring will be over open water. We applied the most conservative of these percentages to the proposed tracklines in winter and spring to estimate the area of open water exposed by planned ice overflights.

The potential disturbance area for each season was based on flight altitude and lateral distance of cetaceans from the center trackline. Based on known air-to-water propagation paths, cetaceans may be exposed to sounds produced by the aircraft when individuals are up to 13 degrees from the aircraft's center (Snell's law; Urick 1972 in Richardson *et al.* 1995). It was assumed that cetaceans in open water could be disturbed within 13 degrees of vertical (*i.e.,* a 26-degree cone) from the location of an aircraft when aircraft are 305 m (1,000 ft) or lower. NMFS considers aircraft above this altitude would not appreciably disturb cetaceans in open water below. This 305-m maximum disturbance altitude and Snell's law results in a maximum potential disturbance radius of approximately 70 m. Based on Snell's law (Richardson *et al.* 1995) and a 305 m flight altitude, we used a conservative radius of 75 m to calculate the potential disturbance area beneath an aircraft for cetaceans in open-water conditions.

Table 2 summarizes potential disturbance radii, maximum flight distances over open water, and potential disturbance areas for cetaceans from fixed wing aircraft and helicopters during Shell's proposed ice overflights program in winter (November through April) and spring (May through early July). Maximum percentage of total trackline over open water, as based on previous surveys, is 10% and 20% of the total trackline for winter and spring, respectively. Based on maximum flight distances, percent open water, and a potential disturbance radius of 75 m for fixed wing aircraft and helicopters, a total of 169 km^2 of open-water could be disturbed. Approximately 45% of this total estimated open-water area would be surveyed in winter and the remaining 55% would be surveyed during spring.

Table 2. Potential disturbance radii, maximum flight distances over open water, and potential disturbance areas for cetaceans in open water from fixed wing aircraft and helicopters in the Chukchi and Beaufort Seas, Alaska, during the proposed 2015-2016 ice overflight survey program

Aircraft	Potential Disturbance Radius (km)	Maximum Open Water Flight Distance (km)		Potential Disturbance Area (km^2)	
		Winter	Spring	Winter	Spring
Fixed Wing	0.075	463	556	69	83
Helicopter	0.075	37	74	6	11
Grand Totals		***500***	***630***	***75***	***94***

Estimated Areas Where Seals May Be Encountered by Aircraft

Fixed wing and helicopter flights over ice at ice overflight survey altitudes have the potential to disturb seals hauled out on ice, although the flight altitude and lateral distances at which seals may react to aircraft are highly variable (Born et al. 1999; Burns *et al.* 1982; Burns and Frost 1979). The probability of a seal hauled out on ice reacting to a fixed wing aircraft or helicopter is influenced by a combination of variables such as flight altitude, lateral distance from the aircraft, ambient conditions (*e.g.,* wind chill), activity, and time of day (Born *et al.* 1999). Evidence from flyover studies of ringed and bearded seals suggests that a reaction to helicopters is more common than to fixed wing aircraft, all else being equal (Born *et al.* 1999; Burns and Frost 1979).

Born *et al.* (1999) investigated the reactions of ringed seals hauled out on ice to aircraft. The threshold lateral distances from the aircraft trackline out to which the vast majority of reactions were observed were 600 and 1500 m for fixed wing aircraft and helicopters, respectively. Many individual ringed seals within these distances; however, did not react (Born *et al.* 1999). Results indicated ~6% and ~49% of total seals observed reacted to fixed wing aircraft and helicopters, respectively, by entering the water when aircraft were flown over ice at altitudes similar to those proposed for Shell's ice overflight surveys as described in the Description of the Specific Activity section. These lateral distances and reaction probabilities were used as guidelines for estimating the area of sea ice habitat within which hauled out seals may be disturbed by aircraft and the number of seals that might react. Born *et al.* 1999, also was used as a guideline in a similar fashion for estimating the numbers of seals that would react to helicopters during U.S. Fish and Wildlife Service polar bear tagging in 2011 and 2012, in which an IHA was issued by NMFS (NMFS 2011).

Table 3 summarizes potential disturbance radii, maximum flight distances, and potential disturbance areas for seals from fixed wing aircraft and helicopters during Shell's proposed ice overflights program in winter (November through April) and spring (May through early July). Based on maximum flight distances and potential disturbance radii of 600 and 1500 m for fixed wing aircraft and helicopters, respectively, a total of 11,112 km^2 (of sea ice could be disturbed. Based on Born *et al.'s* (1999) observations, however, it is estimated that only ~6 and ~49% of seals in these areas will exhibit a notable reaction to fixed wing aircraft and helicopters, respectively, by entering the water. Approximately 60% of this total area would be surveyed in winter and the remaining 40% would be surveyed during spring.

Table 3. Potential disturbance radii, maximum flight distances over open water, and potential disturbance areas for seals in open water from fixed wing aircraft and helicopters in the Chukchi and Beaufort Seas, Alaska, during the proposed 2015-2016 ice overflight survey program

Aircraft	Potential Disturbance Radius (km)	Maximum Flight Distance (km)		Potential Disturbance Area (km^2)	
		Winter	Spring	Winter	Spring
Fixed Wing	0.6	4,630	2,778	5,557	3,335
Helicopter	1.5	370	370	1,110	1,110
Grand Totals		***5,000***	***3,148***	***6,667***	***4,445***

Potential Number of ''Takes by Harassment''

(1) Cetaceans

This subsection provides estimates of the number of individual cetaceans that could potentially be disturbed by aircraft during Shell's proposed ice overflights. The estimates are based on an estimate of the anticipated open-water area that could be subjected to disturbance from overflights, proximity of cetaceans in open water to the aircraft, and expected cetacean densities in those areas during each season.

The number of individuals of each cetacean species potentially disturbed by fixed wing aircraft or helicopters was estimated by multiplying:

- The potential disturbance area from each aircraft (fixed wing and helicopter) for each season (winter and spring), by
- The percentage of survey area expected to be over open water as opposed to ice in each season, by
- The expected cetacean density for each season.

The numbers of individual cetaceans potentially disturbed were then summed for each species across the two seasons.

Estimates of the average and maximum number of individual cetaceans that may be disturbed are shown by season in Table 4. Less than one individual of each cetacean species was estimated to be disturbed in winter. This was due to the low density of cetaceans in the survey area in winter and extensive ice cover during this period. In spring, a few beluga whales, bowhead whales, and gray whales are estimated to potentially be disturbed during ice overflights when aircraft transit over open water for short periods. The numbers of individuals exposed represent very small proportions of their populations.

(2) Pinnipeds

This subsection provides estimates of the number of individual ice seals that could potentially be disturbed by aircraft during Shell's proposed ice overflights. The estimates are based on a consideration of the proposed flight distances, proximity of seals to the aircraft trackline, and the proportion of ice seals present that might actually be disturbed appreciably (*i.e.* moving from the ice into the water) by flight operations in the Chukchi and Beaufort Seas and the anticipated area that could be subjected to disturbance from overflights.

The number of individuals of each ice seal species potentially disturbed by fixed wing aircraft or helicopters was estimated by multiplying:

- The potential disturbance area from each aircraft (fixed wing and helicopter) for each season (winter and spring), by
- The expected seal density in each season, and by
- The expected proportion of seals expected to react to each type of aircraft in a way that could be interpreted as disturbance.

The numbers of individuals potentially disturbed were then summed for each species across the two seasons.

Estimates of the average number of individual seals that may be disturbed are shown by season in Table 4. The estimates shown represent proportions of the total number of seals encountered that may actually demonstrate a disturbance reaction to each type of aircraft. Estimates shown in Table 4 were based on Born *et al.* 1999, which assumed that ~6 and ~49% of seals would react within lateral distances of 600 and 1,500 m of fixed wing aircraft and helicopters, respectively.

Ringed seal is by far the most abundant species expected to be encountered during the planned ice overflights. The best (average) estimate of the numbers of ringed seals potentially disturbed during ice overflights is 793 individuals, which represents only a small proportion of the estimated population of ringed seals in the Chukchi and Beaufort Seas. Fewer individuals of other pinniped species are estimated to be encountered during ice overflights, also representing very small proportions of their populations.

TABLE 4—THE TOTAL NUMBER OF POTENTIAL EXPOSURES OF MARINE MAMMALS DURING THE SHELL'S PROPOSED ICE OVERFLIGHT SURVEYS IN THE CHUKCHI AND BEAUFORT SEAS, ALASKA, 2015–2016

[Estimates are also shown as a percent of each population]

Species	Abundance	Number potential exposure	Estimated population (percent)
Beluga (E. Chukchi Sea)	3,710	1	0.027
Beluga whale (Beaufort Sea)	39,258	1	0.003
Bowhead whale	19,534	2	0.010
Gray whale	19,126	2	0.010
Bearded seal	155,000	11	0.007
Ribbon seal	49,000	1	0.002
Ringed seal	300,000	793	0.264
Spotted seal	141,479	7	0.005

Analysis and Preliminary Determinations

Negligible Impact

Negligible impact is ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of Level B harassment takes, alone, is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through behavioral harassment, NMFS must consider other factors, such as the likely nature of any responses (their intensity, duration, etc.), the context of any responses (critical reproductive time or location, migration, etc.), as well as the number and nature of estimated Level A harassment takes, the number of estimated mortalities, effects on habitat, and the status of the species.

No injuries or mortalities are anticipated to occur as a result of Shell's proposed ice overflight surveys in the Beaufort and Chukchi Seas, and none are proposed to be authorized. Additionally, animals in the area are not expected to incur hearing impairment (*i.e.,* TTS or PTS) or non-auditory physiological effects. Instead, any impact that could result from Shell's activities is most likely to be behavioral harassment and is expected to be of brief duration and the aircraft flies by. Although it is possible that some individuals may be exposed to sounds from aircraft overflight more than once, during the migratory periods it is less likely that this will occur since animals will continue to move across the Chukchi Sea towards their wintering grounds.

Aircraft flyovers are not heard underwater for very long, especially when compared to how long they are heard in air as the aircraft approaches an observer. Very few cetaceans are expected to be encountered during ice overflights due to the low density of cetacean species in the winter survey area and small area to be flown over open water during spring. Long-term or population level effects are not expected. The majority of seals encountered by fixed wing aircraft will unlikely show a notable disturbance reaction, and approximately half of the seals encountered by helicopters may react by moving from ice into the water. Any potential disturbance from aircraft to seals in the area of ice overflights will be localized and short-term in duration with no population level effects.

Of the seven marine mammal species likely to occur in the proposed ice overflight survey area, only the bowhead whale and ringed seal are listed as endangered under the ESA. These two species are also designated as ''depleted'' under the MMPA. Despite these designations, the Bering-Chukchi-Beaufort stock of bowheads has been increasing at a rate of 3.4% annually for nearly a decade (Allen and Angliss, 2011), even in the face of ongoing industrial activity. Additionally, during the 2001 census, 121 calves were counted, which was the highest yet recorded. The calf count provides corroborating evidence for a healthy and increasing population (Allen and Angliss, 2011). Certain stocks or populations of gray and beluga whales and spotted seals are listed as endangered or are proposed for listing under the ESA; however, none of those stocks or populations occur in the proposed activity area. Ringed seals were recently listed under the ESA as threatened species. On July 25, 2014 the U.S. District Court for the District of Alaska vacated the rule listing to the Beringia bearded seal DPS and remanded the rule to NMFS to correct the deficiencies identified in the opinion. None of the other species that may occur in the project area is listed as threatened or endangered under the ESA or designated as depleted under the MMPA. There is currently no established critical habitat in the proposed project area for any of these seven species.

Potential impacts to marine mammal habitat were discussed previously in this document (see the ''Anticipated Effects on Habitat'' section). Although some disturbance is possible to food sources of marine mammals, the impacts are anticipated to be minor. Based on the vast size of the Arctic Ocean where feeding by marine mammals occurs versus the localized area of the ice overflight surveys, any missed feeding opportunities in the direct project area would be of little consequence, as marine mammals would have access to other feeding grounds.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from Shell's proposed 2015 ice overflight surveys in the Chukchi and Beaufort Seas will have a negligible impact on the affected marine mammal species or stocks.

Small Numbers

The estimated takes proposed to be authorized represent less than 0.3% of the affected population or stock for all species in the survey area.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into

consideration the implementation of the mitigation and monitoring measures, NMFS preliminarily finds that small numbers of marine mammals will be taken relative to the populations of the affected species or stocks.

Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses

Potential Impacts to Subsistence Uses

NMFS has defined ''unmitigable adverse impact'' in 50 CFR 216.103 as: ''an impact resulting from the specified activity: (1) That is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by: (i) Causing the marine mammals to abandon or avoid hunting areas; (ii) Directly displacing subsistence users; or (iii) Placing physical barriers between the marine mammals and the subsistence hunters; and (2) That cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

Subsistence hunting continues to be an essential aspect of Inupiat Native life, especially in rural coastal villages. The Inupiat participate in subsistence hunting activities in and around the Beaufort and Chukchi Seas. The animals taken for subsistence provide a significant portion of the food that will last the community through the year. Marine mammals represent on the order of 60–80% of the total subsistence harvest. Along with the nourishment necessary for survival, the subsistence activities strengthen bonds within the culture, provide a means for educating the younger generation, provide supplies for artistic expression, and allow for important celebratory events.

Bowhead Whale

Activities associated with Shell's planned ice overflight survey program is not likely to have an un-mitigable adverse impact on the availability of bowhead whales for taking for subsistence uses. Ice overflight surveys that may occur near Point Lay, Wainwright, Barrow, Nuiqsut, and Kaktovik would traverse bowhead subsistence areas. Most flights would take place after the date of fall and prior to spring bowhead whale hunting from the villages. The most commonly observed reactions of bowheads to aircraft traffic are hasty dives, but changes in orientation, dispersal, and changes in activity are sometimes noted. Such reactions could potentially affect subsistence hunts if the flights occurred near and at the same time as the hunt. Shell has developed and proposes to implement a number of mitigation measures to avoid such impacts. These mitigation measures include minimum flight altitudes, use of Village Community Liaison Officers (CLOs), Subsistence Advisors (SAs), and Communication Centers in order to avoid conflicts with subsistence activities. SA calls will be held while subsistence activities are underway during the ice overflight survey program and are attended by operations staff, logistics staff, and CLOs. Aircraft flights are adjusted as needed and planned in a manner that avoids potential impacts to bowhead whale hunts and other subsistence activities. With these mitigation measures any effects on the bowhead whale as a subsistence resource, or effects on bowhead subsistence hunts would be minimal.

Beluga Whale

Activities associated with Shell's planned ice overflight survey program will not have an un-mitigable adverse impact on the availability of beluga whales for taking for subsistence uses.

Ice overflight surveys may occur near Point Lay, Wainwright, Barrow, Nuiqsut, and Kaktovik would and traverse beluga whale hunt subsistence areas. Most flights would take place when belugas are not typically harvested. Survey activities could potentially affect subsistence hunts if the flights occurred near and at the same time as the hunt. Shell has developed and proposes to implement a number of mitigation measures to avoid such impacts. These mitigation measures include minimum flight altitudes, use of CLOs, SAs, and Communication Centers. SA calls will be held while subsistence activities are underway during the ice overflight survey program and are attended by operations staff, logistics staff, and CLOs. Aircraft flights are adjusted as needed and planned in a manner that avoids potential impacts to beluga whale hunts and other subsistence activities. With these mitigation measures any effects on the beluga whale as a subsistence resource, or effects on beluga subsistence hunts would be minimal.

Seals

Seals are an important subsistence resource with ringed and bearded seals making up the bulk of the seal harvest. The survey areas are far outside of areas reportedly utilized for the harvest of seals by the villages of Point Hope, thus the ice overflight surveys will not have an un-mitigable adverse impact on the availability of ice seals for taking for subsistence uses. The survey areas encompass some areas utilized by residents of Point Lay, Wainwright, Barrow, Nuiqsut and Kaktovik for the harvest of seals. Most ringed and bearded seals are harvested in the winter and a harvest of seals could possibly be affected by Shell's planned activities. Spotted seals are harvested during the summer and may overlap briefly with Shell's planned activities. Most seals are harvested in coastal waters, with available maps of recent and past subsistence use areas indicating that seal harvests have occurred only within 30–40 mi (48–64 km) off the coastline. Some of the planned ice overflight surveys would take place in areas used by the village residents for the harvest of seals. The survey aircraft could potentially travel over areas used by residents for seal hunting and could potentially disturb seals and, therefore, subsistence hunts for seals. Any such effects from the survey activities would be minimal due to the infrequency of the planned surveys. Shell has developed and proposes to implement a number of mitigation measures which include a proposed 4MP, use of CLOs, SAs, operation of Communication Centers, and minimum altitude requirements. SA calls will be held while subsistence activities are underway during the ice overflight survey program and are attended by operations staff, logistics staff, and CLOs. Aircraft movements and activities are adjusted as needed and planned in a manner that avoids potential impacts to subsistence activities. With these mitigation measures any effects on ringed, bearded, and spotted seals as subsistence resources, or effects on subsistence hunts for seals, would be minimal.

Plan of Cooperation or Measures To Minimize Impacts to Subsistence Hunts

Regulations at 50 CFR 216.104(a)(12) require IHA applicants for activities that take place in Arctic waters to provide a Plan of Cooperation (POC) or information that identifies what measures have been taken and/or will be taken to minimize adverse effects on the availability of marine mammals for subsistence purposes.

Shell is preparing to implement a POC in accordance with NMFS' regulations. The POC relies upon the Chukchi Sea Communication Plans to identify the measures that Shell has developed in consultation with North Slope subsistence communities and will implement during its planned 2015/2016 ice overflight surveys to minimize any adverse effects on the availability of marine mammals for subsistence uses. In addition, the POC will detail Shell's communications and consultations with

local subsistence communities concerning its planned 2015/2016 program, potential conflicts with subsistence activities, and means of resolving any such conflicts (50 CFR 216.104(a)(12)(i), (ii), and (iv)). Shell continues to document its contacts with the North Slope subsistence communities, as well as the substance of its communications with subsistence stakeholder groups.

The POC identifies and documents potential conflicts and associated measures that will be taken to minimize any adverse effects on the availability of marine mammals for subsistence use. Outcomes of POC meetings are typically included in updates attached to the POC as addenda and distributed to federal, state, and local agencies as well as local stakeholder groups that either adjudicate or influence mitigation approaches for Shell's activities.

Shell will engage with the villages potentially impacted by the 2015/2016 ice overflight surveys in the Chukchi and Beaufort Seas in 2014 and early 2015. Meetings were held in Barrow and Point Lay in early November 2014 and additional engagements are scheduled with other villages in early 2015. Throughout 2015, and 2016 Shell anticipates continued engagement with the marine mammal commissions and committees active in the subsistence harvests and marine mammal research.

Following the 2015/2016 season, Shell intends to have a post-season co-management meeting with the commissioners and committee heads to discuss results of mitigation measures and outcomes of the preceding season. The goal of the post-season meeting is to build upon the knowledge base, discuss successful or unsuccessful outcomes of mitigation measures, and possibly refine plans or mitigation measures if necessary.

In addition to the POC, the following subsistence mitigation measures will be implemented for Shell's proposed ice overflight surveys.

(1) Communications

- Shell has developed a Communication Plan and will implement this plan before initiating ice overflight survey operations to coordinate activities with local subsistence users, as well as Village Whaling Captains' Associations, to minimize the risk of interfering with subsistence hunting activities, and keep current as to the timing and status of the bowhead whale hunt and other subsistence hunts.
- Shell will employ local CLOs and/or SAs from the Chukchi Sea villages that are potentially impacted by Shell's ice overflight surveys. The CLOs and SAs will provide consultation and guidance regarding the whale migration and subsistence activities. There will be one per village. The CLO and/or SA will use local knowledge (Traditional Knowledge) to gather data on the subsistence lifestyle within the community and provide advice on ways to minimize and mitigate potential negative impacts to subsistence resources during the survey season. Responsibilities include reporting any subsistence concerns or conflicts; coordinating with subsistence users; reporting subsistence-related comments, concerns, and information; and advising how to avoid subsistence conflicts.

(2) Aircraft Travel

- The aircraft will maintain a 1 mi (1.6 km) radius when flying over areas where seals appear to be concentrated in groups of ≥5 individuals.
- The aircraft will not land on ice within 0.5 mi (805 m) of hauled out pinnipeds.
- The aircraft will avoid flying over polynyas and along adjacent ice margins as much as possible to minimize potential disturbance to cetaceans.
- Aircraft shall not operate below 1,500 ft (457 m) in areas of active whale hunting; such areas to be identified through communications with the Com Centers and SAs.
- Shell will routinely engage with local communities and subsistence groups to ensure no disturbance of whaling or other subsistence activities.

Unmitigable Adverse Impact Analysis and Preliminary Determination

NMFS considers that these mitigation measures including measures to reduce overall impacts to marine mammals in the vicinity of the proposed ice overflight survey area and measures to mitigate any potential adverse effects on subsistence use of marine mammals are adequate to ensure subsistence use of marine mammals in the vicinity of Shell's proposed ice overflight surveys in the Chukchi and Beaufort Seas.

Based on the description of the specified activity, the measures described to minimize adverse effects on the availability of marine mammals for subsistence purposes, and the proposed mitigation and monitoring measures, NMFS has preliminarily determined that there will not be an unmitigable adverse impact on subsistence uses from Shell's proposed activities.

Endangered Species Act (ESA)

There are two marine mammal species listed as endangered under the ESA with confirmed or possible occurrence in the proposed project area: The bowhead whale and ringed seal. NMFS' Permits and Conservation Division will initiate consultation with NMFS' Endangered Species Division under section 7 of the ESA on the issuance of an IHA to Shell under section 101(a)(5)(D) of the MMPA for this activity. Consultation will be concluded prior to a determination on the issuance of an IHA.

National Environmental Policy Act (NEPA)

NMFS is preparing an Environmental Assessment (EA), pursuant to NEPA, to determine whether the issuance of an IHA to Shell for its 2015/2016 ice overflight surveys may have a significant impact on the human environment. NMFS has released a draft of the EA for public comment along with this proposed IHA.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to Shell for conducting ice overflight surveys in the Chukchi and Beaufort Seas during 2015/2016, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. The proposed IHA language is provided next.

This section contains a draft of the IHA itself. The wording contained in this section is proposed for inclusion in the IHA (if issued).

(1) This Authorization is valid from May 1, 2015, through April 30, 2016.

(2) This Authorization is valid only for activities associated with Shell's 2015/2016 Chukchi and Beaufort Seas ice overflight surveys. The specific areas where Shell's ice overflight surveys will be conducted are the Chukchi and Beaufort Seas, Alaska, as indicated in Figure 1–1 of Shell's IHA application.

(3)(a) The incidental taking of marine mammals, by Level B harassment only, is limited to the following species: Bowhead whale; gray whale; beluga whale; ringed seal; bearded seal; spotted seal; and ribbon seal.

(3)(b) The taking by injury (Level A harassment), serious injury, or death of any of the species listed in Condition 3(a) or the taking of any kind of any other species of marine mammal is prohibited and may result in the modification, suspension or revocation of this Authorization.

(4) The authorization for taking by harassment is limited to the following activities:

Ice overflight surveys during freeze-up, winter, and break-up periods in 2015 and 2016 by aircraft.

(5) The taking of any marine mammal in a manner prohibited under this Authorization must be reported immediately to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS or her designee.

(6) The holder of this Authorization must notify the Chief of the Permits and Conservation Division, Office of Protected Resources, at least 48 hours prior to the start of ice overflight surveys (unless constrained by the date of issuance of this Authorization in which case notification shall be made as soon as possible).

(7) Ice Overflight Mitigation and Monitoring Requirements: The Holder of this Authorization is required to implement the following mitigation and monitoring requirements when conducting the specified activities to achieve the least practicable impact on affected marine mammal species or stocks:

(a) A PSO will be aboard all flights recording all sightings/observations (*e.g.* including number of individuals, approximate age (when possible to determine)), and any type of potential reaction to the aircraft. Environmental information the observer will record includes weather, air temperature, cloud and ice cover, visibility conditions, and wind speed.

(b) The aircraft will maintain a 1 mi radius when flying over areas where seals appear to be concentrated in groups of ≥5 individuals;

(c) The aircraft will not land on ice within 0.5 mi of hauled out pinnipeds or polar bears; and

(d) The aircraft will avoid flying over polynyas and along adjacent ice margins as much as possible to minimize potential disturbance to cetaceans.

(8) Subsistence Mitigation Measures: To ensure no unmitigable adverse impact on subsistence uses of marine mammals, the Holder of this Authorization shall:

(a) Develop and implement a Communication Plan before initiating ice overflight survey operations to coordinate activities with local subsistence users, as well as Village Whaling Captains' Associations, to minimize the risk of interfering with subsistence hunting activities, and keep current as to the timing and status of the bowhead whale hunt and other subsistence hunts.

(b) Employ local Community Liaison Officers (CLOs) and/or Subsistence Advisors (SAs) from the Chukchi Sea villages that are potentially impacted by the ice overflight surveys.

(A) The CLOs and SAs will provide consultation and guidance regarding the whale migration and subsistence activities.

(B) The CLOs and SAs will also report any subsistence concerns or conflicts; coordinate with subsistence users; report subsistence-related comments, concerns, and information; and advise how to avoid subsistence conflicts.

(c) Routinely engage with local communities and subsistence groups to ensure no disturbance of whaling or other subsistence activities.

(9) Monitoring Measures:

(a) Protected Species Observers:

(A) Aerial monitoring for marine mammals will be conducted by a trained protected species observer (PSO) aboard each flight.

(B) PSO duties will include watching for and identifying marine mammals, recording their numbers, distances from, and potential reactions to the presence of the aircraft, in addition to working with the helicopter pilots to identify areas for landings on ice that is clear of marine mammals.

(b) Observer Qualifications and Training:

(A) Observers will have previous marine mammal observation experience in the Chukchi and Beaufort Seas.

(B) All observers will be trained and familiar with the marine mammals of the area, data collection protocols, reporting procedures, and required mitigation measures.

(c) Specialized Field Equipment:

(A) Fujinon 7 × 50 binoculars for visual monitoring,

(B) GPS unit to document the route of each ice overflight,

(C) Laptop computer for data entry,

(D) Voice recorder to capture detailed observations and data for post flight entry into the computer,

(E) Digital still cameras.

(d) Field Data-Recording

(A) The observer on the aircraft will record observations directly into computers using a custom software package.

(B) The accuracy of the data entry will be verified in the field by computerized validity checks as the data are entered, and by subsequent manual checking following the flight.

(C) Observers will capture the details of sightings and other observations with a voice recorder, which will maximize observation time and the collection of data.

(D) During the course of the flights, the observer will record information for each sighting including:

- Number of individuals,
- Approximate age (when possible to determine),
- Any type of potential reaction to the aircraft.
- Weather, air temperature, wind speed, cloud and ice cover, and
- Visibility conditions.

(10) Reporting Requirements:

(a) Final Report: The results of Shell's ice overflight monitoring report will be presented in the ''90-day'' final report, as required by NMFS under the proposed IHA. The initial final report is due to NMFS within 90 days after the expiration of the IHA. The report will include:

(A) Summaries of monitoring effort: Total hours, total distances flown, and environmental conditions during surveys;

(B) Summaries of occurrence, species composition, and distribution of all marine mammal sightings including date, numbers, age/size/gender categories (when discernible), group sizes, ice cover and other environmental variables; data will be visualized by plotting sightings relative to the position of the aircraft; and

(C) Analyses of the potential effects of ice overflights on marine mammals and the number of individuals that may have been disturbed by aircraft.

(b) The ''90-day'' report will be subject to review and comment by NMFS. Any recommendations made by NMFS must be addressed in the final report prior to acceptance by NMFS.

(11)(a) In the unanticipated event that the ice overflight surveys clearly cause the take of a marine mammal in a manner prohibited by this Authorization, such as an injury (Level A harassment), serious injury or mortality, Shell shall immediately cease operations and immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, by phone or email and the Alaska Regional Stranding Coordinators. The report must include the following information: (i) Time, date, and location (latitude/longitude) of the incident; (ii) the name and type of vessel involved; (iii) the vessel's speed during and leading up to the incident; (iv) description of the incident; (v) status of all sound source use in the 24 hours preceding the incident; (vi) water depth; (vii) environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility); (viii) description of marine mammal observations in the 24 hours preceding the incident; (ix) species identification or description of the animal(s) involved; (x) the fate of the animal(s); (xi) and

photographs or video footage of the animal (if equipment is available).

Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS shall work with Shell to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Shell may not resume their activities until notified by NMFS via letter, email, or telephone.

(b) In the event that Shell discovers an injured or dead marine mammal, and the lead PSO determines that the cause of the injury or death is unknown and the death is relatively recent (*i.e.,* in less than a moderate state of decomposition as described in the next paragraph), Shell will immediately report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, by phone or email and the NMFS Alaska Stranding Hotline and/or by email to the Alaska Regional Stranding Coordinators. The report must include the same information identified in Condition 12(a) above. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with Shell to determine whether modifications in the activities are appropriate.

(c) In the event that Shell discovers an injured or dead marine mammal, and the lead PSO determines that the injury or death is not associated with or related to the activities authorized in Condition 2 of this Authorization (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), Shell shall report the incident to the Chief of the Permits and Conservation Division, Office of Protected Resources, NMFS, by phone or email and the NMFS Alaska Stranding Hotline and/or by email to the Alaska Regional Stranding Coordinators, within 24 hours of the discovery. Shell shall provide photographs or video footage (if available) or other documentation of the stranded animal sighting to NMFS and the Marine Mammal Stranding Network. Activities may continue while NMFS reviews the circumstances of the incident.

(12) The Plan of Cooperation outlining the steps that will be taken to cooperate and communicate with the native communities to ensure the availability of marine mammals for subsistence uses must be implemented.

(13) Shell is required to comply with the Terms and Conditions of the Incidental Take Statement (ITS) corresponding to NMFS's Biological Opinion issued to NMFS's Office of Protected Resources.

(14) A copy of this Authorization and the ITS must be in the possession of all contractors and PSOs operating under the authority of this Incidental Harassment Authorization.

(15) Penalties and Permit Sanctions: Any person who violates any provision of this Incidental Harassment Authorization is subject to civil and criminal penalties, permit sanctions, and forfeiture as authorized under the MMPA.

(16) This Authorization may be modified, suspended or withdrawn if the Holder fails to abide by the conditions prescribed herein or if the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals, or if there is an unmitigable adverse impact on the availability of such species or stocks for subsistence uses.

Request for Public Comment

As noted above, NMFS requests comment on our analysis, the draft authorization, and any other aspect of the Notice of Proposed IHA for Shell's 2015/2016 Chukchi and Beaufort Seas ice overflight surveys. Please include, with your comments, any supporting data or literature citations to help inform our final decision on Shell's request for an MMPA authorization.

Dated: February 25, 2015.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–04345 Filed 3–2–15; 8:45 am]

BILLING CODE 3510–22–P

COMMISSION OF FINE ARTS

Notice of Meeting

The next meeting of the U.S. Commission of Fine Arts is scheduled for 19 March 2015, at 9:00 a.m. in the Commission offices at the National Building Museum, Suite 312, Judiciary Square, 401 F Street NW., Washington, DC 20001–2728. Items of discussion may include buildings, parks and memorials.

Draft agendas and additional information regarding the Commission are available on our Web site: *www.cfa.gov.* Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Thomas Luebke, Secretary, U.S. Commission of Fine Arts, at the above address; by emailing *staff@cfa.gov;* or by calling 202–504–2200. Individuals requiring sign language interpretation for the hearing impaired should contact the Secretary at least 10 days before the meeting date.

Dated: February 24, 2015, in Washington, DC.

Thomas Luebke,

Secretary.

[FR Doc. 2015–04272 Filed 3–2–15; 8:45 am]

BILLING CODE 6330–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal Nos. 15–09]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittals 15–09 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: February 25, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

The Honorable John A. Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

FEB 18 2015

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 15-09, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Slovakia for defense articles and services estimated to cost $450 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

J. W. Rixey
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 15–09

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Slovakia

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	$250 million
Other	$200 million
Total	$450 million

* as defined in Section 47(6) of the Arms Export Control Act

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* Nine UH–60M Black Hawk Helicopters in standard U.S. Government configuration with designated unique equipment and Government Furnished Equipment (GFE); twenty T700–GE–701D Engines (18 installed and 2 spares); twenty Embedded Global Positioning Systems/Inertial Navigation Systems; two Aviation Mission Planning Systems; one Aviation Ground Power Unit; eleven AN/APX–123 Identification Friend or Foe Transponders; twenty Very High Frequency/Digitally Selective Calling AN/ARC–231 radios; eleven ARN–147 VHF Omni Ranging/Instrument Landing System (VOR/ILS); eleven AN/ARN–153 Tactical Air Navigation Systems; and eleven AN/ARC–201D Single Channel Ground and Airborne Radio Systems radios. Also included are aircraft warranty, ammunition, air worthiness support, facility construction, spare and repair parts, support equipment,

communication equipment, publications and technical documentation, personnel training and training equipment, site surveys, tool and test equipment, U.S. Government and contractor technical and logistics support services, and other related element of program and logistics support.

(iv) *Military Department:* Army (UCI)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense*

Services Proposed to be Sold: See Attached Annex

(viii) *Date Report Delivered to Congress:* 18 February 2015

POLICY JUSTIFICATION

Slovakia—UH–60M Black Hawk Helicopters

The Government of Slovakia has requested a possible sale of nine UH–60M Black Hawk Helicopters in standard U.S. Government configuration with designated unique equipment and Government Furnished Equipment (GFE); twenty T700–GE–701D Engines (18 installed and 2 spares); twenty Embedded Global Positioning Systems/Inertial Navigation Systems; two Aviation Mission Planning Systems; one Aviation Ground Power Unit; eleven AN/APX–123 Identification Friend or Foe Transponders; twenty Very High Frequency (VHF)/Digitally Selective Calling AN/ARC–231 radios; eleven ARN–147 VHF Omni Ranging/Instrument Landing System (VOR/ILS); eleven AN/ARN–153 Tactical Air Navigation Systems; and eleven AN/ARC–201D Single Channel Ground and Airborne Radio Systems radios. Also included are aircraft warranty, ammunition, air worthiness support, facility construction, spare and repair parts, support equipment, communication equipment, publications and technical documentation, personnel training and training equipment, site surveys, tool and test equipment, U.S. Government and contractor technical and logistics support services, and other related element of program and logistics support. The estimated cost is $450 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a NATO ally.

The proposed sale will improve Slovakia's capability to deter regional threats and strengthen its homeland defense, as well as support counter-terrorism operations. The sale of these UH–60 helicopters will bolster Slovakia's ability to provide border patrol, rapid reaction, and field expedient fire fighting capability for its air and ground forces in counter-terrorism, border security, and humanitarian operations. Slovakia will have no difficulty absorbing these helicopters into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be the Sikorsky Aircraft Company in Stratford, Connecticut; and General Electric Aircraft Company in Lynn, Massachusetts. There are no known offset agreements in connection with this potential sale.

Implementation of this proposed sale may require the assignment of an additional three U.S. Government and five contractor representatives in Slovakia to support the delivery and training for approximately two-five years.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 15–09

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The UH–60M aircraft is a medium lift aircraft which is equipped with two T–701D Engines, and the integrated flight and management system, which provides aircraft system, flight, mission, and communication management systems. The cockpit includes five Multifunction Displays (MFDs), two General Purpose Processor Units (GPPUs), two Control Display Units (CDUs) and two Data Concentrator Units (DCUs). The Navigation System will have Embedded Global Positioning System (GPS)/Inertial Navigation System (INS) (EGIs), and two Digital Advanced Flight Control Systems (DAFCS).

2. The H764–G EGI unit provides GPS and INS capabilities to the aircraft. The EGI will include Selective Availability anti-Spoofing Module (SAASM) security modules to be used for secure GPS PPS if required.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the recipient country can provide the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Slovakia.

[FR Doc. 2015–04335 Filed 3–2–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: Defense Travel Management Office, DoD.

ACTION: Notice of Revised Non-Foreign Overseas Per Diem Rates.

SUMMARY: The Defense Travel Management Office is publishing Civilian Personnel Per Diem Bulletin Number 295. This bulletin lists revisions in the per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States when applicable. AEA changes announced in Bulletin Number 194 remain in effect. Bulletin Number 295 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

DATES: *Effective Date:* March 1, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Sonia Malik, 571–372–1276.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in per diem rates prescribed by the Defense Travel Management Office for non-foreign areas outside the contiguous United States. It supersedes Civilian Personnel Per Diem Bulletin Number 294. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of revisions in per diem rates to agencies and establishments outside the Department of Defense. For more information or questions about per diem rates, please contact your local travel office. Civilian Bulletin 295 includes updated rates for Alaska.

Dated: February 26, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
ALASKA						
[OTHER]						
01/01 - 12/31	110		99		209	03/01/2015
ADAK						
11/01 - 03/31	150		70		220	03/01/2015
04/01 - 10/31	192		74		266	03/01/2015
ANCHORAGE [INCL NAV RES]						
05/16 - 09/30	190		102		292	12/01/2013
10/01 - 05/15	99		93		192	12/01/2013
BARROW						
01/01 - 12/31	177		78		255	03/01/2015
BETHEL						
01/01 - 12/31	179		94		273	03/01/2015
BETTLES						
01/01 - 12/31	175		79		254	03/01/2015
CAPE LISBURNE LRRS						
01/01 - 12/31	110		99		209	03/01/2015
CAPE NEWENHAM LRRS						
01/01 - 12/31	110		99		209	03/01/2015
CAPE ROMANZOF LRRS						
01/01 - 12/31	110		99		209	03/01/2015
CLEAR AB						
01/01 - 12/31	90		82		172	10/01/2006
COLD BAY LRRS						
01/01 - 12/31	110		99		209	03/01/2015
COLDFOOT						
01/01 - 12/31	165		70		235	10/01/2006
COPPER CENTER						
05/15 - 09/15	130		79		209	03/01/2015
09/16 - 05/14	89		75		164	03/01/2015
CORDOVA						

LOCALITY		MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
	01/01 - 12/31	95		77		172	03/01/2015
CRAIG							
	04/01 - 09/30	129		77		206	06/01/2014
	10/01 - 03/31	85		72		157	06/01/2014
DEADHORSE							
	01/01 - 12/31	170		70		240	05/01/2014
DELTA JUNCTION							
	05/01 - 09/30	169		60		229	03/01/2015
	10/01 - 04/30	139		57		196	03/01/2015
DENALI NATIONAL PARK							
	06/01 - 08/31	185		89		274	03/01/2015
	09/01 - 05/31	109		82		191	03/01/2015
DILLINGHAM							
	10/16 - 05/14	169		109		278	01/01/2011
	05/15 - 10/15	185		111		296	01/01/2011
DUTCH HARBOR-UNALASKA							
	01/01 - 12/31	135		79		214	03/01/2015
EARECKSON AIR STATION							
	01/01 - 12/31	90		77		167	06/01/2007
EIELSON AFB							
	05/15 - 09/15	154		85		239	03/01/2015
	09/16 - 05/14	75		77		152	03/01/2015
ELFIN COVE							
	01/01 - 12/31	225		68		293	03/01/2015
ELMENDORF AFB							
	05/16 - 09/30	190		102		292	12/01/2013
	10/01 - 05/15	99		93		192	12/01/2013
FAIRBANKS							
	09/16 - 05/14	75		77		152	03/01/2015
	05/15 - 09/15	154		85		239	03/01/2015
FOOTLOOSE							
	01/01 - 12/31	175		18		193	10/01/2002
FORT YUKON LRRS							
	01/01 - 12/31	110		99		209	03/01/2015

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
FT. GREELY						
05/01 - 09/30	169		60		229	03/01/2015
10/01 - 04/30	139		57		196	03/01/2015
FT. RICHARDSON						
05/16 - 09/30	190		102		292	12/01/2013
10/01 - 05/15	99		93		192	12/01/2013
FT. WAINWRIGHT						
05/15 - 09/15	154		85		239	03/01/2015
09/16 - 05/14	75		77		152	03/01/2015
GAMBELL						
01/01 - 12/31	133		59		192	03/01/2015
GLENNALLEN						
05/15 - 09/15	130		79		209	03/01/2015
09/16 - 05/14	89		75		164	03/01/2015
HAINES						
01/01 - 12/31	107		101		208	01/01/2011
HEALY						
06/01 - 08/31	185		89		274	03/01/2015
09/01 - 05/31	109		82		191	03/01/2015
HOMER						
05/01 - 09/30	159		91		250	03/01/2015
10/01 - 04/30	89		84		173	03/01/2015
JB ELMENDORF-RICHARDSON						
05/16 - 09/30	190		102		292	12/01/2013
10/01 - 05/15	99		93		192	12/01/2013
JUNEAU						
05/01 - 09/30	159		90		249	03/01/2015
10/01 - 04/30	135		88		223	03/01/2015
KAKTOVIK						
01/01 - 12/31	165		86		251	10/01/2002
KAVIK CAMP						
01/01 - 12/31	250		71		321	03/01/2015
KENAI-SOLDOTNA						
11/01 - 04/30	84		96		180	03/01/2015

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
05/01 - 10/31	194		107		301	03/01/2015
KENNICOTT						
01/01 - 12/31	229		102		331	03/01/2015
KETCHIKAN						
04/01 - 10/01	140		90		230	03/01/2015
10/02 - 03/31	99		85		184	03/01/2015
KING SALMON						
05/01 - 10/01	225		91		316	10/01/2002
10/02 - 04/30	125		81		206	10/01/2002
KING SALMON LRRS						
01/01 - 12/31	110		99		209	03/01/2015
KLAWOCK						
04/01 - 09/30	129		77		206	06/01/2014
10/01 - 03/31	85		72		157	06/01/2014
KODIAK						
05/01 - 09/30	180		82		262	03/01/2015
10/01 - 04/30	100		74		174	03/01/2015
KOTZEBUE						
01/01 - 12/31	219		95		314	03/01/2015
KULIS AGS						
05/16 - 09/30	190		102		292	12/01/2013
10/01 - 05/15	99		93		192	12/01/2013
MCCARTHY						
01/01 - 12/31	229		102		331	03/01/2015
MCGRATH						
01/01 - 12/31	160		82		242	07/01/2014
MURPHY DOME						
05/15 - 09/15	154		85		239	03/01/2015
09/16 - 05/14	75		77		152	03/01/2015
NOME						
01/01 - 12/31	165		108		273	03/01/2015
NUIQSUT						
01/01 - 12/31	233		69		302	03/01/2015
OLIKTOK LRRS						

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
01/01 - 12/31	110		99		209	03/01/2015
PETERSBURG						
01/01 - 12/31	110		99		209	03/01/2015
POINT BARROW LRRS						
01/01 - 12/31	110		99		209	03/01/2015
POINT HOPE						
01/01 - 12/31	181		81		262	06/01/2014
POINT LAY						
01/01 - 12/31	265		72		337	07/01/2014
POINT LONELY LRRS						
01/01 - 12/31	110		99		209	03/01/2015
PORT ALEXANDER						
01/01 - 12/31	155		61		216	03/01/2015
PORT ALSWORTH						
01/01 - 12/31	135		88		223	10/01/2002
PRUDHOE BAY						
01/01 - 12/31	170		70		240	05/01/2014
SELDOVIA						
10/01 - 04/30	89		84		173	03/01/2015
05/01 - 09/30	159		91		250	03/01/2015
SEWARD						
10/01 - 04/30	169		100		269	03/01/2015
05/01 - 09/30	207		104		311	03/01/2015
SITKA-MT. EDGECUMBE						
05/15 - 09/15	200		99		299	03/01/2015
09/16 - 05/14	139		93		232	03/01/2015
SKAGWAY						
04/01 - 10/01	140		90		230	03/01/2015
10/02 - 03/31	99		85		184	03/01/2015
SLANA						
05/01 - 09/30	139		55		194	02/01/2005
10/01 - 04/30	99		55		154	02/01/2005
SPARREVOHN LRRS						
01/01 - 12/31	110		99		209	03/01/2015

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
SPRUCE CAPE						
05/01 - 09/30	180		82		262	03/01/2015
10/01 - 04/30	100		74		174	03/01/2015
ST. GEORGE						
01/01 - 12/31	220		68		288	03/01/2015
TALKEETNA						
01/01 - 12/31	100		89		189	10/01/2002
TANANA						
01/01 - 12/31	165		108		273	03/01/2015
TATALINA LRRS						
01/01 - 12/31	110		99		209	03/01/2015
TIN CITY LRRS						
01/01 - 12/31	110		99		209	03/01/2015
TOK						
05/15 - 09/30	100		72		172	03/01/2015
10/01 - 05/14	79		70		149	03/01/2015
UMIAT						
01/01 - 12/31	350		80		430	03/01/2015
VALDEZ						
09/17 - 04/15	109		90		199	03/01/2015
04/16 - 09/16	189		98		287	03/01/2015
WAINWRIGHT						
01/01 - 12/31	175		83		258	01/01/2011
WASILLA						
10/01 - 04/30	90		89		179	03/01/2015
05/01 - 09/30	125		92		217	03/01/2015
WRANGELL						
04/01 - 10/01	140		90		230	03/01/2015
10/02 - 03/31	99		85		184	03/01/2015
YAKUTAT						
01/01 - 12/31	105		94		199	01/01/2011
AMERICAN SAMOA						
AMERICAN SAMOA						
01/01 - 12/31	139		96		235	09/01/2012

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
GUAM						
GUAM (INCL ALL MIL INSTAL)						
01/01 - 12/31	159		84		243	12/01/2013
JOINT REGION MARIANAS						
01/01 - 12/31	159		84		243	12/01/2013
HAWAII						
[OTHER]						
07/01 - 08/21	145		98		243	05/01/2014
08/22 - 06/30	115		98		213	05/01/2014
CAMP H M SMITH						
01/01 - 12/31	177		111		288	05/01/2014
EASTPAC NAVAL COMP TELE AREA						
01/01 - 12/31	177		111		288	05/01/2014
FT. DERUSSEY						
01/01 - 12/31	177		111		288	05/01/2014
FT. SHAFTER						
01/01 - 12/31	177		111		288	05/01/2014
HICKAM AFB						
01/01 - 12/31	177		111		288	05/01/2014
HONOLULU						
01/01 - 12/31	177		111		288	05/01/2014
ISLE OF HAWAII: HILO						
07/01 - 08/21	145		98		243	05/01/2014
08/22 - 06/30	115		98		213	05/01/2014
ISLE OF HAWAII: OTHER						
01/01 - 12/31	189		134		323	05/01/2014
ISLE OF KAUAI						
01/01 - 12/31	305		141		446	05/01/2014
ISLE OF MAUI						
01/01 - 12/31	259		131		390	05/01/2014
ISLE OF OAHU						
01/01 - 12/31	177		111		288	05/01/2014
JB PEARL HARBOR-HICKAM						
01/01 - 12/31	177		111		288	05/01/2014

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
KEKAHA PACIFIC MISSILE RANGE FAC						
01/01 - 12/31	305		141		446	05/01/2014
KILAUEA MILITARY CAMP						
08/22 - 06/30	115		98		213	05/01/2014
07/01 - 08/21	145		98		243	05/01/2014
LANAI						
01/01 - 12/31	229		121		350	05/01/2014
LUALUALEI NAVAL MAGAZINE						
01/01 - 12/31	177		111		288	05/01/2014
MCB HAWAII						
01/01 - 12/31	177		111		288	05/01/2014
MOLOKAI						
01/01 - 12/31	157		77		234	05/01/2014
NAS BARBERS POINT						
01/01 - 12/31	177		111		288	05/01/2014
PEARL HARBOR						
01/01 - 12/31	177		111		288	05/01/2014
SCHOFIELD BARRACKS						
01/01 - 12/31	177		111		288	05/01/2014
TRIPLER ARMY MEDICAL CENTER						
01/01 - 12/31	177		111		288	05/01/2014
WHEELER ARMY AIRFIELD						
01/01 - 12/31	177		111		288	05/01/2014
MIDWAY ISLANDS						
MIDWAY ISLANDS						
01/01 - 12/31	125		77		202	05/01/2014
NORTHERN MARIANA ISLANDS						
[OTHER]						
01/01 - 12/31	99		97		196	08/01/2014
ROTA						
01/01 - 12/31	130		104		234	08/01/2014
SAIPAN						
01/01 - 12/31	140		96		236	12/01/2013
TINIAN						

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
01/01 - 12/31	99		97		196	08/01/2014
PUERTO RICO						
[OTHER]						
01/01 - 12/31	109		112		221	06/01/2012
AGUADILLA						
01/01 - 12/31	124		76		200	10/01/2012
BAYAMON						
01/01 - 12/31	195		128		323	09/01/2010
CAROLINA						
01/01 - 12/31	195		128		323	09/01/2010
CEIBA						
01/01 - 12/31	139		92		231	10/01/2012
CULEBRA						
01/01 - 12/31	150		98		248	03/01/2012
FAJARDO [INCL ROOSEVELT RDS NAVSTAT]						
01/01 - 12/31	139		92		231	10/01/2012
FT. BUCHANAN [INCL GSA SVC CTR, GUAYNABO]						
01/01 - 12/31	195		128		323	09/01/2010
HUMACAO						
01/01 - 12/31	139		92		231	10/01/2012
LUIS MUNOZ MARIN IAP AGS						
01/01 - 12/31	195		128		323	09/01/2010
LUQUILLO						
01/01 - 12/31	139		92		231	10/01/2012
MAYAGUEZ						
01/01 - 12/31	109		112		221	09/01/2010
PONCE						
01/01 - 12/31	149		89		238	09/01/2012
RIO GRANDE						
01/01 - 12/31	169		123		292	06/01/2012
SABANA SECA [INCL ALL MILITARY]						
01/01 - 12/31	195		128		323	09/01/2010
SAN JUAN & NAV RES STA						
01/01 - 12/31	195		128		323	09/01/2010

LOCALITY	MAXIMUM LODGING AMOUNT (A)	+	MEALS AND INCIDENTALS RATE (B)	=	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
VIEQUES						
01/01 - 12/31	175		95		270	03/01/2012
VIRGIN ISLANDS (U.S.)						
ST. CROIX						
04/15 - 12/14	135		92		227	05/01/2006
12/15 - 04/14	187		97		284	05/01/2006
ST. JOHN						
04/15 - 12/14	163		98		261	05/01/2006
12/15 - 04/14	220		104		324	05/01/2006
ST. THOMAS						
04/15 - 12/14	240		105		345	05/01/2006
12/15 - 04/14	299		111		410	05/01/2006
WAKE ISLAND						
WAKE ISLAND						
01/01 - 12/31	173		66		239	07/01/2014

[FR Doc. 2015–04363 Filed 3–2–15; 8:45 am]
BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2015–0009]

Proposed Collection; Comment Request

AGENCY: U.S. Army Corps of Engineers, Civil Works Directorate, Department of Army.

ACTION: Notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the U.S. Army Corps of Engineers, Civil Works Directorate, Department of Army announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information

is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by May 4, 2015.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information. Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to U.S. Army Engineer District, Mobile; ATTN: PM–IC (Linda Peterson); 109 Saint Joseph Street, Mobile, Alabama 36602 or call 251.694.3848.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: U.S. Army Corps of Engineers, Civil Works Program Evaluation; 0702–XXXX.

Needs and Uses: We in the U.S. Army Corps of Engineers are sincerely interested in meeting the expectations of our customers and stakeholders. To determine how we are doing, we conduct our annual Civil Works Program Evaluation. The purpose of this survey is to assess the quality of products and services we deliver during the previous calendar year. The information collected will help determine which areas of services need improvement and where we are doing well.

Affected Public: Civil Works Program customers and stakeholders.

Annual Burden Hours: 250.

Number of Respondents: 1500.

Responses per Respondent: 1.

Average Burden per Response: 10 minutes.

Frequency: Annually.

Respondents include all organizational representatives who participated in the planning or execution of a Civil Works (CW) project within the targeted calendar year. These are external agents with whom Corps staff has had significant interaction who can potentially impact or influence the successful execution of a Corps CW project. This includes 'traditional customers' *i.e.,* representatives of agencies that are direct recipients of Corps services who directly or indirectly provide a source of income for the District. In addition to traditional customers as defined below, the CECW Survey population includes stakeholder agencies. Stakeholder agencies are not direct recipients of Corps services but participate in the project execution process. Their staff interacts with Corps staff and participates in a significant degree in project planning, oversight and/or execution.

Dated: February 26, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–04356 Filed 3–2–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of Navy

Notice of Intent To Grant an Exclusive License; Survival Innovations LLC

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Survival Innovations, LLC located at 59 Bradley Branch Road, Arden, North Carolina 28704–9472, a revocable, nonassignable, exclusive license throughout the United States (U.S.) in all the fields of use in the Government-Owned invention described in U.S. Patent number 8,056,196 B2 issued on November 15, 2001 entitled ''Quick Release Fitting''.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, within fifteen (15) days of the date of this published notice.

ADDRESSES: Written objections are to be filed with the Naval Air Warfare Center Aircraft Division, Technology Transfer Office, Attention Michelle Miedzinski, Code 5.0H, 22473 Millstone Road, Building 505, Room 117, Patuxent River, Maryland 20670.

FOR FURTHER INFORMATION CONTACT: Michelle Miedzinski, 301–342–1133, Naval Air Warfare Center Aircraft Division, 22473 Millstone Road, Building 505, Room 117, Patuxent River, Maryland 20670.

Authority: (35 U.S.C. 207, 37 CFR part 404.)

Dated: February 24, 2015.

N.A. Hagerty-Ford,

Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2015–04331 Filed 3–2–15; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP15–495–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Section 4(d) rate filing per 154.204: AGT Statements of Negotiated Rates Tariff Volume to be effective 4/1/2015.

Filed Date: 2/23/15.

Accession Number: 20150223–5070.

Comments Due: 5 p.m. ET 3/9/15.

Docket Numbers: RP15–496–000.

Applicants: Midwestern Gas Transmission Company.

Description: Section 4(d) rate filing per 154.204: Negotiated Rate PAL Agreement—Duke Energy Indiana, Inc. to be effective 2/23/2015.

Filed Date: 2/23/15.

Accession Number: 20150223–5123.

Comments Due: 5 p.m. ET 3/9/15.

Docket Numbers: RP15–497–000.

Applicants: East Tennessee Natural Gas, LLC.

Description: Section 4(d) rate filing per 154.204: Move Neg Rate for Contract 661310 to be effective 3/1/2015.

Filed Date: 2/23/15.

Accession Number: 20150223–5154.

Comments Due: 5 p.m. ET 3/9/15.

Docket Numbers: RP15–498–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: Section 4(d) rate filing per 154.403(d)(2): 2015 Annual Fuel Tracker to be effective 4/1/2015.

Filed Date: 2/23/15.

Accession Number: 20150223–5198.

Comments Due: 5 p.m. ET 3/9/15.

Docket Numbers: RP15–499–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Section 4(d) rate filing per 154.204: 02/23/15 Negotiated Rates—ConEdison Energy Inc. (HUB) 2275–89 to be effective 2/20/2015.

Filed Date: 2/23/15.

Accession Number: 20150223–5216.

Comments Due: 5 p.m. ET 3/9/15.

Docket Numbers: RP15–500–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Section 4(d) rate filing per 154.204: 02/23/15 Negotiated Rates—Mercuria Energy Trading Gas LLC (HUB) 7540–89 to be effective 2/20/2015.

Filed Date: 2/23/15.

Accession Number: 20150223–5235.

Comments Due: 5 p.m. ET 3/9/15.

Docket Numbers: RP15–501–000.

Applicants: Guardian Pipeline, L.L.C.

Description: Section 4(d) rate filing per 154.204: Negotiated Rate PAL Agreement—MIECO, Inc. to be effective 2/23/2015.

Filed Date: 2/23/15.

Accession Number: 20150223–5240.

Comments Due: 5 p.m. ET 3/9/15.

Docket Numbers: RP15–502–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Section 4(d) rate filing per 154.204: 02/23/15 Negotiated Rates—Sequent Energy Management (HUB) 3075–89 to be effective 2/20/2015.

Filed Date: 2/23/15.

Accession Number: 20150223–5241.

Comments Due: 5 p.m. ET 3/9/15.

Docket Numbers: RP15–503–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Section 4(d) rate filing per 154.204: 02/23/15 Negotiated Rates—United Energy Trading, LLC (HUB) 2275–89 to be effective 2/21/2015.

Filed Date: 2/23/15.

Accession Number: 20150223–5243.

Comments Due: 5 p.m. ET 3/9/15.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP15–23–002.

Applicants: Transwestern Pipeline Company, LLC.

Description: Compliance filing per 154.203: Compliance with RP15–23–001 Order on Rehearing to be effective 4/1/2015.

Filed Date: 2/23/15.

Accession Number: 20150223–5122.

Comments Due: 5 p.m. ET 3/9/15.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 24, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–04317 Filed 3–2–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP15–504–000.

Applicants: Golden Pass Pipeline LLC.

Description: Compliance filing per 154.203: Golden Pass Pipeline Annual Retainage Report for 2015 to be effective 2/26/2015.

Filed Date: 2/24/15.

Accession Number: 20150224–5032.

Comments Due: 5 p.m. ET 3/9/15.

Docket Numbers: RP15–505–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Section 4(d) rate filing per 154.204: Neg Rate Agmt Filing (Southwest Energy 44054 Short term PAL) to be effective 2/21/2015.

Filed Date: 2/24/15.

Accession Number: 20150224–5033.

Comments Due: 5 p.m. ET 3/9/15.

Docket Numbers: RP15–506–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Section 4(d) rate filing per 154.204: 02/24/15 Negotiated Rates—ConEdison Energy Inc. (HUB) 2275–89 to be effective 2/23/2015.

Filed Date: 2/24/15.

Accession Number: 20150224–5090.

Comments Due: 5 p.m. ET 3/9/15.

Docket Numbers: RP15–507–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Section 4(d) rate filing per 154.204: 02/24/15 Negotiated Rates—Mercuria Energy Trading Gas LLC (HUB) 7540–89 to be effective 2/23/2015.

Filed Date: 2/24/15.

Accession Number: 20150224–5097.

Comments Due: 5 p.m. ET 3/9/15.

Docket Numbers: RP15–508–000.

Applicants: Rockies Express Pipeline LLC.

Description: Section 4(d) rate filing per 154.204: Neg Rate 2015–02–24 Encana to be effective 2/24/2015.

Filed Date: 2/24/15.

Accession Number: 20150224–5102.

Comments Due: 5 p.m. ET 3/9/15.

Docket Numbers: RP15–509–000.

Applicants: Kern River Gas Transmission Company.

Description: Section 4(d) rate filing per 154.204: 2015 Daggett Surcharges to be effective 4/1/2015.

Filed Date: 2/24/15.

Accession Number: 20150224–5195.

Comments Due: 5 p.m. ET 3/9/15.

Docket Numbers: RP15–510–000.

Applicants: Northern Natural Gas Company.

Description: Section 4(d) rate filing per 154.204: 20150224 Negotiated Rate to be effective 2/25/2015.

Filed Date: 2/24/15.

Accession Number: 20150224–5196.

Comments Due: 5 p.m. ET 3/9/15.

Docket Numbers: RP15–511–000.

Applicants: Guardian Pipeline, L.L.C.

Description: Section 4(d) rate filing per 154.204: Negotiated Rate PAL Agreement—Koch Energy Services, L.L.C. to be effective 2/25/2015.

Filed Date: 2/24/15.

Accession Number: 20150224–5221.

Comments Due: 5 p.m. ET 3/9/15.

Docket Numbers: RP15–512–000.

Applicants: Texas Eastern Transmission, LP.

Description: Section 4(d) rate filing per 154.204: Negotiated Rate—BP Energy 911147 to be effective 4/1/2015.

Filed Date: 2/25/15.
Accession Number: 20150225–5060.
Comments Due: 5 p.m. ET 3/9/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified 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 25, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–04361 Filed 3–2–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–486–002.
Applicants: Peninsula Power, LLC.
Description: Tariff Amendment per 35.17(b): Peninsula Power, LLC (FERC Electric Tariff) to be effective 1/1/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5223.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1119–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): 2015–02–25_SA 2751 GRE–OTP T–L IA Gorton Tap to be effective 2/26/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5194.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1120–000.
Applicants: Nevada Power Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Service Agreement No. 14–00081 NPC and Aiya LGIA Amded and Restated to be effective 2/13/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5275.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1121–000.
Applicants: Nevada Power Company.
Description: Initial rate filing per 35.12 Service Agreement No. 12–00082 NPC and Moapa LGIG to be effective 2/13/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5278.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1122–000.
Applicants: Nevada Power Company.
Description: Initial rate filing per 35.12 Service Agreement No. 14–00076 NPC and Playa LGIA to be effective 2/13/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5283.
Comments Due: 5 p.m. ET 3/18/15.

Take notice that the Commission received the following PURPA 210(m)(3) filings:

Docket Numbers: QM15–2–000.
Applicants: Northern States Power Company, a Minnesota corporation.
Description: Application for Relief from Obligation to Purchase Output of Twin Cities Hydro Plant of Northern States Power Company, a Minnesota corporation.
Filed Date: 2/18/15.
Accession Number: 20150218–5126.
Comments Due: 5 p.m. ET 3/24/15.

Docket Numbers: QM15–2–000.
Applicants: Northern States Power Company, a Minnesota corporation.
Description: Amendment to February 18, 2015 Application for Relief from Obligation to Purchase Output of Twin Cities Hydro Plant of Northern States Power Company, a Minnesota corporation.
Filed Date: 2/24/15.
Accession Number: 20150224–5264.
Comments Due: 5 p.m. ET 3/24/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 25, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–04370 Filed 3–2–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR15–20–000.
Applicants: Wisconsin Power and Light Company.
Description: Submits tariff filing per 284.123(b)(1) + (g): Statement of Operating Conditions Reflecting New Rates to be effective 2/16/2015; Filing Type: 1300.
Filed Date: 2/13/15.
Accession Number: 20150213–5256.
Comments Due: 5 p.m. ET 3/6/15.
284.123(g) Protests Due: 5 p.m. ET 4/14/15.

Docket Numbers: PR15–21–000.
Applicants: Bay Gas Storage Company, Ltd.
Description: Submits tariff filing per 284.123(e)/.224: Bay Gas Annual Adjustment to Company Use Percentage to be effective 3/1/2012; Filing Type: 770.
Filed Date: 2/18/15.
Accession Number: 20150218–5072.
Comments/Protests Due: 5 p.m. ET 3/11/15.

Docket Numbers: PR15–22–000.
Applicants: Kinder Morgan Keystone Gas Storage LLC.
Description: Submits tariff filing per 284.123(e) + (g): Operating Statement Update Filing to be effective 4/1/2015; Filing Type: 1280.
Filed Date: 2/20/15.
Accession Number: 20150220–5094.
Comments Due: 5 p.m. ET 3/13/15.
284.123(g) Protests Due: 5 p.m. ET 4/21/15.

Docket Numbers: RP15–461–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Compliance filing per 154.203: Pro Forma Rate Schedule FTP.
Filed Date: 2/18/15.
Accession Number: 20150218–5046.
Comments Due: 5 p.m. ET 3/2/15.

Docket Numbers: RP15–462–000.
Applicants: Transcontinental Gas Pipe Line Company,
Description: Section 4(d) rate filing per 154.204: Woodbridge Delivery

Lateral Initial Rate Filing to be effective 4/1/2015.
Filed Date: 2/18/15.
Accession Number: 20150218–5053.
Comments Due: 5 p.m. ET 3/2/15.
Docket Numbers: RP15–463–000.
Applicants: PGPipeline LLC.
Description: Section 4(d) rate filing per 154.204: Annual Adjustment of Fuel and Gas Loss Retention Percentage to be effective 4/1/2015.
Filed Date: 2/18/15.
Accession Number: 20150218–5065.
Comments Due: 5 p.m. ET 3/2/15.
Docket Numbers: RP15–464–000.
Applicants: LA Storage, LLC.
Description: Section 4(d) rate filing per 154.402: LA Storage Annual Adjustment of Fuel Retainage Percentage to be effective 10/1/2013.
Filed Date: 2/18/15.
Accession Number: 20150218–5079.
Comments Due: 5 p.m. ET 3/2/15.
Docket Numbers: RP15–465–000.
Applicants: Southern Star Central Gas Pipeline, Inc.
Description: Section 4(d) rate filing per 154.204: Vol 2—Negotiated and Non-Conforming Rate Agreement-BP Energy Company to be effective 2/18/2015.
Filed Date: 2/18/15.
Accession Number: 20150218–5170.
Comments Due: 5 p.m. ET 3/2/15.
Docket Numbers: RP15–466–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Section 4(d) rate filing per 154.204: 02/18/15 Negotiated Rates—ConEdison Energy Inc. (HUB) 2275–89 to be effective 2/13/2015.
Filed Date: 2/18/15.
Accession Number: 20150218–5194.
Comments Due: 5 p.m. ET 3/2/15.
Docket Numbers: RP15–467–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Section 4(d) rate filing per 154.204: 02/18/15 Negotiated Rates—Mercuria Energy Trading Gas LLC (HUB) 7540–89 to be effective 2/13/2015.
Filed Date: 2/18/15.
Accession Number: 20150218–5199.
Comments Due: 5 p.m. ET 3/2/15.
Docket Numbers: RP15–468–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Section 4(d) rate filing per 154.204: 02/18/15 Negotiated Rates—Nextera Energy Power Marketing, LLC (RTS) 4015–07 to be effective 2/18/2015.
Filed Date: 2/18/15.
Accession Number: 20150218–5200.
Comments Due: 5 p.m. ET 3/2/15.
Docket Numbers: RP15–469–000.
Applicants: Cheyenne Plains Gas Pipeline Company, L.
Description: Section 4(d) rate filing per 154.601: Negotiated Rate TSA Update (Mieco) to be effective 2/18/2015.
Filed Date: 2/18/15.
Accession Number: 20150218–5216.
Comments Due: 5 p.m. ET 3/2/15.
Docket Numbers: RP15–470–000.
Applicants: Northern Natural Gas Company.
Description: Section 4(d) rate filing per 154.204: 20150218 Negotiated Rate to be effective 2/19/2015.
Filed Date: 2/18/15.
Accession Number: 20150218–5265.
Comments Due: 5 p.m. ET 3/2/15.
Docket Numbers: RP15–471–000.
Applicants: Tennessee Gas Pipeline Company, L.L.C.
Description: Section 4(d) rate filing per 154.204: Zone 1 Supply Area Pooling Area Revisions to be effective 4/1/2015.
Filed Date: 2/18/15.
Accession Number: 20150218–5293.
Comments Due: 5 p.m. ET 3/2/15.
Docket Numbers: RP15–472–000.
Applicants: Columbia Gas Transmission, LLC.
Description: Section 4(d) rate filing per 154.204: Negotiated Rate Service Agreement—Exelon to be effective 2/19/2015.
Filed Date: 2/18/15.
Accession Number: 20150218–5316.
Comments Due: 5 p.m. ET 3/2/15.
Docket Numbers: RP15–473–000.
Applicants: Transcontinental Gas Pipe Line Company.
Description: Section 4(d) rate filing per 154.204: Mobile Bay South III Expansion Initial Rate Filing to be effective 4/1/2015.
Filed Date: 2/19/15.
Accession Number: 20150219–5031.
Comments Due: 5 p.m. ET 3/3/15.
Docket Numbers: RP15–474–000.
Applicants: Texas Eastern Transmission, LP.
Description: Section 4(d) rate filing per 154.204: TETLP Statements of Negotiated Rates Tariff Volume to be effective 4/1/2015.
Filed Date: 2/19/15.
Accession Number: 20150219–5036.
Comments Due: 5 p.m. ET 3/3/15.
Docket Numbers: RP15–475–000.
Applicants: Southeast Supply Header, LLC.
Description: Section 4(d) rate filing per 154.204: Negotiated Rates Filing—Tenaska Marketing Ventures K940006 to be effective 4/1/2015.
Filed Date: 2/19/15.
Accession Number: 20150219–5041.
Comments Due: 5 p.m. ET 3/3/15.
Docket Numbers: RP15–476–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Section 4(d) rate filing per 154.204: Amendments to Neg Rate Agmts (Pivotal 34691–8 & VaNat 34695–10) to be effective 2/19/2015.
Filed Date: 2/19/15.
Accession Number: 20150219–5053.
Comments Due: 5 p.m. ET 3/3/15.
Docket Numbers: RP15–477–000.
Applicants: Southern Natural Gas Company, L.L.C.
Description: Section 4(d) rate filing per 154.204: Fuel Retention Rates—Spring 2015 to be effective 4/1/2015.
Filed Date: 2/19/15.
Accession Number: 20150219–5074.
Comments Due: 5 p.m. ET 3/3/15.
Docket Numbers: RP15–478–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Section 4(d) rate filing per 154.204: 02/19/15 Negotiated Rates—ConEdison Energy Inc. (HUB) 2275–89 to be effective 2/18/2015.
Filed Date: 2/19/15.
Accession Number: 20150219–5113.
Comments Due: 5 p.m. ET 3/3/15.
Docket Numbers: RP15–479–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Section 4(d) rate filing per 154.204: 02/19/15 Negotiated Rates—Mercuria Energy Trading Gas LLC (HUB) 7540–89 to be effective 2/18/2015.
Filed Date: 2/19/15.
Accession Number: 20150219–5115.
Comments Due: 5 p.m. ET 3/3/15.
Docket Numbers: RP15–480–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Section 4(d) rate filing per 154.204: 02/19/15. Negotiated Rates—Sequent Energy Management (HUB) 3075–89 to be effective 2/18/2015.
Filed Date: 2/19/15.
Accession Number: 20150219–5116.
Comments Due: 5 p.m. ET 3/3/15.
Docket Numbers: RP15–481–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: Section 4(d) rate filing per 154.204: 02/19/15. Negotiated Rates—United Energy Trading, LLC (HUB) 5095–89 to be effective 2/18/2015.
Filed Date: 2/19/15.
Accession Number: 20150219–5120.
Comments Due: 5 p.m. ET 3/3/15.
Docket Numbers: RP15–482–000.
Applicants: Midwestern Gas Transmission Company.
Description: Section 4(d) rate filing per 154.204: Negotiated Rate PAL

Agreements—Tenaska Marketing & Exelon Generation to be effective 2/19/2015.

Filed Date: 2/19/15.

Accession Number: 20150219–5166.

Comments Due: 5 p.m. ET 3/3/15.

Docket Numbers: RP15–483–000.

Applicants: Northern Natural Gas Company.

Description: Section 4(d) rate filing per 154.204: 20150219 Negotiated Rate to be effective 2/19/2015.

Filed Date: 2/19/15.

Accession Number: 20150219–5180.

Comments Due: 5 p.m. ET 3/3/15.

Docket Numbers: RP15–484–000.

Applicants: Midcontinent Express Pipeline LLC.

Description: Annual Report of Operational Purchases and Sales of Midcontinent Express Pipeline LLC.

Filed Date: 2/19/15.

Accession Number: 20150219–5200.

Comments Due: 5 p.m. ET 3/3/15.

Docket Numbers: RP15–485–000.

Applicants: Guardian Pipeline, L.L.C.

Description: Section 4(d) rate filing per 154.204: Negotiated Rate PAL Agreement—Exelon Generation Company, LLC to be effective 2/20/2015.

Filed Date: 2/20/15.

Accession Number: 20150220–5060.

Comments Due: 5 p.m. ET 3/4/15.

Docket Numbers: RP15–486–000.

Applicants: Hess Corporation, Hess Trading Corporation.

Description: Petition of Hess Corporation and Hess Trading Corporation for Waiver and Non-Conforming Contract Authorization.

Filed Date: 2/19/15.

Accession Number: 20150219–5207.

Comments Due: 5 p.m. ET 2/27/15.

Docket Numbers: RP15–487–000.

Applicants: Millennium Pipeline Company, LLC.

Description: Section 4(d) rate filing per 154.204: RAM 2015 to be effective 4/1/2015.

Filed Date: 2/20/15.

Accession Number: 20150220–5084.

Comments Due: 5 p.m. ET 3/4/15.

Docket Numbers: RP15–488–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Section 4(d) rate filing per 154.204: 02/20/15. Negotiated Rates—ConEdison Energy Inc. (HUB) 2275–89 to be effective 2/19/2015.

Filed Date: 2/20/15.

Accession Number: 20150220–5138.

Comments Due: 5 p.m. ET 3/4/15.

Docket Numbers: RP15–489–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Section 4(d) rate filing per 154.204: 02/20/15. Negotiated Rates—Mercuria Energy Trading Gas LLC (HUB) 7540–89 to be effective 2/19/2015.

Filed Date: 2/20/15.

Accession Number: 20150220–5141.

Comments Due: 5 p.m. ET 3/4/15.

Docket Numbers: RP15–490–000.

Applicants: East Tennessee Natural Gas, LLC.

Description: Section 4(d) rate filing per 154.204: 02–21–2015 Eastman release to Atmos to be effective 2/21/2015.

Filed Date: 2/20/15.

Accession Number: 20150220–5151.

Comments Due: 5 p.m. ET 3/4/15.

Docket Numbers: RP15–491–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Section 4(d) rate filing per 154.204: 02/20/15. Negotiated Rates—Sequent Energy Management (HUB) 3075–89 to be effective 2/19/2015.

Filed Date: 2/20/15.

Accession Number: 20150220–5155.

Comments Due: 5 p.m. ET 3/4/15.

Docket Numbers: RP15–492–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Section 4(d) rate filing per 154.204: 02/20/15. Negotiated Rates—United Energy Trading, LLC (HUB) 5095–89 to be effective 2/19/2015.

Filed Date: 2/20/15.

Accession Number: 20150220–5157.

Comments Due: 5 p.m. ET 3/4/15.

Docket Numbers: RP15–493–000.

Applicants: Kern River Gas Transmission Company.

Description: Section 4(d) rate filing per 154.204: 2015 WIC Virtual Receipt Points to be effective 3/23/2015.

Filed Date: 2/20/15.

Accession Number: 20150220–5194.

Comments Due: 5 p.m. ET 3/4/15.

Docket Numbers: RP15–494–000.

Applicants: Northern Natural Gas Company.

Description: Section 4(d) rate filing per 154.204: 20150220 Negotiated Rate to be effective 2/21/2015.

Filed Date: 2/20/15.

Accession Number: 20150220–5216.

Comments Due: 5 p.m. ET 3/4/15.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP15–262–001.

Applicants: American Midstream (Midla), LLC.

Description: Compliance filing per 154.203: Midla Compliance Filing in RP15–262 to be effective 2/1/2015.

Filed Date: 2/19/15.

Accession Number: 20150219–5032.

Comments Due: 5 p.m. ET 3/3/15.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 23, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–04316 Filed 3–2–15; 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 exempt wholesale generator filings:

Docket Numbers: EG15–54–000.

Applicants: Alexander Wind Farm, LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Alexander Wind Farm, LLC.

Filed Date: 2/24/15.

Accession Number: 20150224–5229.

Comments Due: 5 p.m. ET 3/17/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER13–1079–002; *ER12–348–003.*

Applicants: Mercuria Commodities Canada Corporation, Mercuria Energy America, Inc.

Description: Updated Market Power Analysis for the Southeast Region of Mercuria Commodities Canada Corporation, et al.

Filed Date: 2/25/15.

Accession Number: 20150225–5093.

Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1095–000.
Applicants: Arthur Kill Power LLC.
Description: Compliance filing per 35: Market-Based Rate Tariff Revisions to be effective 2/26/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5094.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1096–000.
Applicants: Astoria Gas Turbine Power LLC.
Description: Compliance filing per 35: Market-Based Rate Tariff Revisions to be effective 2/26/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5095.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1097–000.
Applicants: Conemaugh Power LLC.
Description: Compliance filing per 35: Market-Based Rate Tariff Revisions to be effective 2/26/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5096.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1098–000.
Applicants: Connecticut Jet Power LLC.
Description: Compliance filing per 35: Market-Based Rate Tariff Revisions to be effective 2/26/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5097.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1099–000.
Applicants: Devon Power LLC.
Description: Compliance filing per 35: Market-Based Rate Tariff Revisions to be effective 2/26/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5099.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1100–000.
Applicants: Dunkirk Power LLC.
Description: Compliance filing per 35: Market-Based Rate Tariff Revisions to be effective 2/26/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5100.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1101–000.
Applicants: GenConn Devon LLC.
Description: Compliance filing per 35: Market-Based Rate Tariff Revisions to be effective 2/26/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5102.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1102–000.
Applicants: GenConn Middletown LLC.
Description: Compliance filing per 35: Market-Based Rate Tariff Revisions to be effective 2/26/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5104.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1103–000.
Applicants: Huntley Power LLC.
Description: Compliance filing per 35: Market-Based Rate Tariff Revisions to be effective 2/26/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5106.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1104–000.
Applicants: Indian River Power LLC.
Description: Compliance filing per 35: Market-Based Rate Tariff Revisions to be effective 2/26/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5108.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1105–000.
Applicants: Keystone Power LLC.
Description: Compliance filing per 35: Market-Based Rate Tariff Revisions to be effective 2/26/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5112.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1106–000.
Applicants: Middletown Power LLC.
Description: Compliance filing per 35: Market-Based Rate Tariff Revisions to be effective 2/26/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5115.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1107–000.
Applicants: Midwest Generation LLC.
Description: Compliance filing per 35: Market-Based Rate Tariff Revisions to be effective 2/26/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5119.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1108–000.
Applicants: Montville Power LLC.
Description: Compliance filing per 35: Market-Based Rate Tariff Revisions to be effective 2/26/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5124.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1109–000.
Applicants: NEO Freehold-Gen LLC.
Description: Compliance filing per 35: Market-Based Rate Tariff Revisions to be effective 2/26/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5134.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1110–000.
Applicants: NRG Energy Center Dover LLC.
Description: Compliance filing per 35: Market-Based Rate Tariff Revisions to be effective 2/26/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5136.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1111–000.
Applicants: NRG Energy Center Paxton LLC.
Description: Compliance filing per 35: Market-Based Rate Tariff Revisions to be effective 2/26/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5137.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1112–000.
Applicants: NRG Power Midwest LP.
Description: Compliance filing per 35: Market-Based Rate Tariff Revisions to be effective 2/26/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5139.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1113–000.
Applicants: NRG Rockford LLC.
Description: Compliance filing per 35: Market-Based Rate Tariff Revisions to be effective 2/26/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5142.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1114–000.
Applicants: NRG Rockford II LLC.
Description: Compliance filing per 35: Market-Based Rate Tariff Revisions to be effective 2/26/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5145.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1115–000.
Applicants: Oswego Harbor Power LLC.
Description: Compliance filing per 35: Market-Based Rate Tariff Revisions to be effective 2/26/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5147.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1116–000.
Applicants: Vienna Power LLC.
Description: Compliance filing per 35: Market-Based Rate Tariff Revisions to be effective 2/26/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5149.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1117–000.
Applicants: NRG Chalk Point LLC.
Description: Compliance filing per 35: Market-Based Rate Tariff Revisions to be effective 2/26/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5150.
Comments Due: 5 p.m. ET 3/18/15.

Docket Numbers: ER15–1118–000.
Applicants: NRG Potomac River LLC.
Description: Compliance filing per 35: Market-Based Rate Tariff Revisions to be effective 2/26/2015.
Filed Date: 2/25/15.
Accession Number: 20150225–5151.
Comments Due: 5 p.m. ET 3/18/15.

Take notice that the Commission received the following public utility holding company filings:

Docket Numbers: PH15–11–000.

Applicants: New Jersey Resources Corporation.

Description: New Jersey Resources Corporation submits FERC 65–A Material Change in Facts of Exemption Notification.

Filed Date: 2/24/15.

Accession Number: 20150224–5260.

Comments Due: 5 p.m. ET 3/17/15.

Docket Numbers: PH15–12–000.

Applicants: Energy Transfer Equity, L.P.

Description: Energy Transfer Equity, L.P. submits FERC 65–A Exemption Notification.

Filed Date: 2/24/15.

Accession Number: 20150224–5263.

Comments Due: 5 p.m. ET 3/17/15.

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 25, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–04369 Filed 3–2–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR15–18–000]

Sunoco Pipeline L.P.; Notice of Petition for Declaratory Order

Take notice that on February 23, 2015, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2) (2014), Sunoco Pipeline L.P. filed a petition for a declaratory order approving the proposed tariff rate structure, proration policy, and various aspects of the Transportation Service Agreement for the Delaware Basin Extension project, 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 23, 2015.

Dated: February 25, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–04373 Filed 3–2–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CD15–19–000]

Cub River Irrigation Company; Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions To Intervene

On February 10, 2015, the Cub River Irrigation Company filed a notice of intent to construct a qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act (FPA), as amended by section 4 of the Hydropower Regulatory Efficiency Act of 2013 (HREA). The proposed Middle Ditch Hydroelectric Project would have an installed capacity of 480 kilowatts (kW) and would be located on the existing Middle Ditch Canal, which transports water for agricultural irrigation purposes. The project would be located near the Town of Franklin in Franklin County, Idaho.

Applicant Contact: Don Baldwin, P.O. Box 215, Lewiston, UT 84320, Phone No. (435) 512–4672.

FERC Contact: Robert Bell, Phone No. (202) 502–6062, email: *robert.bell@ferc.gov.*

Qualifying Conduit Hydropower Facility Description: The proposed project would consist of: (1) Four proposed intake structures with 16-inch butterfly valves attached directly to the 42-inch-diameter main pipeline; (2) a proposed 60- by 40-foot powerhouse containing four turbine generator units with a total installed capacity of 480 kW; (3) three proposed 17-foot-long, 16-inch-diameter pipes which return water to the 42-inch main pipeline and, for the fourth unit that only operates when the other three units are not, a proposed 17-foot-long, 30-inch-diameter pipeline that returns water to Middle Ditch Canal; and (4) appurtenant facilities. The proposed project would have an estimated annual generating capacity of 756 megawatt-hours.

A qualifying conduit hydropower facility is one that is determined or deemed to meet all of the criteria shown in the table below.

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY

Statutory provision	Description	Satisfies (Y/N)
FPA 30(a)(3)(A), as amended by HREA.	The conduit the facility uses is a tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.	Y

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY—Continued

Statutory provision	Description	Satisfies (Y/N)
FPA 30(a)(3)(C)(i), as amended by HREA.	The facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit.	Y
FPA 30(a)(3)(C)(ii), as amended by HREA.	The facility has an installed capacity that does not exceed 5 megawatts	Y
FPA 30(a)(3)(C)(iii), as amended by HREA.	On or before August 9, 2013, the facility is not licensed, or exempted from the licensing requirements of Part I of the FPA.	Y

Preliminary Determination: Based upon the above criteria, Commission staff preliminarily determines that the proposal satisfies the requirements for a qualifying conduit hydropower facility, which is not required to be licensed or exempted from licensing.

Comments and Motions to Intervene: Deadline for filing comments contesting whether the facility meets the qualifying criteria is 45 days from the issuance date of this notice.

Deadline for filing motions to intervene is 30 days from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

Filing and Service of Responsive Documents: All filings must (1) bear in all capital letters the ''COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY'' or ''MOTION TO INTERVENE,'' as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.[1] All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

The Commission strongly encourages electronic filing. Please file motions to intervene and 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 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. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Locations of Notice of Intent: Copies of the notice of intent can be obtained directly from the applicant or such copies can be viewed and reproduced at the Commission in its Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The filing may also be viewed on the web at *http://www.ferc.gov/docs-filing/elibrary.asp* using the ''eLibrary'' link. Enter the docket number (*e.g.,* CD15–19–000) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659.

Dated: February 25, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–04368 Filed 3–2–15; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 385.2001–2005 (2014).

DEPARTMENT OF ENERGY

Energy Regulatory Commission

[Project No. 14650–000]

Paul Greyshock; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On December 4, 2014, Paul Greyshock 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 Ft. Pierce Pilot Project (Ft. Pierce Project or project) to be located in the Fort Pierce Inlet, near the City of Fort Pierce, St. Lucie County, Florida. 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: A prototype sub-surface propeller generator encased within 6-foot-diameter, 2-foot-wide tube, screened on both ends to protect marine life and protect the mechanism from debris. The generator has a capacity of 40 kilowatts, and will be suspended in 18-foot-deep water near the mouth of the inlet. Anchors on each end of the generator housing will secure it to the inlet floor. A transmission cable will connect the generator to a series of batteries located behind the Manatee Bar and Grill to monitor load and output. The estimated annual generation of the Ft. Pierce Project would be 80.0 megawatt-hours.

Applicant Contact: Mr. Paul Greyshock, Cyclo-Ocean Inc., 670 16th St., Vero Beach, Florida 32960; phone: (772) 501–4865 or Mr. David Cox, 2044 14th Ave., Suite 24, Vero Beach, Florida 32960; phone: (772) 564 0540.

FERC Contact: Michael Spencer; phone: (202) 502–6093.

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–14650–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14650) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: February 25, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–04371 Filed 3–2–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR15–16–000]

Enable Bakken Crude Services, LLC; Notice of Request for Waiver

Take notice that on February 13, 2015, Enable Bakken Crude Services, LLC requested waiver of the verified statement requirements under 18 CFR 342.4(c), consistent with the declaratory order authorization granted in Docket No. OR14–24–000.[1]

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on February 27, 2015.

Dated: February 25, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–04372 Filed 3–2–15; 8:45 am]

BILLING CODE 6717–01–P

[1] *Enable Bakken Crude Services, LLC,* 148 FERC ¶ 61,048 (2014).

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1150]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before May 4, 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 to *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: 3060–1150.

Title: Structure and Practices of the Video Relay Service Program, Second Report and Order and Order, CG Docket No. 10–51.

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: 15 respondents; 91 responses.

Estimated Time per Response: .017 hours (1 minute) to 25 hours.

Frequency of Response: Annual, one-time and semi-annually reporting requirements; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for the information collections is found at section 225 of the Act, 47 U.S.C. 225. The law was enacted on July 26, 1990, as Title IV of the ADA, Public Law 101–336, 104 Stat. 327, 366–69.

Total Annual Burden: 419 hours.

Total Annual Cost: None.

Nature and Extent of Confidentiality: An assurance of confidentiality is not offered because this information collection does not require the collection of personally identifiable information (PII) from individuals.

Privacy Impact Assessment: No impact(s).

Needs and Uses: On July 28, 2011, in document FCC 11–118, the Commission released a *Second Report and Order and Order,* published at 76 FR 47469, August 5, 2011, and at 76 FR 47476, August 5, 2011, adopting final and interim rules—designed to help prevent fraud and abuse, and ensure quality service, in the provision of Internet-

based forms of Telecommunications Relay Services (iTRS). *The Second Report and Order and Order* amends the Commission's process for certifying Internet-based Telecommunications Relay Service (iTRS) providers as eligible for payment from the Interstate TRS Fund (Fund) for their provision of iTRS, as proposed in the Commission's April 2011 Further Notice of Proposed Rulemaking in the Video Relay Service (VRS) reform proceeding, CG Docket No. 10–51, published at 76 FR 24437, May 2, 2011. The Commission adopted the newly revised certification process to ensure that iTRS providers receiving certification are qualified to provide iTRS in compliance with the Commission's rules, and to eliminate waste, fraud and abuse through improved oversight of such providers. The *Second Report and Order and Order* contains information collection requirements with respect to the following eight requirements, all of which aims to ensure that providers are qualified to provide iTRS and that the services are provided in compliance with the Commission's rules with no or minimal service interruption.

(*A*) *Required Evidence for Submission for Eligibility Certification.* The *Second Report and Order and Order* requires that potential iTRS providers must provide full and detailed information in its application for certification that show its ability to comply with the Commission's rules. The *Second Report and Order and Order* requires that applicants must provide a detailed description of how the applicant will meet all non-waived mandatory minimum standards applicable to each form of TRS offered, including documentary and other evidence, and in the case of VRS, such documentary and other evidence shall demonstrate that the applicant leases, licenses or has acquired its own facilities and operates such facilities associated with TRS call centers and employees communications assistants, on a full or part-time basis, to staff such call centers at the date of the application. Such evidence shall include but not be limited to:

1. For VRS applicants operating five or fewer call centers within the United States, a copy of each deed or lease for each call center operated by the applicant within the United States;

2. For VRS applicants operating more than five call centers within the United States, a copy of each deed or lease for a representative sampling (taking into account size (by number of communications assistants) and location) of five call centers operated by the applicant within the United States;

3. For VRS applicants operating call centers outside of the United States, a copy of each deed or lease for each call center operated by the Applicant outside of the United States;

4. For all applicants, a list of individuals or entities that hold at least a 10 percent equity interest in the applicant, have the power to vote 10 percent or more of the securities of the applicant, or exercise de jure or de facto control over the applicant, a description of the applicant's organizational structure, and the names of its executives, officers, members of its board of directors, general partners (in the case of a partnership), and managing members (in the case of a limited liability company);

5. For all applicants, a list of the number of applicant's full-time and part-time employees involved in TRS operations, including and divided by the following positions: Executives and officers; video phone installers (in the case of VRS), communications assistants, and persons involved in marketing and sponsorship activities;

6. Where applicable, a description of the call center infrastructure, and for all core call center functions (automatic call distribution, routing, call setup, mapping, call features, billing for compensation from the TRS fund, and registration) a statement whether such equipment is owned, leased or licensed (and from whom if leased or licensed) and proofs of purchase, leases or license agreements, including a complete copy of any lease or license agreement for automatic call distribution;

7. For all applicants, copies of employment agreements for all of the provider's employees directly involved in TRS operations, executives and communications assistants, and a list of names of employees directly involved in TRS operations, need not be submitted with the application, but must be retained by the applicant and submitted to the Commission upon request; and

8. For all applicants, a list of all sponsorship arrangements relating to Internet-based TRS, including any associated written agreements.

(*B*) *Submission of Annual Report.* The *Second Report and Order and Order* requires that providers submit annual reports that include updates to the information listed under Section *A* above or certify that there are no changes to the information listed under Section *A* above.

(*C*) *Requiring Providers To Seek Prior Authorization of Voluntary Interruption of Service.* The *Second Report and Order and Order* requires that a VRS provider seeking to voluntarily interrupt service for a period of 30 minutes or more in duration must first obtain Commission authorization by submitting a written request to the Commission's Consumer and Governmental Affairs Bureau (CGB) at least 60 days prior to any planned service interruption, with detailed information of:

(i) Its justification for such interruption;

(ii) Its plan to notify customers about the impending interruption; and

(iii) Its plans for resuming service, so as to minimize the impact of such disruption on consumers through a smooth transition of temporary service to another provider, and restoration of its service at the completion of such interruption.

(*D*) *Reporting of Unforeseen Service Interruptions.* With respect to brief, unforeseen service interruptions or in the event of a VRS provider's voluntary service interruption of less than 30 minutes in duration, the *Second Report and Order and Order* requires that the affected provider submit a written notification to CGB within two business days of the commencement of the service interruption, with an explanation of when and how the provider has restored service or the provider's plan to do so imminently. In the event the provider has not restored service at the time such report is filed, the provider must submit a second report within two business days of the restoration of service with an explanation of when and how the provider has restored service.

(*E*) *Applicant Certifying Under Penalty of Perjury for Certification Application.* The chief executive officer (CEO), chief financial officer (CFO), or other senior executive of an applicant for Internet-based TRS certification with first hand knowledge of the accuracy and completeness of the information provided, when submitting an application for certification for eligibility to receive compensation from the Intestate TRS Fund, must certify under penalty of perjury that all application information required under the Commission's rules and orders has been provided and that all statements of fact, as well as all documentation contained in the application submission, are true, accurate, and complete.

(*F*) *Certified Provider Certifying Under Penalty of Perjury for Annual Compliance Filings.* The *Second Report and Order and Order* requires the chief executive officer (CEO), chief financial officer (CFO), or other senior executive of an Internet-based TRS provider with first hand knowledge of the accuracy and completeness of the information

provided, when submitting an annual compliance report under paragraph (g) of § 64.606 of the Commission's rules, must certify under penalty of perjury that all information required under the Commission's rules and orders has been provided and all statements of fact, as well as all documentation contained in the annual compliance report submission, are true, accurate, and complete.

(*G*) *Notification of Service Cessation.* The *Second Report and Order and Order* requires the applicant for certification must give its customers at least 30 days notice that it will no longer provide service should the Commission determine that the applicant's certification application does not qualify for certification under paragraph (a)(2) of § 64.606 of the Commission's rules.

(*H*) *Notification on Web site.* The *Second Report and Order and Order* requires the provider must provide notification of temporary service outages to consumers on an accessible Web site, and the provider must ensure that the information regarding service status is updated on its Web site in a timely manner.

On October 17, 2011, in document FCC 11–155, the Commission released a Memorandum Opinion and Order (*MO&O*), published at 76 FR 67070, October 31, 2011, addressing the petition for reconsideration filed by Sorenson Communications, Inc. (Sorenson). Sorenson concurrently filed a PRA comment challenging two aspects of the information collection requirements as being too burdensome. The Commission modified two aspects of information collection requirements contained in the July 28, 2011 *Second Report and Order and Order* to lessen the burdens on applicants for VRS certification and VRS providers to provide certain documentation to the Commission. In the *MO&O,* the Commission revised the language in the rules to require that providers that operate five or more domestic call centers only submit copies of proofs of purchase, leases or license agreements for technology and equipment used to support their call center functions for five of their call centers that constitute a representative sample of their centers, rather than requiring copies for all call centers. Further, the Commission clarifies that the rule requiring submission of a list of all sponsorship arrangements relating to iTRS only requires that a certification applicant include on the list associated written agreements, and does not require the applicant to provide copies of all written agreements.

Therefore, the information collection requirements listed above in section (*A*) 6 and 8 were revised to read as follows:

6. A description of the technology and equipment used to support their call center functions—including, but not limited to, automatic call distribution, routing, call setup, mapping, call features, billing for compensation from the TRS Fund, and registration—and for each core function of each call center for which the applicant must provide a copy of technology and equipment proofs of purchase, leases or license agreements in accordance with paragraphs (a)–(d) listed below, a statement whether such technology and equipment is owned, leased or licensed (and from whom if leased or licensed);

(*a*) For VRS providers operating five or fewer call centers within the United States, a copy of each proof of purchase, lease or license agreement for all technology and equipment used to support their call center functions—for each call center operated by the applicant within the United States;

(*b*) For VRS providers operating more than five call centers within the United States, a copy of each proof of purchase, lease or license agreement for technology and equipment used to support their call center functions for a representative sampling (taking into account size (by number of communications assistants) and location) of five call centers operated by the applicant within the United States; a copy of each proof of purchase, lease or license agreement for technology and equipment used to support their call center functions for all call centers operated by the applicant within the United States must be retained by the applicant for three years from the date of the application, and submitted to the Commission upon request;

(*c*) For VRS providers operating call centers outside of the United States, a copy of each proof of purchase, lease or license agreement for all technology and equipment used to support their call center functions for each call center operated by the applicant outside of the United States; and

(*d*) A complete copy of each lease or license agreement for automatic call distribution.

8. For all applicants, a list of all sponsorship arrangements relating to Internet-based TRS, including on that list a description of any associated written agreements; copies of all such arrangements and agreements must be retained by the applicant for three years from the date of the application, and submitted to the Commission upon request.

Federal Communications Commission.

Marlene H. Dortch,

Secretary. Office of the Secretary, Office of the Managing Director.

[FR Doc. 2015–04339 Filed 3–2–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1174]

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 Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before May 4, 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 to *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: 3060–1174.

Title: Section 73.503, Licensing requirements and service; Section 73.621, Noncommercial educational TV stations; Section 73.3527, Local public inspection file of noncommercial educational stations.

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Not for profit institutions.

Number of Respondents and Responses: 2,200 respondents and 30,800 responses.

Frequency of Response: Recordkeeping requirement; Annual reporting requirement; One-time reporting requirement; Third party disclosure requirement.

Estimated Time per Response: 0.25–1.5 hours.

Total Annual Burden: 17,050 hours.

Total Annual Cost to Respondents: $330,000.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 47 U.S.C. 151, 152, 154(i), 303, 307 and 308.

Nature and Extent of Confidentiality: There is no assurance of confidentiality provided to respondents.

Privacy Impact Assessment: No impact(s).

Needs and Uses: On April 25, 2012, the Commission adopted a Notice of Proposed Rulemaking (''NPRM'') in MB Docket 12–106, FCC 12–43, In the Matter of Noncommercial Educational Station Fundraising for Third-Party Non-Profit Organizations. Under the Commission's existing rules, a noncommercial educational (''NCE'') broadcast station may not conduct fundraising activities to benefit any entity besides the station itself if the activities would substantially alter or suspend regular programming. The NPRM proposes to relax the rules to allow NCE stations to spend up to one percent of their total annual airtime conducting on-air fundraising activities that interrupt regular programming for the benefit of third-party non-profit organizations.

A final rulemaking has not been adopted by the Commission to date. The Commission would like to keep this collection in OMB's inventory. We will receive OMB final approval once the final rulemaking is adopted by the Commission.

Federal Communications Commission.

Marlene H. Dortch,

Secretary. Office of the Secretary, Office of the Managing Director.

[FR Doc. 2015–04338 Filed 3–2–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 27, 2015.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *UniBanc Corp.,* Maywood, Nebraska; to acquire 100 percent of the voting shares of Bank of Stapleton, Stapleton, Nebraska:

In connection with this proposal, UniBanc Corp. has applied to acquire Stapleton Investment Company, and thereby engage in general insurance activities in a town greater than 5,000 in population, pursuant to section 225.28(b)(11)(iii)(A).

Board of Governors of the Federal Reserve System, February 25, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–04375 Filed 3–2–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

[File No. 132 3211]

Health Discovery Corporation; Analysis of Proposed Consent Order 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 or deceptive acts or practices. The attached Analysis to Aid Public Comment describes both the allegations in the draft complaint and the terms of the consent order—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/melappsconsent/* online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write ''Health Discovery Corporation—Consent Agreement; File No. 1323211'' on your comment and file your comment online at *https://ftcpublic.commentworks.com/ftc/melappsconsent/* by following the instructions on the web-based form. If you prefer to file your comment on paper, write ''Health Discovery Corporation—Consent Agreement; File No. 1323211'' 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: Karen Mandel, Bureau of Consumer Protection, (202) 326–2491, 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 order 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 ''Health Discovery Corporation—Consent Agreement; File No. 1323211'' 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/melappsconsent/* 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 ''Health Discovery Corporation—Consent Agreement; File No. 1323211'' 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.*

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (''FTC'' or ''Commission'') has accepted, subject to final approval, an agreement containing a consent order as to Health Discovery Corporation (hereafter ''the company'').

The proposed consent order (''proposed order'') has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the proposed order and the comments received, and will decide whether it should withdraw or make final the agreement's proposed order.

This matter involves the company's advertising for the MelApp mobile device software application. The Commission's complaint alleges that the company violated Sections 5(a) and 12 of the Federal Trade Commission Act by representing that MelApp accurately analyses moles and other skin lesions for melanoma and increases consumers' chances of detecting melanoma in early stages, because such claims were false or misleading, or were not substantiated at the time the representations were made. The complaint also alleges that the company violated Sections 5(a) and 12 by making the false or misleading representation that scientific testing proves that MelApp accurately detects melanoma.

The proposed order includes injunctive relief that prohibits these alleged violations and fences in similar and related violations. The proposed order covers any Device, as the term is used within the meaning of Sections 12 and 15 of the FTC Act, 15 U.S.C. 52, 55. As additional fencing-in relief, the proposed order requires the company to follow appropriate recordkeeping and compliance reporting requirements, as well as document preservation requirements for human clinical studies that it conducts or sponsors on the Device.

Part I prohibits any representation that a Device detects or diagnoses melanoma or risk factors of melanoma, or increases users' chances of detecting melanoma in early stages, unless it is non-misleading and supported by competent and reliable scientific evidence. Such evidence must consist of human clinical testing of the Device that is sufficient in quality and quantity, based on standards generally accepted by experts in the field, is blinded, conforms to actual use conditions, includes a representative range of skin lesions, and is conducted by researchers qualified by training and experience to conduct such testing. In addition, the company must maintain all underlying or supporting data that experts in the relevant field generally would accept as relevant to an assessment of such testing.

Part II prohibits any representation about the health benefits or health efficacy of a Device, unless it is non-

[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).

misleading and supported by competent and reliable scientific evidence that is sufficient in quality and quantity based on standards generally accepted in the relevant scientific fields, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true. For purposes of this Part, competent and reliable scientific evidence means tests, analyses, research, or studies that have been conducted by a qualified person in an objective manner and are generally accepted in the profession to yield accurate and reliable results. When that evidence consists of a human clinical trial, the company must maintain all underlying or supporting data and documents that experts in the relevant field generally would accept as relevant to an assessment of such testing.

Part III triggered when the human clinical testing requirement in Parts I or II applies, requires the company to secure and preserve all underlying or supporting data and documents generally accepted by experts in the relevant field as relevant to an assessment of the test, such as protocols, instructions, participant-specific data, statistical analyses, and contracts with the test's researchers. There is an exception for a ''Reliably Reported'' test, defined as a test that is published in a peer-reviewed journal and that was not conducted, controlled, or sponsored by any proposed respondent or supplier. Also, the published report must provide sufficient information about the test for experts in the relevant field to assess the reliability of the results.

Part IV prohibits the company from misrepresenting, including through the use of a product or service name, endorsement, depiction, or illustration, the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research, or that any benefits of such product or service are scientifically proven, including, but not limited to, that studies, research, testing, or trials prove that a product or service detects or diagnoses a disease or the risks of a disease.

Part V provides the company will pay an equitable monetary payment of Seventeen Thousand Six Hundred Ninety-three Dollars ($17,693).

Part VI contains recordkeeping requirements for advertisements and substantiation relevant to representations covered by Parts I through III, as well as order receipts covered by Part VII.

Parts VII through IX require the company to deliver a copy of the order to officers, employees, and representatives having managerial responsibilities with respect to the order's subject matter, notify the Commission of changes in corporate structure that might affect compliance obligations, and file compliance reports with the Commission.

Part X provides that, with exceptions, the order will terminate in twenty years.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the complaint or proposed order, or to modify the proposed order's terms in any way.

By direction of the Commission, Commissioner Ohlhausen dissenting.

Donald S. Clark,

Secretary.

Statement of Chairwoman Ramirez, Commissioner Brill, and Commissioner McSweeny

In the Matter of Health Discovery Corporation, File No. 132 3211, and FTC v. Avrom Boris Lasarow, et al., File No. 132 3210

February 23, 2015

Today the Commission is announcing actions in two matters challenging the advertising for the mobile apps MelApp and Mole Detective.[1] Both of these apps claimed to provide an automated analysis of moles and skin lesions for symptoms of melanoma and increase consumers' chances of detecting melanoma in its early stages.

Advertising for MelApp stated that it used ''patent protected state-of-the-art mathematical algorithms and image-based pattern recognition technology to analyze the uploaded image [of a skin lesion],'' to ''provide a risk analysis of the uploaded picture being a melanoma'' and ''assist[ ] in the early detection of melanoma.''[2] Advertising for Mole Detective stated that it ''is the first and only app to calculate symptoms of melanoma right on the phone,'' and that it could ''analyze[] your mole using the dermatologist ABCDE method and give[] you a risk factor based on the symptoms your mole may or may not be showing,'' ''increase the chance of detecting skin cancer in early stages,'' and ''save[] lives through the early detection of potentially fatal melanoma,'' using ''shape recognition software.''[3]

The claims that these apps would provide an accurate, automated analysis of skin lesions were the central selling points for both MelApp and Mole Detective, and these claims needed to be substantiated.[4] Although Commissioner Ohlhausen does not appear to disagree with this assessment, she believes the Commission's complaint needs to articulate a comparative reference point for any ''accuracy'' claim to set an appropriate level of substantiation in the accompanying orders. Absent extrinsic evidence, she believes it is reasonable to read the ads as claiming that the automated assessment is more accurate than unaided self-assessment, and that it is not reasonable to read the ads as claiming that the automated assessment is as accurate as a dermatologist.

We disagree. We think the powerful language of the advertising, such as that quoted above, is clear on its face, so no extrinsic evidence of consumer interpretation is needed to support the challenged representations that the apps accurately analyze moles for symptoms of melanoma and increase the chance of detecting skin cancer in its early stages. Because the defendants and the respondent lacked substantiation for those claims, we have reason to believe they violated Section 5. Thus, it is not necessary to hypothesize about what implied claims, such as the accuracy relative to different types of assessments, consumers may have read into the advertising.

Commissioner Ohlhausen also suggests that the orders would, *de facto,* require any future app the advertisers market to be as accurate as a dermatologist or biopsy. Again, we respectfully disagree. The orders do not prescribe a particular level of accuracy the apps must achieve prior to being marketed; rather, they require scientific testing demonstrating accuracy at a level appropriate to the claims being made.[5]

[1] The Commission has voted to accept for public comment a consent agreement with the sole respondent in In the Matter of Health Discovery Corporation (addressing the MelApp mobile app). In FTC v. Avrom Boris Lasarow, et al. (addressing the Mole Detective mobile app), the Commission has authorized the filing of a federal court complaint against four defendants and approved a proposed settlement with two of those defendants, Kristi Zuhlke Kimball and New Consumer Solutions LLC.

[2] See MelApp Complaint ¶ 6(A).

[3] See Mole Detective Complaint ¶¶ 18(A)–(B), 18(D); Ex. A–2.

[4] FTC Policy Statement Regarding Advertising Substantiation, 104 F.T.C. 839 (1984) (appended to Thompson Med. Co., 104 F.T.C. 648 (1984)) (''[W]e reaffirm our commitment to the underlying legal requirement of advertising substantiation—that advertisers and ad agencies have a reasonable basis for advertising claims before they are disseminated.''), aff'd, 791 F.2d 189, 193 & 196 (D.C. Cir. 1986), cert. denied, 479 U.S. 1086 (1987).

[5] Based on our application of the factors set out in Pfizer, 81 F.T.C. 23, 64 (1970), if these advertisers make future claims that any device detects or diagnoses melanoma, or increases a user's chances of detecting melanoma in its early stages, the orders would require that such claims be substantiated by human clinical testing. The orders specify that such

Continued

Thus, if scientific testing demonstrates that the app is accurate 60% of the time, the advertisers would be able to make a 60% accuracy claim. It would be incumbent upon these marketers to make sure that their advertising conveyed that level of accuracy and did not suggest a stronger level of science to reasonable consumers.

Technologies such as health-related mobile apps have the potential to provide tremendous conveniences and benefits to consumers. However, the same rules of the road apply to all media and technologies—advertisers must have substantiation to back up their claims. The Commission will continue to hold advertisers accountable for the promises they make to consumers, especially when they pertain to diseases and other serious health conditions.

For the foregoing reasons, we have reason to believe that the complaint allegations and proposed relief reached by consent of the settling parties are appropriate.

Dissenting Statement of Commissioner Maureen K. Ohlhausen

In the Matter of Health Discovery Corporation, File No. 132–3211 and FTC v. Avrom Boris Lasarow, et al., File No. 132–3210

February 23, 2015

These matters are another example of the Commission using an unduly expansive interpretation of advertising claims to justify imposing an inappropriately high substantiation requirement on a relatively safe product.[1] As I have previously stated, ''We must keep in mind . . . that if we are too quick to find stronger claims than the ones reasonable consumers actually perceive, then we will inadvertently, but categorically, require an undue level of substantiation for those claims.'' [2] Because I fear this course of action will inhibit the development of beneficial products and chill the dissemination of useful health information to consumers, I dissent.

I do not dispute that companies must have adequate substantiation to support the claims that they make, and I thus would have supported complaints and substantiation requirements based on the app developers' claims that their apps automatically assessed cancer risk more accurately than a consumer's unaided self-assessment using the ABCDE factors.[3]

However, the complaints and orders in these cases go further, demanding a high level of substantiation for a wide range of potential advertising claims. Specifically, the orders require rigorous, well-accepted, blinded, human clinical tests to substantiate any claim that the app increases consumers' chances of detecting skin cancer in the early stages.[4] Both orders also impose the same high substantiation standard on any claim that an app ''detects or diagnoses melanoma or risk factors of melanoma.'' [5] The orders could thus be read to require the app developers to demonstrate that their apps assess cancer risk as well as dermatologists, even if their ads make much more limited claims.

Substantiation requirements must flow from the claims made by the advertiser. Under *Pfizer,* the Commission should require a high level of substantiation if the advertiser expressly claimed or implied that the apps provide dermatologist-level accuracy and efficacy, and a lower level of substantiation if the advertiser claims a lower level of capability.[6] The majority's statement appears to agree with that approach:

''[I]f scientific testing demonstrates that the app is accurate 60% of the time, the advertisers would be able to make a 60% accuracy claim. It would be incumbent upon these marketers to make sure that their advertising conveyed that level of accuracy and did not suggest a stronger level of science to reasonable consumers.'' [7]

Yet, having acknowledged that the app developers need only ensure that their advertising conveys the appropriate level of accuracy, the majority still supports complaints that do not specify what claimed level of accuracy their advertisements conveyed to consumers. Instead, the complaints describe the allegedly unlawful advertising claims amorphously. The Mole Detective complaint, for example, characterizes the defendants' ads as claiming that the app ''accurately analyzes moles for the ABCDE symptoms of melanoma; and/or increases consumers' chances of detecting skin cancer in early stages.'' [8]

This amorphous claim construction leaves two unresolved questions: ''Accurate compared to what?'' and ''Increases chances compared to what?'' We must know how reasonable consumers answered those questions—and thus establish what claims consumers likely took from the ads—before we can determine whether defendants provided the appropriate level of substantiation for those claims.[9]

There is little reason to think that consumers interpreted the ads to promise early detection as accurate and efficacious as a dermatologist. The ads never claim that the apps substitute for a dermatologist exam. In fact, the ads describe the apps as tools to enhance self-assessment in conjunction with visits to dermatologists, and both apps emphasize the importance of regular dermatologist visits. Without extrinsic evidence, I do not have reason to believe that a reasonable consumer would take away the implied claim that using these apps would increase their chances of detecting skin cancer in the early stages

testing must be blinded, conform to actual use conditions, include a representative range of skin lesions, and be conducted by researchers qualified by training and experience to conduct such testing. These conditions are designed to ensure the accuracy and reliability of testing used to support a narrow and clearly defined set of claims relating specifically to the detection and diagnosis of melanoma, a serious and progressively deadly disease.

If these advertisers make other claims about the health benefits or efficacy of any product or service, the orders require such claims to be non-misleading and supported by competent and reliable scientific evidence. The orders further describe what constitutes competent and reliable scientific evidence and make it quite clear that the evidence required is directly tied to the claim made, expressly or implicitly, by the advertiser.

[1] See Statement of Commissioner Maureen K. Ohlhausen Dissenting in Part and Concurring in Part In the Matter of GeneLink, Inc. and foru International Corp., (Jan. 7, 2014); Concurring Statement of Commissioner Maureen K. Ohlhausen, POM Wonderful, Docket No. 9344, at 3 (Jan. 10, 2013). These statements are available at *http://www.ftc.gov/about-ftc/biographies/maureen-k-ohlhausen#speeches.*

[2] Concurring Statement of Commissioner Maureen K. Ohlhausen, POM Wonderful, at 3.

[3] I agree with the majority that the companies claimed, without substantiation, that the apps' automated risk assessments were more accurate than a user's unaided self-assessment using the ABCDE factors, and I therefore would support complaints narrowly challenging this claim. Further, I would support orders prohibiting claims that an app ''detects melanoma or risk factors of melanoma, thereby increasing, as compared to unaided self-assessment, users' chances of detecting melanoma in early stages,'' unless substantiated by competent and reliable scientific evidence.

[4] Mole Detective Order at 5. The MelApp Order includes a similar prohibition. See MelApp Order at 3.

[5] Mole Detective Order at 5; MelApp Order at 3.

[6] Under Pfizer, the Commission determines the level of evidence an advertiser must have to substantiate its product efficacy claims by examining six factors: (1) The type of product advertised; (2) the type of claim; (3) the benefits of a truthful claim; (4) the cost of developing substantiation for the claim; (5) the consequences of a false claim; and (6) the amount of substantiation that experts in the field would require. Pfizer, Inc., 81 F.T.C. 23, 64 (1970).

[7] Statement of Chairwoman Ramirez, Commissioner Brill, and Commissioner McSweeny at 2.

[8] Mole Detective Complaint ¶ 23. The MelApp complaint contains similar language. See MelApp Complaint at 4.

[9] Because the ads do not expressly quantify (in absolute terms or by comparison) the accuracy or efficacy of the apps, any purported claims by the ads about accuracy or efficacy must be implied, not express.

as compared to an examination by a dermatologist.[10]

Thus, the orders impose a high level of substantiation despite lacking evidence that the marketing claims require such substantiation, and the complaints' vague claim construction obscures this flawed approach.[11] Despite the assurances in the majority's statement as to what the orders require, the complaints imply—and the majority appears to agree [12]—that reasonable consumers expected the apps to substitute for professional medical care. This disconnect raises the possibility that the Commission may use vague complaints to impose very high substantiation standards on health-related apps even if the advertising claims for those apps are more modest.

This approach concerns me. Health-related apps have enormous potential to improve access to health information for underserved populations and to enable individuals to monitor more effectively their own well-being, thereby improving health outcomes. Health-related apps need not be as accurate as professional care to provide significant value for many consumers. The Commission should not subject such apps to overly stringent substantiation requirements, so long as developers adequately convey the limitations of their products. In particular, the Commission should be very wary of concluding that consumers interpret marketing for health-related apps as claiming that those apps substitute for professional medical care, unless we can point to express claims, clearly implied claims, or extrinsic evidence. If the Commission continues to adopt such conclusions without any evidence of consumers' actual interpretations, and thus requires a very high level of substantiation for health-related apps, we are likely to chill innovation in such apps, limit the potential benefits of this innovation, and ultimately make consumers worse off.[13]

I therefore respectfully dissent.

[FR Doc. 2015–04348 Filed 3–2–15; 8:45 am]

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[10] When the FTC cannot ''conclude with confidence'' that a specific implied claim is being made—for example, if the ad contains ''conflicting messages''—the FTC ''will not find the ad to make the implied claim unless extrinsic evidence allows us to conclude that such a reading of the ad is reasonable.'' In re Thompson Med. Co., 104 F.T.C. 648, 788–89 (1984).

[11] These onerous substantiation requirements cannot be defended as ''fencing-in.'' The FTC does not traditionally fence in companies by requiring a heightened level of substantiation. Instead, past FTC decisions fence in companies by extending the scope of a substantiation requirement beyond the specific product, parties, or type of conduct involved in the actual violation. See Federal Trade Commission v. Springtech 77376, LLC, et al. (''Cedarcide Industries''), Matter No. X120042, Dissenting Statement of Commissioner Maureen K. Ohlhausen at 3 (July 16, 2013). Requiring past violators to meet a higher burden of substantiation would not fence them in—it would only make it more difficult for them to make truthful claims that could be useful to consumers. Id.

[12] ''Commissioner Ohlhausen . . . believes . . . that it is not reasonable to read the ads as claiming that the automated assessment is as accurate as a dermatologist. We disagree.'' Statement of Chairwoman Ramirez, Commissioner Brill, and Commissioner McSweeny at 1.

[13] See, *e.g.,* Scott Gottlieb and Coleen Klasmeier, ''Why Your Phone Isn't as Smart as It Could Be,'' Wall Street Journal (Aug. 7, 2014) (blaming heavy regulation of consumer-directed health apps and devices for smartphones that are ''purposely dumbed down'' and ''products that are never created because mobile-tech entrepreneurs choose to direct their talents elsewhere''), available at *http://online.wsj.com/articles/scott-gottlieb-and-coleen-klasmeier-why-your-phone-isnt-as-smart-as-it-could-be-1407369163.*

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the National Preparedness and Response Science Board

AGENCY: Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) is hereby giving notice that the National Preparedness and Response Science Board (NPRSB), also known as the National Biodefense Science Board, will be holding a public teleconference.

DATES: The NPRSB will hold a public meeting on March 30, 2015, from 1:00 p.m. to 2:00 p.m. EST. The agenda is subject to change as priorities dictate.

ADDRESSES: Individuals who wish to participate should send an email to *NPRSB@HHS.GOV* with ''NPRSB Registration'' in the subject line. The meeting will occur by teleconference. To attend via teleconference and for further instructions, please visit the NPRSB Web site at *WWW.PHE.GOV/NPRSB.*

FOR FURTHER INFORMATION CONTACT: Please submit an inquiry via the NPRSB Contact Form located at *www.phe.gov/NBSBComments.*

SUPPLEMENTARY INFORMATION: Pursuant to section 319M of the Public Health Service Act (*42 U.S.C. 247d–7f*) and section 222 of the Public Health Service Act (*42 U.S.C. 217a*), HHS established the NPRSB. The Board shall provide expert advice and guidance to the Secretary on scientific, technical, and other matters of special interest to HHS regarding current and future chemical, biological, nuclear, and radiological agents, whether naturally occurring, accidental, or deliberate. The NPRSB may also provide advice and guidance to the Secretary and/or the Assistant Secretary for Preparedness and Response (ASPR) on other matters related to public health emergency preparedness and response.

Background: This public meeting via teleconference will be dedicated to the NPRSB's deliberation and vote on the findings from the ASPR Future Strategies Working Group. Subsequent agenda topics will be added as priorities dictate. Any additional agenda topics will be available on the NPRSB March 30, 2015, meeting Web page, available at *WWW.PHE.GOV/NPRSB.*

Availability of Materials: The meeting agenda and materials will be posted prior to the meeting on the March 30th meeting Web page at *WWW.PHE.GOV/NPRSB.*

Procedures for Providing Public Input: Members of the public are invited to attend by teleconference via a toll-free call-in phone number which is available on the NPRSB Web site at *WWW.PHE.GOV/NPRSB.* All members of the public are encouraged to provide written comment to the NPRSB. All written comments must be received prior to March 29, 2015, and should be sent by email to *NPRSB@HHS.GOV* with ''NPRSB Public Comment'' as the subject line. Public comments received by close of business one week prior to each teleconference will be distributed to the NPRSB in advance.

Dated: February 24, 2015.

Nicole Lurie,

Assistant Secretary for Preparedness and Response.

[FR Doc. 2015–04303 Filed 3–2–15; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee on Immunization Practices (ACIP)

Correction: This notice was published in the **Federal Register** on January 30, 2015, Volume 80, Number 20, Page 5116–5117. Due to inclement weather in the Atlanta, Georgia area, the first day of the meeting scheduled for February 25 and 26, 2015 was not held. The second day of the meeting will take place as follows:

Times and Dates: 10:00 a.m.–2:00 p.m., February 26, 2015.

The meeting will be webcast live via the World Wide Web; for instructions and more information on ACIP please visit the ACIP Web site: *http://www.cdc.gov/vaccines/acip/index.html.*

Matters To Be Discussed: The shortened agenda will include discussions and votes on: Influenza LAIV use, serogroup B meningococcal (MenB) vaccines use in high risk groups, including outbreaks, and the use of 9vHPV vaccine.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Stephanie B. Thomas, National Center for Immunization and Respiratory Diseases, CDC, 1600 Clifton Road NE., MS–A27, Atlanta, Georgia 30333, telephone: (404) 639–8836; Email *ACIP@CDC.GOV.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Catherine Ramadei,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2015–04330 Filed 3–2–15; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Grant Reviewer Recruitment Form.

OMB No.: NEW.

Description: The Administration for Children and Families' Children's Bureau (CB) is responsible for administering the review of eligible grant applications submitted in response to funding opportunity announcements issued by CB. CB ensures that the objective review process is independent, efficient, effective, economical, and complies with the applicable statutes, regulations, and policies. Applications are reviewed by subject experts knowledgeable in child welfare and related fields. Review findings are advisory to CB; CB is responsible for making award decisions.

This announcement is a request for approval of the proposed information collection system, the Reviewer Recruitment Module (RRM). CB will use a web-based data collection form and database to gather critical reviewer information in drop down menu format for data such as: degree, occupation, affiliations with organizations and institutions that serve special populations, and demographic information that may be voluntarily provided by a potential reviewer.

These data elements will help CB find and select expert grant reviewers for objective review committees. The web-based system will permit reviewers to access and update their information at will and as needed. The RRM will be accessible by the general public via *https://rrm.grantsolutions.gov/AgencyPortal/cb.aspx.*

Respondents: Generally, our reviewers are current or retired professionals with backgrounds in child welfare and related fields and in some instances current or former foster care parents or clients.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Reviewer recruitment module	500	1	.25	125

Estimated Total Annual Burden Hours: 125.

Additional Information

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.*

OMB Comment

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–04320 Filed 3–2–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: ORR–2 Quarterly Report on Expenditures and Obligations.

OMB No.: 0970–0407.

Description: The Office of Refugee Resettlement (ORR) reimburses, to the extent of available appropriations, certain non-federal costs for the provision of cash and medical assistance to refugees, along with allowable expenses for the administration of the refugee resettlement program at the State level. States (and Wilson/Fish projects; *i.e.,* alternative projects for the administration of the refugee resettlement program) currently submit the ORR–2 Quarterly Report on Expenditures and Obligations, which provides aggregate expenditure and obligation data. This proposed data collection collects expenditures and obligations data separately for each of the four CMA program components: Refugee cash assistance, refugee medical assistance, cash and medical assistance administration, and services for unaccompanied minors. This breakdown of financial status data allows ORR to track program

expenditures in greater detail to anticipate any funding issues and to meet the requirements of ORR regulations at CFR 400.211 to collect these data for use in estimating future costs of the refugee resettlement program. ORR must implement the methodology at CFR 400.211 each year after receipt of its annual appropriation to ensure that appropriated funds will be adequate for reimbursement to States of the costs for assistance provided to entering refugees. The estimating methodology prescribed in the regulations requires the use of actual past costs by program component. In the event that the methodology indicates that appropriated funds are inadequate, ORR must take steps to reduce federal expenses, such as by limiting the number of months of eligibility for Refugee Cash Assistance and Refugee Medical Assistance. This proposed single-page financial report allows ORR to collect the necessary data to ensure that funds are adequate for the projected need and thereby meet the requirements of both the Refugee Act and ORR regulations.

Respondents: State governments, Wilson/Fish Alternative Projects.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ORR Financial Status Report	58	4	0.50	116

Estimated Total Annual Burden Hours: 116.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2015–04365 Filed 3–2–15; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0535]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Notification of a Health Claim or Nutrient Content Claim Based on an Authoritative Statement of a Scientific Body

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by April 2, 2015.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0374. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002 *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Notification of a Health Claim or Nutrient Content Claim Based on an Authoritative Statement of a Scientific Body—(OMB Control Number 0910–0374)—Extension

Section 403(r)(2)(G) and (r)(3)(C) of the Federal Food, Drug and Cosmetic Act (the FD&C Act) (21 U.S.C. 343(r)(2)(G) and (r)(3)(C)), as amended by the FDA Modernization Act of 1997, provides that any person may market a food product whose label bears a nutrient content claim or a health claim that is based on an authoritative statement of a scientific body of the U.S. Government or the National Academy of Sciences (NAS). Under this section of the FD&C Act, a person that intends to use such a claim must submit a notification of its intention to use the claim 120 days before it begins marketing the product bearing the claim. In the **Federal Register** of June 11, 1998 (63 FR 32102), we announced the availability of a guidance entitled ''Guidance for Industry: Notification of a Health Claim or Nutrient Content Claim Based on an Authoritative Statement of a Scientific Body.'' The guidance provides the Agency's interpretation of terms central to the submission of a notification and the Agency's views on the information that should be included in the notification. We believe that the guidance will enable persons to meet the criteria for notifications that are established in section 403(r)(2)(G) and (r)(3)(C) of the FD&C Act. In addition to the information specifically required by the FD&C Act to be in such notifications, the guidance states that the notifications

should also contain information on analytical methodology for the nutrient that is the subject of a claim based on an authoritative statement. We intend to review the notifications we receive to ensure that they comply with the criteria established by the FD&C Act.

In the **Federal Register** of November 21, 2014 (79 FR 69494), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received in response to the notice.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Section of the FD&C Act	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
403(r)(2)(G) (nutrient content claims)	1	1	1	250	250
403(r)(2)(C) (health claims)	1	1	1	450	450
Guidance for notifications	2	1	2	1	2
Total					702

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

These estimates are based on our experience with health claims, nutrient content claims, and other similar notification procedures that fall under our jurisdiction. To avoid estimating the number of respondents as zero, we estimate that there will be one or fewer respondents annually for nutrient content claim and health claim notifications. We estimate that we will receive one nutrient content claim notification and one health claim notification per year over the next 3 years.

Section 403(r)(2)(G) and (r)(3)(C) of the FD&C Act requires that the notification include the exact words of the claim, a copy of the authoritative statement, a concise description of the basis upon which such person relied for determining that this is an authoritative statement as outlined in the FD&C Act, and a balanced representation of the scientific literature relating to the relationship between a nutrient and a disease or health-related condition to which a health claim refers or to the nutrient level to which the nutrient content claim refers. This balanced representation of the scientific literature is expected to include a bibliography of the scientific literature on the topic of the claim and a brief, balanced account or analysis of how this literature either supports or fails to support the authoritative statement.

Since the claims are based on authoritative statements of a scientific body of the U.S. Government or NAS, we believe that the information that is required by the FD&C Act to be submitted with a notification will be readily available to a respondent. However, the respondent will have to collect and assemble that information. Based on communications with firms that have submitted notifications, we estimate that one respondent will take 250 hours to collect and assemble the information required by the statute for a nutrient content claim notification. Further, we estimate that one respondent will take 450 hours to collect and assemble the information required by the statute for a health claim notification.

Under the guidance, notifications should also contain information on analytical methodology for the nutrient that is the subject of a claim based on an authoritative statement. The guidance applies to both nutrient content claim and health claim notifications. We have determined that this information should be readily available to a respondent and, thus, we estimate that it will take a respondent 1 hour to incorporate the information into each notification. We expect there will be two respondents for a total of 2 hours.

Dated: February 24, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–04380 Filed 3–2–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2005–N–0161]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Current Good Manufacturing Practices and Related Regulations for Blood and Blood Components; and Requirements for Donor Testing, Donor Notification, and ''Lookback''

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by April 2, 2015.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0116. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Current Good Manufacturing Practices and Related Regulations for Blood and Blood Components; and Requirements for Donor Testing, Donor Notification, and ''Lookback''—(OMB Control Number 0910–0116)—Extension

All blood and blood components introduced or delivered for introduction into interstate commerce are subject to section 351(a) of the Public Health Service Act (PHS Act) (42 U.S.C. 262(a)). Section 351(a) requires that manufacturers of biological products, which include blood and blood components intended for further

manufacture into injectable products, have a license, issued upon a demonstration that the product is safe, pure, and potent and that the manufacturing establishment meets all applicable standards, including those prescribed in the FDA regulations designed to ensure the continued safety, purity, and potency of the product. In addition, under section 361 of the PHS Act (42 U.S.C. 264), by delegation from the Secretary of Health and Human Services, FDA may make and enforce regulations necessary to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the States or possessions, or from one State or possession into any other State or possession.

Section 351(j) of the PHS Act states that the Federal Food, Drug, and Cosmetic (FD&C) Act also applies to biological products. Blood and blood components for transfusion or for further manufacture into injectable products are drugs, as that term is defined in section 201(g)(1) of the FD&C Act (21 U.S.C. 321(g)(1)). Because blood and blood components are drugs under the FD&C Act, blood and plasma establishments must comply with the substantive provisions and related regulatory scheme of the FD&C Act. For example, under section 501 of the FD&C Act (21 U.S.C. 351(a)), drugs are deemed ''adulterated'' if the methods used in their manufacturing, processing, packing, or holding do not conform to current good manufacturing practice (CGMP) and related regulations.

The CGMP regulations for blood and blood components (21 CFR part 606) and related regulations implement FDA's statutory authority to ensure the safety, purity, and potency of blood and blood components. The public health objective in testing human blood donors for evidence of infection due to communicable disease agents and in notifying donors is to prevent the transmission of communicable disease. For example, the ''lookback'' requirements are intended to help ensure the continued safety of the blood supply by providing necessary information to users of blood and blood components and appropriate notification of recipients of transfusion who are at increased risk for transmitting human immunodeficiency virus (HIV) or hepatitis C virus (HCV) infection.

The information collection requirements in the CGMP, donor testing, donor notification, and ''lookback'' regulations provide FDA with the necessary information to perform its duty to ensure the safety, purity, and potency of blood and blood components. These requirements establish accountability and traceability in the processing and handling of blood and blood components and enable FDA to perform meaningful inspections.

The recordkeeping requirements serve preventive and remedial purposes. The third-party disclosure requirements identify the various blood and blood components and important properties of the product, demonstrate that the CGMP requirements have been met, and facilitate the tracing of a product back to its original source. The reporting requirements inform FDA of certain information that may require immediate corrective action.

Under the reporting requirements, § 606.170(b), in brief, requires that facilities notify FDA's Center for Biologics Evaluation and Research (CBER), as soon as possible after confirming a complication of blood collection or transfusion to be fatal. The collecting facility is to report donor fatalities, and the compatibility testing facility is to report recipient fatalities. The regulation also requires the reporting facility to submit a written report of the investigation within 7 days after the fatality. In fiscal year 2013, FDA received 72 of these reports.

Section 610.40(g)(2) (21 CFR 610.40(g)(2)) requires an establishment to obtain written approval from FDA to ship human blood or blood components for further manufacturing use prior to completion of testing for evidence of infection due to certain communicable disease agents.

Section 610.40(h)(2)(ii)(A), in brief, requires an establishment to obtain written approval from FDA to use or ship human blood or blood components found to be reactive by a screening test for evidence of certain communicable disease agent(s) or collected from a donor with a record of a reactive screening test.

Under the third-party disclosure requirements, § 610.40(c)(1)(ii), in brief, requires that each donation dedicated to a single identified recipient be labeled as required under § 606.121 and with a label containing the name and identifying information of the recipient. The information collection requirements under § 606.121 are part of usual and customary business practice.

Sections 610.40(h)(2)(ii)(C) and (h)(2)(ii)(D), in brief, require an establishment to label certain reactive human blood and blood components with the appropriate screening test results, and, if they are intended for further manufacturing use into injectable products, to include a statement on the label indicating the exempted use specifically approved by FDA. Also, § 610.40(h)(2)(vi) requires each donation of human blood or blood components, excluding Source Plasma, that tests reactive by a screening test for syphilis and is determined to be a biological false positive to be labeled with both test results.

Section 610.42(a) requires a warning statement ''indicating that the product was manufactured from a donation found to be reactive by a screening test for evidence of infection due to the identified communicable disease agent(s)'' in the labeling for medical devices containing human blood or a blood component found to be reactive by a screening test for evidence of infection due to a communicable disease agent(s) or syphilis.

In brief, §§ 610.46 and 610.47 require blood collecting establishments to establish, maintain, and follow an appropriate system for performing HIV and HCV prospective ''lookback'' when: (1) A donor tests reactive for evidence of HIV or HCV infection or (2) the collecting establishment becomes aware of other reliable test results or information indicating evidence of HIV or HCV infection (prospective ''lookback'') (see §§ 610.46(a)(1) and 610.47(a)(1)). The requirement for ''an appropriate system'' requires the collecting establishment to design standard operating procedures (SOPs) to identify and quarantine all blood and blood components previously collected from a donor who later tests reactive for evidence of HIV or HCV infection, or when the collecting establishment is made aware of other reliable test results or information indicating evidence of HIV or HCV infection. Within 3 calendar days of the donor testing reactive by an HIV or HCV screening test or the collecting establishment becoming aware of other reliable test results or information, the collecting establishment must, among other things, notify consignees to quarantine all identified previously collected in-date blood and blood components (§§ 610.46(a)(1)(ii)(B) and 610.47(a)(1)(ii)(B)) and, within 45 days, notify the consignees of supplemental test results, or the results of a reactive screening test if there is no available supplemental test that is approved for such use by FDA (§§ 610.46(a)(3) and 610.47(a)(3)).

Consignees also must establish, maintain, and follow an appropriate system for performing HIV and HCV ''lookback'' when notified by the collecting establishment that they have received blood and blood components previously collected from donors who later tested reactive for evidence of HIV or HCV infection, or when the collecting

establishment is made aware of other reliable test results or information indicating evidence of HIV or HCV infection in a donor (§§ 610.46(b) and 610.47(b)). This provision for a system requires the consignee to establish SOPs for, among other things, notifying transfusion recipients of blood and blood components, or the recipient's physician of record or legal representative, when such action is indicated by the results of the supplemental (additional, more specific) tests or a reactive screening test if there is no available supplemental test that is approved for such use by FDA, or if under an investigational new drug application (IND) or an investigational device exemption (IDE), is exempted for such use by FDA. The consignee must make reasonable attempts to perform the notification within 12 weeks of receipt of the supplemental test result or receipt of a reactive screening test result when there is no available supplemental test that is approved for such use by FDA, or if under an IND or IDE, is exempted for such use by FDA (§§ 610.46(b)(3) and 610.47(b)(3)).

Section 630.6(a) (21 CFR 630.6(a)) requires an establishment to make reasonable attempts to notify any donor who has been deferred as required by § 610.41, or who has been determined not to be eligible as a donor. Section 630.6(d)(1) requires an establishment to provide certain information to the referring physician of an autologous donor who is deferred based on the results of tests as described in § 610.41.

Under the recordkeeping requirements, § 606.100(b), in brief, requires that written SOPs be maintained for all steps to be followed in the collection, processing, compatibility testing, storage, and distribution of blood and blood components used for transfusion and further manufacturing purposes. Section 606.100(c) requires the review of all records pertinent to the lot or unit of blood prior to release or distribution. Any unexplained discrepancy or the failure of a lot or unit of final product to meet any of its specifications must be thoroughly investigated, and the investigation, including conclusions and followup, must be recorded.

In brief, § 606.110(a) provides that the use of plateletpheresis and leukapheresis procedures to obtain a product for a specific recipient may be at variance with the additional standards for that specific product if, among other things, the physician certifies in writing that the donor's health permits plateletpheresis or leukapheresis. Section 606.110(b) requires establishments to request prior approval from CBER for plasmapheresis of donors who do not meet donor requirements. The information collection requirements for § 606.110(b) are approved under OMB control number 0910–0338 and, therefore, are not reflected in tables 1 and 2.

Section 606.151(e) requires that SOPs for compatibility testing include procedures to expedite transfusion in life-threatening emergencies; records of all such incidents must be maintained, including complete documentation justifying the emergency action, which must be signed by a physician.

So that each significant step in the collection, processing, compatibility testing, storage, and distribution of each unit of blood and blood components can be clearly traced, § 606.160 requires that legible and indelible contemporaneous records of each such step be made and maintained for no less than 10 years. Section 606.160(b)(1)(viii) requires records of the quarantine, notification, testing and disposition performed under the HIV and HCV ''lookback'' provisions. Furthermore, § 606.160(b)(1)(ix) requires a blood collection establishment to maintain records of notification of donors deferred or determined not to be eligible for donation, including appropriate followup. Section 606.160(b)(1)(xi) requires an establishment to maintain records of notification of the referring physician of a deferred autologous donor, including appropriate followup.

Section 606.165, in brief, requires that distribution and receipt records be maintained to facilitate recalls, if necessary.

Section 606.170(a) requires records to be maintained of any reports of complaints of adverse reactions arising as a result of blood collection or transfusion. Each such report must be thoroughly investigated, and a written report, including conclusions and followup, must be prepared and maintained. Section 606.170(a) also requires that when an investigation concludes that the product caused the transfusion reaction, copies of all such written reports must be forwarded to and maintained by the manufacturer or collecting facility.

Section 610.40(g)(1) requires an establishment to appropriately document a medical emergency for the release of human blood or blood components prior to completion of required testing.

In addition to the CGMP regulations in part 606, there are regulations in 21 CFR part 640 that require additional standards for certain blood and blood components as follows: Sections 640.3(a)(1), (a)(2), and (f); 640.4(a)(1) and (a)(2); 640.25(b)(4) and (c)(1); 640.27(b); 640.31(b); 640.33(b); 640.51(b); 640.53(b) and (c); 640.56(b) and (d); 640.61; 640.63(b)(3), (e)(1), and (e)(3); 640.65(b)(2); 640.66; 640.71(b)(1); 640.72; 640.73; and 640.76(a) and (b). The information collection requirements and estimated burdens for these regulations are included in the part 606 burden estimates, as described in tables 1 and 2.

Respondents to this collection of information are licensed and unlicensed blood establishments that collect blood and blood components, including Source Plasma and Source Leukocytes, inspected by FDA, and other transfusion services inspected by Centers for Medicare and Medicaid Services (CMS). Based on information received from CBER's database systems, there are approximately 416 licensed Source Plasma establishments with multiple locations and approximately 1,265 licensed blood collection establishments, for an estimated total of 1,681 licensed blood collection establishments. Also, there are an estimated total of 680 unlicensed, registered blood collection establishments for an approximate total of 2,361 collection establishments (416 + 1,265 + 680 = 2,361 establishments). Of these establishments, approximately 990 perform plateletpheresis and leukapheresis. These establishments annually collect approximately 40 million units of Whole Blood and blood components, including Source Plasma and Source Leukocytes, and are required to follow FDA ''lookback'' procedures. In addition, there are another 4,961 establishments that fall under the Clinical Laboratory Improvement Amendments of 1988 (CLIA) (Pub. L. 100–578) (formerly referred to as facilities approved for Medicare reimbursement) that transfuse blood and blood components.

The following reporting and recordkeeping estimates are based on information provided by industry, CMS, and FDA experience. Based on information received from industry, we estimate that there are approximately 25 million donations of Source Plasma from approximately 2 million donors and approximately 15 million donations of Whole Blood, including approximately 225,000 (approximately 1.5 percent of 15 million) autologous donations, from approximately 10.9 million donors. Assuming each autologous donor makes an average of 2 donations, FDA estimates that there are approximately 112,500 autologous donors.

FDA estimates that approximately 5 percent (3,600) of the 72,000 donations

that are donated specifically for the use of an identified recipient would be tested under the dedicated donors' testing provisions in § 610.40(c)(1)(ii).

Under §§ 610.40(g)(2) and (h)(2)(ii)(A), Source Leukocytes, a licensed product that is used in the manufacture of interferon, which requires rapid preparation from blood, is currently shipped prior to completion of testing for evidence of certain communicable disease agents. Shipments of Source Leukocytes are preapproved under a biologics license application (BLA) and each shipment does not have to be reported to the Agency. Based on information from CBER's database system, FDA receives less than one application per year from manufacturers of Source Leukocytes. However, for calculation purposes, we are estimating one application annually.

Under §§ 610.40(h)(2)(ii)(C) and (h)(2)(ii)(D), FDA estimates that each manufacturer would ship an estimated 1 unit of human blood or blood components per month (12 per year) that would require two labels; one as reactive for the appropriate screening test under § 610.40(h)(2)(ii)(C), and the other stating the exempted use specifically approved by FDA under § 610.40(h)(2)(ii)(D). According to CBER's database system, there are approximately 40 licensed manufacturers that ship known reactive human blood or blood components.

Based on information we received from industry, we estimate that approximately 18,000 donations: (1) Annually test reactive by a screening test for syphilis; (2) are determined to be biological false positives by additional testing; and (3) are labeled accordingly (§ 610.40(h)(2)(vi)).

Human blood or a blood component with a reactive screening test, as a component of a medical device, is an integral part of the medical device, *e.g.*, a positive control for an in vitro diagnostic testing kit. It is usual and customary business practice for manufacturers to include on the container label a warning statement that identifies the communicable disease agent. In addition, on the rare occasion when a human blood or blood component with a reactive screening test is the only component available for a medical device that does not require a reactive component, then a warning statement must be affixed to the medical device. To account for this rare occasion under § 610.42(a), we estimate that the warning statement would be necessary no more than once a year.

FDA estimates that approximately 3,500 repeat donors will test reactive on a screening test for HIV. We also estimate that an average of three components was made from each donation. Under §§ 610.46(a)(1)(ii)(B) and (a)(3), this estimate results in 10,500 (3,500 × 3) notifications of the HIV screening test results to consignees by collecting establishments for the purpose of quarantining affected blood and blood components, and another 10,500 (3,500 × 3) notifications to consignees of subsequent test results.

We estimate that § 610.46(b)(3) will require 4,961 consignees to notify transfusion recipients, their legal representatives, or physicians of record an average of 0.35 times per year resulting in a total number of 1,755 (585 confirmed positive repeat donors × 3) notifications. Also under § 610.46(b)(3), we estimate and include the time to gather test results and records for each recipient and to accommodate multiple attempts to contact the recipient.

Furthermore, we estimate that approximately 7,800 repeat donors per year would test reactive for antibody to HCV. Under §§ 610.47(a)(1)(ii)(B) and 610.47(a)(3), collecting establishments would notify the consignee 2 times for each of the 23,400 (7,800 × 3 components) components prepared from these donations, once for quarantine purposes and again with additional HCV test results for a total of 46,800 notifications as an annual ongoing burden. Under § 610.47(b)(3), we estimate that approximately 4,961 consignees would notify approximately 2,050 recipients or their physicians of record annually.

Based on industry estimates, approximately 13 percent of approximately 10 million potential donors (1.3 million donors) who come to donate annually are determined not to be eligible for donation prior to collection because of failure to satisfy eligibility criteria. It is the usual and customary business practice of approximately 1,945 (1,265 + 680) blood collecting establishments to notify onsite and to explain why the donor is determined not to be suitable for donating. Based on such available information, we estimate that two-thirds (1,297) of the 1,945 blood collecting establishments provided onsite additional information and counseling to a donor determined not to be eligible for donation as usual and customary business practice. Consequently, we estimate that only one-third, or 648, approximately, blood collecting establishments would need to provide, under § 630.6(a), additional information and onsite counseling to the estimated 433,333 (one-third of approximately 1.3 million) ineligible donors.

It is estimated that another 4.5 percent of 10 million potential donors (450,000 donors) are deferred annually based on test results. We estimate that approximately 95 percent of the establishments that collect 99 percent of the blood and blood components notify donors who have reactive test results for HIV, Hepatitis B Virus, HCV, Human T-Lymphotropic Virus, and syphilis as usual and customary business practice. Consequently, 5 percent of the 1,681 establishments (84) collecting 1 percent (4,500) of the deferred donors (450,000) would notify donors under § 630.6(a).

As part of usual and customary business practice, collecting establishments notify an autologous donor's referring physician of reactive test results obtained during the donation process required under § 630.6(d)(1). However, we estimate that approximately 5 percent of the 1,265 blood collection establishments (63) may not notify the referring physicians of the estimated 2 percent of 112,500 autologous donors with the initial reactive test results (2,250) as their usual and customary business practice.

The recordkeeping chart reflects the estimate that approximately 95 percent of the recordkeepers, which collect 99 percent of the blood supply, have developed SOPs as part of their customary and usual business practice. Establishments may minimize burdens associated with CGMP and related regulations by using model standards developed by industries' accreditation organizations. These accreditation organizations represent almost all registered blood establishments.

Under § 606.160(b)(1)(ix), we estimate the total annual records based on the approximately 1.3 million donors determined not to be eligible to donate and each of the estimated 1.75 million (1.3 million + 450,000) donors deferred based on reactive test results for evidence of infection because of communicable disease agents. Under § 606.160(b)(1)(xi), only the 1,945 registered blood establishments collect autologous donations and, therefore, are required to notify referring physicians. We estimate that 4.5 percent of the 112,500 autologous donors (5,063) will be deferred under § 610.41, which in turn will lead to the notification of their referring physicians.

FDA has concluded that the use of untested or incompletely tested but appropriately documented human blood or blood components in rare medical emergencies should not be prohibited. We estimate the recordkeeping under § 610.40(g)(1) to be minimal with one or fewer occurrences per year. The reporting of test results to the consignee

in § 610.40(g) is part of the usual and customary business practice or procedure to finish the testing and provide the results to the manufacturer responsible for labeling the blood products.

The average burden per response (hours) and average burden per recordkeeping (hours) are based on estimates received from industry or FDA experience with similar reporting or recordkeeping requirements.

In the **Federal Register** of October 20, 2014 (79 FR 62629), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received five comments; however, the comments were not responsive to the comment request on the four specified aspects of the collection of information and did not provide any data or explanation that would support a change regarding the information collection estimates.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
606.170(b) [2]	72	1	72	20	1,440
610.40(g)(2)	1	1	1	1	1
610.40(h)(2)(ii)(A)	1	1	1	1	1
Total					1,442

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] The reporting requirement in § 640.73, which addresses the reporting of fatal donor reactions, is included in the estimate for § 606.170(b).

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
606.100(b) [2]	[5] 366	1	366	24	8,784
606.100(c)	[5] 366	10	3,660	1	3,660
606.110(a) [3]	[6] 50	1	50	0.5 (30 minutes)	25
606.151(e)	[5] 366	12	4,392	0.08 (5 minutes)	351
606.160 [4]	[5] 366	1,046.45	383,000	0.75 (45 minutes)	287,250
606.160(b)(1)(viii)	1,945	10.80	21,000	0.17 (10 minutes)	3,570
HIV consignee notification	4,961	4.23	21,000	0.17 (10 minutes)	3,570
606.160(b)(1)(viii)	1,945	24.06	46,800	0.17 (10 minutes)	7,956
HCV consignee notification	4,961	9.43	46,800	0.17 (10 minutes)	7,956
HIV recipient notification	4,961	0.35	1,755	0.17 (10 minutes)	298
HCV recipient notification	4,961	0.41	2,050	0.17 (10 minutes)	349
606.160(b)(1)(ix)	2,361	741.21	1,750,000	0.05 (3 minutes)	87,500
606.160(b)(1)(xi)	1,945	2.6	5,063	0.05 (3 minutes)	253
606.165	[5] 366	1,046.45	383,000	0.08 (5 minutes)	30,640
606.170(a)	[5] 366	12	4,392	1	4,392
610.40(g)(1)	2,361	1	2,361	0.5 (30 minutes)	1,180
Total					447,734

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] The recordkeeping requirements in §§ 640.3(a)(1), 640.4(a)(1), and 640.66, which address the maintenance of SOPs, are included in the estimate for § 606.100(b).
[3] The recordkeeping requirements in § 640.27(b), which address the maintenance of donor health records for the plateletpheresis, are included in the estimate for § 606.110(a).
[4] The recordkeeping requirements in §§ 640.3(a)(2) and (f); 640.4(a)(2); 640.25(b)(4) and (c)(1); 640.31(b); 640.33(b); 640.51(b); 640.53(b) and (c); 640.56(b) and (d); 640.61; 640.63(b)(3), (e)(1), and (e)(3); 640.65(b)(2); 640.71(b)(1); 640.72; and 640.76(a) and (b), which address the maintenance of various records, are included in the estimate for § 606.160.
[5] Five percent of establishments that fall under CLIA that transfuse blood and components and FDA-registered blood establishments ($0.05 \times 4{,}961 + 2{,}361 = 366$).
[6] Five percent of plateletpheresis and leukapheresis establishments ($0.05 \times 990 = 50$).

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
606.170(a)	[2] 366	1.2	439	0.5 (30 minutes)	220
610.40(c)(1)(ii)	2,361	1.52	3,600	0.08 (5 minutes)	288
610.40(h)(2)(ii)(C) and (h)(2)(ii)(D)	40	12	480	0.2 (12 minutes)	96
610.40(h)(2)(vi)	2,361	7.62	18,000	0.08 (5 minutes)	1,440
610.42(a)	1	1	1	1	1
610.46(a)(1)(ii)(B)	1,945	5.40	10,500	0.17 (10 minutes)	1,785
610.46(a)(3)	1,945	5.40	10,500	0.17 (10 minutes)	1,785
610.46(b)(3)	4,961	0.35	1,755	1	1,755
610.47(a)(1)(ii)(B)	1,945	12.03	23,400	0.17 (10 minutes)	3,978

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]—Continued

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
610.47(a)(3)	1,945	12.03	23,400	0.17 (10 minutes)	3,978
610.47(b)(3)	4,961	0.41	2,050	1	2,050
630.6(a) [3]	648	668.72	433,333	0.08 (5 minutes)	34,667
630.6(a) [4]	84	53.57	4,500	1.5 (90 minutes)	6,750
630.6(d)(1)	63	35.71	2,250	1	2,250
Total					61,043

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Five percent of establishments that fall under CLIA that transfuse blood and components and FDA-registered blood establishments (0.05 × 4,961 + 2,361 = 366).
[3] Notification of donors determined not to be eligible for donation based on failure to satisfy eligibility criteria.
[4] Notification of donors deferred based on reactive test results for evidence of infection due to communicable disease agents.

Dated: February 25, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–04381 Filed 3–2–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1721]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Investigational New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by April 2, 2015.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0014. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Investigational New Drug (IND) Regulations—21 CFR Part 312 (OMB Control Number 0910–0014)—Extension

FDA is requesting OMB approval for the reporting and recordkeeping requirements contained in FDA regulations entitled ''Investigational New Drug Application'' in part 312 (21 CFR part 312). Part 312 implements provisions of section 505(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i)) to issue regulations under which the clinical investigation of the safety and effectiveness of unapproved new drugs and biological products can be conducted.

FDA is charged with implementing statutory requirements that drug products marketed in the United States be shown to be safe and effective, properly manufactured, and properly labeled for their intended uses. Section 505(a) of the FD&C Act provides that a new drug may not be introduced or delivered for introduction into interstate commerce in the United States unless FDA has previously approved a new drug application (NDA). FDA approves an NDA only if the sponsor of the application first demonstrates that the drug is safe and effective for the conditions prescribed, recommended, or suggested in the product's labeling. Proof must consist, in part, of adequate and well-controlled studies, including studies in humans, that are conducted by qualified experts. The IND regulations establish reporting requirements that include an initial application as well as amendments to that application, reports on significant revisions of clinical investigation plans, and information on a drug's safety or effectiveness. In addition, the sponsor is required to give FDA an annual summary of the previous year's clinical experience.

Submissions are reviewed by medical officers and other Agency scientific reviewers assigned responsibility for overseeing the specific study. The IND regulations also contain recordkeeping requirements that pertain to the responsibilities of sponsors and investigators. The detail and complexity of these requirements are dictated by the scientific procedures and human subject safeguards that must be followed in the clinical tests of investigational new drugs.

The IND information collection requirements provide the means by which FDA can monitor the clinical investigation of the safety and effectiveness of unapproved new drugs and biological products, including the following: (1) Monitor the safety of ongoing clinical investigations; (2) determine whether the clinical testing of a drug should be authorized; (3) ensure production of reliable data on the metabolism and pharmacological action of the drug in humans; (4) obtain timely information on adverse reactions to the drug; (5) obtain information on side effects associated with increasing doses; (6) obtain information on the drug's effectiveness; (7) ensure the design of well-controlled, scientifically valid studies; and (8) obtain other information pertinent to determining whether clinical testing should be continued, and information related to the protection of human subjects. Without the information provided by industry as required under the IND regulations, FDA cannot authorize or monitor the clinical investigations which must be conducted prior to authorizing the sale and general use of new drugs. These reports enable FDA to monitor a study's

progress, to assure subject safety, to assure that a study will be conducted ethically, and to increase the likelihood that the sponsor will conduct studies that will be useful in determining whether the drug should be marketed and available for use in medical practice.

There are two forms that are required under part 312:

Form FDA–1571—''Investigational New Drug Application.'' A person who intends to conduct a clinical investigation submits this form to FDA. It includes the following information:

(1) A cover sheet containing background information on the sponsor and investigator;

(2) A table of contents;

(3) An introductory statement and general investigational plan;

(4) An investigator's brochure describing the drug substance;

(5) A protocol for each planned study;

(6) Chemistry, manufacturing, and control information for each investigation;

(7) Pharmacology and toxicology information for each investigation; and

(8) Previous human experience with the investigational drug.

Form FDA–1572—''Investigator Statement.'' Before permitting an investigator to begin participation in an investigation, the sponsor must obtain and record this form. It includes background information on the investigator and the investigation, and a general outline of the planned investigation and the study protocol.

FDA is requesting OMB approval for the following reporting and recordkeeping requirements in part 312.

I. Reporting Requirements

Section 312.2(e)—Requests for FDA advice on the applicability of part 312 to a planned clinical investigation.

Section 312.6—Labeling of an investigational new drug. Estimates for the information collection in this requirement are included under § 312.23(a)(7)(iv)(d).

Section 312.8—Charging for investigational drugs under an IND.

Section 312.10—Applications for waiver of requirements under part 312. As indicated in § 312.10(a), estimates for the information collection in this requirement are included under §§ 312.23 and 312.31. In addition, other waiver requests under § 312.10 are estimated in table 1.

Section 312.20(c)—Applications for investigations involving an exception from informed consent under § 50.24 (21 CFR 50.24). Estimates for the information collection in this requirement are included under § 312.23.

Section 312.23—IND (content and format).

Section 312.23(a)(1)—Cover sheet FDA–1571.

Section 312.23(a)(2)—Table of Contents.

Section 312.23(a)(3)—Investigational plan for each planned study.

Section 312.23(a)(5)—Investigator's brochure.

Section 312.23(a)(6)—Protocols—Phase 1, 2, and 3.

Section 312.23(a)(7)—Chemistry, manufacturing, and control information.

Section 312.23(a)(7)(iv)(a),(b),(c)—A description of the drug substance, a list of all components, and any placebo used.

Section 312.23(a)(7)(iv)(*d*)—Labeling: Copies of labels and labeling to be provided each investigator.

Section 312.23(a)(7)(iv)(*e*)—Environmental impact analysis regarding drug manufacturing and use.

Section 312.23(a)(8)—Pharmacological and toxicology information.

Section 312.23(a)(9)—Previous human experience with the investigational drug.

Section 312.23(a)(10)—Additional information.

Section 312.23(a)(11)—Relevant information.

Section 312.23(f)—Identification of exception from informed consent.

Section 312.30—Protocol amendments.

§ 312.30(a)—New protocol

§ 312.30(b)—Changes in protocol

§ 312.30(c)—New investigator.

§ 312.30(d)—Content and format.

§ 312.30(e)—Frequency.

Section 312.31—Information amendments.

§ 312.31(b)—Content and format.

— Chemistry, toxicology, or technical information.

Section 312.32—Safety reports.

§ 312.32(c)(1)—Written reports to FDA and to investigators.

§ 312.32(c)(2)—Telephone reports to FDA for fatal or life-threatening experience.

§ 312.32(c)(3)—Format or frequency.

§ 312.32(d)—Followup submissions.

Section 312.33—Annual reports.

§ 312.33(a)—Individual study information.

§ 312.33(b)—Summary information.

§ 312.33(b)(1)—Adverse experiences.

§ 312.33(b)(2)—Safety report summary.

§ 312.33(b)(3)—List of fatalities and causes of death.

§ 312.33(b)(4)—List of discontinuing subjects.

§ 312.33 (b)(5)—Drug action.

§ 312.33 (b)(6)—Preclinical studies and findings.

§ 312.33 (b)(7)—Significant changes.

§ 312.33(c)—Next year general investigational plan.

§ 312.33(d)—Brochure revision.

§ 312.33(e)—Phase I protocol modifications.

§ 312.33(f)—Foreign marketing developments.

Section 312.38(b) and (c)—Notification of withdrawal of an IND.

Section 312.41—Comment and advice on an IND. Estimates for the information collection in this requirement are included under § 312.23.

Section 312.42—Sponsor requests that a clinical hold be removed, and submits a complete response to the issues identified in the clinical hold order.

Section 312.44(c) and (d)—Opportunity for sponsor response to FDA when IND is terminated.

Section 312.45(a) and (b)—Sponsor request for, or response to, an inactive status determination of an IND.

Section 312.47—Meetings, including ''End-of-Phase 2'' meetings and ''Pre-NDA'' meetings.

Section 312.48—Dispute resolution. Estimates for the information collection in this requirement are included under § 312.47.

Section 312.53(c)—Investigator information. Investigator report (Form FDA–1572) and narrative; Investigator's background information; Phase 1 outline of planned investigation and Phase 2 outline of study protocol.

Section 312.54(a) and (b)—Sponsor submissions concerning investigations involving an exception from informed consent under § 50.24.

§ 312.55(b)—Sponsor reports to investigators on new observations, especially adverse reactions and safe use. Only ''new observations'' are estimated under this section; investigator brochures are included under § 312.23.

Section 312.56(b), (c), and (d)—Sponsor monitoring of all clinical investigations, investigators, and drug safety; notification to FDA and others.

Section 312.58(a)—Sponsor's submission of records to FDA on request.

Section 312.64—Investigator reports to the sponsor.

§ 312.64(a)—Progress reports.

§ 312.64(b)—Safety reports

§ 312.64(c)—Final reports.

§ 312.64(d)—Financial disclosure

reports.

Section 312.66—Investigator reports to institutional review board (IRB). Estimates for the information collection in this requirement are included under § 312.53.

Section 312.70—Investigator disqualification; opportunity to respond to FDA.

Section 312.83—Sponsor submission of treatment protocol. Estimates for this requirement are included under § 312.320.

Section 312.85—Sponsors conducting phase 4 studies. Estimates for the information collection in this requirement are included under § 312.23, and under §§ 314.50, 314.70, and 314.81 in OMB control number 0910–0001.

Section 312.110(b)—Requests to export an investigational drug.

Section 312.120—Submissions related to foreign clinical studies not conducted under an IND.

Section 312.130—Requests for disclosable information in an IND and from investigations involving an exception from informed consent under § 50.24.

Sections 312.310(b); 312.305(b)—Submissions related to expanded access and treatment of an individual patient.

Section 312.310(d)—Submissions related to emergency use of an investigational new drug.

Sections 312.315(c); 312.305(b)—Submissions related to expanded access and treatment of an intermediate-size patient population.

Section 312.320—Submissions related to a treatment IND or treatment protocol.

II. Recordkeeping Requirements

Section 312.52(a)—Transfer of obligations to a contract research organization.

Section 312.57—Sponsor recordkeeping on the investigational drug.

Section 312.59—Sponsor recordkeeping of disposition of unused supply of drugs. Estimates for the information collection in this requirement are included under § 312.57.

Section 312.62(a)—Investigator recordkeeping of disposition of drugs.

Section 312.62(b)—Investigator recordkeeping of case histories of individuals.

Section 312.120(d)—Recordkeeping requirements for submissions related to foreign clinical studies not conducted under an IND. Estimates for the information collection in this requirement are included under § 312.57.

Section 312.160(a)(3)—Records pertaining to the shipment of drugs for investigational use in laboratory research animals or in vitro tests.

Section 312.160(c)—Shipper records of alternative disposition of unused drugs.

In the **Federal Register** of November 5, 2014 (79 FR 65663), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received 24 comments, however, these comments did not address the information collection.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN FOR HUMAN DRUGS [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
312.2(e), Requests for FDA advice on the applicability of part 312 to a planned clinical investigation	800	1	800	24	19,200
312.8, Requests to charge for an investigational drug	56	1.25	70	48	3,360
312.10, Requests to waive a requirement in part 312	50	1.76	88	24	2,112
312.23(a) through (f), IND content and format (including Form FDA 1571)	1,689	1.57	2,648	1,600	4,236,800
312.30(a) through (e), Protocol amendments	3,739	5.77	21,588	284	6,130,992
312.31 (b), Information amendments	4,537	3.39	15,377	100	1,537,700
312.32(c) and (d), IND Safety reports	755	24.28	18,332	32	586,624
312.33(a) through (f), IND Annual reports	2,877	2.76	7,953	360	2,863,080
312.38(b) and (c), Notifications of withdrawal of an IND	862	1.54	1,328	28	37,184
312.42, Sponsor requests that a clinical hold be removed, including sponsor submission of a complete response to the issues identified in the clinical hold order	158	1.30	205	284	58,220
312.44(c) and (d), Sponsor responses to FDA when IND is terminated	12	1	12	16	192
312.45(a) and (b), Sponsor requests for or responses to an inactive status determination of an IND by FDA	260	1.73	451	12	5,412
312.47, Meetings, including "End-of-Phase 2" meetings and "Pre-NDA" meetings	225	1.86	419	160	67,040
312.53(c), Investigator reports submitted to the sponsor, including Form FDA 1572, curriculum vitae, clinical protocol, and financial disclosure. (Third party disclosure)	1,444	8.38	12,087	80	966,960
312.54(a), Sponsor submissions to FDA concerning investigations involving an exception from informed consent under 21 CFR 50.24	7	5	35	48	1,680
312.54(b), Sponsor notifications to FDA and others concerning an IRB determination that it cannot approve research because it does not meet the criteria in the exception from informed consent in § 50.24(a). (Includes third party disclosure)	7	1	7	48	336
312.55(a), Investigator brochures submitted by the sponsor to each investigator. (Third party disclosure)	590	3.50	2,067	48	99,216

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN FOR HUMAN DRUGS [1]—Continued

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
312.55(b), Sponsor reports to investigators on new observations, especially adverse reactions and safe use. (Third party disclosure)	590	3.50	2,067	48	99,216
312.56(b),(c), and (d), Sponsor notifications to FDA and others resulting from: (1) The sponsor's monitoring of all clinical investigations and determining that an investigator is not in compliance with the investigation agreements; (2) the sponsor's review and evaluation of the evidence relating to the safety and effectiveness of the investigational drug; and (3) the sponsor's determination that the investigational drug presents an unreasonable and significant risk to subjects. (Includes third party disclosure)	3,584	6.52	23,355	80	1,868,400
312.58(a), Sponsor's submissions of clinical investigation records to FDA on request during FDA inspections	60	1	60	8	480
312.64, Investigator reports to the sponsor, including progress reports, safety reports, final reports, and financial disclosure reports. (Third party disclosure)	1,444	1	1,444	24	34,656
312.70, During the disqualification process of a clinical investigator by FDA, the number of investigator responses or requests to FDA following FDA's notification to an investigator of its failure to comply with investigation requirements	4	1	4	40	160
312.110(b)(4) and (b)(5), Written certifications and written statements submitted to FDA relating to the export of an investigational drug	11	26.28	289	75	21,675
312.120(b), Submissions to FDA of "supporting information" related to the use of foreign clinical studies not conducted under an IND	1,414	8.63	12,198	32	390,336
312.120(c), Waiver requests submitted to FDA related to the use of foreign clinical studies not conducted under an IND	35	2.34	82	24	1,968
312.130, Requests for disclosable information in an IND and for investigations involving an exception from informed consent under § 50.24	3	1	3	8	24
312.310(b) and 312.305(b), Submissions related to expanded access and treatment of an individual patient	228	1.76	401	8	3,208
312.310(d), Submissions related to emergency use of an investigational new drug	410	2.19	899	16	14,384
312.315(c) and 312.305(b), Submissions related to expanded access and treatment of an intermediate-size patient population	44	7.07	311	120	37,320
312.320(b), Submissions related to a treatment IND or treatment protocol	12	12.67	152	300	45,600
Total					19,134,039

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN FOR HUMAN DRUGS [1]

21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
312.52(a), Sponsor records for the transfer of obligations to a contract research organization	335	1.50	503	2	1,006
312.57, Sponsor recordkeeping showing the receipt, shipment, or other disposition of the investigational drug, and any financial interests	1,689	1	1,689	100	168,900
312.62(a), Investigator recordkeeping of the disposition of drugs	1,444	1	1,444	40	57,760
312.62(b), Investigator recordkeeping of case histories of individuals	1,444	1	1,444	40	57,760
312.160(a)(3), Records pertaining to the shipment of drugs for investigational use in laboratory research animals or in vitro tests	547	1.40	782	* 0.50	391
312.160(c), Shipper records of alternative disposition of unused drugs	547	1.40	782	* 0.50	391

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN FOR HUMAN DRUGS [1]—Continued

21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Total					286,190

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
* Thirty (30) minutes.

TABLE 3—ESTIMATED ANNUAL REPORTING BURDEN FOR BIOLOGICS [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
312.2(e), Requests for FDA advice on the applicability of part 312 to a planned clinical investigation	217	1.18	255	24	6,120
312.8, Requests to charge for an investigational drug	20	1.50	30	48	1,440
312.10, Requests to waive a requirement in part 312	2	1	2	24	48
312.23(a) through (f), IND content and format	335	1.35	452	1,600	723,200
312.30(a) through (e), Protocol amendments	694	5.84	4,050	284	1,150,200
312.31(b), Information amendments	77	2.43	187	100	18,700
312.32(c) and (d), IND Safety reports	161	8.83	1,421	32	45,472
312.33(a) through (f), IND Annual reports	745	2.14	1,595	360	574,200
312.38(b) and (c), Notifications of withdrawal of an IND	134	1.69	227	28	6,356
312.42, Sponsor requests that a clinical hold be removed, including sponsor submission of a complete response to the issues identified in the clinical hold order	67	1.30	87	284	24,708
312.44(c) and (d), Sponsor responses to FDA when IND is terminated	34	1.15	39	16	624
312.45(a) and (b), Sponsor requests for or responses to an inactive status determination of an IND by FDA	55	1.38	76	12	912
312.47, Meetings, including ''End-of-Phase 2'' meetings and ''Pre-NDA'' meetings	88	1.75	154	160	24,640
312.53(c), Investigator reports submitted to the sponsor, including Form FDA–1572, curriculum vitae, clinical protocol, and financial disclosure	453	6.33	2,869	80	229,520
312.54(a), Sponsor submissions to FDA concerning investigations involving an exception from informed consent under § 50.24	1	1	1	48	48
312.54(b), Sponsor notifications to FDA and others concerning an IRB determination that it cannot approve research because it does not meet the criteria in the exception from informed consent in § 50.24(a)	1	1	1	48	48
312.55(a), Number of investigator brochures submitted by the sponsor to each investigator	239	1.91	457	48	21,936
312.55(b), Number of sponsor reports to investigators on new observations, especially adverse reactions and safe use	243	4.95	1,203	48	57,744
312.56(b), (c), and (d), Sponsor notifications to FDA and others resulting from: (1) The sponsor's monitoring of all clinical investigations and determining that an investigator is not in compliance with the investigation agreements; (2) the sponsor's review and evaluation of the evidence relating to the safety and effectiveness of the investigational drug; and (3) the sponsor's determination that the investigational drug presents an unreasonable and significant risk to subjects	108	2.21	239	80	19,120
312.58(a), Number of sponsor's submissions of clinical investigation records to FDA on request during FDA inspections	7	1	7	8	56
312.64, Number of investigator reports to the sponsor, including progress reports, safety reports, final reports, and financial disclosure reports	2,728	3.82	10,411	24	249,864
312.70, During the disqualification process of a clinical investigator by FDA, the number of investigator responses or requests to FDA following FDA's notification to an investigator of its failure to comply with investigation requirements	5	1	5	40	200
312.110(b)(4) and (b)(5), Number of written certifications and written statements submitted to FDA relating to the export of an investigational drug	18	1	18	75	1,350

TABLE 3—ESTIMATED ANNUAL REPORTING BURDEN FOR BIOLOGICS [1]—Continued

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
312.120(b), Number of submissions to FDA of "supporting information" related to the use of foreign clinical studies not conducted under an IND	280	9.82	2,750	32	88,000
312.120(c), Number of waiver requests submitted to FDA related to the use of foreign clinical studies not conducted under an IND	7	2.29	16	24	384
312.130, Number of requests for disclosable information in an IND and for investigations involving an exception from informed consent under § 50.24	350	1.34	470	8	3,760
312.310(b) and 312.305(b), Number of submissions related to expanded access and treatment of an individual patient	78	1.08	84	8	672
312.310(d), Number of submissions related to emergency use of an investigational new drug	76	2.76	210	16	3,360
312.315(c) and 312.305(b), Number of submissions related to expanded access and treatment of an intermediate-size patient population	9	1	9	120	1,080
312.320(b), Number of submissions related to a treatment IND or treatment protocol	1	1	1	300	300
Total					3,254,062

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 4—ESTIMATED ANNUAL RECORDKEEPING BURDEN FOR BIOLOGICS [1]

21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
312.52(a), Sponsor records for the transfer of obligations to a contract research organization	75	1.40	105	2	210
312.57, Sponsor recordkeeping showing the receipt, shipment, or other disposition of the investigational drug, and any financial interests	335	2.70	904	100	90,400
312.62(a), Investigator recordkeeping of the disposition of drugs	453	1	453	40	18,120
312.62(b), Investigator recordkeeping of case histories of individuals	453	1	453	40	18,120
312.160(a)(3), Records pertaining to the shipment of drugs for investigational use in laboratory research animals or in vitro tests	111	1.40	155	* 0.50	78
312.160(c), Shipper records of alternative disposition of unused drugs	111	1.40	155	* 0.50	78
Total					127,006

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
* Thirty (30) minutes.

Dated: February 24, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–04379 Filed 3–2–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–0430]

Measuring Dystrophin in Dystrophinopathy Patients and Interpreting the Data; Public Scientific Workshop; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public scientific workshop; request for comments.

The Food and Drug Administration (FDA) is announcing a public scientific workshop to discuss dystrophin protein quantification methodologies for human tissue. This workshop is being cosponsored by the National Institutes of Health (NIH). The purpose of the workshop is to discuss currently available methodologies and to identify scientific knowledge gaps and opportunities for improving dystrophin protein detection in the context of drug development. The intended audiences for this workshop are scientists and clinicians involved in the acquisition, measurement, and analysis of proteins associated with Duchenne Muscular Dystrophy (DMD).

DATES: *Dates and Time:* The scientific workshop will be held on March 20, 2015, from 8:30 a.m. to 5:30 p.m.

ADDRESSES: The scientific workshop will be held at FDA's White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503A), Silver Spring, MD 20993–0002. Participants must enter through Building 1 and undergo security screening. For parking and security information, please refer to *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

Contact Persons: Mary Gross, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–3519, *mary.gross@fda.hhs.gov;* or Georgiann Ienzi, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–3515, *georgiann.ienzi@fda.hhs.gov.*

If you need special accommodations due to a disability, contact Mary Gross or Georgiann Ienzi at least 7 days in advance.

Registration: The scientific workshop is free and seating will be on a first-come, first-served basis. It may be necessary to limit both the number of attendees from individual organizations and the total number of attendees based on space limitations. Email registrations should be sent to *Dystrophin_Workshop@fda.hhs.gov* by March 17, 2015. If you cannot attend in person, the meeting will be Webcast live. Information about how to access the Webcast will be located at: *http://www.fda.gov/Drugs/NewsEvents/ucm432429.htm.*

Comments and Meeting Summary: Submit electronic comments to *http://www.regulations.gov* by May 20, 2015. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Please identify your comments with the docket number found in brackets in the heading of this document. It is only necessary to send one set of comments. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

A summary of the scientific workshop's highlights will be made available for review at the Division of Dockets Management and at *http://www.regulations.gov.* You may submit a request to obtain a hard copy by sending a request to the Division of Freedom of Information (ELEM–1029), Office of Management Programs, Food and Drug Administration, 12420 Parklawn Dr., Element Bldg., Rockville, MD 20857.

SUPPLEMENTARY INFORMATION: FDA and NIH are cosponsoring this scientific workshop to discuss current methodologies being used in drug development and scientific research for DMD. Recent scientific advances present an opportunity for the development and validation of robust methods for the objective, reliable, and quantitative measurement of DMD-associated proteins.

I. Background

Dystrophinopathies result from genetic mutations in the dystrophin gene that decrease dystrophin protein expression levels and result in altered dystrophin function. These changes can lead to muscle degeneration and, in many patients, downstream pathologies including inflammation and fibrosis that interfere with muscle regeneration, loss of movement, orthopedic complications, and ultimately respiratory and cardiac failure.

II. Scope of the Scientific Workshop

The workshop will include sessions which will focus on current technologies used in the detection of dystrophin. Presentations will provide overviews of the technologies (including limitations, detection sensitivities, linearity, and reproducibility). A panel discussion will help identify development challenges for each method. Muscle biopsy collection, sample handling, reference materials, and image analysis will also be discussed.

FDA will post the agenda and other background material approximately 2 days before the public scientific workshop at: *http://www.fda.gov/Drugs/NewsEvents/ucm432429.htm.*

Dated: February 24, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–04384 Filed 3–2–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–0001]

Pediatric Neurocognitive Workshop; Advancing the Development of Pediatric Therapeutics Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration's (FDA) Division of Gastroenterology and Inborn Errors Products Division and Division of Pediatric and Maternal Health in the Center for Drug Evaluation and Research, and the Office of Pediatric Therapeutics in the Office of the Commissioner are announcing a 2-day public workshop. Day 1 of the workshop is entitled ''Assessment of Neurocognitive Outcomes in the Inborn Errors of Metabolism''. Day 2 of the workshop is entitled, ''Advancing the Development of Pediatric Therapeutics: Assessment of Pediatric Neurocognitive Outcomes''. The purpose of this 2-day workshop is to provide a forum to consider issues related to advancing pediatric regulatory science in the evaluation of neurocognitive outcomes in pediatric patients.

DATES: The public workshop will be held on April 16 and 17, 2015, from 8 a.m. to 5 p.m.

ADDRESSES: The public workshop will be held in the FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503A), Silver Spring, MD 20993–0002. Entrance for the public workshop participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please refer to *http://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

FOR FURTHER INFORMATION CONTACT: For questions regarding Day 1 of the workshop, contact Richard (Wes) Ishihara, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–0069, *richard.ishihara@fda.hhs.gov.*

For questions regarding Day 2 of the workshop, contact Denise Pica-Branco, Center for Drug Evaluation and Research, Food and Drug

Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002,Telephone: 301–796–1732, FAX: 301–796–9858, *denise.picabranco@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: The first day of the workshop will focus on approaches for assessing the efficacy of therapeutic products on neurocognitive outcomes in patients diagnosed with inborn errors of metabolism disorders. The session will address the role of natural history studies and methodological approaches for selecting appropriate assessment scales and standardizing neurocognitive assessments. The second day of the workshop will discuss identification of signals in animal studies and clinical trials that warrant further clinical investigation and testing that may be predictive of neurocognitive outcome in children. Additionally, strategies and methods to address the challenges of assessing long-term neurocognitive outcomes for products used to treat pediatric patients will be discussed.

Participation in the Public Workshop

Registration: There is no fee to attend the public workshop, but attendees should register in advance. Space is limited, and registration will be on a first-come, first-served basis. Persons interested in attending this workshop must register online at *neurocognitive_workshop@fda.hhs.gov* before March 31, 2015. For those without Internet access, please contact Denise Pica-Branco (see **FOR FURTHER INFORMATION CONTACT**) to register. Onsite registration will not be available.

If you need special accommodations due to a disability, please contact Denise Pica-Branco (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance.

Transcripts: Transcripts of the workshop will be available for review at the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, and at *http://www.regulations.gov* approximately 30 days after the workshop. A transcript will also be available in either hard copy or on CD–ROM, after submission of a Freedom of Information request. Send written requests to the Division of Freedom of Information (ELEM–1029), Food and Drug Administration, 12420 Parklawn Dr., Element Bldg., Rockville, MD 20857. Send faxed requests to 301–827–9267.

Dated: February 24, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–04376 Filed 3–2–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Immunobiology of Xenotransplantation (U01, U19).

Date: March 23–24, 2015.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room 3F100, 5601 Fishers Lane, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Nancy Vazquez-Maldonado, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 6700B Rockledge Drive, MSC–7616, Bethesda, MD 20892–7616, 301–496–3253, *nvazquez@niaid.nih.gov*.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Mucosal Environment and HIV Prevention (MEHP II (R01)).

Date: March 23–24, 2015.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room 3C100, 5601 Fishers Lane, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Kelly Y. Poe, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, Rockville, MD 20892, 240–669–5036, *Kelly.poe@nih.gov*.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Innovative Assays to Quantify the Latent HIV Reservoir (R01).

Date: March 26, 2015.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room 4F100, 5601 Fishers Lane, Rockville, MD 20892.

Contact Person: Jay R Radke, Ph.D., AIDS Review Branch, Scientific Review Program, DEA/NIAID/NIH/DHHS, Room 3G11B, 5601 Fishers Lane, Rockville, MD 20892, 240–669–5046, *jay.radke@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 25, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–04328 Filed 3–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Project: Structure/Function studies of Secondary Transporters in a Lipid Environment.

Date: March 23–25, 2015.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Albert Wang, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146, MSC 7806, Bethesda, MD 20892, 301–435–1016, *wangca@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and AIDS Related Research.

Date: March 24–25, 2015.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Kenneth A. Roebuck, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5106, MSC 7852, Bethesda, MD 20892, (301) 435–1166, *roebuckk@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Autoimmune Diseases.

Date: March 24, 2015.

Time: 1:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Rajiv Kumar, Ph.D., Chief, MOSS IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4216, MSC 7802, Bethesda, MD 20892, 301–435–1212, *kumarra@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Program Project: Biological Labeling Neutrons and Computing Resource.

Date: March 24–26, 2015.

Time: 8:00 p.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Oak Ridge National Laboratory, 8640 Nano Center Drive, Oak Ridge, TN 37831.

Contact Person: Mike Radtke, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4176, MSC 7806, Bethesda, MD 20892, 301–435–1728, *radtkem@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Fellowship: Physiology and Pathobiology of Musculoskeletal, Oral, and Skin Systems.

Date: March 25, 2015.

Time: 8:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Anshumali Chaudhari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4124, MSC 7802, Bethesda, MD 20892, (301) 435–1210, *chaudhaa@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cognition and Perception.

Date: March 25, 2015.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Biao Tian, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3089B, MSC 7848, Bethesda, MD 20892, (301) 402–4411, *tianbi@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Biological Chemistry and Macromolecular Biophysics.

Date: March 26, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Michael Eissenstat, Ph.D., Scientific Review Officer, BCMB IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, Bethesda, MD 20892, 301–435–1722, *eissenstatma@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Fellowships: Oncology.

Date: March 26–27, 2015.

Time: 10:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Juraj Bies, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Rm. 4205, MSC 7806, Bethesda, MD 20892, 301–435–1258, *biesj@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Multidisciplinary Studies of HIV/AIDS and Aging.

Date: March 26, 2015.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Robert Freund, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7852, Bethesda, MD 20892, 301–435–1050, *freundr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; National Primate Research Centers Application.

Date: March 27, 2015.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Biao Tian, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3089B, MSC 7848, Bethesda, MD 20892, (301) 402–4411, *tianbi@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 25, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–04323 Filed 3–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; AIDS Research Review Committee Independent Special Emphasis Panel.

Date: March 24, 2015.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Vasundhara Varthakavi, DVM, Ph.D., Scientific Review Officer, Scientific Review Program, DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, Rockville, MD 20892, 240–669–5020, *varthakaviv@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 25, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–04326 Filed 3–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections

552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR14–008: Psychiatric Disease, Genetics and RDoC Framework.

Date: March 16, 2015.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Julius Cinque, MS, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7846, Bethesda, MD 20892. (301) 435–1252. *cinquej@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: NIDDK Translational Research.

Date: March 18, 2015.

Time: 12:00 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: John Bleasdale, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6170, MSC 7892, Bethesda, MD 20892, 301–435–4514, *bleasdaleje@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Biobehavioral Regulation, Learning, and Ethology.

Date: March 27, 2015.

Time: 9:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Andrea B Kelly, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7770, Bethesda, MD 20892, (301) 455–1761, *kellya2@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 25, 2015

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–04325 Filed 3–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflicts: Cardiovascular Sciences.

Date: March 3–4, 2015.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Lawrence E Boerboom, Ph.D., Chief, CVRS IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7814, Bethesda, MD 20892, (301) 435–8367, *boerboom@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cardiovascular Sciences.

Date: March 4–5, 2015.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Kimm Hamann, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118A, MSC 7814, Bethesda, MD 20892, 301–435–5575, *hamannkj@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Molecular Pathways in Eye Diseases.

Date: March 5, 2015.

Time: 10:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Alessandra C Rovescalli, Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Rm 5205 MSC7846, Bethesda, MD 20892, (301) 435–1021, *rovescaa@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Cardiovascular and Respiratory Sciences AREA.

Date: March 12–13, 2015.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Sara Ahlgren, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm 4136, Bethesda, MD 20892, 301–435–0904, *sara.ahlgren@nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 25, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–04324 Filed 3–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C.,

as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel; Review of Loan Repayment Program (LRP) Clinical (L30) and Pediatric (L40) applications.

Date: April 2, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, One Democracy Plaza, 6701 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Victor Henriquez, Ph.D., Scientific Review Officer, DEA/SRB/NIDCR, 6701 Democracy Blvd., Room 668, Bethesda, MD 20892–4878, 301–451–2405, *henriquv@nidcr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: February 25, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–04322 Filed 3–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: March 19–20, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Dennis E. Leszczynski, Ph.D., Scientific Review Administrator, Scientific Review Branch, National Institute of Child Health and Human Development, NIH, 6100 Exeuctive Blvd., Rm. 5B01, Bethesda, MD 20892, (301) 435–6884, *leszczyd@mail.nih.gov*.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; Primary Complex Motor Stereotypies.

Date: March 27, 2015.

Time: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852.

Contact Person: Joanna Kubler-Kielb, Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–7510, 301–435–6916, *kielbj@mail.nih.gov*.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel; ''Pediatric HIV/AIDS Cohort Study (PHACS).''

Date: April 1, 2015.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Rita Anand, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd. Room 5B01, Bethesda, MD 20892, 301–496–1487, *anandr@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

imposed by the review and funding cycle.

Dated: February 25, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–04327 Filed 3–2–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Ideation Prize Competition

AGENCY: Science and Technology Directorate, DHS.

ACTION: Notice.

SUMMARY: The Department of Homeland Security (DHS) gives notice of the availability of the ''Where am I, Where is my Team?'' ideation prize competition and rules. The DHS Science and Technology Directorate (DHS S&T) First Responders Group (FRG) is seeking innovative methods for real-time, robust indoor tracking of the next generation first responder. The development of sensors and communications able to perform well across a variety of indoor environments is one of the biggest challenges in first responder tracking research and development. This prize competition seeks personalized, modular and scalable approaches to track the next generation of first responders indoors using current and emerging technologies, sensors, and techniques. Submissions should consist of a concept/design for a low cost, robust, real-time indoor tracking capability. The total cash prize payout for this competition is $25,000 (USD) consisting of a first place award of $20,000 (USD) and a second place award of $5,000 (USD). The awards will be paid to the best submission(s) as solely determined by the Seeker.

This prize competition consists of the following unique features:

- Terminology
  - Seeker: DHS S&T First Responders Group
  - Solvers: Ideation Prize competition submitters
- The Solvers are not required to transfer exclusive intellectual property rights to the Seeker. Rather, by submitting a proposal, the Solvers grants to the Seeker a royalty-free, perpetual, and non-exclusive license to use any information included in this proposal.

DATES:

Submission Period Beginning Date: March 3, 2015.

Submission Period Ending Date: All submissions must be received electronically as indicated in this announcement by 11:59 p.m. Eastern Standard Time on Thursday, April 2, 2015. Late submissions will not be considered. All dates are subject to change. For more details please visit the *www.challenge.gov* Web site.

ADDRESSES: Questions about this prize competition may be emailed to *innohelp@innocentive.com.*

FOR FURTHER INFORMATION CONTACT: *Prize Competition Manager:* Mr. Stephen Hancock; *Phone:* 202–254–6909; *Email: stephen.hancock@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION: The America Creating Opportunities to

Meaningfully Promote Excellence in Technology, Education, and Science Reauthorization Act of 2010 (The America COMPETES Act), Public Law 111–358, enacted January 4, 2011, authorizes Federal agencies to issue competitions to stimulate innovations that could advance their missions. Interested persons can find full details about the competition rules and register to participate online at *www.challenge.gov.* Contest rules are subject to change.

Subject of the Prize Competition: Indoor Tracking of the Next Generation First Responder.

Eligibility Rules: To be eligible to win a prize under this competition, an individual or entity—

(1) Shall have registered to participate in the competition under the rules promulgated by the Department of Homeland Security, Science and Technology Directorate and in accordance with the description provided, below, under ''Registration Information;''

(2) Shall have complied with all of the requirements under this section;

(3) Pursuant to the America COMPETES Act of 2010, awards for this Prize competition may only be given to an individual that is a citizen or legal permanent resident of the United States, or an entity that is incorporated in and whose primary place of business is in the United States, subject to verification by the Seeker before Prizes are awarded. An individual or private entity must be the registered entrant to be eligible to win a prize. Further restrictions apply—see the Ideation Challenge-Specific Agreement found at the competition registration Web site and this **Federal Register** Notice for full details.

(4) Contestants must own or have access at their own expense to a computer, an Internet connection, and any other electronic devices, documentation, software, or other items that Contestants may deem necessary to create and enter a Submission;

(5) The following individuals (including any individuals participating as part of an entity) are not eligible regardless of whether they meet the criteria set forth above:

(i) any individual under the age of 18;

(ii) any individual who employs an evaluator on the Judging Panel (hereafter, referenced simply as a ''Judge'') or otherwise has a material business relationship or affiliation with any Judge;

(iii) any individual who is a member of any Judge's immediate family or household;

(iv) any individual who has been convicted of a felony;

(v) the Seeker, Participating Organizations, and any advertising agency, contractor or other individual or organization involved with the design, production, promotion, execution, or distribution of the Contest; all employees, representatives and agents thereof; and all members of the immediate family or household of any such individual, employee, representative, or agent;

(vi) any Federal entity or Federal employee acting within the scope of his or her employment, or as may otherwise be prohibited by Federal law (employees should consult their agency ethics officials);

(vii) any individual or entity that used Federal facilities or relied upon significant consultation with Federal employees to develop a Submission, unless the facilities and employees were made available to all Contestants participating in the Contest on an equal basis; and

(viii) any individual or entity that used Federal funds to develop a Submission, unless such use is consistent with the grant award, or other applicable Federal funds awarding document. If a grantee using Federal funds enters and wins this Contest, the prize monies will need to be treated as program income for purposes of the original grant in accordance with applicable Office of Management and Budget Circulars. Federal contractors may not use Federal funds from a contract to develop a Submission for this competition.

(ix) Employees and contractors of the Department of Homeland Security, Science and Technology Directorate are ineligible to compete in this competition. Likewise, members of their immediate family (spouses, children, siblings, parents), and persons living in the same household as such persons, whether or not related, are not eligible to participate in any portion of this competition, 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 competition outside the scope of employment should consult his/her agency's ethics official prior to developing a submission; and

(x) Individuals, contractors and educational institutions currently participating in or pending participation in a DHS program of the same subject of the competition or connected to or aligned with the competition subject are ineligible to compete in this competition.

(6) For purposes hereof:

(i) the members of an individual's immediate family include such individual's spouse, children and step-children, parents and step-parents, and siblings and step-siblings; and

(ii) the members of an individual's household include any other person who shares the same residence as such individual for at least three (3) months out of the year.

(7) Per 15 U.S.C. 3719(h), an individual or entity shall not be deemed ineligible under these eligibility rules because the individual or entity used Federal facilities or consulted with Federal employees during a competition if the facilities and employees are made available to all individuals and entities participating in the competition on an equitable basis; and

(8) Use of Marks: Except as expressly set forth in the Participant Agreement or the contest rules, participants shall not use the names, trademarks, service marks, logos, insignias, trade dress, or any other designation of source or origin subject to legal protection, copyrighted material or similar intellectual property (''Marks'') of the organizers or other prize competition partners, sponsors, or collaborators in any way without such party's prior written permission in each instance, which such party may grant or withhold in its sole and absolute discretion.

(9) An individual or entity that is currently on the Excluded Parties List will not be selected as a Finalist or prize winner.

Registration Information: To be eligible to win a prize under this competition, the Solver shall have registered to participate in the contest under the process identified on the central Federal Web site where government competitions are advertised (Challenge.gov). Access the *www.challenge.gov* Web site and sort by: Department of Homeland Security and then select the ''Where Am I, Where is My Team?'' contest. Solvers will be directed to an external Web site created specifically for the competition to obtain contest information, register for the contest including signing the Ideation Challenge-Specific Agreement and submit their entry. After the competition deadline, the Seeker will complete the review process and make a decision with regards to the Winning Solution(s). All Solvers that submitted a proposal will be notified on the status of their submissions; however, no detailed evaluation of individual submissions will be provided.

Submission Requirements: This competition requires a written proposed solution which describes a novel method for tracking capabilities of the next generation first responders while they are inside of a structure without having to set up prepositioned towers or other devices.

Background information to assist in the completion of submission: The ability to use Global Positioning System (GPS) technology is extremely limited for indoor tracking capabilities due to its weak signal strength and inability to penetrate buildings. There are limited alternatives to GPS, such as wave measurements, magnetic fields, sonar/acoustics, mobile devices, etc. Each alternative has benefits and limitations and offers varying levels of tracking capabilities. This competition seeks innovative solutions that can help track next generation first responders while they are inside of a structure without having to set up prepositioned towers or other devices. The building structure may be concrete, steel, glass or any combination of modern building materials and of varying heights. Ideally, a solution will be wearable; self-reporting to provide real-time x, y, z positioning; and mission-agnostic thereby allowing for use by any first responder discipline (*e.g.,* law enforcement, firefighting, emergency medical services, and emergency management).

Submissions to this prize competition shall include:

(1) A comprehensive description including drawings and diagrams, as appropriate, of the proposed solution in 10 pages or less, 8.5 x 11 inch page, 12-point font or greater and one inch margins including:

(i) A one-paragraph executive summary that clearly states the technical question to be solved;

(ii) Background information supporting the significance of the technical question(s) and the proposed approach, pitfalls, and validation scheme that addresses efforts to support reproducibility; if possible, citing selected peer-reviewed articles that strengthen the proposed solution;

(iii) Descriptions of methods and technologies key to implementation;

(iv) A ''state-of-the-art'' statement that describes approaches currently in use (if any) and clearly explains how the methods and measures proposed advance existing capabilities; and

(v) A feasibility assessment and a statement describing your ability to execute the proposed solution, including the estimated timeframe, supporting precedents and any special resource you may have or will need.

Liability and Indemnification Information: By participating in this competition, 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 competition, whether the injury, death, damage, or loss arises through negligence or otherwise. Likewise, each Solver agrees to indemnify the Federal Government against third party claims for damages arising from or related to competition activities. In order to receive a Prize, a Solver will be required to complete, sign and return to the Seeker affidavit(s) of eligibility and liability release, or a similar verification document.

Payment of the Prize: Prizes awarded under this competition will be paid by the Seeker and must be received by the Solver(s) via electronic funds transfer. All Federal, state and local taxes are the sole responsibility of the winner(s). DHS will comply with the Internal Review Service withholding and reporting requirements, where applicable.

Judging: Solutions for this competition will be evaluated by a judging panel using the criteria and rating scales described below. Judges will review highly rated solutions for technical alignment to the Next Generation First Responder Apex program, relevance to the DHS mission, and potential integration with existing projects.

The three use cases, listed under (1) below, apply to this competition and, at a minimum; at least two of these must be addressed. The judging panel will use the following criteria and rating scales for evaluating proposed solutions with high scores reflecting the most highly rated solutions: (Maximum 100 points; plus up to 50 bonus points)

(1) Building structure (0–30 points)—

(i) Case 1—Should be able to track multiple first responders inside of a 2-story residential structure above and below grade;

(ii) Case 2—Should be able to track multiple first responders inside of a warehouse structure with a minimal footprint of 20,000 square feet;

(iii) Case 3—Should be able to track multiple first responders inside of a multi-storied commercial building above grade and below grade.

(2) Location Accuracy (0–50 points)—Location capability should provide 3-dimentional positioning where X is less than or equal to 3 meters with a position error of less than equal to +/−0.50 meters; where Y is less than or equal to 3 meters with a position error of less than equal to +/−0.50 meters; and where Z is less than or equal to 2 meters with a position error of less than equal to +/−0.25 meters.

(3) Real-time reporting (0–10 points)—The solution should be able to provide real-time reporting of +/−15 seconds to the on-scene commander and must be able to transmit, omni-directional, position location no less than 1500 feet from within the structure.

(4) The modular form should be man-portable and weigh less than 5 pounds (0—10 points).

(5) Bonus Points (Maximum 50 bonus points)—

(i) Feasibility (Bonus worth up to 30 points)—Solvers should provide sufficient details to support the feasibility that the proposed solution can be demonstrated with further research and development in less than two years, including published or unpublished data, scientific basis, technological capability, and resources.

(ii) Adaptability (Bonus worth up to 20 points)—Must describe broad utility and scalability. The approach should lend itself to more than one first responder discipline, such as law enforcement, firefighting, and emergency medical services.

Additional Information: Intellectual Property—

(1) A Solver retains all ownership in intellectual property rights, if any, in the ideas, concepts, inventions, data, and other materials submitted in the prize competition. By entering the prize competition, each Solver agrees to grant to the United States Government, a Limited Purpose Research and Development License that is royalty free and non-exclusive for a period of four years from the date of submission. The Limited Purpose Research and Development License authorizes the United States Government to conduct research and development, or authorize others to do so on behalf of the United States Government. The Limited Purpose License does not include rights to commercialize the intellectual property in the Proposed Solution.

(2) Each Solver warrants that he or she is the sole author and owner of any copyrightable 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 any copyright or any other rights of any third party of which Solver is aware.

Privacy: Personal information provided by entrants (Solvers) on the nomination form through the prize

competition Web site will be used to contact selected finalists. Information is not collected for commercial marketing. Winners are permitted to cite that they won this competition. The names, cities, and states of selected winner or entity will be made available in promotional materials and at recognition events.

Authority: 15 U.S.C. 3719.

Dated: March 3, 2015.

Reginald Brothers,

Under Secretary, DHS Science and Technology Directorate.

[FR Doc. 2015–04127 Filed 3–2–15; 8:45 am]

BILLING CODE 9110–9F–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Land Buy-Back Program for Tribal Nations under Cobell Settlement

AGENCY: Office of the Deputy Secretary, Interior.

ACTION: Notice.

SUMMARY: The Land Buy-Back Program (Program) for Tribal Nations will host a listening session on March 19, 2015, in Laveen, Arizona. The Program hopes to receive feedback from tribes and individuals on critical issues related to the Program as well as the 2014 Status Report: *http://www.doi.gov/news/upload/Buy-BackProgramStatusReport-11-20-14-v4.pdf.*

DATES: The listening session will take place on March 19, 2015, at the Vee Quiva Hotel, 15091 South Komatke Lane, Laveen, Arizona 85339. Written comments are also encouraged and must be received by April 20, 2015, and may be emailed to *buybackprogram@iso.doi.gov.*

FOR FURTHER INFORMATION CONTACT AND RSVP: Please RSVP and direct questions to Ms. Treci Johnson at *treci_johnson@ios.doi.gov* or (202) 208–6916.

SUPPLEMENTARY INFORMATION:

I. Background

The Land Buy-Back Program for Tribal Nations is the Department of the Interior's (Department) collaborative effort with Indian Country to realize the historic opportunity afforded by the *Cobell* Settlement's $1.9 billion Trust Land Consolidation Fund (Consolidation Fund). The purpose of the Consolidation Fund is to compensate individuals who willingly choose to transfer fractional land interests to tribal nations for fair market value. The Program continues to actively engage tribes and individuals across Indian Country, as it has in consultations since 2011.

The Department is currently implementing the Buy-Back Program at multiple locations across Indian Country. Thus far, the Program has made more than $780 million in offers to individual landowners and paid nearly $350 million directly to more than 20,000 individuals that decided to sell fractional interests. This has restored the equivalent of more than 541,000 acres to tribes. Our working relationships with tribes (17 cooperative agreements or other arrangements to date) and continued outreach to landowners are important elements of continued progress.

II. Listening Session

The purpose of the upcoming listening session is to gather input from tribes in order for the Department to continue to refine its land consolidation processes and engage individual landowners who may have questions about the Program. The listening session will begin at 1 p.m. with opening remarks from Deputy Secretary Michael L. Connor and other senior Departmental officials and will continue until 4 p.m. Tribal leaders and individual landowners will have an opportunity to present comments.

III. Seeking Tribal Input

The Buy-Back Program is committed to continuous consultations throughout the life of the Program in compliance with the letter and spirit of Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) and Secretarial Order 3314 (Department of the Interior Policy on Consultation with Indian Tribes).

At the beginning of 2013, Department officials conducted extensive tribal consultations on the following:

(1) Developing an efficient, fair process for landowners of fractionated interests to participate in the Buy-Back Program;

(2) Identifying and maximizing opportunities for tribal involvement; and

(3) Offering tribes flexibility to execute Program requirements in the manner best suited for the unique needs of each community.

Tribal input has been critical to making necessary enhancements to the Buy-Back Program. We are committed to learning from every sale at every location and making adjustments where necessary that are transparent and fair. For example, among adjustments influenced by tribal input, the Bureau of Indian Affairs (*https://www.federalregister.gov/articles/2014/11/14/2014-27033/privacy-act-of-1974-as-amended-notice-to-amend-an-existing-system-of-records*) and Office of the Special Trustee for American Indians (*https://www.federalregister.gov/articles/2015/01/08/2015-00038/privacy-act-of-1974-as-amended-notice-to-amend-an-existing-system-of-records*) announced this past year that the agencies were updating their existing system of record notices (SORNs).

The updated SORNs will make it easier to exchange information with tribal governments as they work to help implement land consolidation activities in cooperation with the program. These updates respond to comments during government-to-government consultations, presentations, and the Program's 2014 Listening Session, in which tribal representatives have expressed a need for greater and simpler access to landowner information to effectively conduct outreach and land consolidation activities for the Program.

While the Department welcomes feedback related to any aspect of the Program, the following areas are of particular interest:

Ideas for Improvement. The active participation of individual Indians, tribal leaders, and other interested parties is critical to success of the Program. The Department seeks comments on any ideas that will facilitate continued improvement of the Program.

1. *Implementation at Less-Fractionated Locations.* While the implementation strategy keeps the Program focused on the most highly fractionated locations for the next few years, the Program has involved ''less-fractionated locations'' as well. There are about 110 less fractionated locations that contain approximately 10 percent of the outstanding fractional interests. The Program continues to explore ways for additional less fractioned locations to participate in buy-back efforts.

The Program seeks comment on the most efficient and cost effective way to work with less-fractionated locations, including comment on specific steps the Program can take to facilitate earlier purchases at less fractionated locations.

2. *Outreach.* Participation in the Buy-Back Program is voluntary. It is unclear how many of the approximately 245,000 individual owners will choose to sell their interests for conveyance to the Tribe. Currently, approximately 42% of Program offers to landowners are accepted on average.

The Program utilizes various outreach tools, including a comprehensive Web site to provide landowners, tribes, and the public with information about the

Program. The site contains a detailed list of frequently asked questions, outreach materials, instructions for completing the deed, cooperative agreement guidance and instructional documents, and Program presentations, among other items.

The Program seeks comment on what, if any, additional information on the Program's Web site would be helpful in assisting individual landowners to reach informed decisions about the disposition of their fractional interests.

The Program also seeks comments on what additional steps can be taken to ensure landowners have sufficient information and answers to their questions.

3. *Public Domain or ''Off-Reservation'' Lands.* Under the Settlement, fractional interests acquired by the Program are to be immediately held in trust or restricted status for the recognized tribe that exercises jurisdiction over the land. When identifying the locations with fractional interests that may be consolidated, the Program excludes land area names that include the term ''public domain'' or ''off reservation'' because use of these terms indicate that there may be no recognized tribe that exercises jurisdiction over the land. The Program has encouraged feedback, however, on the list of locations in its 2012 and 2013 implementation plans. Since then, the Program has received feedback from several tribes suggesting that certain land areas should be included.

The Program is now seeking general feedback on whether the Program should incorporate public domain or off reservation land areas into the Program, and if so, what criteria should be applied.

4. *Purchase Estimates.* Consultations between Departmental, Program, and tribal leaders led to the policy decision to express purchase ceiling amounts within the Initial Implementation Plan (2012 Plan) and Updated Implementation Plan (2013 Plan). The underlying concept behind such purchase estimates is to approximate the potential portion of the Consolidation Fund available to pay owners who choose to sell fractional interests at a given location, based on a formula that considers a location's proportional share of fractionation across Indian Country.

The Program's November 2014 Status Report expounds on the purchase estimate approach. Among other things, it noted that the Program was implementing several steps to ''make sure the Consolidation Fund is used before November 2022,'' including the creation of opportunities for willing sellers, leveraging efficient mass appraisal results, making a single wave of offers, and continually learning from experience and data. Moreover, the Status Report described a number of factors the Program will consider to determine how to best expend funds, such as:

a. Level of interested or documented willing sellers;

b. availability of valuation related-information;

c. tribal readiness or interest;

d. severity of fractionation;

e. cost and time efficiency;

f. promotion of tribal sovereignty and self-determination;

g. economic and/or cultural value for the community, as evidenced by well-articulated tribal priorities; and

h. loss of historical reservation land as a result of allotment.

Such steps are intended to help the Program address instances where sales fall below estimates to ensure full use of the Consolidation Fund by November 2022. The Program seeks comment on these steps, including the most equitable, efficient, and cost effective way to utilize/repurpose purchase estimate amounts remaining following active implementation at each individual location.

5. *Purchase Offer Package.* The Program strives to make the offer package documents as clear and user friendly as possible. Following the initial purchase offers to landowners, the Bureau of Indian Affairs (BIA) made several changes to the Deed paperwork to reduce common errors by landowners and notaries and increase processing speed. The Program also clarified the Cover Letter and Instructions to address frequent questions and recurring errors.

The Program seeks comment on what, if any, additional changes would assist in making offer package documents as clear and user friendly as possible.

6. *Reimbursement for Post-Settlement Purchases of Fractional Interests.* The Buy-Back Program has received inquiries regarding, and requests from tribes for, reimbursement from the Land Consolidation Fund for tribal purchases of fractional interests.

The Program seeks comment on what criteria it should apply in making reimbursement decisions.

7. *Structural Improvements.* While the Program will not acquire structural improvements, which are non-trust property, the Program continues to work with its tribal and Federal partners to determine the feasibility of making offers on tracts with structures.

The Program seeks comment on a recommended policy regarding acquiring interests in tracts with structural improvements, including instances in which the Program might choose to acquire interests.

8. *Whereabouts Unknown.* Whereabouts unknown (WAU) is the term used to describe Individual Indian Money (IIM) account holders without current address information on file with the Office of the Special Trustee for American Indians (OST). The Settlement provides for an outreach effort to locate landowners whose whereabouts are unknown as of the date of final approval of the Settlement. If those owners are not located after the Department undertakes the outreach effort and the passage of five years, the landowners shall be deemed to have consented to the conveyance of their fractional interest [Cobell Settlement Agreement at F (6); Claims Resolution Act of 2010 101(e) (5)]. Since the Program's inception, the focus has been locating WAU through outreach efforts so the individuals can receive and consider an offer.

The Program has not exercised WAU purchases thus far and is seeking input from tribes and individuals on whether and how it should implement the provision.

IV. Additional Resources

The Land Buy-Back Program for Tribal Nations 2014 Status Report and additional information about the Buy-Back Program is available at: *http://www.doi.gov/buybackprogram.* In addition, landowners can contact their local Fiduciary Trust Officer or call Interior's Trust Beneficiary Call Center at (888) 678–6836.

Dated: February 23, 2015.

Michael L. Connor,

Deputy Secretary.

[FR Doc. 2015–04304 Filed 3–2–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Fish and Wildlife Service

[FWS–R8–ES–2015–N254; FXES11120000–156–FF08E00000]

Supplemental Draft Environmental Impact Statement for the Proposed South Coast Resource Management Plan Amendment; for the Proposed Upper Santa Ana River Habitat Conservation Plan and Land Exchange

AGENCY: Fish and Wildlife Service, Interior; Bureau of Land Management, Interior.

ACTION: Notice of intent and notice of public meeting; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service) and Bureau of Land Management (BLM), intend to prepare a Supplemental Draft Environmental Impact Statement (SDEIS) under the National Environmental Policy Act (NEPA) of 1969, as amended, for the proposed Upper Santa Ana River Wash Habitat Conservation Plan (HCP), and a related land exchange. The SDEIS will be a joint Environmental Impact Statement/Environmental Impact Report (EIS/EIR), for which the Service, the BLM, and the San Bernardino Valley Water Conservation District (District) intend to gather information necessary for preparation. The proposed HCP has been drafted to meet the requirements of the Federal Endangered Species Act (ESA) of 1973, as amended, and the State of California's Endangered Species Act and Natural Communities Conservation Planning Act. The BLM, in compliance with the Federal Land Policy and Management Act, as amended, will consider this NEPA process and the resulting HCP documents in its analysis toward possible amendment of the BLM South Coast Resource Management Plan (SCRMP) to support the land exchange.

DATES: Please send written comments on or before May 4, 2015.

We will hold two public scoping meetings on March 18, 2015, from 2 to 4 p.m. and 6:30 to 8:30 p.m. at the San Bernardino Valley Water Conservation District office located at 1630 West Redlands Avenue, Redlands, CA 92373. In addition to this notice, we will announce the public scoping meetings in local news media and on the Internet at the BLM Web site (*http://www.ca.blm.gov/palmsprings*) and the Service Web site (*http://www.fws.gov/carlsbad*) at least 15 days prior to the event. For more information, see Public Comments and Reasonable Accommodation in the **SUPPLEMENTARY INFORMATION**.

ADDRESSES: Comments or requests for more information specific to the proposed land exchange and amendment to the SCRMP should be sent via any one of the following methods:

U.S. Mail: Brandon Anderson, Santa Ana River Wash Project, Bureau of Land Management, 1201 Bird Center Drive, Palm Springs, CA 92262.

Email: bganderson@blm.gov. Subject line should include ''Scoping Comments for the Upper Santa Ana River Wash Project.''

Comments or requests for more information specific to the issuance of an incidental take permit and the HCP should be sent to the following:

U.S. Mail: Kennon Corey, Santa Ana River Wash Project, Palm Springs Fish and Wildlife Service Office, 777 E. Tahquitz Canyon Way, Suite 208, Palm Springs, CA 92262.

FOR FURTHER INFORMATION CONTACT: For further information and/or to have your name added to our mailing list, contact Brandon Anderson, Santa Ana River Wash Project, Bureau of Land Management, Palm Springs South Coast Field Office, by telephone at 760–833–7117, or by email at *bganderson@blm.gov,* or Kennon Corey, Santa Ana River Wash Project, by mail at Palm Springs Fish and Wildlife Office, 777 East Tahquitz Canyon Way, Suite 208, Palm Springs, CA 92262 or by email at *fw8cfwocomments@fws.gov.*

SUPPLEMENTARY INFORMATION:

Background

In 1993, representatives of numerous agencies, including water, mining, flood control, wildlife, and municipal interests, formed a Wash Committee to address mining issues that were local to the upper Santa Ana River wash area. The role of the Committee was subsequently expanded, and it began meeting in 1997 to determine how this area might accommodate the ongoing and contemplated future activities of the participating entities. To achieve this goal, the Wash Committee worked with the California Department of Fish and Wildlife (CDFW) and the Service to develop a Habitat Conservation Plan (HCP), which would establish a structure to integrate ongoing operations and planned projects with biological resource conservation within the Plan area. The District prepared a draft HCP on behalf of the Wash Committee in November 2008 and subsequently revised it in January 2010. The District and the Wash Committee subsequently worked with the Service and CDFW to revise the HCP, which now provides additional conservation. The District and the Wash Committee have also been working with the BLM to facilitate a land exchange to accommodate the HCP conservation strategy.

The Supplemental Draft EIR/EIS (SDEIS) will provide an updated analysis to the 2009 Draft EIS issued by the BLM in April 2009 for the Proposed Santa Ana River Wash Land Use Plan Amendment and Land Exchange and the Final EIR issued by the District for the HCP. The SDEIS will consider the environmental effects associated with the proposed land exchange, the proposed amendment to the SCRMP, and the proposed HCP, as well as those of several alternatives.

The SDEIS will evaluate the direct, indirect, and cumulative impacts of several alternatives related to the proposed land exchange and to the proposed issuance of Endangered Species Act permits to permit applicants in San Bernardino County, California. The permit applicants intend to apply for a 30-year permit from the Service that would authorize the incidental take of species resulting from implementation or approval of covered activities, including aggregate mining, the construction of ground water recharge basins, road improvements, trail construction, and other kinds of projects.

Pursuant to 43 CFR 1610.2(c), notice is hereby given that the BLM is considering a proposal to amend the 1994 SCRMP and exchange lands with the District. Additionally, the Service is considering the issuance of an incidental take permit consistent with the Upper Santa Ana River Wash HCP. The SDEIS will describe and analyze alternatives to the proposed land use plan amendment, and HCP. The lands proposed for exchange in the 2009 Draft EIS have been revised to incorporate the activities and conservation strategy to be carried out consistent with the terms of the HCP and the refinement of exchange parcels to allow water conservation, mining, flood control, and other public actions within the study area while protecting and consolidating the natural resources, especially the threatened and endangered species in the area. This analysis will also review reasonably foreseeable activities currently undergoing initial feasibility review for an additional flood control activity, potentially resulting in a new Area of Critical Environmental Concern designation. Covered activities will also be reviewed for potential impacts to land designated as an Area of Critical Environmental Concern and Research Natural Area for protection of two plants federally listed as endangered, *Eriastrum densifolium* subsp. *sanctorum* (Santa Ana River woolly-star) and *Dodecahema leptoceras* (slender-horned spineflower); as well as the federally endangered San Bernardino kangaroo rat (*Dipodomys merriami parvus*); the federally threatened coastal California gnatcatcher (*Polioptila californica californica*); and the cactus wren (*Campylorhynchus brunneicapillus*). In order to respond to comments received on the 2009 Draft EIS, extensive biological fieldwork was conducted to identify the areas in which the species

are found in both a quantitative and qualitative manner. The Supplemental EIS will address the Federal actions in approving and implementing the project, including the proposed land exchange between the BLM and the District, the proposed amendment to the SCRMP by the BLM to accommodate the land exchange and the overall Wash Plan, and the proposed issuance of an incidental take permit consistent with the HCP. The BLM and the Service will be co-lead Agencies for the Supplemental EIS. The District will be the Lead Agency for the Supplemental EIR, under the California Environmental Quality Act.

The Service and BLM are publishing this notice to announce the initiation of a public scoping period, during which we invite other agencies (local, State, and Federal), Tribes, nongovernmental organizations, and the public to submit written comments providing suggestions and information on the scope of issues and alternatives to be addressed in the SDEIS. Concurrently with this notice, the District has publicly released a California Environmental Quality Act Notice of Preparation for its EIR via State and local media.

Project Area

The project area lies within San Bernardino County, California, primarily in the cities of Highland and Redlands, as well as within the unincorporated County area. The project area encompasses approximately 4,467 acres within the area bounded by Greenspot Road to the north and east, Alabama Street to the west, and the Santa Ana River Wash to the south.

Potential Applicants

The Upper Santa Ana River Wash Plan is being prepared through a collaboration of Federal, State, and local agencies as the basis for the BLM to amend the SCRMP and exchange lands for the HCP, for the HCP approval and potential issuance of incidental take permits for the implementation of the Upper Santa Ana River Wash Plan by the District, City of Highland, City of Redlands, San Bernardino County, San Bernardino Valley Municipal Water District, and others. The incidental take permits would be issued pursuant to section 10(a)(1)(B) of the ESA and section 2081 (CESA) of the California Fish and Game Code. Only the applicants listed in the applications and HCP could receive incidental take permits for the covered activities and the covered species.

Covered Activities

The HCP is intended to cover two types of activities in the Upper Santa Ana River Wash Plan project area:

(1) Activities related to the operations and maintenance of existing facilities or land uses already in operation in the Wash, covering an area totaling 166.9 acres; and

(2) Expansion or enhancement of facilities planned for the Wash area, totaling 634.1 acres.

It should be noted that activities related to all utilities belonging to Southern California Edison within the project footprint, and the EBX Foothill Pipeline, also located within the project footprint, are excluded from the covered activities described in the HCP.

All listed project activities can be subdivided into the following categories:

(1) *Flood Control*—activities related to the operation and maintenance of existing flood control facilities;

(2) *Mining*—activities that support continued aggregate mining activities in the Wash;

(3) *Trails*—the development of trails and open space opportunities; activities that support the restoration and maintenance of habitat values in the Wash;

(4) *Transportation*—activities related to the construction and maintenance of planned transportation facilities;

(5) *Water Conservation*—activities related to water management for conservation purposes, as well as habitat restoration activities, and the continued operations and maintenance of certain miscellaneous activities present on the site such as citrus production; and

(6) *Wells*—activities related to the recharge or extraction of potable water from groundwater basins as part of the regional water supply.

Covered Species

Covered Species are those species addressed in the proposed Upper Santa Ana River Wash Plan for which conservation actions will be implemented and for which the applicants will seek incidental take authorizations for a period of up to 30 years. Proposed Covered Species are expected to include threatened and endangered species listed under the ESA, species listed under CESA, and unlisted species of Federal and State conservation concern.

Under the ESA, there is no take of federally listed plant species, and authorization under an ESA section 10 permit is not required. Section 9 of ESA does, however, prohibit certain actions related to plants including the removal of federally listed plants from areas under Federal jurisdiction and the removal or destruction of endangered plants in knowing violation of State law. In addition, section 7(a)(2) of the ESA prohibits Federal agencies from jeopardizing the continued existence of any listed plant or animal species, or destroying or adversely modifying the critical habitat of such species. The species that may be affected by the proposed actions include two plants federally listed as endangered, *Eriastrum densiflorum* subsp. *sanctorum* and *Dodecahema leptoceras*, the federally endangered San Bernardino kangaroo rat and federally threatened coastal California gnatcatcher, and the cactus wren (not currently listed under the ESA).

The species noted above will be evaluated for inclusion in the Upper Santa Ana River Wash Plan as proposed Covered Species. However, the list of Covered Species may change as the planning process progresses; species may be added or removed as more is learned about the nature of Covered Activities and their impact on native species within the Plan area.

Environmental Impact Statement

Before deciding whether to issue the requested Federal incidental take permit, the land exchange and the SCRMP, the Service and BLM will prepare a SDEIS, and a final EIS as part of the joint EIS/EIR, in order to analyze the environmental impacts associated with potential adoption and implementation of the proposed Upper Santa Ana River Wash Plan as a HCP, land exchange, and SCRMP amendment. In the EIS component of the joint EIS/EIR, the Service and BLM intend to consider the following alternatives:

(1) The proposed action, which includes the Service issuance of incidental take Permit consistent with the proposed Upper Santa Ana River Wash Plan HCP under section 10(a)(1)(B) of the ESA to the applicants, and BLM's approval of a land exchange and SCRMP amendment;

(2) No action (no Federal ESA permit issuance, no land exchange, and no SCRMP amendment); and

(3) A reasonable range of alternatives that address different scenarios of development and species conservation on both Federal and non-Federal land. The SDEIS will include a detailed analysis of the impacts of the proposed action and alternatives. The range of alternatives to be considered and analyzed will represent varying levels of conservation and impacts, and may include variations in the scope of

Covered Activities; variations in the locations, amount, and type of conservation and land exchange; variations in permit duration; or a combination of these elements. The BLM may address other considerations in the SDEIS. In compliance with NEPA, the Service and BLM will be responsible for the scope and preparation of the EIS component of the joint EIS/EIR.

The SDEIS will identify and analyze potentially significant direct, indirect, and cumulative impacts of the Service's authorization of incidental take (permit issuance) and the implementation of the proposed Upper Santa Ana River Wash Plan on biological resources, land uses, utilities, air quality, water resources (including surface and groundwater supply and water quality), cultural resources, socioeconomics and environmental justice, outdoor recreation, visual resources, induced growth, climate change and greenhouse gases, and other environmental issues that could occur with implementation of the proposed action and alternatives. The Service and the BLM will use all practicable means, consistent with NEPA and other essential considerations of national policy, to avoid or minimize significant effects of their actions upon the quality of the human environment.

The CDFW has requested and agreed to be a State cooperating agency. The Service, BLM, and CDFW agree that establishing a cooperating agency relationship will create a more streamlined and coordinated approach in developing this joint EIS/EIR.

Reasonable Accommodation

The Service and BLM are committed to providing access to these scoping meetings for all participants. Please direct all requests for sign language interpreting services, closed captioning, or other accommodation needs to Kennon Corey at 760–322–2070 (telephone), *ken_corey@fws.gov* (email), or 800–877–8339 (TTY), as soon as possible. To allow sufficient time to process requests, please call no later than 1 week before the public meeting. Information regarding this proposed action is available in alternative formats upon request.

Public Comments

We invite other government agencies, Native American Tribes, the scientific community, industry, nongovernmental organizations, and all other interested parties to participate in this scoping process and provide comments and information. Comments on issues and potential impacts, or suggestions for additional or different alternatives, may be submitted in writing at any public scoping meeting or through one of the methods listed in the **ADDRESSES** section of this notice.

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.

Authority

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*) and by NEPA regulations (40 CFR 1501.7, 1506.6, and 1508.22).

Dated: February 23, 2015.

Alexandra Pitts,

Deputy Regional Director, Pacific Southwest Region, U.S. Fish and Wildlife Service, Sacramento, California.

Dated: February 23, 2015.

Tom Pogacnik,

Deputy State Director, Natural Resources, California State Office, Bureau of Land Management, Sacramento, California.

[FR Doc. 2015–04341 Filed 3–2–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[145D0102DR DS5A300000 DR.5A311.IA000514]

Availability of Funds for Climate Change Adaptation and Coastal Management to Federally Recognized Indian Tribes

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs (BIA) has funding available for support of tribal climate change adaptation and ocean and coastal management planning. Any federally recognized tribe (or tribal organization whose application is supported by a tribal resolution) may submit an application for these funds. The BIA is mailing application packets to each tribal leader. Funds will be awarded under the Indian Self-Determination and Education Assistance Act (ISDEAA).

DATES: Applications must be submitted by April 24, 2015.

ADDRESSES: An application packet has been mailed to tribal leaders. Submit your ISDEAA contract proposal in accordance with the directions in the application packet to *climate.funding@bia.gov* or Ms. Helen Riggs, Deputy Bureau Director, Office of Trust Services, Bureau of Indian Affairs, 1849 C St. NW., MS–4620, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: If you do not receive an application packet or if you would like additional information on how to apply, please contact Helen Riggs, BIA Office of Trust Services, at *helen.riggs@bia.gov* or (202) 208–5770.

SUPPLEMENTARY INFORMATION: The BIA has up to $8 million in funding available for federally recognized tribes for climate change adaptation and for ocean and coastal management planning. Because limited funding is available, no more than $250,000 is available for any one proposal. The funds are awarded pursuant to ISDEAA, 25 U.S.C. 450 *et seq.*, and are subject to 25 CFR part 900 (for self-determination contracts) or 25 CFR part 1000 (for self-governance funding agreements). Tribes that seek for BIA to perform a project via direct service should contact their BIA Regional Director for additional information. Applicants may request funding for the following:

Climate Adaptation Planning

- *Category 1. Trainings & Workshops.* Design and host tribal training(s) or workshop(s) to support tribal leaders, climate change coordinators, planners, and program managers to build skills and gather information needed to coordinate the tribal adaptation planning process.
- *Category 2. Climate Adaptation Planning.* Develop tribal government climate adaptation plans, vulnerability assessments, or data analysis.
- *Category 3. Travel.* Provide travel support for tribal leaders and staff to attend training(s) or workshop(s) or to participate in cooperative climate change adaptation efforts (including Landscape Conservation Cooperatives, Climate Science Centers, and other adaptation management forums).

Ocean and Coastal Management Planning

- *Category 4. Ocean and Coastal Management Planning.* Develop ocean and coastal management planning; build tribal capacity; implement a pilot project for restoration and resilience of coastal resources; perform inventories or vulnerability assessments; identify monitoring protocols and critical indicator species; marine spatial planning; coast climate adaptation

analysis; or cooperative marine resource plans.

• *Category 5. Travel.* Provide travel support for tribal representatives to attend organizational meetings, working sessions, or official meetings in support of collaborative planning efforts, including meetings of Regional Planning Bodies (RPBs).

The application packets mailed to tribal leaders will provide additional information, including tips on preparing a proposal, and information on BIA's review and ranking of proposals.

Dated: February 23, 2015.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2015–04306 Filed 3–2–15; 8:45 am]

BILLING CODE 4310–W7–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[DR5B211IA000715]

Notice of Deadline for Submitting Completed Applications To Begin Participation in the Tribal Self-Governance Program in Fiscal Year 2016 or Calendar Year 2016

AGENCY: Office of Self-Governance, Interior.

ACTION: Notice of application deadline.

SUMMARY: In this notice, the Office of Self-Governance (OSG) establishes a March 20, 2015, deadline for Indian tribes/consortia to submit completed applications to begin participation in the tribal self-governance program in Fiscal Year 2016 or Calendar Year 2016.

DATES: Completed application packages must be received by the Director, Office of Self-Governance, by March 20, 2015.

ADDRESSES: Application packages for inclusion in the applicant pool should be sent to Sharee M. Freeman, Director, Office of Self-Governance, Department of the Interior, Mail Stop 355–G–SIB, 1951 Constitution Avenue NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Dr. Kenneth D. Reinfeld, Office of Self-Governance, telephone (703) 390–6551.

SUPPLEMENTARY INFORMATION: Under the Tribal Self-Governance Act of 1994 (Pub. L. 103–413) (Act), as amended by the Fiscal Year 1997 Omnibus Appropriations Bill (Pub. L. 104–208) and section 1000.15(a) of Title 25 of the Code of Federal Regulations, the Director, Office of Self-Governance may select up to 50 additional participating tribes/consortia per year for the tribal self-governance program and negotiate and enter into a written funding agreement with each participating tribe. The Act mandates that the Secretary of the Interior submit copies of the funding agreements at least 90 days before the proposed effective date to the appropriate committees of the Congress and to each tribe that is served by the Bureau of Indian Affairs' agency that is serving the tribe that is a party to the funding agreement. Initial negotiations with a tribe/consortium located in a region and/or agency which has not previously been involved with self-governance negotiations will take approximately 2 months from start to finish. Agreements for an October 1 to September 30 funding year need to be signed and submitted by July 1. Agreements for a January 1 to December 31 funding year need to be signed and submitted by October 1.

Purpose of Notice

The regulations at 25 CFR 1000.10 to 1000.31 will be used to govern the application and selection process for tribes/consortia to begin their participation in the tribal self-governance program in Fiscal Year 2016 and Calendar Year 2016. Applicants should be guided by the requirements in these subparts in preparing their applications. Copies of these subparts may be obtained from the information contact person identified in this notice.

Tribes/consortia wishing to be considered for participation in the tribal self-governance program in fiscal year 2016 or calendar year 2016 must respond to this notice, except for those tribes/consortia which are: (1) Currently involved in negotiations with the Department of the Interior (Interior); or (2) one of the 114 tribal entities with signed agreements.

Paperwork Reduction Act Statement

Under the Paperwork Reduction Act of 1995 (PRA), as implemented by the Office of Management and Budget (OMB) in 5 CFR 1320, 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. The application and reporting requirements related to this program are considered to be a collection of information subject to the requirements of the PRA. These submissions are required to obtain and/or retain a benefit. OMB has approved the information collections related to this program and has assigned control number 1076–0143, Tribal Self-Governance Program, which expires January 31, 2016. We estimate the annual burden associated with this collection to average 55 hours per respondent. This includes the time for reviewing instructions, gathering, and submitting the information to the Department. Comments regarding the burden or other aspects of this information collection may be directed to: Information Collection Officer, Office of Regulatory Affairs & Collaborative Action—Indian Affairs, 1849 C Street NW., MS–3642–MIB, Washington, DC 20240.

Dated: February 20, 2015.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2015–04308 Filed 3–2–15; 8:45 am]

BILLING CODE 4310–W8–P

DEPARTMENT OF THE INTERIOR

National Indian Gaming Commission

2015 Preliminary Fee Rate and Fingerprint Fees

AGENCY: National Indian Gaming Commission, Department of the Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given, pursuant to 25 CFR 514.2, that the National Indian Gaming Commission has adopted its 2015 preliminary annual fee rates of 0.00% for tier 1 and 0.065% (.00065) for tier 2. These rates shall apply to all assessable gross revenues from each gaming operation under the jurisdiction of the Commission. If a tribe has a certificate of self-regulation under 25 CFR part 518, the 2015 preliminary fee rate on Class II revenues shall be 0.0325% (.000325) which is one-half of the annual fee rate. The preliminary fee rates being adopted here are effective March 1, 2015 and will remain in effect until new rates are adopted.

Pursuant to 25 CFR 514.16, the National Indian Gaming Commission has also adopted its fingerprint processing fees of $21 per card effective March 1, 2015.

FOR FURTHER INFORMATION CONTACT: Yvonne Lee, National Indian Gaming Commission, C/O Department of the Interior, 1849 C Street NW., Mail Stop #1621, Washington, DC 20240; telephone (202) 632–7003; fax (202) 632–7066.

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act (IGRA) established the National Indian Gaming Commission, which is charged with regulating gaming on Indian lands.

Commission regulations (25 CFR 514) provide for a system of fee assessment and payment that is self-administered by gaming operations. Pursuant to those regulations, the Commission is required to adopt and communicate assessment rates and the gaming operations are

required to apply those rates to their revenues, compute the fees to be paid, report the revenues, and remit the fees to the Commission. All gaming operations within the jurisdiction of the Commission are required to self-administer the provisions of these regulations, and report and pay any fees that are due to the Commission.

Pursuant to 25 CFR 514, the Commission must also review annually the costs involved in processing fingerprint cards and set a fee based on fees charged by the Federal Bureau of Investigation and costs incurred by the Commission. Commission costs include Commission personnel, supplies, equipment costs, and postage to submit the results to the requesting tribe. Based on that review, the Commission hereby sets the 2015 fingerprint processing fee at $21 per card effective March 1, 2015.

Dated: February 25, 2015.

Jonodev Chaudhuri,

Acting Chairman.

Dated: February 25, 2015.

Daniel Little,

Associate Commissioner.

[FR Doc. 2015–04412 Filed 3–2–15; 8:45 am]

BILLING CODE 7565–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

[MMAA 104000]

Notice of Availability of the Proposed Notice of Sale (NOS) for Western Gulf of Mexico Planning Area (WPA) Outer Continental Shelf (OCS) Oil and Gas Lease Sale 246 (WPA Sale 246)

AGENCY: Bureau of Ocean Energy Management, Interior.

ACTION: Notice of availability of the proposed notice of sale for WPA Lease Sale 246.

SUMMARY: BOEM announces the availability of the Proposed NOS for proposed WPA Sale 246. This Notice is published pursuant to 30 CFR 556.29(c) as a matter of information to the public. With regard to oil and gas leasing on the OCS, the Secretary of the Interior, pursuant to section 19 of the OCS Lands Act, provides affected States the opportunity to review the Proposed NOS. The Proposed NOS sets forth the proposed terms and conditions of the sale, including minimum bids, royalty rates, and rental rates.

DATES: Affected States may comment on the size, timing, and location of proposed WPA Sale 246 within 60 days following their receipt of the Proposed NOS. The Final NOS will be published in the **Federal Register** at least 30 days prior to the date of bid opening. Bid opening currently is scheduled for August 19, 2015.

FOR FURTHER INFORMATION CONTACT: Robert Samuels, Chief, Leasing Division, *Robert.Samuels@boem.gov.*

SUPPLEMENTARY INFORMATION: The Proposed NOS for WPA Sale 246 and the Proposed NOS Package containing information essential to potential bidders may be obtained from the Public Information Unit, Gulf of Mexico Region, Bureau of Ocean Energy Management, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123–2394. Telephone: (504) 736–2519. The Proposed NOS and Proposed NOS Package also are available on BOEM's Web site at *http://www.boem.gov/Sale-246/.*

Dated: February 6, 2015.

Abigail Ross Hopper,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2015–04347 Filed 3–2–15; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0020]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Office on Violence Against Women Solicitation Template Revision of a Currently Approved Collection.

AGENCY: Office on Violence Against Women, Department of Justice.

ACTION: 60-day notice.

SUMMARY: The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until May 4, 2015.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Cathy Poston, Office on Violence Against Women, at 202–514–5430 or *Catherine.poston@usdoj.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a currently approved collection

(2) *Title of the Form/Collection:* Office on Violence Against Women Solicitation Template.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0020. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes applicants to OVW grant programs authorized under the Violence Against Women Act of 1994 and reauthorized and amended by the Violence Against Women Act of 2000, the Violence Against Women Act of 2005 and the Violence Against Women Act of 2013. These include States, Territories, Tribes or unit of local governments; State, territorial, tribal or unit of local governmental entities; institutions of higher education including colleges and universities; tribal organizations; Federal, State, tribal, territorial or local courts or court-based programs; State sexual assault coalitions, State domestic violence coalitions; territorial domestic violence or sexual assault coalitions; tribal coalitions; tribal organizations; community-based organizations and non-profit, nongovernmental organizations. The purpose of the solicitation template is to provide a

framework to develop program-specific announcements soliciting applications for funding. A program solicitation outlines the specifics of the funding program; describes the requirements for eligibility; instructs an applicant on the necessary components of an application under a specific grant program (*e.g.* project activities and timeline, proposed budget): and provides registration dates, due dates, and instructions on how to apply within the designated application system.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that information will be collect annually from the approximately 1800 respondents (applicants to the OVW grant programs). The public reporting burden for this collection of information is estimated at up to 30 hours per application. The 30-hour estimate is based on the amount of time to prepare a narrative, budget and other materials for the application as well to coordinate with and develop a memorandum of understanding with requisite project partners.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated public burden associated with this collection is 54,000 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3E.405B, Washington, DC 20530.

Dated: February 25, 2015.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2015–04321 Filed 3–2–15; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

Notice Lodging of Proposed Consent Decree Under the Clean Air Act

On February 25, 2015, the Department of Justice lodged a proposed consent decree with the United States District Court for the Eastern District of Michigan in the lawsuit entitled *United States* v. *Basic Recycling, Inc.,* Civil Action No. 15–10699.

The United States filed this lawsuit under the Clean Air Act. The United States' complaint seeks injunctive relief and civil penalties for violations of the regulations that govern the handling and disposal of refrigerant containing appliances at defendant's scrap metal and iron recycling facility in Detroit, Michigan. The consent decree requires that the defendant perform injunctive relief and pay a civil penalty of $25,000 based on ability to pay.

The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Basic Recycling, Inc.,* D.J. Ref. No. 90–5–2–1–10201/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed consent decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the proposed consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $7.25 (25 cents per page reproduction cost) payable to the United States Treasury.

Randall M. Stone,

Acting Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2015–04383 Filed 3–2–15; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Advisory Committee on Veterans' Employment, Training and Employer Outreach (ACVETEO): Meeting

AGENCY: Veterans' Employment and Training Service (VETS), Department of Labor (DOL).

ACTION: Notice of open meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the ACVETEO. The ACVETEO will discuss the VETS core programs and services regarding efforts that assist veterans seeking employment and raise employer awareness as to the advantages of hiring veterans. There will be an opportunity for persons or organizations to address the committee. Any individual or organization that wishes to do so should contact Mr. Timothy Green at 202–693–4723.

Individuals who will need accommodations for a disability in order to attend the meeting (*e.g.,* interpreting services, assistive listening devices, and/or materials in alternative format) should notify the Advisory Committee no later than Friday, March 20, 2015 by contacting Mr. Gregory Green at 202–693–4734. Requests made after this date will be reviewed, but availability of the requested accommodations cannot be guaranteed. The meeting site is accessible to individuals with disabilities. This Notice also describes the functions of the ACVETEO. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public.

DATES: *Date and Time:* Thursday, March 26, 2015 beginning at 9 a.m. and ending at approximately 4:00 p.m. (E.S.T.).

ADDRESSES: The meeting will take place at the Consumer Financial Protection Bureau Building, 1275 First Street NW., Washington, DC 20002, Room 801. Members of the public are encouraged to arrive early to allow for security clearance into the facility.

Security Instructions: Meeting participants should use the visitors' entrance to access the Consumer Financial Protection Bureau Building. For security purposes participants must:

1. Present a valid photo ID to receive a visitor badge.
2. Know the name of the event being attended: The meeting event is the Advisory Committee on Veterans' Employment, Training and Employer Outreach (ACVETEO).
3. Visitors will be escorted to the meeting room by Consumer Financial Protection Bureau and DOL VETS staff.
4. Laptops and other electronic devices may be inspected and logged for identification purposes.
5. Due to limited parking options, Metro is the easiest way to access the Consumer Financial Protection Bureau.

Notice of Intent To Attend the Meeting: All meeting participants are being asked to submit a notice of intent to attend by Friday, March 20, 2015, via email to Mr. Timothy Green at *green.timothy.a@dol.gov,* subject line ''March 2015 ACVETEO Meeting.''

FOR FURTHER INFORMATION CONTACT: Mr. Timothy Green, Designated Federal

Official for the ACVETEO, (202) 693–4723.

SUPPLEMENTARY INFORMATION: The ACVETEO is a Congressionally mandated advisory committee authorized under Title 38, U.S. Code, Section 4110 and subject to the Federal Advisory Committee Act, 5 U.S.C. App. 2, as amended. The ACVETEO is responsible for: Assessing employment and training needs of veterans; determining the extent to which the programs and activities of the U.S. Department of Labor meet these needs; assisting to conduct outreach to employers seeking to hire veterans; making recommendations to the Secretary, through the Assistant Secretary of Labor for VETS, with respect to outreach activities and employment and training needs of Veterans; and carrying out such other activities necessary to make required reports and recommendations. The ACVETEO meets at least quarterly.

Agenda

9:00 a.m. Welcome and remarks, Keith Kelly, Assistant Secretary of Labor for Veterans' Employment and Training

9:05 a.m. Administrative Business, Timothy Green, Designated Federal Official

9:15 a.m. Discussion on Fiscal Year 2014 Report Recommendations, J. Michael Haynie, ACVETEO Chairman

10:00 a.m. Break

10:15 a.m. DOL VETS' plan to answer the Fiscal Year 2014 Report Recommendations, Timothy Green, Designated Federal Officer

11:00 a.m. Break

11:15 a.m. Final discussion of the Fiscal Year 2014 Report, J. Michael Haynie, ACVETEO Chairman

12:00 p.m. Lunch

1:00 p.m. BLS brief on the 2014 Employment Situation of Veterans

2:00 p.m. Break

2:15 p.m. Sub-Committees develop Fiscal Year 2015 work plan

3:45 p.m. Public Forum, Timothy Green, Designated Federal Official

4:00 p.m. Adjourn

Signed in Washington, DC, this 25th day of February, 2015.

Keith Kelly,

Assistant Secretary of Labor for Veterans' Employment and Training.

[FR Doc. 2015–04364 Filed 3–2–15; 8:45 am]

BILLING CODE 4510–79–P

DEPARTMENT OF LABOR

Veterans' Employment and Training Service

Agency Information Collection Activities; Continued Collection; Comment Request: Vocational Rehabilitation and Employment (Chapter 31) Tracking Report (VETS 201) Extension Without Revisions.

AGENCY: Veterans' Employment and Training Service, U.S. Department of Labor.

ACTION: Notice.

SUMMARY: The Veterans' Employment and Training Service (VETS) is announcing an opportunity for the public to comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment in response to the notice. This notice solicits comments on one (1) collection of information: VETS 201 entitled ''Vocational Rehabilitation and Employment (Chapter 31) Tracking Report'' and identified by VETS ICR No. 1293–0009 and OMB Control No. 1293–0009. The information collection contained in this notice is an extension without revision. VETS is soliciting comments on the continuation of the approved information collections.

DATES: Submit written or electronic comments on the collection of information by May 4, 2015.

ADDRESSES: Submit comments on this collection of information by any of the following methods:

- *By mail to:* Joel H. Delofsky, Office of National Programs, U.S. Department of Labor, VETS, 230 South Dearborn, Suite 1064, Chicago, Illinois 60604–1777.
- *Electronically to: delofsky.joel@dol.gov.*
- *By fax to:* (312) 353–4943 (not a toll free number).

All comments should be identified with the OMB Control Number 1293–0009. Written comments should be limited to 10 pages or fewer. Receipt of comments will not be acknowledged but the sender may request confirmation that a submission has been received by telephoning VETS at (312) 353–4942 or via fax at (312) 353–4943.

FOR FURTHER INFORMATION CONTACT: Joel H. Delofsky, Office of National Programs, U.S. Department of Labor, VETS, 230 South Dearborn, Suite 1064, Chicago, Illinois 60604–1777, by email at *delofsky.joel@dol.gov* or by phone at (312) 353–4942. Copies of the proposed data collection instruments can be obtained from the contact listed above.

SUPPLEMENTARY INFORMATION:

I. With respect to the continuation of the approved collection of information, VETS is particularly interested in comments on these topics:

(1) Whether the continued collection of information is necessary for the proper performance and oversight of the Jobs for Veterans State Grant, including whether the information will have practical utility;

(2) The accuracy of the VETS' estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate and other forms of information technology.

II. Comments are requested on the following ICR:

(1) Title: Vocational Rehabilitation and Employment (Chapter 31) Tracking Report (VETS 201)

ICR numbers: VETS ICR No. 1293–0009, OMB Control No. 1293–0009

ICR status: This ICR is for a continued information collection activity. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for VETS information collections are displayed on the applicable data collection instrument.

Abstract: VETS and the Department of Veterans Affairs Vocational Rehabilitation and Employment (VA VR&E) share a mutual responsibility for the successful readjustment of disabled veterans into the civilian workforce. Since August, 1995, the two Federal Agencies have worked together under a Memorandum of Understanding to cooperate and coordinate services provided to veterans and transitioning service members referred to or completing a program of vocational rehabilitation authorized under title 31, United States Code (hereinafter referred to as the Chapter 31 program).

To help Congress understand the extent to which federal agencies coordinate programs and the performance of this coordination, the Government Accountability Office (GAO) conducted a study and released Report Number GAO–13–29: Veterans' Employment and Training—Better

Targeting, Coordinating, and Reporting Needed to Enhance Program Effectives. One of the findings encouraged the two agencies ''*to determine the extent to which veterans' employment outcomes result from program participation. . .*''

As a result of the GAO recommendations, a Joint Work Group was directed to establish and standardize processes to ensure disabled veterans participating in the Chapter 31 program achieve the ultimate goal of successful career transition and suitable employment after the provision of Labor Market Information and employment services from the Jobs for Veterans State Grant recipients. The Joint Work Group refined processes and strengthened the team approach to serving these disabled veterans.

The Vocational Rehabilitation & Employment (Chapter 31) Tracking Report (VETS 201) is designed to respond to the GAO finding by compiling information on disabled veterans jointly served by the VA, VETS and Jobs for Veterans State Grant recipients. All partners agree to share information exclusively to facilitate job development and placement services for participating veterans. The information is collected only with documented consent from veterans in accordance with the Privacy Act of 1974 and other applicable regulations and each agency will provide practical and appropriate safeguards to protect Personally Identifiable Information in accordance with applicable regulations and laws, including the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973 and reauthorizations, and title VII of the Civil Rights Act of 1964.

The information is collected by the Jobs for Veterans State grant recipient and submitted to the state Director for Veterans' Employment and Training (DVET) once per Federal fiscal quarter. The results are shared between VETS and VA VR&E.

Estimated Annual Burden: VETS 201: 456 Hours.

Estimated Average Burden Per Respondent: VETS 201 (Proposed): 2 Hours, Range 1–3 Hours.

Frequency of Response: Quarterly.

Estimated Number of Respondents: VETS 201: 57.

Total Annualized Capital/startup costs: $0.

Total Initial Annual Costs: $0.

Comments submitted in response to this notice will be summarized and included in the agency's request for OMB approval of the information collection request. Comments will become a matter of public record.

Dated in Washington, DC, this 23rd day of February 2015.

Ralph Charlip,

Deputy Assistant Secretary.

[FR Doc. 2015–04357 Filed 3–2–15; 8:45 am]

BILLING CODE 4510–79–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0020]

Information Collection: NRC Request for Information Concerning Patient Release Practices

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on this proposed collection of information. The information collection is entitled, ''NRC Request for Information Concerning Patient Release Practices.''

DATES: Submit comments by May 4, 2015. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0020. 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:* Tremaine Donnell, Office of Information Services, Mail Stop: T–5 F53, 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: Tremaine Donnell, Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6258; email: *INFOCOLLECTS.Resource@NRC.GOV.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0020 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–2015–0020. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC–2015–0020 on this Web site.
- *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.* A copy of the collection of information and related instructions may be obtained without charge by accessing ADAMS Accession No. ML15015A612. The supporting statement and Patient Release **Federal Register** Notice Soliciting Information is available in ADAMS under Accession No. ML15015A624.
- *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.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting NRC's Clearance Officer, Tremaine Donnell, Office of Information Services, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6258; email: *INFOCOLLECTS.Resource@NRC.GOV.*

B. Submitting Comments

Please include Docket ID NRC–2015–0020 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.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* NRC Request for Information Concerning Patient Release Practices.
2. *OMB approval number:* OMB control number has not yet been assigned to this proposed information collection.
3. *Type of submission:* New.
4. *The form number, if applicable: N/A.*
5. *How often the collection is required or requested:* Once.
6. *Who will be required or asked to respond:* Medical professional organizations, physicians, patients, patient advocacy groups, NRC and Agreement State medical use licensees, Agreement States, and other interested individuals who use, receive, license or have interest in the use of I–131 sodium iodine (hereafter referred to as ''I–131'') for the treatment of thyroid conditions.
7. *The estimated number of annual responses: A one-time collection estimated to have 1,180 responses (620 medical community + 560 patients).*
8. *The estimated number of annual respondents: 1,180 respondents (620 medical community + 560 patients).*
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 457.5 hours (255 medical community + 202.5 patients).
10. *Abstract:* The NRC is requesting a one-time information collection that will be solicited in a **Federal Register** notice (FRN). The FRN will have specific I–131 patient release questions associated with: (1) Existing Web sites that the responders believe provide access to clear and consistent patient information about I–131 treatment processes and procedures; (2) information the responders believe represent best practices used in making informed decisions on releasing I–131 patients and stand alone or supplemental voluntary patient/licensee guidance acknowledgment forms, if available; (3) an existing set of guidelines that the responder developed or received that provides instructions to released patients; and (4) an existing guidance brochure that the responder believes would be acceptable for nationwide distribution. The responses will form the basis for patient release guidance products developed in response to the NRC's April 28, 2014, Staff Requirements—COMAMM–14–0001/COMWDM–14–0001—''Background and Proposed Direction to NRC Staff to Verify Assumptions Made Concerning Patient Release Guidance.'' The Commission, based on information from patients and patient advocacy groups, questioned the availability of clear, consistent, patient friendly and timely patient release information and directed the staff to work with a wide variety of stakeholders when developing new guidance products. This information collection effort was developed to gain input from as many stakeholders as possible. The NRC solicitation in the **Federal Register** is to obtain existing information from a variety of stakeholders.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 25th day of February, 2015.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2015–04318 Filed 3–2–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0041]

Biweekly Notice; Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving No Significant Hazards Considerations

AGENCY: Nuclear Regulatory Commission.

ACTION: Biweekly notice.

SUMMARY: Pursuant to Section 189a. (2) of the Atomic Energy Act of 1954, as amended (the Act), the U.S. Nuclear Regulatory Commission (NRC) is publishing this regular biweekly notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from February 5, 2015 to February 18, 2015. The last biweekly notice was published on February 17, 2015.

DATES: Comments must be filed by April 2, 2015. A request for a hearing must be filed by May 4, 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–2015–0041. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.*
- *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: Shirley Rohrer, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–5411, email: *Shirley.Rohrer@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0041 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–2015–0041.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2015–0041, facility name, unit number(s), application date, and subject in your comment submission.

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

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

II. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses and Proposed No Significant Hazards Consideration Determination

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission'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. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. 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 period provided that its final determination is that 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.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the 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 petition must also identify the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends

to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

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.

B. 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.

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).

For further details with respect to these license amendment applications, see the application for amendment which is available for public inspection in ADAMS and at the NRC's PDR. For additional direction on accessing information related to this document, see the ''Obtaining Information and Submitting Comments'' section of this document.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit No. 2 (ANO–2), Pope County, Arkansas

Date of amendment request: February 6, 2015. A publicly-available version is in ADAMS under Accession No. ML15041A068.

Description of amendment request: The amendment would revise a Note to Technical Specification (TS) Surveillance Requirement (SR) 4.1.3.1.2 to exclude Control Element Assembly (CEA) 18 from being exercised per the SR for the remainder of Cycle 24 due to a degrading upper gripper coil.

Basis for proposed no significant hazards consideration determination: 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 change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

One function of the CEAs is to provide a means of rapid negative reactivity addition into the core. This occurs upon receipt of a signal from the Reactor Protection System. This function will continue to be accomplished with the approval of the proposed change. Typically, once per 92 days each CEA is moved at least five inches to ensure the CEA is free to move. CEA 18 remains trippable (free to move) as illustrated by the last performance of SR 4.1.3.1.2 in January 2015. However, due to abnormally high coil voltage and current measured on the CEA 18 Upper Gripper Coil (UGC), future exercising of the CEA could result in the CEA inadvertently inserting into the core, if the UGC were to fail during the exercise test. The mis-operation of a CEA, which includes a CEA drop event, is an abnormal occurrence and has been previously evaluated as part of the ANO–2 accident analysis. Inadvertent CEA insertion will result in a reactivity transient and power reduction, and could lead to a reactor shutdown if the CEA is deemed to be unrecoverable. The proposed change would minimize the potential for inadvertent insertion of CEA 18 into the core by maintaining the CEA in place using the Lower Gripper Coil (LGC), which is operating normally. The proposed change will not affect the CEAs ability to insert fully into the core upon receipt of a reactor trip signal.

No modifications are proposed to the Reactor Protection System or associated Control Element Drive Mechanism Control System logic with regard to the ability of CEA 18 to remain available for immediate insertion. The accident mitigation features of the plant are not affected by the proposed amendment. Because CEA 18 remains trippable, no additional reactivity considerations need to be taken into consideration. Nevertheless, Entergy has evaluated the reactivity consequences associated with failure of CEA 18 to insert upon a reactor trip in accordance with TS requirements for Shutdown Margin (SDM) and has determined that SDM requirements would be met should such an event occur at any time during the remainder of Cycle 24 operation.

Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

CEA 18 remains trippable. The proposed change will not introduce any new design changes or systems that can prevent the CEA from [performing] its specified safety function. As discussed previously, CEA mis-operation has been previously evaluated in the ANO–2 accident analysis. Furthermore, SDM has been shown to remain within limits should an event occur at any time during the remainder of operating Cycle 24 such that CEA 18 fails to insert into the core upon receipt of a reactor trip signal.

Therefore, this change does not create the possibility of a new or different kind of accident from an accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

SR 4.1.3.1.2 is intended to verify CEAs are free to move (*i.e.*, not mechanically bound). The physical and electrical design of the CEAs, and past operating experience, provides high confidence that CEAs remain trippable whether or not exercised during each SR interval. Eliminating further exercising of CEA 18 for the remainder of Cycle 24 operation does not directly relate to the potential for CEA binding to occur. No mechanical binding has been previously experienced at ANO–2. CEA 18 is contained within a Shutdown CEA Group and is not used for reactivity control during power maneuvers (the CEA must remain fully withdrawn at all times when the reactor is critical). In addition, Entergy has concluded that required SDM will be maintained should CEA 18 fail to insert following a reactor trip at any point during the remainder of Cycle 24 operation.

Therefore, this change does 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 amendment request involves no significant hazards consideration.

Attorney for licensee: Joseph A. Aluise, Associate General Counsel—Nuclear, Entergy Services, Inc., 639 Loyola Avenue, New Orleans, Louisiana 70113.

NRC Acting Branch Chief: Eric R. Oesterle.

Entergy Operations, Inc., Docket No. 50–382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: October 1, 2014, as supplemented by letter dated February 2, 2015. Publicly-available versions are in ADAMS under Accession Nos. ML14275A374 and ML15033A482.

Description of amendment request: The amendment would relocate Technical Specifications 3.9.6, ''Refuel Machine,'' and 3.9.7, ''Crane Travel,'' to the Technical Requirements Manual.

Basis for proposed no significant hazards consideration determination: 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 change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

This proposed change relocates Technical Specifications (TS) 3.9.6 (Refuel Machine) and TS 3.9.7 (Crane Travel) to the Waterford 3 Technical Requirements Manual (TRM). This is consistent with the requirements of [10 CFR 50.36(c)(2)(ii)] and aligns with NUREG–1432 (Combustion Engineering Standard Technical Specifications).

The applicable TS 3.9.6 and TS 3.9.7 design basis accident is the Fuel Handling Accident (FHA) described in the Updated Final Safety Analysis Report (UFSAR) Section 15.7.3.4. The limiting FHA results in all the fuel pins in the dropped and impacted fuel assemblies failing (472 pins or 236 per assembly). The analysis assumes that a fuel assembly is dropped as an initial condition and no equipment or intervention can prevent the initiating condition. The proposed change was evaluated against [10 CFR 50.36(c)(2)(ii)] criteria and shows no impact to the lowest functional capability or performance levels of equipment required for safe operation of the facility because the TS 3.9.6 and TS 3.9.7 requirements do not prevent the accident conditions from occurring and do not limit the severity of the accident. Since, the dropped fuel assembly and the impacted fuel assembly are both already failed in the design basis accident scenario, this change could not result in a significant increase in the accident consequences. The TS 3.9.6 and TS 3.9.7 equipment are not required to respond, mitigate, or terminate any design basis accident, thus this change will not adversely impact the likelihood or probability of a design basis accident.

The TS 3.9.6 and TS 3.9.7 requirements do not prevent the accident conditions from occurring and do not limit the severity of the accident.

Therefore the TS 3.9.6 and TS 3.9.7 relocation to the TRM would not cause a significant increase in the accident probability or accident consequences.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

This proposed change relocates TS 3.9.6 (Refuel Machine) and TS 3.9.7 (Crane Travel) to the Waterford 3 TRM. In general, Technical Specifications are based upon the accident analyses. The accident analyses assumptions and initial conditions must be protected by the Technical Specifications. This is a requirement as outlined in [10 CFR 50.36].

[10 CFR 50.36(b)] states the technical specifications will be derived from the analyses and evaluation included in the safety analysis report.

[10 CFR 50.36(c)(2)(i)] states that ['']the limiting conditions for operation are the lowest functional capability or performance levels of equipment required for safe operation of the facility[. . . .''] [10 CFR 50.36(c)(2)(ii)] provides the four criteria in which any one met requires a limiting condition for operation. The proposed change demonstrated that the [10 CFR 50.36(c)(2)(ii)] criteria were not met and the relocation to the TRM is allowable. By not meeting the [10 CFR 50.36(c)(2)(ii)] criteria for inclusion into the TS means that TS 3.9.6 and TS 3.9.7 do not impact the accident analyses previously evaluated and would not create the possibility of a new or different kind of accident.

Specifically, TS 3.9.6 and TS 3.9.7 equipment are not instrumentation used to detect, and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary (Criterion 1). TS 3.9.6 and TS 3.9.7 do not contain a process variable, design feature, or operating restriction that is an initial condition of a Design Basis Accident or Transient analysis that either assumes the failure of or presents a challenge to the integrity of a fission product barrier (Criterion 2). TS 3.9.6 and TS 3.9.7 does not contain a structure, system, or component that is part of the primary success path and which functions or actuates to mitigate a Design Basis Accident or Transient that either assumes the failure of or presents a challenge to the integrity of a fission product barrier (Criterion 3). Lastly, TS 3.9.6 and TS 3.9.7 do not contain a structure, system, or component which operating experience or probabilistic safety assessment has shown to be significant to public health and safety (Criterion 4).

TS 3.9.6 and 3.9.7 are not required to meet the lowest functional capability or performance levels of equipment required for safe operation of the facility.

Therefore, the accident analyses are not impacted and the possibility of a new or different kind of accident from any accident previously evaluated has not changed.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed TS 3.9.6 (Refuel Machine) and TS 3.9.7 (Crane Travel) relocation to the Waterford 3 TRM is administrative in nature because all requirements will be relocated. Any changes after being relocated to the Waterford 3 TRM will require that the [10 CFR 50.59] process be entered ensuring the public health and safety is maintained. By using the [10 CFR 50.59] process for future changes, the regulatory requirements ensure that no significant reduction in the margin of safety occurs.

In addition, the TS 3.9.6 and TS 3.9.7 requirements do not prevent the design basis accident conditions from occurring and do not limit the severity of the accident. Thus, TS 3.9.6 and TS 3.9.7 relocation will not adversely impact the accident analyses and will not cause a significant reduction in the 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 amendment request involves no significant hazards consideration.

Attorney for licensee: Joseph A. Aluise, Associate General Council—Nuclear, Entergy Services, Inc., 639 Loyola Avenue, New Orleans, Louisiana 70113.

NRC Branch Chief: Meena K. Khanna.

Exelon Generation Company, LLC (EGC), Docket No. 50–410, Nine Mile Point Nuclear Station, Unit 2 (NMP2), Oswego County, New York

Date of amendment request: November 17, 2014. A publicly available version is in ADAMS under Accession No. ML14321A744.

Description of amendment request: The proposed amendment would revise the NMP2 Technical Specification (TS) Allowable Value for the Main Steam Line Tunnel Lead Enclosure Temperature-High instrumentation from an ambient temperature dependent (variable setpoint) to ambient temperature independent (constant Allowable Value). The changes would delete Surveillance Requirement (SR) 3.3.6.1.2 and revise the Allowable Value for Function 1.g on Table 3.3.6.1–1, ''Primary Containment Isolation Instrumentation.''

Basis for proposed no significant hazards consideration determination: 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 amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated because the performance of any equipment credited in the radiological consequences of an accident is not affected by the change in the leak detection capability.

The Main Steam Line Tunnel Lead Enclosure Temperature—High is provided to detect a steam leak in the lead enclosure and provides diversity to the high flow instrumentation. This function provides a mitigating action for a steam leak in the Main Steam Line Tunnel Lead Enclosure, which could lead to a pipe break. This function does not affect any accident precursors, and the proposed changes do not affect the leak detection capability. Additionally, the proposed changes do not degrade the performance of or increase the challenges to any safety systems assumed to function in the accident analysis.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed changes do not add or remove equipment and do not physically alter the isolation instrumentation. In addition, the Main Steam Line Tunnel Lead Enclosure LDS [Leak Detection System] is not utilized in a different manner. The proposed changes do not introduce any new accident initiators and new failure modes, nor do they reduce or adversely affect the capabilities of any plant structure, system, or component to perform their safety function. The Main Steam Line Tunnel Lead Enclosure LDS will continue to be operated in the same manner.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes do not involve a significant reduction in a margin of safety because the changes eliminate the temperature setpoint dependency on lead enclosure temperature while maintaining the existing upper AV [Allowable Value] = 175.6 °F, that was previously evaluated and approved. There is no adverse impact on the existing equipment capability as well as associated structures. The increase in the steam leak rate and associated crack size continues to be well below the leak rate associated with critical crack size that leads to pipe break. The proposed changes continue to provide the same level of protection against a main steam line break as the existing setpoint values.

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 amendment request involves no significant hazards consideration.

Attorney for licensee: J. Bradley Fewell, Senior Vice President, Regulatory Affairs, Nuclear, and General Counsel, Exelon Generation Company, LLC, 4300 Winfield Road, Warrenville, IL 60555.

NRC Branch Chief: Benjamin G. Beasley.

Florida Power and Light Company, et al. (FPL), Docket Nos. 50–335 and 50–389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment request: February 20, 2014, as supplemented by letters dated December 11, 2014, January 13 and January 28, 2015. Publicly-available in ADAMS under Accession Nos. ML14070A087, ML14349A333, ML15029A497 and ML15042A122.

Description of amendment request: The NRC staff has previously made a proposed determination that the amendment request dated February 20, 2014, involves no significant hazards consideration (see 79 FR 42550, July 22, 2014). Subsequently, by letter dated January 28, 2015, the licensee provided additional information that expanded the scope of the amendment request as originally noticed. Accordingly, this notice supersedes the previous notice in its entirety.

The amendment would revise the Technical Specifications (TSs) by relocating specific surveillance frequency requirements to a licensee-controlled program with implementation of Nuclear Energy Institute (NEI) 04–10 (Revision 1), ''Risk-Informed Technical Specifications Initiative 5b, Risk-Informed Method for Control of Surveillance Frequencies'' (ADAMS Accession No. ML071360456). The licensee stated that the NEI 04–10 methodology provides reasonable acceptance guidelines and methods for evaluating the risk increase of proposed changes to surveillance frequencies, consistent with Regulatory Guide 1.177, ''An Approach for Plant-Specific, Risk-Informed Decisionmaking: Technical Specifications'' (ADAMS Accession No. ML003740176). The licensee stated that the changes are consistent with NRC-approved Technical Specification Task Force (TSTF) Improved Standard Technical Specifications Change Traveler TSTF–425, ''Relocate Surveillance Frequencies to Licensee Control—RITSTF [Risk-Informed Technical Specifications Task Force] Initiative 5b,'' Revision 3 (ADAMS Accession No. ML090850642). The **Federal Register** notice published on July 6, 2009 (74 FR 31996), announced the availability of TSTF–425, Revision 3. In the supplement dated January 28, 2015, the licensee requested (1) additional surveillance frequencies be relocated to the licensee-controlled program, (2) editorial changes, (3) administrative deviations from TSTF–425, and (4) other changes resulting from differences between the St. Lucie Plant TSs and the TSs on which TSTF–425 was based.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change relocates the specified frequencies for periodic surveillance requirements to licensee control under a new Surveillance Frequency Control Program. Surveillance frequencies are not an initiator to any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased. The systems and components required by the technical specifications for which the surveillance frequencies are relocated are still required to be operable, meet the acceptance criteria for the surveillance requirements, and be capable of performing any mitigation function assumed in the accident analysis. As a result, the consequences of any accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the

probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any previously evaluated?

Response: No.

No new or different accidents result from utilizing the proposed change. The changes do not involve a physical alteration of the plant (*i.e.*, no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the changes do not impose any new or different requirements. The changes do not alter assumptions made in the safety analysis assumptions and current plant operating practice.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in the margin of safety?

Response: No.

The design, operation, testing methods, and acceptance criteria for systems, structures, and components (SSCs), specified in applicable codes and standards (or alternatives approved for use by the NRC) will continue to be met as described in the plant licensing basis (including the final safety analysis report and bases to TS), since these are not affected by changes to the surveillance frequencies. Similarly, there is no impact to safety analysis acceptance criteria as described in the plant licensing basis. To evaluate a change in the relocated surveillance frequency, FPL will perform a probabilistic risk evaluation using the guidance contained in NRC-approved NEI 04–10, Revision 1 in accordance with the TS Surveillance Frequency Control Program. NEI 04–10, Revision 1, methodology provides reasonable acceptance guidelines and methods for evaluating the risk increase of proposed changes to surveillance frequencies consistent with Regulatory Guide (RG) 1.177.

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 amendment request involves no significant hazards consideration.

Attorney for licensee: William S. Blair, Managing Attorney—Nuclear, Florida Power & Light Company, 700 Universe Boulevard, MS LAW/JB, Juno Beach, FL 33408–0420.

NRC Branch Chief: Shana R. Helton.

Florida Power and Light Company, Docket Nos. 50–250 and 50–251, Turkey Point Nuclear Generating, Unit Nos. 3 and 4, Miami-Dade County, Florida

Date of amendment request: November 13, 2014. A publicly-available version is in ADAMS under Accession No. ML14337A013.

Description of amendment request: The amendment would revise Technical Specification (TS) 3/4.5.2, ''ECCS [Emergency Core Cooling System] Subsystems—T_{avg} [average temperature] Greater Than or Equal to 350 °F [degrees Fahrenheit],'' to correct non-conservative TS requirements. The licensee also requested editorial changes to the TS.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee provided its analysis of the issue of no significant hazards consideration, which is presented as follows:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The proposed TS changes involve TS 3.5.2 Action 'a', new TS 3.5.2 Action 'h', and the provision in SR [Surveillance Requirement] 4.5.2.a to address non-conservative TS requirements. Editorial changes are also proposed for consistency and clarity. These changes do not affect any precursors to any accident previously evaluated and subsequently, will not impact the probability or consequences of an accident previously evaluated. Furthermore, these changes do not adversely affect mitigation equipment or strategies.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any previously evaluated?

No. The proposed TS changes involve TS 3.5.2 Action 'a', new TS 3.5.2 Action 'h', and the provision in SR 4.5.2.a to address non-conservative TS requirements. Editorial changes are also proposed for consistency and clarity. The proposed changes provide better assurance that the ECCS systems, subsystems, and components are properly aligned to support safe reactor operation consistent with the licensing basis requirements. The proposed changes do not introduce new modes of plant operation and do not involve physical modifications to the plant (no new or different type of equipment will be installed). There are no changes in the method by which any safety related plant structure, system, or component (SSC) performs its specified safety function. As such, the plant conditions for which the design basis accident analyses were performed remain valid.

No new accident scenarios, transient precursors, failure mechanisms, or limiting single failures will be introduced as a result of the proposed change. There will be no adverse effect or challenges imposed on any SSC as a result of the proposed change.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in the margin of safety?

No. Margin of safety is related to confidence in the ability of the fission product barriers to perform their accident mitigation functions. The proposed TS changes involve TS 3.5.2 Action 'a', new TS 3.5.2 Action 'h', and the provision in SR 4.5.2.a to address non-conservative TS requirements. Editorial changes are also proposed for consistency and clarity. The proposed changes provide better assurance that the ECCS systems, subsystems, and components are properly aligned to support safe reactor operation consistent with the licensing basis requirements. The proposed changes do not physically alter any SSC. There will be no effect on those SSCs necessary to assure the accomplishment of specified functions. There will be no impact on the overpower limit, departure from nucleate boiling ratio (DNBR) limits, loss of cooling accident peak cladding temperature (LOCA PCT), or any other margin of safety. The applicable radiological dose consequence acceptance criteria will continue to be met. 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 amendment request involves no significant hazards consideration.

Attorney for licensee: William S. Blair, Managing Attorney—Nuclear, Florida Power & Light Company, P.O. Box 14000, Juno Beach, FL 33408–0420.

NRC Branch Chief: Shana R. Helton.

Indiana Michigan Power Company (I&M), Docket Nos. 50–315 and 50–316, Donald C. Cook Nuclear Plant, Units 1 and 2, Berrien County, Michigan

Date of amendment request: February 6, 2015. A publicly-available version is in ADAMS under Accession No. ML15041A069.

Description of amendment request: The proposed amendments would modify the technical specifications requirements for unavailable barriers by adding limiting condition for operation

(LCO) 3.0.8. The changes are consistent with the NRC approved Technical Specification Task Force (TSTF) Standard Technical Specification change TSTF–427, ''Allowance for Non-Technical Specification Barrier Degradation on Supported System OPERABILITY,'' Revision 2.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has affirmed the applicability of the model proposed no significant hazards consideration published on October 3, 2006 (71 FR 58444), ''Notice of Availability of the Model Safety Evaluation.'' The findings presented in that evaluation are presented below:

Criterion 1—The Proposed Change Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated

The proposed change allows a delay time for entering a supported system technical specification (TS) when the inoperability is due solely to an unavailable barrier if risk is assessed and managed. The postulated initiating events which may require a functional barrier are limited to those with low frequencies of occurrence, and the overall TS system safety function would still be available for the majority of anticipated challenges. Therefore, the probability of an accident previously evaluated is not significantly increased, if at all. The consequences of an accident while relying on the allowance provided by proposed LCO 3.0.8 are no different than the consequences of an accident while relying on the TS required actions in effect without the allowance provided by proposed LCO 3.0.8. Therefore, the consequences of an accident previously evaluated are not significantly affected by this change. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns. Therefore, this change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Criterion 2—The Proposed Change Does Not Create the Possibility of a New or Different Kind of Accident From any Previously Evaluated

The proposed change does not involve a physical alteration of the plant (no new or different type of equipment will be installed). Allowing delay times for entering supported system TS when inoperability is due solely to an unavailable barrier, if risk is assessed and managed, will not introduce new failure modes or effects and will not, in the absence of other unrelated failures, lead to an accident whose consequences exceed the consequences of accidents previously evaluated. The addition of a requirement to assess and manage the risk introduced by this change will further minimize possible concerns. Thus, this change does not create the possibility of a new or different kind of accident from an accident previously evaluated.

Criterion 3—The Proposed Change Does Not Involve a Significant Reduction in a Margin of Safety

The proposed change allows a delay time for entering a supported system TS when the inoperability is due solely to an unavailable barrier, if risk is assessed and managed. The postulated initiating events which may require a functional barrier are limited to those with low frequencies of occurrence, and the overall TS system safety function would still be available for the majority of anticipated challenges. The risk impact of the proposed TS changes was assessed following the three-tiered approach recommended in RG [Regulatory Guide] 1.177. A bounding risk assessment was performed to justify the proposed TS changes. This application of LCO 3.0.8 is predicated upon the licensee's performance of a risk assessment and the management of plant risk. The net change to the margin of safety is insignificant as indicated by the anticipated low levels of associated risk (ICCDP [incremental conditional core damage probability] and ICLERP [incremental large early release probability]) as shown in Table 1 of Section 3.1.1 in the Safety Evaluation. Therefore, this change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the 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 amendment requests involve no significant hazards consideration.

Attorney for licensee: Robert B. Haemer, Senior Nuclear Counsel, One Cook Place, Bridgman, Michigan 49106.

NRC Branch Chief: David L. Pelton.

PPL Susquehanna, LLC, Docket Nos. 50–387 and 50–388, Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of amendment requests: October 27, 2014. A publicly-available version is available in ADAMS under Accession No. ML14317A052.

Description of amendment requests: The proposed amendments will modify the Susquehanna technical specifications (TS). Specifically, the proposed amendments will modify the TS by relocating specific surveillance frequencies to a licensee-controlled program, the Surveillance Frequency Control Program (SFCP), with implementation of Nuclear Energy Institute (NEI) 04–10, ''Risk-Informed Technical Specifications Initiative 5b, Risk-Informed Method for Control of Surveillance Frequencies'' (ADAMS Accession No. ML071360456). The changes are consistent with NRC-approved TS Task Force (TSTF) Standard TS change TSTF–425, ''Relocate Surveillance Frequencies to Licensee Control-Risk Informed Technical Specifications Task Force (RITSTF) Initiative 5b,'' Revision 3 (ADAMS Accession No. ML090850642). The **Federal Register** notice published on July 6, 2009 (74 FR 31996), announced the availability of this TSTF improvement, and included a model no significant hazards consideration and safety evaluation.

Basis for proposed no significant hazards consideration determination: An analysis of the no significant hazards consideration was presented in the TSTF–425. The licensee has affirmed its applicability of the model no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of any accident previously evaluated?

Response: No.

The proposed change relocates the specified frequencies for periodic surveillance requirements to licensee control under a new Surveillance Frequency Control Program. Surveillance frequencies are not an initiator to any accident previously evaluated. As a result, the probability of any accident previously evaluated is not significantly increased. The systems and components required by the technical specifications for which the surveillance frequencies are relocated are still required to be operable, meet the acceptance criteria for the surveillance requirements, and be capable of performing any mitigation function assumed in the accident analysis. As a result, the consequences of any accident previously evaluated are not significantly increased.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

No new or different accidents result from utilizing the proposed change. The changes do not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed) or a change in the methods governing normal plant operation. In addition, the changes do not impose any new or different requirements. The changes do not alter assumptions made in the safety analysis. The proposed changes are consistent with the safety analysis assumptions and current plant operating practice.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in the margin of safety?

Response: No.

The design, operation, testing methods, and acceptance criteria for systems, structures, and components (SSCs), specified in applicable codes and standards (or alternatives approved for use by the NRC) will continue to be met as described in the plant licensing basis (including the final safety analysis report and bases to TS), since these are not affected by changes to the surveillance frequencies. Similarly, there is no impact to safety analysis acceptance criteria as described in the plant licensing basis. To evaluate a change in the relocated surveillance frequency, PPL will perform a risk evaluation using the guidance contained in NRC approved NEI 04–10, Rev. 1 in accordance with the TS SFCP. NEI 04–10, Rev. 1, methodology provides reasonable acceptance guidelines and methods for evaluating the risk increase of proposed changes to surveillance frequencies consistent with Regulatory Guide 1.177.

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 amendment request involves no significant hazards consideration.

Attorney for licensee: Bryan A. Snapp, Esquire, Assoc. General Counsel, PPL Services Corporation, 2 North Ninth St., GENTW3, Allentown, PA 18101–1179.

NRC Branch Chief: Douglas A. Broaddus.

Southern Nuclear Operating Company, Inc. (SNC), Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of amendment request: July 18, 2014. A publicly-available version is in ADAMS under Accession Package No. ML14203A124.

Description of amendment request: The licensee requested 23 revisions to the Technical Specifications (TSs). These revisions adopt various previously NRC-approved Technical Specifications Task Force (TSTF) Travelers. A list of the requested revisions is included in Enclosure 1 of the application.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration for each of the 24 changes requested, which is presented below:

1: TSTF–2–A, Revision 1, ''Relocate the 10 Year Sediment Cleaning of the Fuel Oil Storage Tank to Licensee Control'' for TS pages 3.8.3–3 and 3.8.3–4

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change removes the Surveillance Requirement for performing sediment cleaning of diesel fuel oil storage tanks every 10 years from the Technical Specifications and places it under licensee control. Diesel fuel oil storage tank cleaning is not an initiator of any accident previously evaluated. This change will have no effect on diesel generator fuel oil quality, which is tested in accordance with other Technical Specifications requirements. Removing the diesel fuel oil storage tank sediment cleaning requirements from the Technical Specifications will have no effect on the ability to mitigate an accident.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

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 amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change removes the requirement to clean sediment from the diesel fuel oil storage tank from the Technical Specifications and places it under licensee control. The margin of safety provided by the fuel oil storage tank sediment cleaning is unaffected by this relocation because the quality of diesel fuel oil is tested in accordance with other Technical Specifications requirements.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

2: TSTF–27–A, Revision 3, ''Revise SR [Surveillance Requirement] Frequency for Minimum Temperature for Criticality'' for TS 3.4.2, TS Page 3.4.2–1

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the Surveillance Frequency for monitoring [reactor coolant system] RCS temperature to ensure the minimum temperature for criticality is met. The Frequency is changed from a 30 minute Frequency when certain conditions are met to a periodic Frequency that it is controlled in accordance with the Surveillance Frequency Control Program. The initial Frequency for this Surveillance will be 12 hours. This will ensure that T_{avg} [average temperature] is logged at appropriate intervals (in addition to strip chart recorders and computer logging of temperature). The measurement of RCS temperature is not an initiator of any accident previously evaluated. The minimum RCS temperature for criticality is not changed. As a result, the mitigation of any accident previously evaluated is not affected.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

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 amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises the Surveillance Frequency for monitoring RCS temperature to ensure the minimum temperature for criticality is met. The current, condition based Frequency represents a distraction to the control room operator during the critical period of plant startup. RCS temperature is closely monitored by the operator during the approach to criticality, and temperature is recorded on charts and computer logs. Allowing the operator to monitor temperature as needed by the situation and logging RCS temperature at a periodic Frequency that it is controlled in accordance with the Surveillance Frequency Control Program is sufficient to ensure that the LCO [Limiting Condition for Operation] is met while eliminating a diversion of the operator's attention.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

3: TSTF–28–A, Revision 0, ''Delete Unnecessary Action to Measure Gross Specific Activity, TS 3.4.16,'' TS page 3.4–16

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change eliminates Required Action B.1 of Specification 3.4.16, ''RCS Specific Activity,'' which requires verifying that Dose Equivalent I–131 specific activity is within limits. Determination of Dose Equivalent I–131 is not an initiator of any accident previously evaluated. Determination of Dose Equivalent I–131 has no effect on the mitigation of any accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

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 amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change eliminates a Required Action. The activities performed under the Required Action will still be performed to determine if the LCO is met or the plant will exit the Applicability of the Specification. In either case, the presence of the Required Action does not provide any significant margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

4: TSTF–45–A, Revision 2, ''Exempt Verification of CIVs that are Locked, Sealed or Otherwise Secured,'' TS 3.6.3, TS pages 3.6.3–4, 3.6.3–5

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change exempts containment isolation valves (CIVs) located inside and outside of containment that are locked, sealed, or otherwise secured in position from the periodic verification of valve position required by Surveillance Requirements 3.6.3.3 and 3.6.2.4. The exempted valves are verified to be in the correct position upon being locked, sealed, or secured. Because the valves are in the condition assumed in the accident analysis, the proposed change will not affect the initiators or mitigation of any accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

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 amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change replaces the periodic verification of valve position with verification of valve position followed by locking, sealing, or otherwise securing the valve in position. Periodic verification is also effective in detecting valve mispositioning. However, verification followed by securing the valve in position is effective in preventing valve mispositioning. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

5: TSTF–46–A, Revision 1, ''Clarify the CIV Surveillance to Apply Only to Automatic Isolation Valves,'' TS 3.6.3, TS page 3.6.3.5

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the requirements in Technical Specification SR 3.6.3.5, and the associated Bases, to delete the requirement to verify the isolation time of ''each power operated'' containment isolation valve (CIV) and only require verification of closure time for each ''automatic power operated isolation valve.'' The closure times for CIVs that do not receive an automatic closure signal are not an initiator of any design basis accident or event, and therefore the proposed change does not increase the probability of any accident previously evaluated. The CIVs are used to respond to accidents previously evaluated. Power operated CIVs that do not receive an automatic closure signal are not assumed to close in a specified time. The proposed change does not change how the plant would mitigate an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not result in a change in the manner in which the CIVs provide plant protection or introduce any new or different operational conditions. Periodic verification that the closure times for CIVs that receive an automatic closure signal are within the limits established by the accident analysis will continue to be performed under SR 3.6.3.5. The change does not alter assumptions made in the safety analysis, and is consistent with the safety analysis assumptions and current plant operating practice. There are also no design changes associated with the proposed changes, and the change does not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed).

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 amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change provides clarification that only CIVs that receive an automatic isolation signal are within the scope of the SR 3.6.3.5. The proposed change does not result in a change in the manner in which the CIVs provide plant protection. Periodic verification that closure times for CIVs that receive an automatic isolation signal are within the limits established by the accident analysis will continue to be performed. The proposed change does not affect the safety analysis acceptance criteria for any analyzed event, nor is there a change to any safety analysis limit. The proposed change does not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined, nor is there any adverse effect on those plant systems necessary to assure the accomplishment of protection functions. The proposed change will not result in plant operation in a configuration outside the design basis.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

6: TSTF–87–A, Revision 2, ''Revise 'RTBs [Reactor Trip Breaker] Open' and 'CRDM [Control Rod Drive Mechanism] De-energized' Actions to 'Incapable of Rod Withdrawal,''' TS 3.4.5, TS Pages 3.4.5–2, 3.4.9–1

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

This change revises the Required Actions for LCO 3.4.5, ''RCS Loops—Mode 3,'' Conditions C.2 and D.1, from ''De-energize all control rod drive mechanisms,'' to ''Place the Rod Control System in a condition incapable of rod withdrawal.'' It also revises LCO 3.4.9, ''Pressurizer,'' Required Action A.1, from requiring Reactor Trip Breakers to be open after reaching MODE 3 to ''Place the Rod Control System in a condition incapable of rod withdrawal,'' and to require full insertion of all rods. Inadvertent rod withdrawal can be an initiator for design basis accidents or events during certain plant conditions, and therefore must be prevented under those conditions. The proposed Required Actions for LCO 3.4.5 and LCO 3.4.9 satisfy the same intent as the current Required Actions, which is to prevent inadvertent rod withdrawal when an applicable Condition is not met, and is consistent with the assumptions of the accident analysis. As a result, the proposed change does not increase the probability of any accident previously evaluated. The proposed change does not change how the plant would mitigate an accident previously evaluated, as in both the current and proposed requirements, rod withdrawal is prohibited.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change provides less specific, but equivalent, direction on the manner in which inadvertent control rod withdrawal is to be prevented when the Conditions of LCO 3.4.5 and LCO 3.4.9 are not met. Rod withdrawal will continue to be prevented when the applicable Conditions of LCO 3.4.5 and LCO 3.4.9 are met. There are no design changes associated with the proposed changes, and the change does not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed). The change does not alter assumptions made in the safety analysis, and is consistent with the safety analysis.

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 amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change provides the operational flexibility of allowing alternate, but equivalent, methods of preventing rod withdrawal when the applicable Conditions of LCO 3.4.5 and LCO 3.4.9 are met. The proposed change does not affect the safety analysis acceptance criteria for any analyzed event, nor is there a change to any safety analysis limit. The proposed change does not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined, nor is there any adverse effect on those plant systems necessary to assure the accomplishment of protection functions. The proposed change will not result in plant operation in a configuration outside the design basis.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

7: TSTF–95–A, Revision 0, ''Revise Completion Time for Reducing Power Range High trip Setpoint from 8 to 72 Hours,'' TS 3.2.1, TS Pages 3.2.1–1 and 3.2.2–1

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change extends the time allowed to reduce the Power Range Neutron Flux—High trip setpoint when Specification 3.2.1, ''Heat Flux Hot Channel Factor,'' or Specification 3.2.2, ''Nuclear Enthalpy Rise Hot Channel Factor,'' are not within their limits. Both specifications require a power reduction followed by a reduction in the Power Range Neutron Flux—High trip setpoint. Because reactor power has been reduced, the reactor core power distribution limits are within the assumptions of the accident analysis. Reducing the Power Range Neutron Flux—High trip setpoints ensures that reactor power is not inadvertently increased. Reducing the Power Range Neutron Flux—High trip setpoints is not an initiator to any accident previously evaluated. The consequences of any accident previously evaluated with the Power Range Neutron Flux—High trip setpoints not reduced are no different under the proposed Completion Time than under the existing Completion Time. Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

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 amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change provides additional time before requiring the Power Range Neutron Flux—High trip setpoint be reduced when the reactor core power distribution limits are not met. The manual reduction in reactor power required by the specifications provides the necessary margin of safety for this condition. Reducing the Power Range Neutron Flux—High trip setpoints carries an increased risk of a reactor trip. Delaying the trip setpoint reduction until the power reduction has been completed and the condition is verified will minimize overall plant risk.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

8: TSTF–110–A, Revision 2, ''Delete SR Frequencies Based on Inoperable Alarms,'' TS 3.1, TS pages 3.1.4–3, 3.1.6–3, 3.2.3–1, 3.2.4–4

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change removes surveillance Frequencies associated with inoperable alarms (rod position deviation monitor, rod insertion limit monitor, AFD [Axial Flux Difference] monitor and QPTR [Quadrant Power Tilt Ratio] alarm) from the Technical Specifications and places the actions in plant administrative procedures. The subject plant alarms are not an initiator of any accident previously evaluated. The subject plant alarms are not used to mitigate any accident previously evaluated, as the control room indications of these parameters are sufficient to alert the operator of an abnormal condition without the alarms. The alarms are not credited in the accident analysis.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

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 amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change removes surveillance Frequencies associated with inoperable alarms (rod position deviation monitor, rod insertion limit monitor, AFD monitor and QPTR alarm) from the Technical Specifications and places the actions in plant administrative procedures. The alarms are not being removed from the plant. The actions to be taken when the alarms are not available are proposed to be controlled under licensee administrative procedures. As a result, plant operation is unaffected by this change and there is no effect on a margin of safety.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

9: TSTF–142–A, Revision 0, ''Increase the Completion Time When the Core Reactivity Balance is Not Within Limit,'' TS 3.1.2, TS Page 3.1.2–1

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change extends the Completion Time to take the Required Actions when measured core reactivity is not within the specified limit of the predicted values. The Completion Time to respond to a difference between predicted and measured core reactivity is not an initiator to any accident previously evaluated. The consequences of an accident during the proposed Completion Time are no different from the consequences of an accident during the existing Completion Time. Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis. 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 amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change provides additional time to investigate and to implement appropriate operating restrictions when measured core reactivity is not within the specified limit of the predicted values. The additional time will not have a significant effect on plant safety due to the conservatisms used in designing the reactor core and performing the safety analyses and the low probability of an accident or transient which would approach the core design limits during the additional time. Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

10: TSTF–234–A, Revision 1, ''Add Action for More Than One [D]RPI Inoperable,'' TS 3.1.7, TS Pages 3.1.7–1 and 3.1.7–2.

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change provides a Condition and Required Actions for more than one inoperable digital rod position indicator (DRPI) per rod group. The DRPIs are not an initiator of any accident previously evaluated. The DRPIs are one indication used by operators to verify control rod insertion following an accident, however other indications are available. Therefore, allowing a finite period to time to correct more than one inoperable DRPI prior to requiring a plant shutdown will not result in a significant increase in the consequences of any accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

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 amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change provides time to correct the condition of more than one DRPI inoperable in a rod group. Compensatory measures are required to verify that the rods monitored by the inoperable DRPIs are not moved to ensure that there is no effect on core reactivity. Requiring a plant shutdown with inoperable rod position indications introduces plant risk and should not be initiated unless the rod position indication cannot be repaired in a reasonable period of time. As a result, the safety benefit provided by the proposed Condition offsets the small decrease in safety resulting from continued operation with more than one inoperable DRPI.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

11: TSTF–245–A, Revision 1, ''AFW Train Operable When in Service,'' TS 3.7.5, TS Page 3.7.5–3

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the requirements in Technical Specification 3.7.5, ''Auxiliary Feedwater (AFW) System,'' to clarify the operability of an AFW train when it is aligned for manual steam generator level control. The AFW System is not an initiator of any design basis accident or event, and therefore the proposed change does not increase the probability of any accident previously evaluated. The AFW System is used to respond to accidents previously evaluated. The proposed change does not affect the design of the AFW System, and no physical changes are made to the plant. The proposed change does not significantly change how the plant would mitigate an accident previously evaluated. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not result in a change in the manner in which the AFW System provides plant protection. The AFW System will continue to supply water to the steam generators to remove decay heat and other residual heat by delivering at least the minimum required flow rate to the steam generators. There are no design changes associated with the proposed changes, and the change does not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed). The change does not alter assumptions made in the safety analysis, and is consistent with the safety analysis assumptions and current plant operating practice. Manual control of AFW level control valves is not an accident initiator.

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 amendment involve a significant reduction in a margin of safety?

Responses: No.

The proposed change provides the operational flexibility of allowing an AFW train(s) to be considered operable when it is not in the normal standby alignment and is temporarily incapable of automatic initiation, such as during alignment and operation for manual steam generator level control, provided it is capable of being manually realigned to the AFW heat removal mode of operation. The proposed change does not result in a change in the manner in which the AFW System provides plant protection. The AFW System will continue to supply water to the steam generators to remove decay heat and other residual heat by delivering at least the minimum required flow rate to the steam generators. The proposed change does not affect the safety analysis acceptance criteria for any analyzed event, nor is there a change to any safety analysis limit. The proposed change does not alter the manner in which safety limits, limiting safety system settings

or limiting conditions for operation are determined, nor is there any adverse effect on those plant systems necessary to assure the accomplishment of protection functions. The proposed change will not result in plant operation in a configuration outside the design basis.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

12: TSTF–247–A, Revision 0, ''Provide Separate Condition Entry for Each [Power Operated Relief Valve] PORV and Block Valve,'' TS 3.4.11, TS Pages 3.4.11–1, 3.4.11–2, 3.4.11–3

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the requirements in Technical Specification 3.4.11, ''Pressurizer PORVs,'' to clarify that separate Condition entry is allowed for each block valve. Additionally, the Actions are modified to no longer require that the PORVs be placed in manual operation when both block valves are inoperable and cannot be restored to operable status within the specified Completion Time. This preserves the overpressure protection capabilities of the PORVs. The pressurizer block valves are used to isolate their respective PORV in the event it is experiencing excessive leakage, and are not an initiator of any design basis accident or event. Therefore the proposed change does not increase the probability of any accident previously evaluated. The PORV and block valves are used to respond to accidents previously evaluated. The proposed change does not affect the design of the PORV and block valves, and no physical changes are made to the plant. The proposed change does not change how the plant would mitigate an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not result in a change in the manner in which the PORV and block valves provide plant protection. The PORVs will continue to provide overpressure protection, and the block valves will continue to provide isolation capability in the event a PORV is experiencing excessive leakage. There are no design changes associated with the proposed changes, and the change does not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed). The change does not alter assumptions made in the safety analysis, and is consistent with the safety analysis assumptions and current plant operating practice. Operation of the PORV block valves is not an accident initiator.

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 amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes provide clarification that separate Condition entry is allowed for each block valve. Additionally, the Actions are modified to no longer require that the PORVs be placed in manual operation when both block valves are inoperable and cannot be restored to operable status within the specified Completion Time. This preserves the overpressure protection capabilities of the PORVs. The proposed change does not result in a change in the manner in which the PORV and block valves provide plant protection. The PORVs will continue to provide overpressure protection, and the block valves will continue to provide isolation capability in the event a PORV is experiencing excessive leakage. The proposed change does not affect the safety analysis acceptance criteria for any analyzed event, nor is there a change to any safety analysis limit. The proposed change does not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined, nor is there any adverse effect on those plant systems necessary to assure the accomplishment of protection functions. The proposed change will not result in plant operation in a configuration outside the design basis.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

13: TSTF–248–A, Revision 0, ''Revise Shutdown Margin Definition for Stuck Rod Exception,'' TS 1.1, TS Page 1.1–6

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change modifies the definition of Shutdown Margin to eliminate the requirement to assume the highest worth control rod is fully withdrawn when calculating Shutdown Margin if it can be verified by two independent means that all control rods are inserted. The method for calculating shutdown margin is not an initiator of any accident previously evaluated. If it can be verified by two independent means that all control rods are inserted, the calculated Shutdown Margin without the conservatism of assuming the highest worth control rod is withdrawn is accurate and consistent with the assumptions in the accident analysis. As a result, the mitigation of any accident previously evaluated is not affected.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

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 amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change modifies the definition of Shutdown Margin to eliminate the requirement to assume the highest worth control rod is fully withdrawn when calculating Shutdown Margin if it can be verified by two independent means that all control rods are inserted. The additional margin of safety provided by the assumption that the highest worth control rod is fully withdrawn is unnecessary if it can be independently verified that all controls rods are inserted.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

14: TSTF–266–A, Revision 3, ''Eliminate the Remote Shutdown System Table of Instrumentation and Controls,'' TS 3.3.4, TS Pages 3.3.4–1, 3.3.4–3

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change removes the list of Remote Shutdown System instrumentation and controls from the Technical Specifications and places them in the Bases. The Technical Specifications continue to require that the instrumentation and controls be operable. The location of the list of Remote Shutdown System instrumentation and controls is not an initiator to any accident previously evaluated. The proposed change will have no effect on the mitigation of any accident previously evaluated because the instrumentation and controls continue to be required to be operable.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

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 amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change removes the list of Remote Shutdown System instrumentation and controls from the Technical Specifications and places it in the Bases. The review performed by the NRC when the list of Remote Shutdown System instrumentation and controls is revised will no longer be needed unless the criteria in 10 CFR 50.59 are not met such that prior NRC review is required. The Technical Specification requirement that the Remote Shutdown System be operable, the definition of operability, the requirements of 10 CFR 50.59, and the Technical Specifications Bases Control Program are sufficient to ensure that revision of the list without prior NRC review and approval does not introduce a significant safety risk.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

15: TSTF–272–A, Revision 1, ''Refueling Boron Concentration Clarification,'' TS 3.9.1, TS Page 3.9.1–1

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change modifies the Applicability of Specification 3.9.1, ''Boron Concentration,'' to clarify that the boron concentration limits are only applicable to the refueling canal and the refueling cavity when those volumes are attached to the Reactor Coolant System (RCS). The boron concentration of water volumes not connected to the RCS are not an initiator of an accident previously evaluated. The ability to mitigate any accident previously evaluated is not affected by the boron concentration of water volumes not connected to the RCS.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

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 amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change modifies the Applicability of Specification 3.9.1, ''Boron Concentration,'' to clarify that the boron concentration limits are only applicable to the refueling canal and the refueling cavity when those volumes are attached to the RCS. Technical Specification SR 3.0.4 requires that Surveillances be met prior to entering the Applicability of a Specification. As a result, the boron concentration of the refueling cavity or the refueling canal must be verified to satisfy the LCO prior to connecting those volumes to the RCS. The margin of safety provided by the refueling boron concentration is not affected by this change as the RCS boron concentration will continue to satisfy the LCO.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

16: TSTF–273–A, Revision 2, ''Safety Function Determination Program Clarifications,'' TS 5.5.15, TS Page 5.5–15

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed TS changes add explanatory text to the programmatic description of the Safety Function Determination Program (SFDP) in Specification 5.5.15 to clarify in the requirements that consideration does not have to be made for a loss of power in determining loss of function. The Bases for LCO 3.0.6 is revised to provide clarification of the ''appropriate LCO for loss of function,'' and that consideration does not have to be made for a loss of power in determining loss of function. The changes are editorial and administrative in nature, and therefore do not increase the probability of any accident previously evaluated. No physical or operational changes are made to the plant. The proposed change does not change how the plant would mitigate an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes are editorial and administrative in nature and do not result in a change in the manner in which the plant operates. The loss of function of any specific component will continue to be addressed in its specific TS LCO and plant configuration will be governed by the required actions of those LCOs. The proposed changes are clarifications that do not degrade the availability or capability of safety related equipment, and therefore do not create the possibility of a new or different kind of accident from any accident previously evaluated. There are no design changes associated with the proposed changes, and the changes do not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed). The changes do not alter assumptions made in the safety analysis, and are consistent with the safety analysis assumptions and current plant operating practice. Due to the administrative nature of the changes, they cannot be an accident initiator.

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 amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes to TS 5.5.15 are clarifications and are editorial and administrative in nature. No changes are made the LCOs for plant equipment, the time required for the TS Required Actions to be completed, or the out of service time for the components involved. The proposed changes do not affect the safety analysis acceptance criteria for any analyzed event, nor is there a change to any safety analysis limit. The proposed changes do not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined, nor is there any adverse effect on those plant systems necessary to assure the accomplishment of protection functions. The proposed changes will not result in plant operation in a configuration outside the design basis.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

17: TSTF–284–A, Revision 3, ''Add 'Met vs. Perform' to Technical Specification 1.4, Frequency,'' TS 1.4, TS 3.4, TS 3.9, TS Pages 1.4–1, 1.4–4, 3.4.11–3, 3.4.12–4 and 3.9.4–2

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed changes insert a discussion paragraph into Specification 1.4, and several new examples are added to facilitate the use and application of SR Notes that utilize the terms ''met'' and ''perform.'' The changes also modify SRs in multiple Specifications to appropriately use ''met'' and ''perform'' exceptions. The changes are administrative in nature because they provide clarification and correction of existing expectations, and therefore the proposed change does not increase the probability of any accident previously evaluated. No physical or

operational changes are made to the plant. The proposed change does not significantly change how the plant would mitigate an accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed changes are administrative in nature and do not result in a change in the manner in which the plant operates. The proposed changes provide clarification and correction of existing expectations that do not degrade the availability or capability of safety related equipment, and therefore do not create the possibility of a new or different kind of accident from any accident previously evaluated. There are no design changes associated with the proposed changes, and the changes do not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed). The changes do not alter assumptions made in the safety analysis, and are consistent with the safety analysis assumptions and current plant operating practice. Due to the administrative nature of the changes, they cannot be an accident initiator.

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 amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes are administrative in nature and do not result in a change in the manner in which the plant operates. The proposed changes provide clarification and correction of existing expectations that do not degrade the availability or capability of safety related equipment, or alter their operation. The proposed changes do not affect the safety analysis acceptance criteria for any analyzed event, nor is there a change to any safety analysis limit. The proposed changes do not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined, nor is there any adverse effect on those plant systems necessary to assure the accomplishment of protection functions. The proposed changes will not result in plant operation in a configuration outside the design basis.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

18: TSTF–308–A, Revision 1, ''Determination of Cumulative and Projected Dose Contributions in RECP [Radioactive Effluent Controls Program],'' TS 5.5.4, TS Page 5.5–3

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises Specification 5.5.4, ''Radioactive Effluent Controls Program,'' paragraph e, to describe the original intent of the dose projections. The cumulative and projection of doses due to liquid releases are not an assumption in any accident previously evaluated and have no effect on the mitigation of any accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

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 amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises Specification 5.5.4, ''Radioactive Effluent Controls Program,'' paragraph e, to describe the original intent of the dose projections. The cumulative and projection of doses due to liquid releases are administrative tools to assure compliance with regulatory limits. The proposed change revises the requirement to clarify the intent, thereby improving the administrative control over this process. As a result, any effect on the margin of safety should be minimal.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

19: TSTF–312–A, Revision 1, ''Administrative Control of Containment Penetrations,'' TS 3.9.4, TS Page 3.9.4–1

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change would allow containment penetrations to be unisolated under administrative controls during core alterations or movement of irradiated fuel assemblies within containment. The status of containment penetration flow paths (*i.e.,* open or closed) is not an initiator for any design basis accident or event, and therefore the proposed change does not increase the probability of any accident previously evaluated. The proposed change does not affect the design of the primary containment, or alter plant operating practices such that the probability of an accident previously evaluated would be significantly increased. The proposed change does not significantly change how the plant would mitigate an accident previously evaluated, and is bounded by the fuel handling accident (FHA) accident analysis.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

Allowing penetration flow paths to be open is not an initiator for any accident. The proposed change to allow open penetration flow paths will not affect plant safety functions or plant operating practices such that a new or different accident could be created. There are no design changes associated with the proposed changes, and the change does not involve a physical alteration of the plant (*i.e.,* no new or different type of equipment will be installed). The change does not alter assumptions made in the safety analysis, and is consistent with the safety analysis assumptions and current plant operating practice.

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 amendment involve a significant reduction in a margin of safety?

Response: No.

TS 3.9.4 provides measures to ensure that the dose consequences of a postulated FHA inside containment are minimized. The proposed change to LCO 3.9.4 will allow penetration flow path(s) to be open during refueling operations under administrative control. These administrative controls will can and will be achieved in the event of an FHA inside containment, and will minimize dose consequences. The proposed change is bounded by the existing FHA analysis. The proposed change does not affect the safety analysis acceptance criteria for any analyzed event, nor is there a change to any safety analysis limit. The proposed change does not alter the manner in which safety limits, limiting safety system settings or limiting conditions for operation are determined, nor is there any adverse effect on those plant systems necessary to assure the accomplishment of protection functions. The proposed change will not result in plant operation in a configuration outside the design basis.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

20: TSTF–314–A, Revision 0, ''Require Static and Transient F_Q Measurement,'' TS 3.1.4, 3.2.4, TS Pages 3.1.4–2, 3.2.4–1, 3.2.4–3

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the Required Actions of Specification 3.1.4, ''Rod Group Alignment Limits,'' and Specification 3.2.4, ''Quadrant Power Tilt Ratio,'' to require measurement of both the steady state and transient portions of the Heat Flux Hot Channel Factor, FQ(Z). This change will ensure that the hot channel factors are within their limits when the rod alignment limits or quadrant power tilt ratio are not within their limits. The verification of hot channel factors is not an initiator of any accident previously evaluated. The verification that both the steady state and transient portion of FQ(Z) are within their limits will ensure this initial assumption of the accident analysis is met should a previously evaluated accident occur.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

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 amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change revises the Required Actions in the Specifications for Rod Group Alignment Limits and Quadrant Power Tilt Ratio to require measurement of both the steady state and transient portions of the Heat Flux Hot Channel Factor, $F_Q(Z)$. This change is a correction that ensures that the plant conditions are as assumed in the accident analysis.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

21: TSTF–340–A, Revision 3, ''Allow 7 Day Completion Time for a Turbine—Driven AFW Pump Inoperable,'' TS 3.7.5, TS Page 3.7.5–1

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises Specification 3.7.5, ''Auxiliary Feedwater (AFW) System,'' to allow a 7 day Completion Time to restore an inoperable AFW turbine-driven pump in Mode 3 immediately following a refueling outage, if Mode 2 has not been entered. An inoperable AFW turbine-driven pump is not an initiator of any accident previously evaluated. The ability of the plant to mitigate an accident is no different while in the extended Completion Time than during the existing Completion Time.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

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 amendment involve a significant reduction in of safety?

Response: No.

The proposed change revises Specification 3.7.5, ''Auxiliary Feedwater (AFW) System,'' to allow a 7-day Completion Time to restore an inoperable turbine-driven AFW pump in Mode 3 immediately following a refueling outage if Mode 2 has not been entered. In Mode 3 immediately following a refueling outage, core decay heat is low and the need for AFW is also diminished. The two operable motor driven AFW pumps are available and there are alternate means of decay heat removal if needed. As a result, the risk presented by the extended Completion Time is minimal.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

22: TSTF–343–A, Revision 1, ''Containment Structural Integrity,'' TS 5.5, TS Page 5.5–16

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change revises the Technical Specifications (TS) Administrative Controls programs for consistency with the requirements of 10 CFR 50, paragraph 55a(g)(4) for components classified as Code Class CC. The proposed changes affect the frequency of visual examinations that will be performed for the steel containment liner plate for the purpose of the Containment Leakage Rate Testing Program.

The frequency of visual examinations of the containment and the mode of operation during which those examinations are performed does not affect the initiation of any accident previously evaluated. The use of NRC approved methods and frequencies for performing the inspections will ensure the containment continues to perform the mitigating function assumed for accidents previously evaluated.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change revises the TS Administrative Controls programs for consistency with the requirements of 10 CFR 50, paragraph 55a(g)(4) for components classified as Code Class CC. The proposed change affects the frequency of visual examinations that will be performed for the steel containment liner plate for the purpose of the Containment Leakage Rate Testing Program.

The proposed changes do not involve a modification to the physical configuration of the plant (*i.e.,* no new equipment will be installed) or change in the methods governing normal plant operation. The proposed changes will not impose any new or different requirements or introduce a new accident initiator, accident precursor, or malfunction mechanism. Additionally, there is no change in the types or increases in the amounts of any effluent that may be released off-site and there is no increase in individual or cumulative occupational exposure.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed changes revise the Technical Specifications (TS) Administrative Controls programs for consistency with the requirements of 10 CFR 50, paragraph 55a(g)(4) for components classified as Code Class CC. The proposed change affects the frequency of visual examinations that will be performed for the steel containment liner plate for the purpose of the Containment Leakage Rate Testing Program. The safety function of the containment as a fission product barrier will be maintained.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

23: TSTF–349–A, Revision 1, ''Add Note to LCO 3.9.5 Allowing Shutdown Cooling Loops Removal From Operation,'' TS 3.9.6, TS Page 3.9.6–1

1. Does the proposed amendment involve a significant increase in the probability or

consequences of an accident previously evaluated?

Response: No.

The proposed change adds an LCO Note to LCO 3.9.6, ''RHR and Coolant Circulation—Low Water Level,'' to allow securing the operating train of Residual Heat Removal (RHR) for up to 15 minutes to support switching operating trains. The allowance is restricted to conditions in which core outlet temperature is maintained at least 10 degrees F below the saturation temperature, when there are no draining operations, and when operations that could reduce the reactor coolant system (RCS) boron concentration are prohibited. Securing an RHR train to facilitate the changing of the operating train is not an initiator to any accident previously evaluated. The restrictions on the use of the allowance ensure that an RHR train will not be needed during the 15 minute period to mitigate any accident previously evaluated.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not involve a physical alteration to the plant (*i.e.,* no new or different type of equipment will be installed) or a change to the methods governing normal plant operation. The changes do not alter the assumptions made in the safety analysis.

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 amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed change adds an LCO Note to LCO 3.9.6, ''RHR and Coolant Circulation—Low Water Level,'' to allow securing the operating train of RHR to support switching operating trains. The allowance is restricted to conditions in which core outlet temperature is maintained at least 10 degrees F below the saturation temperature, when there are no draining operations, and when operations that could reduce the reactor coolant system (RCS) boron concentration are prohibited. With these restrictions, combined with the short time frame allowed to swap operating RHR trains and the ability to start an operating RHR train if needed, the occurrence of an event that would require immediate operation of an RHR train is extremely remote.

Therefore, the proposed change does not involve a significant reduction in a margin of safety.

Based on the above, SNC concludes that the proposed amendment does not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

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 amendment request involves no significant hazards consideration.

Attorney for licensee: Leigh D. Perry, SVP & General Counsel of Operations and Nuclear, Southern Nuclear Operating Company, 40 Iverness Center Parkway, Birmingham, AL 35201.

NRC Branch Chief: Robert J. Pascarelli.

Virginia Electric and Power Company, Docket Nos. 50–338 and 50–339, North Anna Power, Unit Nos. 1 and 2, Louisa County, Virginia

Date of amendment request: February 4, 2015. A publicly-available version is in ADAMS under Accession No. ML15041A667.

Description of amendment request: The proposed license amendment requests the changes to the Technical Specification (TS) TS 3.1.7, Rod Position Indication, to provide an additional monitoring option for an inoperable control rod position indicator. Specifically, the proposed changes would allow monitoring of control rod drive mechanism stationary gripper coil voltage every eight hours as an alternative to using the movable in core detectors every eight hours to verify control rod position.

Basis for proposed no significant hazards consideration determination: 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 change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change provides an alternative method for verifying rod position of one rod. The proposed change meets the intent of the current specification in that it ensures verification of position of the rod once every 8 hours. The proposed change provides only an alternative method of monitoring rod position and does not change the assumptions or results of any previously evaluated accident.

Therefore, operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change provides only an alternative method of determining the position of one rod. No new accident initiators are introduced by the proposed alternative manner of performing rod position verification. The proposed change does not affect the reactor protection system. Hence, no new failure modes are created that would cause a new or different kind of accidents from any accident previously evaluated.

Therefore, operation of the facility in accordance with the proposed amendments would not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The basis of TS 3.1.7 states that the operability of the rod position indicators is required to determine control rod positions and thereby ensure compliance with the control rod alignment and insertion limits. The proposed change does not alter the requirement to determine rod position but provides an alternative method for determining the position of the affected rod. As a result, the initial conditions of the accident analysis are preserved and the consequences of previously analyzed accidents are unaffected.

Therefore, operation of the facility in accordance with the proposed amendment would not involve a significant reduction in a margin of safety.

Based on the above, Dominion concludes that the proposed amendment presents no significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Lillian M. Cuoco, Senior Counsel, Dominion Resources Services, Inc., 120 Tredegar Street, RS–2, Richmond, VA 23219.

NRC Branch Chief: Robert Pascarelli.

III. Notice of Issuance of Amendments to Facility Operating Licenses and Combined Licenses

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating

license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.22(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendment, (2) the amendment, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment as indicated. All of these items can be accessed as described in the ''Obtaining Information and Submitting Comments'' section of this document.

Dominion Energy Kewaunee, Inc. Docket No. 50–305, Kewaunee Power Station, Kewaunee County, Wisconsin

Date of application for amendment: May 29, 2013, as supplemented by letters dated September 23, October 15, October 17, October 31, and November 7, 2013, and January 7, March 13, April 29, and October 6, 2014, and January 15, 2015.

Brief description of amendment: The amendment revised the Renewed Facility Operating License and associated Technical Specifications to conform to the permanent shutdown and defueled status of the facility. It also denied a proposal to delete paragraphs 1.B, 1.I, and 1.J of the Kewaunee Operating License.

Date of issuance: February 13, 2015.

Effective date: As of the date of issuance and shall be implemented within 90 days from the date of issuance.

Amendment No.: 215. A publicly-available version is in ADAMS under Accession No. ML14237A045; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–43: The amendment revised the renewed facility operating license and Technical Specifications.

*Date of initial notice in **Federal Register**:* August 20, 2013 (78 FR 51224). The supplemental letters dated September 23, October 15, October 17, October 31, and November 7, 2013, and January 7, March 13, April 29, and October 6, 2014, and January 15, 2015, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 13, 2015.

No significant hazards consideration comments received: No.

Duke Energy Carolinas, LLC, Docket Nos. 50–413 and 50–414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Duke Energy Carolinas, LLC, Docket Nos. 50–369 and 50–370 McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Duke Energy Carolinas, LLC, Docket Nos. 50–269, 50–270, and 50–287, Oconee Nuclear Station, Units 1, 2, and 3, Oconee County, South Carolina

Date of application for amendments: July 21, 2014.

Brief description of amendments: The amendment revises the licensed operator training requirements to be consistent with the National Academy for Nuclear Training (NANT) program. Additionally, the amendment makes administrative changes to Technical Specification Sections 5.1, ''Responsibility;'' 5.2, ''Organization;'' 5.3, ''Unit Staff Qualifications;'' 5.5, ''Programs and Manuals;'' and for Catawba and McGuire, Section 5.7, ''High Radiation Area.''

Date of issuance: February 12, 2015.

Effective date: This license amendment is effective as of its date of issuance and shall be implemented within 120 days of issuance.

Amendment Nos.: 273, 269, 276, 256, 389, 391, and 390. A publicly-available version is available in ADAMS under Accession No. ML15002A324.

Renewed Facility Operating License Nos. NPF–35, NPF–52, NPF–9, NPF–17, DPR–38, DPR–47, and DPR–55: Amendments revised the licenses and Technical Specifications.

*Date of initial notice in **Federal Register**:* November 12, 2014 (79 FR 67199).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 12, 2015.

No significant hazards consideration comments received: No.

Entergy Operations, Inc., Docket No. 50–368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of application for amendment: December 17, 2012, as supplemented by letters dated November 7, and December 4, 2013; January 6, May 22, June 30, August 7, September 24, and December 9, 2014.

Brief description of amendment: The amendment authorized the transition of the Arkansas Nuclear One, Unit No. 2, fire protection program to a risk-informed, performance-based program based on National Fire Protection Association (NFPA) 805, in accordance with 10 CFR 50.48(c). NFPA 805 allows the use of performance-based methods such as fire modeling and risk-informed methods such as fire probabilistic risk assessment to demonstrate compliance with the nuclear safety performance criteria.

Date of issuance: February 18, 2015.

Effective date: As of its date of issuance and shall be implemented by 6 months from the date of issuance.

Amendment No.: 300. A publicly-available version is in ADAMS under Accession No. ML14356A227; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPR–6: Amendment revised the License and Technical Specifications.

*Date of initial notice in **Federal Register**:* July 23, 2013 (78 FR 44171). The supplemental letters dated November 7 and December 4, 2013; and January 6, May 22, June 30, August 7, September 24, and December 9, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 18, 2015.

No significant hazards consideration comments received: No.

Entergy Nuclear FitzPatrick, LLC and Entergy Nuclear Operations, Inc., Docket No. 50–333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of amendment request: October 8, 2013, as supplemented by a letter dated November 18, 2014.

Brief description of amendment: The amendment modifies the Technical Specifications (TSs) to reduce the reactor steam dome pressure associated

with the Reactor Core Safety Limit from 785 psig to 685 psig in TS 2.1.1.1 and TS 2.1.1.2. This change addresses the potential to not meet the pressure/thermal power/minimal critical power ratio TS safety limit during a pressure regulator failure-maximum demand (open) (PRFO) transient. The PRFO transient was reported by General Electric as a notification pursuant to Title 10 of the *Code of Federal Regulations,* Part 21, ''Reporting of Defects and Noncompliance.''

Date of issuance: February 9, 2015.

Effective date: As of the date of issuance and shall be implemented within 30 days of issuance.

Amendment No.: 309. A publicly-available version is in ADAMS under Accession No. ML15014A277; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–59: Amendment revised the Renewed Facility Operating License and Technical Specifications.

*Date of initial notice in **Federal Register**:* July 8, 2014 (79 FR 38589). The supplemental letter dated November 18, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 9, 2015.

No significant hazards consideration comments received: No.

Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc., Docket No. 50–271, Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: November 14, 2013, as supplemented by letters dated June 9, 2014, August 6, 2014, and October 9, 2014.

Description of amendment request: The amendment eliminates operability requirements for secondary containment when handling sufficiently decayed irradiated fuel or a fuel cask following a minimum of 13 days after the permanent cessation of reactor operation.

Date of Issuance: February 12, 2015.

Effective date: The license amendment becomes effective 13 days after the licensee's submittal of the certifications, as required by 10 CFR 50.82(a)(1)(i) and (ii).

Amendment No.: 262. A publicly-available version is in ADAMS under Accession No. ML14304A588; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. DPR–28: The amendment revised the Renewed Facility Operating License and Technical Specifications.

*Date of initial notice in **Federal Register**:* September 16, 2014 (79 FR 55511).

The supplemental letters dated June 9, 2014, August 6, 2014, and October 9, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the NRC staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated February 12, 2015.

No significant hazards consideration comments received: No.

NextEra Energy Duane Arnold, LLC, Docket No. 50–331, Duane Arnold Energy Center, Linn County, Iowa

Date of amendment request: June 23, 2014.

Brief description of amendment: The amendment revised the Technical Specification (TS) requirements to address NRC Generic Letter (GL) 2008–01, ''Managing Gas Accumulation in Emergency Core Cooling, Decay Heat Removal, and Containment Spray Systems,'' as described in TSTF–523, Revision 2, ''Generic Letter 2008–01, Managing Gas Accumulation.''

Date of issuance: February 10, 2015.

Effective date: As of the date of issuance and shall be implemented within 90 days.

Amendment No.: 290. A publicly-available version is in ADAMS under Accession No. ML15014A200; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. DPR–49: The amendment revised the Renewed Facility Operating License and Technical Specifications.

*Date of initial notice in **Federal Register**:* September 30, 2014 (79 FR 58820).

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 10, 2015.

No significant hazards consideration comments received: No

NextEra Energy Seabrook, LLC, Docket No. 50–443, Seabrook Station, Unit No. 1, Rockingham County, New Hampshire

Date of amendment request: June 24, 2014, as supplemented by letter dated December 11, 2014.

Brief description of amendment: The amendment revised the Seabrook Technical Specifications (TSs). Specifically, the amendment modifies Seabrook TSs to address U.S. Nuclear Regulatory Commission Generic Letter (GL) 2008–01, ''Managing Gas Accumulation in Emergency Core Cooling, Decay Heat Removal, and Containment Spray Systems,'' as described in TSTF–523, Revision 2, ''Generic Letter 2008–01, Managing Gas Accumulation.''

Date of issuance: February 6, 2015.

Effective date: As of its date of issuance and shall be implemented within 60 days.

Amendment No.: 144. A publicly-available version is in ADAMS under Accession No. ML14345A288; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Facility Operating License No. NPF–86: The amendment revised the License and TS.

*Date of initial notice in **Federal Register**:* September 2, 2014 (79 FR 52066). The supplemental letter dated December 11, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 6, 2015.

No significant hazards consideration comments received: No.

South Carolina Electric and Gas Company, South Carolina Public Service Authority, Docket No. 50–395, Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, South Carolina

Date of amendment request: November 15, 2011, as supplemented by letters dated November 22, 2011; January 26 and October 10, 2012; February 1, April 1, October 14, and November 26, 2013; January 9, February 25, May 2, May 11, August 14, October 9, and December 11, 2014.

Brief description of amendment: The amendment authorizes the transition of the V.C. Summer fire protection program to a risk-informed, performance-based program based on

National Fire Protection Association (NFPA) 805, ''Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants, 2001 Edition'' (NFPA 805), in accordance with 10 CFR 50.48(c).

Date of issuance: February 11, 2015.

Effective date: This amendment is effective as of its date of issuance and shall be implemented per the December 11, 2014, supplement, Attachment S, Table S–2 ''Implementation Items'', requiring full implementation by March 31, 2016.

Amendment No.: 199. A publicly-available version is in ADAMS under Accession No. ML14287A289; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License No. NPF–12: Amendment revised the Facility Operating License.

*Date of initial notice in **Federal Register**:* August 14, 2012 (77 FR 48561). The supplemental letters dated November 22, 2011; October 10, 2012; February 1, April 1, October 14, and November 26, 2013; January 9, February 25, May 2, May 11, August 14, October 9, and December 11, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 11, 2015.

No significant hazards consideration comments received: No.

Southern Nuclear Operating Company, Inc., Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket No. 50–366, Edwin I. Hatch Nuclear Plant (HNP), Unit No. 2, Appling County, Georgia

Date of amendment request: August 8, 2014, as supplemented by letters dated September 8 and October 24, 2014.

Brief description of amendments: The amendment revises the Technical Specification value of the Safety Limit Minimum Critical Power Ratio to support operation in the next fuel cycle.

Date of issuance: February 18, 2015.

Effective date: As of the date of issuance and shall be implemented prior to reactor startup following the HNP, Unit 2, spring 2015 refueling outage.

Amendment No(s).: 218. A publicly-available version is in ADAMS under Accession No. ML15020A434; documents related to this amendment are listed in the Safety Evaluation enclosed with the amendment.

Renewed Facility Operating License Nos. DPR–57 and NPF–5: Amendment revised the licenses and the Technical Specifications.

*Date of initial notice in **Federal Register**:* January 6, 2015, (80 FR 536).

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 18, 2015.

No significant hazards consideration comments received: No.

STP Nuclear Operating Company, Docket Nos. 50–498 and 50–499, South Texas Project (STP), Units 1 and 2, Matagorda County, Texas

Date of amendment request: July 23, 2013, as supplemented by letters dated May 12 (two letters), May 19, and December 17, 2014.

Brief description of amendments: The amendments revised the STP, Units 1 and 2, Fire Protection Program (FPP) related to the alternate shutdown capability. Specifically, it approves the following operator actions in the control room prior to evacuation due to a fire for meeting the alternate shutdown capability, in addition to manually tripping the reactor that is currently credited in the STP, Units 1 and 2, FPP licensing basis:

- Initiate main steam line isolation
- Closing the pressurizer power-operated relief valves block valves
- Securing all reactor coolant pumps
- Closing feedwater isolation valves
- Securing the startup feedwater pump
- Isolating reactor coolant system letdown
- Securing the centrifugal charging pumps

In addition, the licensee credits the automatic trip of the main turbine upon the initiation of a manual reactor trip for meeting the alternate shutdown capability.

Date of issuance: February 13, 2015.

Effective date: As of the date of issuance and shall be implemented within 45 days of issuance.

Amendment Nos.: Unit 1—203; Unit 2—191. A publicly-available version is in ADAMS under Accession No. ML14339A170; documents related to these amendments are listed in the Safety Evaluation enclosed with the amendments.

Facility Operating License Nos. NPF–76 and NPF–80: The amendments revised the Facility Operating Licenses.

*Date of initial notice in **Federal Register**:* October 29, 2013 (78 FR 64546). The supplements dated May 12 (two letters), May 19, and December 17, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 13, 2015.

No significant hazards consideration comments received: No.

Tennessee Valley Authority, Docket No. 50–259, Browns Ferry Nuclear Plant, Unit 1, Limestone County, Alabama

Date of amendment request: December 18, 2013, as supplemented by letter dated June 13, 2014.

Brief description of amendment: The amendment revised the Technical Specification (TS) 3.4.9, ''RCS [Reactor Coolant System] Pressure and Temperature (P/T) Limits,'' Figures 3.4.9–1 through 3.4.9–2. The P/T limits are based on proprietary topical report NEDC–33178P–A, Revision 1, ''GE [General Electric] Hitachi Nuclear Energy Methodology for Development of Reactor Pressure Vessel Pressure-Temperature Curves.'' NEDO–33178–A, Revision 1 is the non-proprietary version of the NRC-approved topical report.

Date of issuance: February 2, 2015.

Effective date: As of the date of issuance and shall be implemented within 60 days of issuance.

Amendment No.: 287. A publicly available version is in ADAMS under Accession No. ML14325A501; documents related to this amendment are listed in the Safety Evaluation (SE) enclosed with the amendment.

Renewed Facility Operating License No. DPR–33: Amendment revised the TSs and the Operating License.

*Date of initial notice in **Federal Register**:* May 6, 2014 (79 FR 25902). The supplemental letter dated June 13, 2014, provided additional information that clarified the application, did not expand the scope of the application as originally noticed, and did not change the staff's original proposed no significant hazards consideration determination as published in the **Federal Register**.

The Commission's related evaluation of the amendment is contained in the SE dated February 2, 2015.

No significant hazards consideration comments received: No.

Dated at Rockville, Maryland, this 23rd day of February 2015.

For the Nuclear Regulatory Commission.

Michele G. Evans,

Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–04298 Filed 3–2–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0030]

Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; opportunity to comment, request a hearing, and petition for leave to intervene; order.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of four amendment requests. The amendment requests are for Braidwood Station, Units 1 and 2, and Byron Station, Units 1 and 2; Peach Bottom Atomic Power Station, Unit 2; Diablo Canyon Nuclear Power Plant, Units 1 and 2; and Vogtle Electric Generating Plant, Units 1 and 2, Joseph M. Farley Nuclear Plant, Units 1 and 2, and Edwin I. Hatch Nuclear Plant, Units 1 and 2. The NRC proposes to determine that each amendment request involves no significant hazards consideration. In addition, each amendment request contains sensitive unclassified non-safeguards information (SUNSI).

DATES: Comments must be filed by April 2, 2015. A request for a hearing must be filed by May 4, 2015. Any potential party as defined in § 2.4 of Title 10 of the *Code of Federal Regulations* (10 CFR), who believes access to SUNSI is necessary to respond to this notice must request document access by March 13, 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–2015–0030. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: O12–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: Shirley Rohrer, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5411; email: *Shirley.Rohrer@nrc.gov*.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0030 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–2015–0030.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2015–0030, facility name, unit number(s), application date, and subject in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC 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.

II. Background

Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the NRC is publishing this notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This notice includes notices of amendments containing SUNSI.

III. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, 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. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. 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 period provided that its final determination is that 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 a notice of issuance in the **Federal Register**. 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.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/*. If a request for a hearing or petition for leave to intervene is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the 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 petition must also set forth the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, 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.

B. 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 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.

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).

For further details with respect to this amendment action, see the application for amendment which is available for public inspection at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. Publicly available documents created or received at the NRC are accessible electronically through ADAMS in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html*. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR's Reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*.

Exelon Generation Company, LLC, Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Units 1 and 2, Will County, Illinois; Docket Nos. STN 50–454 and STN 50–455, Byron Station, Units 1 and 2, Ogle County, Illinois

Date of amendment request: October 16, 2014. A publicly-available version is in ADAMS under Accession No. ML14289A580.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendment would allow utilization of WCAP–16143–P, Revision 1, ''Reactor Vessel Closure Head/Vessel Flange Requirements Evaluation for Byron/Braidwood Units 1 and 2,'' dated October 2014, as an analytical method to determine the reactor coolant system pressure and temperature (P–T) limits.

Basis for proposed no significant hazards consideration determination: 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 with NRC staff's edits in square brackets:

EGC [Exelon Generation Company, LLC] has evaluated the proposed change for Braidwood Station and Byron Station, using the criteria in 10 CFR 50.92, and has determined that the proposed change does

not involve a significant hazards consideration. The following information is provided to support a finding of no significant hazards consideration.

Criteria

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

These changes to the analysis do not adversely affect accident initiators or precursors, nor alter the design assumptions or conditions of the facility previously approved by the NRC, or the manner in which the plant is operated and maintained. The revisions to the subject WCAP [WCAP–16143[–P]] do not alter or prevent the ability of structures, systems, and components (SSCs) from performing their intended function to mitigate the consequences of an initiating event within the assumed acceptance limits. The changes also do not affect the source term, containment isolation, or radiological release assumptions used in evaluating the radiological consequences of an accident previously evaluated; do not increase the types or amounts of radioactive effluent that may be released offsite; and do not significantly increase individual or cumulative occupational/public radiation exposures.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The use of WCAP–16143[–P], Revision 1, for generation of [Reactor Pressure Vessel] RPV P–T limits, will continue to ensure that RPV integrity is maintained under all conditions. The revisions contained in WCAP–16143[–P], Revision 1, and the changes proposed to TS [Technical Specifications] Table 1.1–1 do not change the conclusions of WCAP–16143[–P], Revision 0, previously approved by the NRC; nor do they change the way the RPV is analyzed or performs its safety function. Subsequently, these changes do not result in the creation of any new accident initiators or precursors; do not result in changes to any existing accident scenarios; and do not introduce any operational changes or mechanisms that would create the possibility of a new or different kind of accident.

Based on the above discussion, the proposed changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The proposed changes do not change any safety limits or reduce the margin of safety to any safety limits. The stress analysis and fracture mechanics evaluation, documented in the revision to WCAP–16143[–P], determined that for the RPV boltup condition, the RPV 54-stud case (*i.e.*, all RPV head studs in-service) was more limiting than the RPV 53-stud case (*i.e.*, one RPV head stud out-of-service). In addition, the conclusions of the updated analysis for the RPV 54-stud case confirmed the conclusions from WCAP–16143, Revision 0. This change, subsequently, has no impact on the current RPV P–T limit curves.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

Based on the above, EGC concludes that the proposed changes do not involve a significant hazards consideration under the standards set forth in 10 CFR 50.92(c), and, accordingly, a finding of ''no significant hazards consideration'' is justified.

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 requested amendments involve no significant hazards consideration.

Attorney for licensee: Bradley J. Fewell, Associate General Counsel, Exelon Nuclear, 4300 Winfield Road, Warrenville, Illinois 60555.

NRC Branch Chief: Travis L. Tate.

Exelon Generation Company, LLC, and PSEG Nuclear LLC, Docket No. 50–277, Peach Bottom Atomic Power Station (PBAPS), Unit 2, York and Lancaster Counties, Pennsylvania

Date of application for amendment: December 5, 2014. A publicly-available version is in ADAMS under Accession No. ML14342A229.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendment would revise the Technical Specifications (TSs) related to the Safety Limit Minimum Critical Power Ratios (SLMCPRs). The proposed changes result from a cycle-specific analysis performed to support the operation of PBAPS, Unit 2, in the upcoming Cycle 21. The re-analysis was performed to accommodate operation in the Maximum Extended Load Line Limit Analysis Plus (MELLLA+) operating domain based on a separate license amendment request (LAR) dated September 4, 2014 (ADAMS Accession No. ML14247A503).

Basis for proposed no significant hazards consideration determination: 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 with NRC staff's edits in square brackets:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The derivation of the cycle specific Safety Limit Minimum Critical Power Ratios (SLMCPRs) for incorporation into the Technical Specifications (TS), and their use to determine cycle specific thermal limits, has been performed using the methodology discussed in NEDE–24011–P–A, ''General Electric Standard Application for Reactor Fuel,'' Revision 20 [ADAMS Accession No. ML13352A474].

The basis of the SLMCPR calculation is to ensure that during normal operation and during anticipated operational transients, at least 99.9% of all fuel rods in the core do not experience boiling transition if the limit is not violated. The new SLMCPRs preserve the existing margin to boiling transition.

The MCPR safety limit is reevaluated for each reload using NRC-approved methodologies. The analyses for PBAPS, Unit 2 Cycle 21, with the addition of operation in the MELLLA+ operating domain, have concluded that a two recirculation loop MCPR safety limit of ≥1.15, based on the application of Global Nuclear Fuel's NRC-approved MCPR safety limit methodology, will ensure that this acceptance criterion is met. For single recirculation loop operation, a MCPR safety limit of ≥1.15 also ensures that this acceptance criterion is met. The MCPR operating limits are presented and controlled in accordance with the PBAPS Unit 2 Core Operating Limits Report (COLR).

The requested TS changes do not involve any additional plant modifications or operational changes that could affect system reliability or performance or that could affect the probability of operator error beyond those associated with the MELLLA+ LAR [ADAMS Accession No. ML14247A503]. The requested changes do not affect any postulated accident precursors, do not affect any accident mitigating systems, and do not introduce any new accident initiation mechanisms.

Therefore, the proposed TS changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The SLMCPR is a TS numerical value, calculated to ensure that during normal operation and during anticipated operational transients, at least 99.9% of all fuel rods in the core do not experience boiling transition if the limit is not violated. The new SLMCPRs are calculated using NRC-approved methodology discussed in NEDE–24011–P–A, ''General Electric Standard Application for Reactor Fuel,'' Revision 20 [ADAMS Accession No. ML13352A474]. The proposed changes do not involve any new modes of operation, any changes to setpoints, or any plant modifications beyond those associated with the MELLLA+ LAR [ADAMS Accession No. ML14247A503]. The proposed revised MCPR safety limits have been shown to be acceptable for Cycle 21 operation with the MELLLA+ operating domain. The core operating limits will continue to be developed using NRC-approved methods. The proposed MCPR safety limits or methods for establishing the core operating limits do

not result in the creation of any new precursors to an accident.

Therefore, this proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

There is no significant reduction in the margin of safety previously approved by the NRC as a result of the proposed change to the SLMCPRs. The new SLMCPRs are calculated using methodology discussed in NEDE–24011–P–A, ''General Electric Standard Application for Reactor Fuel,'' Revision 20 [ADAMS Accession No. ML13352A474]. The SLMCPRs ensure that during normal operation and during anticipated operational transients, at least 99.9% of all fuel rods in the core do not experience boiling transition if the limits are not violated, thereby preserving the fuel cladding integrity.

Therefore, the proposed TS changes do not involve a significant reduction in the margin of safety previously approved by the NRC.

The NRC staff has reviewed the licensee's analysis and, based on this review, and with the changes noted above in square brackets, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for Licensee: J. Bradley Fewell, Esquire, Vice President and Deputy General Counsel, Exelon Generation Company, LLC, 200 Exelon Way, Kennett Square, Pennsylvania 19348.

NRC Branch Chief: Meena K. Khanna.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant (DCPP), Units 1 and 2, San Luis Obispo County, California

Date of amendment request: October 2, 2014. A publicly-available version is in ADAMS under Accession No. ML14275A444.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendments request approval to perform the fuel assembly structural analyses based on a pipe break that considers the application of leak-before-break, which allows the exclusion of the dynamic effects of certain pipe breaks, consistent with 10 CFR part 50, Appendix A, General Design Criterion 4, ''Environmental and design effects design bases,'' for DCPP, Units 1 and 2. The fuel assembly structural analyses are performed to satisfy NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' Section 4.2, ''Fuel System Design,'' Appendix A, ''Evaluation of Fuel Assembly Structural Response to Externally Applied Forces,'' Revision 3, March 2007 (ADAMS Accession No. ML070740002). Further, the licensee requests approval to use the fuel assembly structural analysis results to satisfy, in part, the emergency core cooling system performance criterion, 10 CFR 50.46(b)(4), ''Coolable geometry.''

Basis for proposed no significant hazards consideration determination: 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 with NRC staff's edits in square brackets:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change requests approval to perform the fuel assembly structural analyses based on a pipe break that considers the application of Leak-Before-Break (LBB). Performing the fuel assembly structural analyses based on a pipe break that considers the application of LBB will not impact any accident previously evaluated.

No physical changes are being made to the plant as a result of this change. DCPP will continue to satisfy the criteria of 10 CFR 50.46(b) with this change.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different accident from any accident previously evaluated?

Response: No.

The proposed change does not involve any physical changes to the plant. The best-estimate large break loss-of-coolant [accident] (BELOCA) analyses are not impacted by this change.

Therefore, the proposed change does not create the possibility of a new or different accident from any accident previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The revised fuel structural integrity analysis incorporates the reduced LBB loads and therefore will not decrease the margin of safety to the 10 CFR 50.46 limits. The BELOCA analyses are not impacted by this change, and the criteria of 10 CFR 50.46(b) continue to be met. The proposed change does not involve any changes to the fuel, reactor vessel, or containment fission product barriers. Therefore there will be no impact on the accident analyses that are contained in the Updated Final Safety Analysis Report.

Therefore, the proposed change does 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 amendment requests involve no significant hazards consideration.

Attorney for licensee: Jennifer Post, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120.

Acting NRC Branch Chief: Eric R. Oesterle.

Southern Nuclear Operating Company, Inc. (SNC), Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant (VEGP), Units 1 and 2, Burke County, Georgia; Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant (FNP), Units 1 and 2, Houston County, Alabama; Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant (HNP), Units 1 and 2, City of Dalton, Georgia

Date of amendment request: December 30, 2014. A publicly-available version is in ADAMS under Accession No. ML14365A352.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The amendments would revise the Cyber Security Plan (CSP) implementation schedule.

Basis for proposed no significant hazards consideration determination: 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 with NRC staff's edits in square brackets:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed license amendment request is for a change to the Milestone 8 implementation schedule for the SNC CSP, as cited by the existing FOLs [facility operating licenses] applicable to FNP, HNP and VEGP Units 1 and 2.

The CSP is designed to provide high assurance that the systems within the scope of § 73.54 are protected from cyber attacks. The CSP itself does not require any plant modifications, but the plan describes appropriate configuration management requirements to assure plant modifications involving digital computer systems are reviewed to provide adequate protection against cyber attacks, up to and including the design basis threat as defined in § 73.54.

The proposed change is a schedule change for CSP implementation only; it will modify the existing FOL for each SNC-operated facility to add citation of the license amendment establishing the new Milestone 8 completion date. This change is administrative in nature and does not alter

the plant configuration, involve the installation of new plant equipment, alter accident analysis assumptions, add any new initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected.

Based on the above, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change will modify the existing FOL for each SNC-operated facility to add citation of the license amendment establishing the new Milestone 8 completion date for CSP implementation. This change is administrative in nature and does not alter plant configuration, install new plant equipment, alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, tested, or inspected.

Accordingly, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed SNC CSP Milestone 8 implementation date change does not alter plant configuration, install new plant equipment, alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, tested, or inspected. Plant safety margins are established through Limiting Conditions for Operation, Limiting Safety System Settings and Safety Limits specified in the Technical Specifications. Because there is no change to these established safety margins, the proposed change does not involve a reduction in a margin of safety.

The proposed change will modify the existing FOL for each SNC-operated facility to add citation of the license amendment establishing the new Milestone 8 completion date. This change is administrative in nature and does not involve a reduction in margin of safety.

Based on the above, the proposed change does 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 amendment request involves no significant hazards consideration.

Attorney for licensee: Leigh D. Perry, SVP & General Counsel of Operations and Nuclear, Southern Nuclear Operating Company, 40 Iverness Center Parkway, Birmingham, Alabama 35201.

NRC Branch Chief: Robert J. Pascarelli.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation.

Exelon Generation Company, LLC, Docket Nos. STN 50–456 and STN 50–457, Braidwood Station, Units 1 and 2, Will County, Illinois, Docket Nos. STN 50–454 and STN 50–455, Byron Station, Units 1 and 2, Ogle County, Illinois

Exelon Generation Company, LLC, and PSEG Nuclear LLC, Docket No. 50–277, Peach Bottom Atomic Power Station, Unit 2, York and Lancaster Counties, Pennsylvania

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Units 1 and 2, San Luis Obispo County, California

Southern Nuclear Operating Company, Inc., Docket Nos. 50–424 and 50–425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia, Docket Nos. 50–348 and 50–364, Joseph M. Farley Nuclear Plant, Units 1 and 2, Houston County, Alabama, Docket Nos. 50–321 and 50–366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, City of Dalton, Georgia

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing SUNSI.

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request such access. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requester shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *OGCmailcenter@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requester's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly-available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after the requestor is

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

granted access to that information. However, if more than 25 days remain between the date the petitioner is granted access to the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline. This provision does not extend the time for filing a request for a hearing and petition to intervene, which must comply with the requirements of 10 CFR 2.309.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and need for access, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requester may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) the presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) officer if that officer has been designated to rule on information access issues.

H. Review of Grants of Access. A party other than the requester may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed with the Chief Administrative Judge within 5 days of the notification by the NRC staff of its grant of access.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. Attachment 1 to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It is so ordered.

Dated at Rockville, Maryland, this 18th day of February, 2015.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

Attachment 1—General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information in This Proceeding

Day	Event/activity
0	Publication of **Federal Register** notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requester of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no "need" or no likelihood of standing, the deadline for petitioner/requester to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: Issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2015–03917 Filed 3–2–15; 8:45 am]

BILLING CODE 7590–01–P

[3] Requesters should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Regulatory Policies and Practices; Notice of Meeting

The ACRS Subcommittee on Regulatory Policies and Practices will hold a meeting on March 4, 2015, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, March 4, 2015—8:30 a.m. Until 12:00 p.m.

The Subcommittee will review the proposed Regulatory Guide 1.27, ''Ultimate Heat Sink for Nuclear Power Plants,'' Revision 3. The Subcommittee will hear presentations by and hold discussions with the NRC staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Peter Wen (Telephone 301–415–2832 or Email: *Peter.Wen@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 1, 2014 (79 FR 59307).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North Building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: February 24, 2015.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2015–04389 Filed 3–2–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Metallurgy & Reactor Fuels; Notice of Meeting

The ACRS Subcommittee on Metallurgy & Reactor Fuels will hold a meeting on March 4, 2015, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance with the exception of portions that may be closed to protect information that is propriety pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Wednesday, March 4, 2015—1:00 p.m.–5:00 p.m.

The Subcommittee will review and discuss the Electric Power Research Institute's Channel Distortion Program (CDP). The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Christopher Brown (Telephone 301–415–7111 or Email: *Christopher.Brown@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 13, 2014 (79 FR 59307–59308).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: February 24, 2015.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2015–04386 Filed 3–2–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on March 4, 2015, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to the internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly

unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Wednesday, March 4, 2015—12:00 p.m. Until 1:00 p.m.

The Subcommittee will discuss proposed ACRS activities and related matters. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Quynh Nguyen (Telephone 301–415–5844 or Email: *Quynh.Nguyen@nrc.gov*) five days prior to the meeting, if possible, so that arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 1, 2014 (79 FR 59307).

Information regarding changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the DFO if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North Building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (240–888–9835) to be escorted to the meeting room.

Dated: February 24, 2015.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2015–04392 Filed 3–2–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0001]

Sunshine Act Meeting Notice

DATE: March 2, 9, 16, 23, 30, April 6, 2015.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and closed.

Week of March 2, 2015

Thursday, March 5, 2015

10 a.m. Meeting with Advisory Committee on Reactor, Safeguards (Public Meeting), (Contact: Edwin Hackett, 301–415–7360).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of March 9, 2015—Tentative

There are no meetings scheduled for the week of March 9, 2015.

Week of March 16, 2015—Tentative

There are no meetings scheduled for the week of March 16, 2015.

Week of March 23, 2015—Tentative

Thursday, March 26, 2015

9:30 a.m. Briefing on Security Issues (Closed—Ex. 1).

1:30 p.m. Briefing on Security Issues (Closed—Ex. 1).

Friday, March 27, 2015

9:30 a.m. Briefing on Threat Environment Assessment (Closed—Ex. 1).

Week of March 30, 2015—Tentative

There are no meetings scheduled for the week of March 30, 2015.

Week of April 6, 2015—Tentative

There are no meetings scheduled for the week of April 6, 2015.

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The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Glenn Ellmers at 301–415–0442 or via email at *Glenn.Ellmers@nrc.gov.*

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The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.* braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or email *Brenda.Akstulewicz@nrc.gov* or *Patricia.Jimenez@nrc.gov.*

Dated: February 26, 2015.

Glenn Ellmers,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2015–04429 Filed 2–27–15; 11:15 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0001]

Sunshine Act Meeting Notice

DATE: Week of March 2, 2015.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

Week of March 2, 2015

Thursday, March 5, 2015

9:55 a.m. Affirmation Session (Public Meeting) (Tentative).

a. OMAHA PUBLIC POWER DISTRICT (FORT CALHOUN STATION, UNIT 1), PETITION TO INTERVENE AND REQUEST FOR ADJUDICATORY HEARING BY SIERRA CLUB (APR. 23, 2014).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

* * * * *

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Glenn Ellmers at 301–415–0442 or via email at *Glenn.Ellmers@nrc.gov.*

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The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

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The NRC provides reasonable accommodation to individuals with

disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.* braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

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Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or email *Brenda.Akstulewicz@nrc.gov* or *Patricia.Jimenez@nrc.gov.*

Dated: February 26, 2015.

Glenn Ellmers,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2015–04433 Filed 2–27–15; 11:15 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Sunshine Notice—March 19, 2015 Board of Directors Meeting

TIME AND DATE: Thursday, March 19, 2015, 2 p.m. (Open Portion); 2:15 p.m. (Closed Portion).

PLACE: Offices of the Corporation, Twelfth Floor Board Room, 1100 New York Avenue NW., Washington, DC.

STATUS: Meeting OPEN to the Public from 2 p.m. to 2:15 p.m. Closed portion will commence at 2:15 p.m. (approx.)

MATTERS TO BE CONSIDERED:

1. President's Report
2. Tribute—Rajiv Shah
3. Tribute—Connie M. Downs
4. Minutes of the Open Session of the December 11, 2014 Board of Directors Meeting

FURTHER MATTERS TO BE CONSIDERED (Closed to the Public 2:15 p.m.):

1. Minutes of the Closed Session of the December 11, 2014 Board of Directors Meeting
2. Reports
3. Pending Projects

CONTACT PERSON FOR INFORMATION: Information on the meeting may be obtained from Connie M. Downs at (202) 336–8438.

Dated: February 27, 2015.

Connie M. Downs,

Corporate Secretary, Overseas Private Investment Corporation.

[FR Doc. 2015–04496 Filed 2–27–15; 4:15 pm]

BILLING CODE 3210–01–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 request for extension of OMB approval, with modifications.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) is requesting that the Office of Management and Budget (OMB) extend approval (with modifications), under the Paperwork Reduction Act of 1995, of its collection of information for Annual Reporting (OMB control number 1212–0057, expires June 30, 2017). This notice informs the public of PBGC's request and solicits public comment on the collection of information.

DATES: Comments must be submitted by April 2, 2015.

ADDRESSES: Comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, via electronic mail at *OIRA_DOCKE@omb.eop.gov* or by fax to (202) 395–6974.

A copy of the request (including the collection of information) will be posted at *http://www.pbgc.gov/prac/laws-and-regulations/information-collections-under-omb-review.html.* It may also be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC, at the above address, visiting the Disclosure Division, faxing a request to 202–326–4042, 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.) The Disclosure Division will email, fax, or mail the request to you, at your request.

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: The Employee Retirement Income Security Act of 1974 (ERISA) contains three separate sets of provisions—in title I (Labor provisions), title II (Internal Revenue Code provisions), and title IV PBGC provisions)—requiring administrators of employee benefit pension and welfare plans (collectively referred to as employee benefit plans) to file returns or reports annually with the federal government.

PBGC, the Department of Labor (DOL), and the Internal Revenue Service (IRS) work together to produce the Form 5500 Annual Return/Report for Employee Benefit Plan and Form 5500–SF Short Form Annual Return/Report for Small Employee Benefit Plan (Form 5500 Series), through which the regulated public can satisfy the combined reporting/filing requirements applicable to employee benefit plans.

PBGC is requesting that OMB approve several modifications to the 2015 Schedule MB (Multiemployer Defined Benefit Plan and Certain Money Purchase Plan Actuarial Information) and instructions and the Schedule SB (Single-Employer Defined Benefit Plan Actuarial Information) instructions. These modifications affect multiemployer and single-employer defined benefit plans covered by title IV of ERISA.

Based on a recommendation made by practitioners, the Schedule MB is modified to require plan administrators of all multiemployer plans to report on line 4 the funded percentage for monitoring the plan's status. Currently, only plan administrators of multiemployer plans in critical or endangered status are required to report this information on line 4. (Plan administrators of all multiemployer plans are currently required to report information that can be used to calculate this funded percentage on line 1 of the Schedule MB.)

PBGC is also modifying the Schedule MB instructions to add RP–2000 and RP–2000 (with Blue Collar Adjustment) to the list of mortality tables for non-disabled lives that plans may report as codes on line 6c. (Plans that use these mortality tables currently report under the code for category ''Other''.) Because many multiemployer plans use RP–2000 and RP–2000 (with Blue Collar Adjustment) mortality tables, assigning specific codes for these mortality tables would allow the Agencies to identify plans using these mortality tables.

The Schedule MB and instructions are also modified to add a new question in

line 8b that would require large multiemployer plans (500 or more total participants as of the valuation date) to provide in an attachment a projection of expected benefit payments to be paid for the entire plan (not including expected expenses) for each of the next ten plan years starting with the plan year to which the filing relates. For this purpose plans would assume no additional accruals, experience (*e.g.,* termination, mortality, and retirement) is consistent with the plan's valuation assumptions, and no new entrants would be covered by the plan.

PBGC is modifying the Schedule SB instructions to simplify the alternative age/service scatters that cash balance plans with 1,000 or more active participants have an option to report on an attachment to line 26.

On December 16, 2014, the Multiemployer Pension Reform Act of 2014, Division O of the Consolidated and Further Continuing Appropriations Act, 2015, Public Law 113–235 (MPRA) was signed into law. As a result of the statutory changes, PBGC is modifying the Schedule MB and instructions to extend the reporting requirements in line 4 for multiemployer plans in critical status to plans in critical and declining status, and to require that additional information be reported by plans that have been partitioned or had benefits suspended. Specifically, plan administrators of multiemployer plans in critical and declining status would be required to provide the following information:

- Enter in line 4b a new code for critical and declining status and attach a copy of the actuarial certification of such status and also attach an illustration showing the details (including year-by-year cash flow projections demonstrating the solvency of the plan over the relevant period) providing support for the actuarial certification.
- Report in line 4d whether any plan benefits have been reduced and if so, enter the reduction in liability resulting from the reduction in benefits in line 4e. For a plan that has been partitioned or had benefits suspended, a full description of the transaction must be attached.
- Provide information in line 4f about the plan year in which the plan is projected to emerge from critical and declining status or, if the rehabilitation plan is based on forestalling possible insolvency, the plan year in which insolvency is expected.

The collection of information has been approved by OMB under control number 1212–0057 through June 30, 2017. PBGC is requesting that OMB extend its approval for another three years, with modifications. 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 it will receive approximately 24,000 Form 5500 and Form 5500–SF filings per year under this collection of information. PBGC further estimates that the total annual burden of this collection of information will be 1,200 hours and $1,407,000.

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 25th day of February 2015.

Judith Starr,

General Counsel, Pension Benefit Guaranty Corporation.

[FR Doc. 2015–04397 Filed 3–2–15; 8:45 am]

BILLING CODE 7709–02–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, March 5, 2015 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Aguilar, as duty officer, voted to consider the items listed for the Closed Meeting in closed session, and determined that no earlier notice thereof was possible.

The subject matter of the Closed Meeting will be: Institution and settlement of injunctive actions; Institution and settlement of administrative proceedings; Consideration of amicus participation; and Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: February 26, 2015.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–04432 Filed 2–27–15; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74377; File No. SR–NASDAQ–2015–013]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of Proposed Rule Change Relating to the Listing and Trading of the Shares of the AlphaMark Actively Managed Small Cap ETF of ETF Series Solutions

February 25, 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 17, 2015, The NASDAQ Stock Market LLC (''Nasdaq'' 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 Nasdaq. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

Nasdaq proposes to list and trade the shares of the AlphaMark Actively

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Managed Small Cap ETF (the ''Fund'') of ETF Series Solutions (the ''Trust'') under Nasdaq Rule 5735 (''Managed Fund Shares'').[3] The shares of the Fund are collectively referred to herein as the ''Shares.''

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq 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. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade the Shares of the Fund under Nasdaq Rule 5735, which governs the listing and trading of Managed Fund Shares[4] on the Exchange. The Fund will be an actively-managed exchange-traded fund (''ETF''). The Shares will be offered by the Trust, which was established as a Delaware statutory trust on February 9, 2012.[5] The Trust is registered with the Commission as an investment company and has filed a registration statement on Form N–1A (''Registration Statement'') with the Commission.[6] The Fund is a series of the Trust.

AlphaMark Advisors, LLC will be the investment adviser (''Adviser'') to the Fund. Quasar Distributors, LLC (the ''Distributor'') will be the principal underwriter and distributor of the Fund's Shares. U.S. Bancorp Fund Services, LLC (''USBFS'') will act as the administrator, accounting agent, and transfer agent to the Fund. U.S. Bank National Association will act as the custodian to the Fund.

Paragraph (g) of Rule 5735 provides that if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.[7] In addition, paragraph (g) further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material, nonpublic information regarding the open-end fund's portfolio. Rule 5735(g) is similar to Nasdaq Rule 5705(b)(5)(A)(i); however, paragraph (g) in connection with the establishment of a ''fire wall'' between the investment adviser and the broker-dealer reflects the applicable open-end fund's portfolio, not an underlying benchmark index, as is the case with index-based funds. The Adviser is not a broker-dealer, and is not affiliated with any broker-dealer. In the event (a) the Adviser becomes affiliated with a broker-dealer or registers as a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel and/or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition and/or changes to the portfolio and will be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding such portfolio. The Adviser has no present intent or arrangement to become affiliated with any broker-dealer, and the Fund does not currently intend to use a sub-adviser.

AlphaMark Actively Managed Small Cap ETF

Principal Investments

The Fund is a non-diversified, actively-managed ETF that intends to qualify each year as a regulated investment company under Subchapter M of the Internal Revenue Code of 1986, as amended.

The Fund's primary investment objective is to seek long-term growth of capital. The Fund will pursue its objectives by investing primarily, *i.e.* at least 80% of its assets under normal market conditions,[8] in a portfolio of equity securities of small cap companies listed on a U.S. exchange. The Fund defines ''small cap'' companies as companies with a total market capitalization of less than $5 billion at the time of purchase, although the Adviser expects to generally focus on companies with market capitalizations of between $150 million and $2 billion at the time of purchase.

The Fund defines ''equity securities'' to include common and preferred stock,

[3] The Commission approved Nasdaq Rule 5735 in Securities Exchange Act Release No. 57962 (June 13, 2008), 73 FR 35175 (June 20, 2008) (SR–NASDAQ–2008–039). There are already multiple actively-managed funds listed on the Exchange; *see e.g.,* Securities Exchange Act Release No. 72411 (June 17, 2014), 79 FR 35598 (June 23, 2014) (SR–NASDAQ–2014–40) (order approving listing and trading of Calamos Focus Growth ETF). The Exchange believes the proposed rule change raises no significant issues not previously addressed in those prior Commission orders.

[4] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940, as amended (15 U.S.C. 80a–1) (the ''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Index Fund Shares, listed and traded on the Exchange under Nasdaq Rule 5705, seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[5] The Trust has obtained, or will obtain prior to listing Shares of the Fund on the Exchange, from the Commission an order (the ''Exemptive Order'') on which the Trust may rely, granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 31430 (January 28, 2015) (notice) (File No. 812–14402).

[6] *See* Post-Effective Amendment No. 43 to the Registration Statement on Form N–1A for the Trust, dated February 4, 2015 (File Nos. 333–179562 and 811–22668). The descriptions of the Fund and the Shares contained herein are based, in part, on information in the Registration Statement.

[7] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with applicable federal securities laws as defined in Rule 204A–1(e)(4). Accordingly, procedures designed to prevent the communication and misuse of nonpublic information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[8] The term ''under normal market conditions'' as used herein includes, but is not limited to, the absence of adverse market, economic, political or other conditions, including extreme volatility or trading halts in the securities markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance. In periods of extreme market disturbance, the Fund may take temporary defensive positions, by overweighting its portfolio in cash/cash-like instruments; however, to the extent possible, the Adviser would continue to seek to achieve the Fund's investment objectives.

American Depositary Receipts [9] (''ADRs''), real estate investment trusts (''REITs''), and ETFs. Investments in ETFs that, under normal circumstances, invest at least 80% of their net assets (plus any borrowings for investment purposes) in equity securities of small cap companies (''Small Cap ETFs'') will count toward the Fund's 80% investment policy. The Fund may invest up to 30% of its net assets in foreign equity securities of small cap companies traded on a U.S. exchange as ADRs, which may include companies in emerging markets.

The Adviser seeks to invest in companies with a proven history of consistent growth, sustainable earnings momentum and the ability to produce a reliable stream of cash flow during all economic cycles. The Adviser uses a ''bottom-up'' internal stock screening process designed to identify companies that produce reliable cash flow streams and are priced at a level that provides for growth opportunity. An assessment of secular trends in the markets and the economy will exert some influence on the economic sector weightings of the Fund's portfolio.

The Adviser's screening process narrows the small cap growth universe to approximately 150 stocks. These companies are then subjected to further fundamental analysis, including the following:

- Market return on equity
- Sufficiency of cash flow to cover capital spending
- Operating margin relative to price/sales
- Financial statement review, focusing on true equity value
- Enterprise value review and management review, including factors such as insider trading, stock option distribution and share buy backs.

The Adviser expects that there will generally be between 25 and 40 stocks in the Fund's portfolio. The Fund is non-diversified and therefore may invest a larger percentage of its assets in the securities of a single company than diversified funds. The portion of the Fund's net assets invested at any given time in securities of issuers engaged in industries within a particular sector is affected by valuation considerations and other investment characteristics of that sector. As a result, the Fund's investment in various sectors may change significantly over time.

The Fund may invest in Small Cap ETFs to gain market exposure while the Fund builds a position in one or more specific stocks. Additionally, the Fund may invest a significant portion or all of its assets in Small Cap ETFs during periods when the Adviser believes that the stocks identified by the Adviser's analysis are likely to underperform the broader small cap market. The Adviser will sell a security from the Fund's portfolio under one or more of the following circumstances:

- A material change in the company's structure or management;
- A material change in the industry or economic factors affecting that industry;
- A position has grown to an unacceptable weight;
- Earnings momentum has decreased from previous estimates; or
- The security's price has become overvalued by 20% or more based on the Adviser's proprietary cash flow models.

The Fund's investment in foreign equity securities will be in the form of ADRs and may include ADRs representing companies in emerging markets. With respect to its investments as part of its principal investment strategies in exchange-listed securities, the Fund will invest in such securities that trade in markets that are members of the Intermarket Surveillance Group (''ISG'').

Other Investments

The Fund will invest in sponsored ADRs that are listed on ISG member exchanges and that the Adviser deems as liquid at time of purchase. In certain limited circumstances, the Fund may invest in ADRs that the Adviser deems illiquid at the time of purchase or for which pricing information is not readily available.

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid securities or other illiquid assets (calculated at the time of investment). The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.[10]

The Fund may not invest more than 25% of the value of its total assets in securities of issuers in any one industry or group of industries. This restriction does not apply to obligations issued or guaranteed by the U.S. government, its agencies or instrumentalities, or securities of other registered investment companies.[11]

While the Fund under normal circumstances will invest at least 80% of its assets in U.S. exchange-listed equity securities, the Fund may invest the remaining assets in equity securities traded over-the-counter,[12] money market instruments,[13] and equity securities of open-end mutual funds, money market mutual funds and ETFs other than Small Cap ETFs.

The Shares

The Fund will issue and redeem Shares only in Creation Units at the net asset value (''NAV'') [14] next determined

[9] ADRs are receipts, typically issued by a bank or trust issuer, which evidence ownership of underlying securities issued by a non-U.S. issuer. For ADRs, the depository is typically a U.S. financial institution and the underlying securities are issued by a non-U.S. issuer. ADRs are not necessarily denominated in the same currency as their underlying securities.

[10] The Commission has stated that long-standing Commission guidelines have required open-end funds to hold no more than 15% of their net assets in illiquid securities and other illiquid assets. *See* Investment Company Act Release No. 28193 (March 11, 2008), 73 FR 14618 (March 18, 2008), FN 34. *See also* Investment Company Act Release No. 5847 (October 21, 1969), 35 FR 19989 (December 31, 1970) (Statement Regarding ''Restricted Securities''); Investment Company Act Release No. 18612 (March 12, 1992), 57 FR 9828 (March 20, 1992) (Revisions of Guidelines to Form N–1A). A fund's portfolio security is illiquid if it cannot be disposed of in the ordinary course of business within seven days at approximately the value ascribed to it by the fund. *See* Investment Company Act Release No. 14983 (March 12, 1986), 51 FR 9773 (March 21, 1986) (adopting amendments to Rule 2a–7 under the 1940 Act); Investment Company Act Release No. 17452 (April 23, 1990), 55 FR 17933 (April 30, 1990) (adopting Rule 144A under the Securities Act of 1933).

[11] *See* Form N–1A, Item 9. The Commission has taken the position that a fund is concentrated if it invests more than 25% of the value of its total assets in any one industry. *See, e.g.,* Investment Company Act Release No. 9011 (October 30, 1975), 40 FR 54241 (November 21, 1975).

[12] Not more than 10% of the net assets of the Fund, in the aggregate, will be invested in unlisted equity securities or equity securities not listed on an exchange that is a member of the ISG or a party to a comprehensive surveillance sharing agreement with the Exchange.

[13] The term ''money market instruments,'' as used herein, means (i) short-term obligations issued by the U.S. Government; (ii) short term negotiable obligations of commercial banks, fixed time deposits and bankers' acceptances of U.S. and foreign banks and similar institutions; (iii) commercial paper rated at the date of purchase ''Prime-1'' by Moody's Investors Service, Inc. or ''A–1+'' or ''A–1'' by Standard & Poor's or, if unrated, of comparable quality, as the Adviser of the Fund determines; and (iv) money market mutual funds.

[14] The NAV of the Fund's Shares generally will be calculated once daily Monday through Friday as of the close of regular trading on the New York Stock Exchange (''NYSE''), generally 4:00 p.m. Eastern time (the ''NAV Calculation Time''). NAV

after receipt of an order on a continuous basis every day except weekends and specified holidays. The NAV of the Fund will be determined once each business day, normally as of the close of trading of the NYSE, generally, 4:00 p.m. Eastern time. Creation Unit sizes will be at least 25,000 Shares per Creation Unit. The Trust will issue and sell Shares of the Fund only in Creation Units on a continuous basis through the Distributor, without a sales load (but subject to transaction fees), at their NAV per Share next determined after receipt of an order, on any business day, in proper form pursuant to the terms of the agreement executed with each Authorized Participant (as defined below).

The consideration for purchase of a Creation Unit will consist of either (i) the in-kind deposit of a designated portfolio of securities (the ''Deposit Securities'') per each Creation Unit and the Cash Component (as defined below), computed as described below or (ii) the cash value of all or a portion of the Deposit Securities (''Deposit Cash'') and the ''Cash Component,'' computed as described below. The Fund may, under certain circumstances, effect a portion of creations and redemptions for cash, rather than in-kind securities, in accordance with the Exemptive Order. The Fund expects that the consideration for purchase of a Creation Unit will primarily consist of the in-kind deposit of the Deposit Securities.

When accepting purchases of Creation Units for cash, the Fund may incur additional costs associated with the acquisition of Deposit Securities that would otherwise be provided by an in-kind purchaser. Together, the Deposit Securities or Deposit Cash, as applicable, and the Cash Component will constitute the ''Fund Deposit,'' which represents the minimum initial and subsequent investment amount for a Creation Unit of the Fund. The ''Cash Component'' will be an amount equal to the difference between the NAV of the Shares (per Creation Unit) and the market value of the Deposit Securities or Deposit Cash, as applicable. If the Cash Component is a positive number (*i.e.,* the NAV per Creation Unit exceeds the market value of the Deposit Securities or Deposit Cash, as applicable), the Cash Component will be such positive amount. If the Cash Component is a negative number (*i.e.,* the NAV per Creation Unit is less than the market value of the Deposit Securities or Deposit Cash, as applicable), the Cash Component will be such negative amount and the creator will be entitled to receive cash in an amount equal to the Cash Component. The Cash Component will serve the function of compensating for any difference between the NAV per Creation Unit and the market value of the Deposit Securities or Deposit Cash, as applicable.

To be eligible to place orders with respect to creations and redemptions of Creation Units, an entity must be (i) a ''Participating Party,'' *i.e.,* a broker-dealer or other participant in the clearing process through the Continuous Net Settlement System of the National Securities Clearing Corporation (''NSCC'') or (ii) a Depository Trust Company (''DTC'') Participant (a ''DTC Participant''). In addition, each Participating Party or DTC Participant (each, an ''Authorized Participant'') must execute an agreement that has been agreed to by the Distributor and USBFS with respect to purchases and redemptions of Creation Units.

USBFS, through the NSCC, will make available on each business day, immediately prior to the opening of business on the Exchange's Regular Market Session (currently 9:30 a.m. Eastern time), the list of the names and the required number of shares of each Deposit Security and/or the required amount of Deposit Cash, as applicable, to be included in the current Fund Deposit (based on information at the end of the previous business day) for the Fund. Such Fund Deposit, subject to any relevant adjustments, will be applicable in order to effect purchases of Creation Units of the Fund until such time as the next announced composition of the Deposit Securities and/or the required amount of Deposit Cash, as applicable, is made available.

Shares may be redeemed only in Creation Units at their NAV next determined after receipt of a redemption request in proper form by the Fund through USBFS and only on a business day.

With respect to the Fund, USBFS, through the NSCC, will make available immediately prior to the opening of business on the Exchange (9:30 a.m. Eastern time) on each business day, the list of the names and share quantities of the Fund's portfolio securities (''Fund Securities'') and/or, if relevant, the required cash value thereof that will be applicable (subject to possible amendment or correction) to redemption requests received in proper form on that day. Fund Securities received on redemption may not be identical to Deposit Securities.

Redemption proceeds for a Creation Unit will be paid either in kind or in cash or a combination thereof, as determined by the Trust. With respect to in kind redemptions of the Fund, redemption proceeds for a Creation Unit will consist of Fund Securities as announced by USBFS on the business day of the request for redemption received in proper form plus cash in an amount equal to the difference between the NAV of the Shares being redeemed, as next determined after a receipt of a request in proper form, and the value of the Fund Securities (the ''Cash Redemption Amount''), less a fixed redemption transaction fee and any applicable additional variable charge as set forth in the Registration Statement. In the event that the Fund Securities have a value greater than the NAV of the Shares, a compensating cash payment equal to the differential will be required to be made by or through an Authorized Participant by the redeeming shareholder. Notwithstanding the foregoing, at the Trust's discretion, an Authorized Participant may receive the corresponding cash value of the securities in lieu of one or more Fund Securities.

The creation/redemption order cut off time for the Fund is expected to be 4:00 p.m. Eastern time for purchases of Shares. On days when the Exchange closes earlier than normal and in the case of custom orders, the Fund may require orders for Creation Units to be placed earlier in the day.

Net Asset Value

The NAV per Share for the Fund will be computed by dividing the value of the net assets of the Fund (*i.e.,* the value of its total assets less total liabilities) by the total number of Shares outstanding, rounded to the nearest cent. Expenses and fees, including the management fees, will be accrued daily and taken into account for purposes of determining NAV. The NAV of the Fund will be calculated by USBFS and determined at the close of the regular trading session on the NYSE (ordinarily 4:00 p.m. Eastern time) on each day that such exchange is open. In calculating the Fund's NAV per Share, investments will generally be valued by using market valuations. A market valuation generally means a valuation (i) obtained from an exchange, a pricing service, or a major market maker (or dealer) or (ii) based on a price quotation or other equivalent indication of value supplied by an exchange, a pricing service, or a major

per Share will be calculated by dividing the Fund's net assets by the number of Fund Shares outstanding. For more information regarding the valuation of Fund investments in calculating the Fund's NAV, *see* Registration Statement.

market maker (or dealer).[15] Exchange-traded equities; exchange-traded ADRs and other exchange-traded securities will be valued at the official closing price on their principal exchange or board of trade, or lacking any current reported sale at the time of valuation, at the mean between the most recent bid and ask quotations on its principal exchange or board of trade. Portfolio securities traded on more than one securities exchange will be valued at the last sale price or official closing price, as applicable, on the business day as of which such value is being determined at the close of the exchange representing the principal market for such securities. Equity securities traded over-the-counter will be valued at the mean between the most recent bid and ask quotations received from pricing services; if recent bid and ask quotations are not available, these securities will be valued in accordance with the Fund's fair valuation procedures. Money market instruments with maturities of less than 60 days will be valued at amortized cost; money market instruments with longer maturities will be valued at the mid-point of the bid-ask prices. Investment company shares will be valued at NAV, unless the shares are exchange-traded, in which case they will be valued at the last sale or official closing price on the market on which they primarily trade.

Notwithstanding the foregoing, in determining the value of any security or asset, the Fund may use a valuation provided by a pricing vendor employed by the Trust and approved by the Board of Trustees of the Trust (the ''Trust Board''). The pricing vendor may base such valuations upon dealer quotes, by analyzing the listed market, by utilizing matrix pricing, by analyzing market correlations and pricing and/or employing sensitivity analysis.

The Adviser may use various pricing services, or discontinue the use of any pricing service, as approved by the Trust Board from time to time. A price obtained from a pricing service based on such pricing service's valuation matrix may be considered a market valuation. Any assets or liabilities denominated in currencies other than the U.S. dollar will be converted into U.S. dollars at the current market rates on the date of valuation as quoted by one or more sources.

In the event that current market valuations are not readily available or such valuations do not reflect current market value, the Trust's procedures require the Trust's Valuation Committee to determine a security's fair value if a market price is not readily available in accordance with the 1940 Act.[16] In determining such value the Trust's Valuation Committee may consider, among other things, (i) price comparisons among multiple sources, (ii) a review of corporate actions and news events, and (iii) a review of relevant financial indicators. In these cases, the Fund's NAV may reflect certain portfolio securities' fair values rather than their market prices. Fair value pricing may involve subjective judgments and it is possible that the fair value determination for a security is materially different than the value that could be realized upon the sale of the security.

Availability of Information

The Fund's Web site (*www.alphamarkadvisors.com*), which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for the Fund that may be downloaded. The Web site will include additional quantitative information updated on a daily basis, including, for the Fund: (1) The prior business day's reported NAV, mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[17] and a calculation of the premium and discount of the Bid/Ask Price against the NAV; and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. On each business day, before commencement of trading in Shares in the Regular Market Session[18] on the Exchange, the Fund will disclose on its Web site the identities and quantities of the portfolio of securities and other assets (the ''Disclosed Portfolio'') held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the business day.[19] On a daily basis, the Disclosed Portfolio will include each portfolio security and other financial instruments of the Fund with the following information on the Fund's Web site: Ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding); the identity of the security, index, or other asset or instrument underlying the holding, if any; quantity held (as measured by, for example, number of shares); maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding; and the percentage weighting of the holdings in the Fund's portfolio. The Web site information will be publicly available at no charge.

In addition, for the Fund, an estimated value, defined in Rule 5735(c)(3) as the ''Intraday Indicative Value,'' that reflects an estimated intraday value of the Fund's portfolio, will be disseminated. Moreover, the Intraday Indicative Value, available on the NASDAQ OMX Information LLC proprietary index data service,[20] will be based upon the current value for the components of the Disclosed Portfolio and will be updated and widely disseminated and broadly displayed at least every 15 seconds during the Regular Market Session. The Intraday Indicative Value will be based on quotes and closing prices from the securities' local market and may not reflect events that occur subsequent to the local market's close. Intra-day, executable price quotations on the securities and other assets held by the Fund, other than investment company securities that are not exchange-listed, will be available from major broker-dealer firms. Intra-day price information on the securities and other assets held by the Fund, other than investment company securities that are not exchange-listed, will also be available through subscription or free services that can be accessed by Authorized Participants and

[15] Under normal market conditions, the Fund will obtain pricing information on all of its assets from these sources.

[16] The Valuation Committee of the Trust Board will be responsible for the oversight of the pricing procedures of the Fund and the valuation of the Fund's portfolio. The Fund has implemented procedures designed to prevent the use and dissemination of material, nonpublic information regarding valuation and revaluation of any portfolio investments.

[17] The Bid/Ask Price of the Fund will be determined using the midpoint of the highest bid and the lowest offer on the Exchange as of the time of calculation of such Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Fund and its service providers.

[18] *See* Nasdaq Rule 4120(b)(4) (describing the three trading sessions on the Exchange: (1) Pre-Market Session from 4 a.m. to 9:30 a.m. Eastern time; (2) Regular Market Session from 9:30 a.m. to 4 p.m. or 4:15 p.m. Eastern time; and (3) Post-Market Session from 4 p.m. or 4:15 p.m. to 8 p.m. Eastern time).

[19] Under accounting procedures to be followed by the Fund, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Notwithstanding the foregoing, portfolio trades that are executed prior to the opening of the Exchange on any business day may be booked and reflected in NAV on such business day. Accordingly, the Fund will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

[20] Currently, the NASDAQ OMX Global Index Data Service (''GIDS'') is the NASDAQ OMX global index data feed service, offering real-time updates, daily summary messages, and access to widely followed indexes and Intraday Indicative Values for ETFs. GIDS provides investment professionals with the daily information needed to track or trade NASDAQ OMX indexes, listed ETFs, or third-party partner indexes and ETFs.

other investors. Intra-day price information for exchange-traded equity securities; exchange-listed investment company securities; exchange-traded ADRs; or other exchange-traded securities will be publicly available from the Web sites of the exchanges on which they trade, on public financial Web sites, and through subscription services such as Bloomberg and Thompson Reuters. Intra-day price information regarding over-the-counter equities (including certain investment company securities) and money market instruments, will be available through subscription services such as Markit, Bloomberg and Thompson Reuters.

Premiums and discounts between the Intraday Indicative Value and the market price of the Fund's shares may occur. This should not be viewed as a ''real time'' update of the NAV per Share of the Fund, which is calculated only once a day.

The dissemination of the Intraday Indicative Value, together with the Disclosed Portfolio, will allow investors to determine the value of the underlying portfolio of the Fund on a daily basis and will provide a close estimate of that value throughout the trading day.

In addition, a basket composition file, which includes the security names, amounts and share quantities, as applicable, required to be delivered in exchange for the Fund's Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of Nasdaq via NSCC. The basket will represent one Creation Unit of the Fund.

Investors will also be able to obtain the Fund's Statement of Additional Information (''SAI''), the Fund's annual and semi-annual reports (together, ''Shareholder Reports''), and its Form N–CSR and Form N–SAR. The Fund's SAI and Shareholder Reports will be available free upon request from the Fund, and those documents and the Form N–CSR and Form N–SAR may be viewed on-screen or downloaded from the Commission's Web site at *www.sec.gov.* Information regarding market price and volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last sale information for the Shares will be available via Nasdaq proprietary quote and trade services and via the Consolidated Tape Association plans for the Shares. Similarly, quotation and last sale information for any underlying exchange-traded products will also be available via the quote and trade services of their respective primary exchanges, as well as in accordance with the Unlisted Trading Privileges and the Consolidated Tape Association plans, as applicable.

Additional information regarding the Fund and the Shares, including investment strategies, risks, creation and redemption procedures, fees, Fund holdings disclosure policies, distributions and taxes is included in the Registration Statement.

Initial and Continued Listing

The Shares will be subject to Rule 5735, which sets forth the initial and continued listing criteria applicable to Managed Fund Shares. The Exchange represents that, for initial and/or continued listing, the Fund must be in compliance with Rule 10A–3 [21] under the Act. A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.

Trading Halts and Trading Pauses

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund. Nasdaq will halt or pause trading in the Shares under the conditions specified in Nasdaq Rules 4120 and 4121, including the trading pauses under Nasdaq Rules 4120(a)(11) and (12). Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments constituting the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares also will be subject to Rule 5735(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted.

Trading Rules

Nasdaq deems the Shares to be equity securities, thus rendering trading in the Shares subject to Nasdaq's existing rules governing the trading of equity securities. Nasdaq will allow trading in the Shares from 4:00 a.m. until 8:00 p.m. Eastern time. The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in Nasdaq Rule 5735(b)(3), the minimum price variation for quoting and entry of orders in Managed Fund Shares traded on the Exchange is $0.01.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by both Nasdaq and also the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[22] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares; exchange-traded equities, including ADRs; exchange-listed investment companies; or other exchange-traded securities with other markets and other entities that are ISG members, and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares, exchange-traded equities, including ADRs, exchange-listed investment companies, or other exchange-traded securities from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares; exchange-traded equities, including ADRs; exchange-listed investment companies; or other exchange-traded securities from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[23]

[21] *See* 17 CFR 240.10A–3.

[22] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[23] For a list of the current members of ISG, *see www.isgportal.org.*

Not more than 10% of the net assets of the Fund, in the aggregate, will be invested in unlisted common stocks or common stocks not listed on an exchange that is a member of the ISG or a party to a comprehensive surveillance sharing agreement with the Exchange.

In addition, the Exchange also has a general policy prohibiting the distribution of material, nonpublic information by its employees.

Information Circular

Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (2) Nasdaq Rule 2111A, which imposes suitability obligations on Nasdaq members with respect to recommending transactions in the Shares to customers; (3) the dissemination of information regarding the Intraday Indicative Value through major index service providers such as NASDAQ OMX proprietary index data services or other major market proprietary index services; (4) the risks involved in trading the Shares during the Pre-Market and Post-Market Sessions when an updated Intraday Indicative Value will not be calculated or publicly disseminated; (5) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; (6) trading information; and (7) the dissemination of the Disclosed Portfolio through the Fund's Web site.

In addition, the Information Circular will advise members, prior to the commencement of trading, of the prospectus delivery requirements applicable to the Fund. Members purchasing Shares from the Fund for resale to investors will deliver a prospectus to such investors. The Information Circular will also discuss any exemptive, no-action and interpretive relief granted by the Commission from any rules under the Act.

Additionally, the Information Circular will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Information Circular will also disclose the trading hours of the Shares of the Fund and the applicable NAV Calculation Time for the Shares. The Information Circular will disclose that information about the Shares of the Fund will be publicly available on the Fund's Web site.

2. Statutory Basis

Nasdaq believes that the proposal is consistent with Section 6(b) of the Act [24] in general and Section 6(b)(5) of the Act [25] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in Nasdaq Rule 5735. The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on Nasdaq during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws.

The exchange-traded equities; exchange-listed investment companies; or other exchange-traded securities in which the Fund may invest will be limited to U.S. exchanges that are members of the ISG or are parties to a comprehensive surveillance sharing agreement with the Exchange. The Exchange may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement.

The Fund will pursue its objectives by investing primarily, *i.e.,* at least 80% of its assets under normal market conditions, in a portfolio of equity securities of small cap companies listed on a U.S. exchange. The equity securities held by the Fund may also include publicly-traded exchange-listed common stocks of non-U.S. issuers in the form of ADRs.

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid securities or other illiquid assets (calculated at the time of investment). The Fund may not invest 25% or more of the value of its total assets in securities of issuers in any one industry or group of industries.

Not more than 10% of the net assets of the Fund, in the aggregate, will be invested in unlisted common stocks or common stocks not listed on an exchange that is a member of the ISG or a party to a comprehensive surveillance sharing agreement with the Exchange. The Adviser is not a broker-dealer, and is not affiliated with any broker-dealer. In the event (a) the Adviser becomes affiliated with a broker-dealer or registers as a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, it will implement a fire wall with respect to its relevant personnel and/or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition and/or changes to the Fund's portfolio. In addition, paragraph (g) of Nasdaq Rule 5735 further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the open-end fund's portfolio.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the Fund that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information will be publicly available regarding the Fund and the Shares, thereby promoting market transparency. The Intraday Indicative Value, available on the NASDAQ OMX Information LLC proprietary index data service, will be widely disseminated by one or more major market data vendors and broadly displayed at least every 15 seconds during the Regular Market Session. On each business day, before commencement of trading in Shares in the Regular Market Session on the Exchange, the Fund will disclose on its Web site the Disclosed Portfolio that will form the basis for the Fund's calculation of NAV at the end of the business day. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information for the Shares will also be available via Nasdaq proprietary quote and trade services and via the Consolidated Tape Association plans for the Shares. Similarly, quotation and last sale information for any underlying exchange-traded products will also be available via the quote and trade services of their respective primary

[24] 15 U.S.C. 78f.

[25] 15 U.S.C. 78f(b)(5).

exchanges, as well as in accordance with the Unlisted Trading Privileges and the Consolidated Tape Association plans, as applicable. Intra-day, executable price quotations on the securities and other assets held by the Fund, other than investment company securities that are not exchange-listed will be available from major broker-dealer firms or on the exchange on which they are traded, if applicable. Intra-day price information will also be available through subscription services, such as Bloomberg, Markit and Thomson Reuters, which can be accessed by Authorized Participants and other investors.

The Web site for the Fund will include the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. Trading in Shares of the Fund will be halted or paused under the conditions specified in Nasdaq Rules 4120 and 4121, including the trading pauses under Nasdaq Rules 4120(a)(11) and (12). Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to Nasdaq Rule 5735(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of actively-managed exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

For the above reasons, Nasdaq believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change will facilitate the listing and trading of an additional type of actively-managed exchange-traded fund that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

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 up if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (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–NASDAQ–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–NASDAQ–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–NASDAQ–2015–013, and should be submitted on or before March 24, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–04333 Filed 3–2–15; 8:45 am]

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[26] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74378; File No. SR–NASDAQ–2015–011]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of Proposed Rule Change Relating to the Listing and Trading of the Shares of the First Trust Strategic Floating Rate ETF of First Trust Exchange-Traded Fund IV

February 25, 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, The NASDAQ Stock Market LLC (''Nasdaq'' 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 Nasdaq. The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

Nasdaq proposes to list and trade the shares of the First Trust Strategic Floating Rate ETF (the ''Fund'') of the First Trust Strategic Floating Rate ETF (the ''Fund'') of First Trust Exchange-Traded Fund IV (the ''Trust'') under Nasdaq Rule 5735 (''Managed Fund Shares'').[3] The shares of the Fund are collectively referred to herein as the ''Shares.''

The text of the proposed rule change is available at *http://nasdaq.cchwallstreet.com/,* at Nasdaq's principal office, 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, Nasdaq 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. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade the Shares of the Fund under Nasdaq Rule 5735, which governs the listing and trading of Managed Fund Shares[4] on the Exchange. The Fund will be an actively-managed exchange-traded fund (''ETF''). The Shares will be offered by the Trust, which was established as a Massachusetts business trust on September 15, 2010.[5] The Trust is registered with the Commission as an investment company and has filed a registration statement on Form N–1A (''Registration Statement'') with the Commission.[6] The Fund will be a series of the Trust. The Fund intends to qualify each year as a regulated investment company (''RIC'') under Subchapter M of the Internal Revenue Code of 1986, as amended.

First Trust Advisors L.P. will be the investment adviser (''Adviser'') to the Fund. First Trust Portfolios L.P. (the ''Distributor'') will be the principal underwriter and distributor of the Fund's Shares. The Bank of New York Mellon Corporation (''BNY'') will act as the administrator, accounting agent, custodian and transfer agent to the Fund.

Paragraph (g) of Rule 5735 provides that if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition and/or changes to such investment company portfolio.[7] In addition, paragraph (g) further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material, non-public information regarding the open-end fund's portfolio. Rule 5735(g) is similar to Nasdaq Rule 5705(b)(5)(A)(i); however, paragraph (g) in connection with the establishment of a ''fire wall'' between the investment adviser and the broker-dealer reflects the applicable open-end fund's portfolio, not an underlying benchmark index, as is the case with index-based funds. The Adviser is not a broker-dealer, although it is affiliated with the Distributor, a broker-dealer. The Adviser has implemented a fire wall with respect to its broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio. In addition, personnel who make decisions on the Fund's portfolio composition will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the Fund's portfolio. In the event (a) the Adviser becomes, or becomes newly affiliated with, a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with another broker-dealer, it will implement a fire wall with respect to its relevant personnel and/or such broker-dealer affiliate, as applicable, regarding access to information concerning the composition and/or changes to the portfolio and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio. The Fund does not currently intend to use a sub-adviser.

First Trust Strategic Floating Rate ETF

The investment objective of the Fund will be to seek current income. To achieve its objective, the Fund will invest, under normal market

[3] The Commission approved Nasdaq Rule 5735 in Securities Exchange Act Release No. 57962 (June 13, 2008), 73 FR 35175 (June 20, 2008) (SR–NASDAQ–2008–039). There are already multiple actively-managed funds listed on the Exchange; *see, e.g.,* Securities Exchange Act Release Nos. 69464 (April 26, 2013), 78 FR 25774 (May 2, 2013) (SR–NASDAQ–2013–036) (order approving listing and trading of First Trust Senior Loan Fund); 68972 (February 22, 2013), 78 FR 13721 (February 28, 2013) (SR–NASDAQ–2012–147) (order approving listing and trading of First Trust High Yield Long/Short ETF); 66489 (February 29, 2012), 77 FR 13379 (March 6, 2012) (SR–NASDAQ–2012–004) (order approving listing and trading of WisdomTree Emerging Markets Corporate Bond Fund). The Exchange believes the proposed rule change raises no significant issues not previously addressed in those prior Commission orders.

[4] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a-1) (the ''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Index Fund Shares, listed and traded on the Exchange under Nasdaq Rule 5705, seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[5] The Commission has issued an order, upon which the Trust may rely, granting certain exemptive relief under the 1940 Act. *See* Investment Company Act Release No. 30029 (April 10, 2012) (File No. 812–13795) (the ''Exemptive Relief''). In addition, the Commission has issued no-action relief, upon which the Trust may rely, pertaining to the Fund's ability to invest in derivatives notwithstanding certain representations in the application for the Exemptive Relief. *See* Commission No-Action Letter (December 6, 2012).

[6] *See* Post-Effective Amendment No. 104 to Registration Statement on Form N–1A for the Trust, dated January 29, 2015 (File Nos. 333–174332 and 811–22559). The descriptions of the Fund and the Shares contained herein are based, in part, on information in the Registration Statement.

[7] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

conditions,[8] at least 80% of its net assets in a portfolio of the following types of floating-rate[9] debt instruments issued by U.S. and non-U.S. public- and private-sector entities: floating-rate corporate[10] and government bonds and notes; floating-rate agency securities;[11] floating-rate instruments of non-U.S. issuers; floating-rate privately-issued securities;[12] floating-rate asset-backed securities;[13] floating-rate mortgage-backed securities;[14] floating-rate loans;[15] and investment companies[16] (including investment companies advised by the Adviser) that invest primarily in the foregoing types of debt instruments[17] (collectively, ''Floating Rate Debt Instruments'').

At least 65% of the Fund's net assets will be invested in Floating Rate Debt Instruments that are, at the time of purchase, investment grade. To be considered ''investment grade,'' under normal market conditions, rated Floating Rate Debt Instruments will carry, at the time of purchase, a rating in the highest four rating categories of at least one nationally recognized statistical ratings organization (''NRSRO'') (*e.g.,* BBB- or higher by Standard & Poor's Ratings Services (''S&P''), and/or Fitch Ratings (''Fitch''), or Baa3 or higher by Moody's Investors Service, Inc. (''Moody's'').[18] For unrated securities to be considered ''investment grade,'' under normal market conditions, such securities will be determined, at the time of purchase, to be of comparable quality[19] by the Adviser. The Fund may invest up to 35% of its net assets in securities that are, at the time of investment, rated below investment grade by each NRSRO rating such securities (or securities that are unrated and determined by the Adviser to be of comparable quality), commonly referred to as ''high yield'' or ''junk'' bonds. If, subsequent to purchase by the Fund, a security held by the Fund experiences a decline in credit quality and falls below investment grade, the Fund may continue to hold the security, and it will not cause the Fund to violate the 35% investment limitation; however, the security will be taken into account for purposes of determining whether purchases of additional securities will cause the Fund to violate such limitation.

The Fund will limit its investments in asset-backed securities (excluding agency mortgage-backed securities) and non-agency mortgage-backed securities (in the aggregate) to 20% of its net assets.[20] In addition, the Fund will limit its investments in junior loans to 20% of its net assets.

The Fund will hold debt securities (including, in the aggregate, Floating Rate Debt Instruments and the fixed-rate debt securities described below) of at least 13 non-affiliated issuers.

[8] The term ''under normal market conditions'' as used herein includes, but is not limited to, the absence of adverse market, economic, political or other conditions, including extreme volatility or trading halts in the fixed income markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or *force majeure* type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance. For temporary defensive purposes, during the initial invest-up period and during periods of high cash inflows or outflows, the Fund may depart from its principal investment strategies; for example, it may hold a higher than normal proportion of its assets in cash. During such periods, the Fund may not be able to achieve its investment objective. The Fund may adopt a defensive strategy when the Adviser believes securities in which the Fund normally invests have elevated risks due to political or economic factors and in other extraordinary circumstances.

[9] For the avoidance of doubt, the term ''floating-rate'' shall also include similar terms, such as ''variable-rate'' and ''adjustable-rate.''

[10] The Adviser expects that, under normal market conditions, generally, for a corporate bond to be considered as an eligible investment, after taking into account such an investment, at least 75% of the Fund's net assets that are invested in floating-rate corporate bonds and, as described below, fixed-rate corporate bonds (in the aggregate), will be comprised of corporate bonds that have, at the time of original issuance, $100 million or more par amount outstanding.

[11] ''Agency securities'' for these purposes generally includes securities issued by the following entities: Government National Mortgage Association (Ginnie Mae), Federal National Mortgage Association (Fannie Mae), Federal Home Loan Banks (FHLBanks), Federal Home Loan Mortgage Corporation (Freddie Mac), Farm Credit System (FCS) Farm Credit Banks (FCBanks), Student Loan Marketing Association (Sallie Mae), Resolution Funding Corporation (REFCORP), Financing Corporation (FICO), and the Farm Credit System (FCS) Financial Assistance Corporation (FAC). Agency securities can include, but are not limited to, mortgage-backed securities.

[12] ''Privately-issued securities'' for these purposes generally includes Rule 144A securities other than mortgage-backed Rule 144A securities. Under normal market conditions, privately-issued securities will have, at the time of original issuance, $100 million or more principal amount outstanding to be considered eligible investments.

[13] Asset-backed securities are securities that are backed by a pool of assets. The Fund currently intends to invest in asset-backed securities that are consumer asset-backed securities.

[14] Mortgage-backed securities, which are securities that directly or indirectly represent a participation in, or are secured by and payable from, mortgage loans on real property, will consist of: (1) residential mortgage-backed securities (''RMBS''); (2) commercial mortgage-backed securities (''CMBS''); (3) stripped mortgage-backed securities (''SMBS''), which are mortgage-backed securities where mortgage payments are divided between paying the loan's principal and paying the loan's interest; (4) collateralized mortgage obligations (''CMOs'') and real estate mortgage investment conduits (''REMICs''), which are mortgage-backed securities that are divided into multiple classes, with each class being entitled to a different share of the principal and interest payments received from the pool of underlying assets.

[15] The floating-rate loans in which the Fund will invest will represent amounts borrowed by companies or other entities from banks and other lenders and a significant portion of such floating-rate loans may be rated below investment grade or unrated. Floating-rate loans held by the Fund may be senior or subordinate obligations of the borrower and may or may not be secured by collateral. First lien senior secured floating-rate loans are referred to herein as ''senior loans.'' Floating-rate loans that are not senior loans (*i.e.,* unsecured floating-rate loans and secured floating-rate loans that are not first lien floating-rate loans) are referred to herein as ''junior loans.'' The Fund will generally invest in floating-rate loans that the Adviser deems to be liquid with readily available prices; notwithstanding the foregoing, the Fund may invest in floating-rate loans that are deemed illiquid so long as the Fund complies with the 15% limitation on investments of its net assets in illiquid assets described below under ''Investment Restrictions.''

[16] The Fund currently anticipates investing only in registered open-end investment companies that are listed and traded in the U.S. on registered exchanges (*i.e.,* other ETFs). An ETF is an investment company registered under the 1940 Act that holds a portfolio of securities. Many ETFs are designed to track the performance of a securities index, including industry, sector, country and region indexes. The Fund may invest in the securities of ETFs in excess of the limits imposed under the 1940 Act pursuant to exemptive orders obtained by other ETFs and their sponsors from the Commission. In addition, the Fund may invest in the securities of certain investment companies in excess of the limits imposed under the 1940 Act pursuant to an exemptive order obtained by the Trust and the Adviser from the Commission. *See* Investment Company Act Release No. 30377 (February 5, 2013) (File No. 812–13895). The ETFs in which the Fund may invest include Index Fund Shares (as described in Nasdaq Rule 5705), Portfolio Depository Receipts (as described in Nasdaq Rule 5705), and Managed Fund Shares (as described in Nasdaq Rule 5735). While the Fund may invest in inverse ETFs, the Fund will not invest in leveraged or inverse leveraged (*e.g.,* 2X or −3X) ETFs.

[17] The liquidity of a security, especially in the case of asset-backed and mortgage-backed securities, will be a substantial factor in the Fund's security selection process. Consistent with the discussion below under ''Investment Restrictions,'' the Fund will not purchase any Floating Rate Debt Instruments (including asset-backed securities and mortgage-backed securities) that, in the Adviser's opinion, are illiquid if, as a result, more than 15% of the value of the Fund's net assets will be invested in illiquid assets.

[18] For the avoidance of doubt, if a security is rated by multiple NRSROs and receives different ratings, the Fund will treat the security as being rated in the highest rating category received from an NRSRO.

[19] Comparable quality of unrated securities will be determined by the Adviser based on fundamental credit analysis of the unrated security and comparable NRSRO-rated securities. On a best efforts basis, the Adviser will attempt to make a rating determination based on publicly available data. In making a ''comparable quality'' determination, the Adviser may consider, for example, whether the issuer of the security has issued other rated securities, the nature and provisions of the relevant security, whether the obligations under the relevant security are guaranteed by another entity and the rating of such guarantor (if any), relevant cash flows, macroeconomic analysis, and/or sector or industry analysis.

[20] For the avoidance of doubt, there is no limitation on the Fund's investments in agency mortgage-backed securities.

Other Investments

Under normal market conditions, the Fund will invest primarily in the Floating Rate Debt Instruments described above to meet its investment objective. In addition, the Fund may invest up to 20% of its net assets in the following types of fixed-rate debt securities: corporate[21] and government bonds and notes; agency securities;[22] instruments of non-U.S. issuers in developed markets; privately-issued securities;[23] asset-backed securities;[24] mortgage-backed securities;[25] municipal bonds; money market securities;[26] and investment companies[27] (including investment companies advised by the Adviser) that invest primarily in the foregoing types of debt securities.

Further, to pursue its investment objective, the Fund may invest up to 20% of the value of its net assets in exchange-listed options on U.S. Treasury securities, exchange-listed options on U.S. Treasury futures contracts and exchange-listed U.S. Treasury futures contracts.[28] The use of these derivative transactions may allow the Fund to obtain net long or short exposures to selected interest rates. These derivatives may also be used to hedge risks, including interest rate risks and credit risks, associated with the Fund's portfolio investments. The Fund's investments in derivative instruments will be consistent with the Fund's investment objective and the 1940 Act and will not be used to seek to achieve a multiple or inverse multiple of an index.

Investment Restrictions

The Fund will not invest 25% or more of the value of its total assets in securities of issuers in any one industry. This restriction does not apply to (a) obligations issued or guaranteed by the U.S. government, its agencies or instrumentalities or (b) securities of other investment companies.[29]

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser.[30] The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.[31]

The Fund will not invest in non-U.S. equity securities.

Creation and Redemption of Shares

The Fund will issue and redeem Shares on a continuous basis at net asset value (''NAV'')[32] only in large blocks of Shares (''Creation Units'') in transactions with authorized participants, generally including broker-dealers and large institutional investors (''Authorized Participants''). Creation Units generally will consist of 50,000 Shares, although this may change from time to time. Creation Units, however, are not expected to consist of less than 50,000 Shares. As described in the Registration Statement and consistent with the Exemptive Relief, the Fund will issue and redeem Creation Units in exchange for an in-kind portfolio of instruments and/or cash in lieu of such instruments (the ''Creation Basket''). In addition, if there is a difference between the NAV attributable to a Creation Unit and the market value of the Creation Basket exchanged for the Creation Unit, the party conveying instruments with the lower value will pay to the other an amount in cash equal to the difference (referred to as the ''Cash Component'').

Creations and redemptions must be made by or through an Authorized Participant that has executed an agreement that has been agreed to by the Distributor and BNY with respect to creations and redemptions of Creation Units. All standard orders to create Creation Units must be received by the transfer agent no later than the closing time of the regular trading session on the New York Stock Exchange (ordinarily 4:00 p.m., Eastern Time) (the ''Closing Time'') in each case on the date such order is placed in order for the creation of Creation Units to be effected based on the NAV of Shares as next determined on such date after receipt of the order in proper form. Shares may be redeemed only in Creation Units at their NAV next determined after receipt not later than the Closing Time of a redemption request in proper form by the Fund through the transfer agent and only on a business day.

The Fund's custodian, through the National Securities Clearing Corporation, will make available on each business day, prior to the opening of business of the Exchange, the list of the names and quantities of the instruments comprising the Creation Basket, as well as the estimated Cash Component (if any), for that day. The published Creation Basket will apply until a new Creation Basket is announced on the following business day prior to commencement of trading in the Shares.

[21] *See* footnote 10 above.

[22] *See* footnote 11 above.

[23] *See* footnote 12 above.

[24] *See* footnote 13 above.

[25] *See* footnote 14 above.

[26] ''Money market securities'' for these purposes generally includes: short-term high-quality obligations issued or guaranteed by the U.S. Treasury or the agencies or instrumentalities of the U.S. government; short-term high-quality securities issued or guaranteed by non-U.S. governments, agencies and instrumentalities; repurchase agreements; commercial paper (both asset-backed and non-asset-backed); and deposits and other obligations of U.S. and non-U.S. banks and financial institutions.

[27] *See* footnote 16 above.

[28] At least 90% of the Fund's net assets that are invested in exchange-traded derivative instruments will be invested in instruments that trade in markets that are members of the Intermarket Surveillance Group (''ISG'') (*see* footnote 40 below) or are parties to a comprehensive surveillance sharing agreement with the Exchange.

[29] *See* Form N–1A, Item 9. The Commission has taken the position that a fund is concentrated if it invests more than 25% of the value of its total assets in any one industry. *See, e.g.,* Investment Company Act Release No. 9011 (October 30, 1975), 40 FR 54241 (November 21, 1975).

[30] In reaching liquidity decisions, the Adviser may consider the following factors: the frequency of trades and quotes for the security; the number of dealers wishing to purchase or sell the security and the number of other potential purchasers; dealer undertakings to make a market in the security; and the nature of the security and the nature of the marketplace in which it trades *(e.g.,* the time needed to dispose of the security, the method of soliciting offers and the mechanics of transfer).

[31] The Commission has stated that long-standing Commission guidelines have required open-end funds to hold no more than 15% of their net assets in illiquid securities and other illiquid assets. *See* Investment Company Act Release No. 28193 (March 11, 2008), 73 FR 14618 (March 18, 2008), footnote 34. *See also* Investment Company Act Release No. 5847 (October 21, 1969), 35 FR 19989 (December 31, 1970) (Statement Regarding ''Restricted Securities''); Investment Company Act Release No. 18612 (March 12, 1992), 57 FR 9828 (March 20, 1992) (Revisions of Guidelines to Form N–1A). A fund's portfolio security is illiquid if it cannot be disposed of in the ordinary course of business within seven days at approximately the value ascribed to it by the fund. *See* Investment Company Act Release No. 14983 (March 12, 1986), 51 FR 9773 (March 21, 1986) (adopting amendments to Rule 2a-7 under the 1940 Act); Investment Company Act Release No. 17452 (April 23, 1990), 55 FR 17933 (April 30, 1990) (adopting Rule 144A under the Securities Act of 1933).

[32] The NAV of the Fund's Shares generally will be calculated once daily Monday through Friday as of the close of regular trading on the New York Stock Exchange, generally 4:00 p.m., Eastern Time (the ''NAV Calculation Time''). NAV per Share will be calculated by dividing the Fund's net assets by the number of Fund Shares outstanding. For more information regarding the valuation of Fund investments in calculating the Fund's NAV, *see* the Registration Statement.

Net Asset Value

The Fund's NAV will be determined as of the close of trading (normally 4:00 p.m., Eastern Time) on each day the New York Stock Exchange is open for business. NAV will be calculated for the Fund by taking the market price of the Fund's total assets, including interest or dividends accrued but not yet collected, less all liabilities, and dividing such amount by the total number of Shares outstanding. The result, rounded to the nearest cent, will be the NAV per Share. All valuations will be subject to review by the Board of Trustees of the Trust (''Trust Board'') or its delegate.

The Fund's investments will be valued daily at market value or, in the absence of market value with respect to any investment, at fair value, in each case in accordance with valuation procedures (which may be revised from time to time) adopted by the Trust Board (the ''Valuation Procedures'') and in accordance with the 1940 Act. A market valuation generally means a valuation (i) obtained from an exchange, an independent pricing service (''Pricing Service''), or a major market maker (or dealer) or (ii) based on a price quotation or other equivalent indication of value supplied by an exchange, a Pricing Service, or a major market maker (or dealer). The information summarized below is based on the Valuation Procedures as currently in effect; however, as noted above, the Valuation Procedures are amended from time to time and, therefore, such information is subject to change.

Certain securities, including Floating Rate Debt Instruments, in which the Fund may invest will not be listed on any securities exchange or board of trade. Such securities will typically be bought and sold by institutional investors in individually negotiated private transactions that function in many respects like an over-the-counter secondary market, although typically no formal market makers will exist. Certain securities, particularly debt securities, will have few or no trades, or trade infrequently, and information regarding a specific security may not be widely available or may be incomplete. Accordingly, determinations of the fair value of debt securities may be based on infrequent and dated information. Because there is less reliable, objective data available, elements of judgment may play a greater role in valuation of debt securities than for other types of securities. Typically, Floating Rate Debt Instruments and other debt securities in which the Fund may invest (other than those described below) will be valued using information provided by a Pricing Service. Debt securities having a remaining maturity of 60 days or less when purchased will be valued at cost adjusted for amortization of premiums and accretion of discounts, provided the Adviser's pricing committee (the ''Pricing Committee'') has determined that the use of amortized cost is an appropriate reflection of fair value given market and issuer-specific conditions existing at the time of the determination. Overnight repurchase agreements will be valued at cost and term repurchase agreements (*i.e.,* those whose maturity exceeds seven days) will be valued at the average of the bid quotations obtained daily from at least two recognized dealers.

Asset-backed and mortgage-backed securities will generally be valued by using a Pricing Service. If a Pricing Service does not cover a particular asset-backed or mortgage-backed security, or discontinues covering a particular asset-backed or mortgage-backed security, the security will be priced using broker quotes generally provided by brokers that make or participate in markets in the security. To derive values, Pricing Services and broker-dealers may use matrix pricing and valuation models, as well as recent market transactions for the same or similar assets. As it deems appropriate, the Pricing Committee may determine that a Pricing Service price does not represent an accurate value of an asset-backed or mortgage-backed security, based on broker quotes it receives, a recent trade in the security by the Fund, information from a portfolio manager, or other market information. In the event that the Pricing Committee determines that the Pricing Service price is unreliable or inaccurate based on such other information, broker quotes may be used. Additionally, if the Pricing Committee determines that the price of an asset-backed or mortgage-backed security obtained from a Pricing Service and available broker quotes is unreliable or inaccurate due to market conditions or other reasons, or if a Pricing Service price or broker quote is unavailable, the security will be valued using fair value pricing, as described below.

Equity securities listed on any exchange other than the Exchange will be valued at the last sale price on the exchange on which they are principally traded on the business day as of which such value is being determined. Equity securities listed on the Exchange will be valued at the official closing price on the business day as of which such value is being determined. If there has been no sale on such day, or no official closing price in the case of securities traded on the Exchange, the securities will be valued using fair value pricing, as described below. Equity securities traded on more than one securities exchange will be valued at the last sale price or official closing price, as applicable, on the business day as of which such value is being determined at the close of the exchange representing the principal market for such securities.

Exchange-traded options and futures contracts will be valued at the closing price in the market where such contracts are principally traded.

Certain securities, including Floating Rate Debt Instruments, in which the Fund will invest will not be able to be priced by pre-established pricing methods. Such securities may be valued by the Trust Board or its delegate at fair value. The use of fair value pricing by the Fund will be governed by the Valuation Procedures and conducted in accordance with the provisions of the 1940 Act. Valuing the Fund's securities using fair value pricing will result in using prices for those securities that may differ from current market valuations or official closing prices on the applicable exchange.

Availability of Information

The Fund's Web site (*www.ftportfolios.com*), which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for the Fund that may be downloaded. The Web site will include the Shares' ticker, CUSIP and exchange information along with additional quantitative information updated on a daily basis, including, for the Fund: (1) Daily trading volume, the prior business day's reported NAV and closing price, mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[33] and a calculation of the premium and discount of the Bid/Ask Price against the NAV; and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. On each business day, before commencement of trading in Shares in the Regular Market Session [34] on the Exchange, the Fund

[33] The Bid/Ask Price of the Fund will be determined using the mid-point of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Fund and its service providers.

[34] *See* Nasdaq Rule 4120(b)(4) (describing the three trading sessions on the Exchange: (1) Pre-Market Session from 4 a.m. to 9:30 a.m., Eastern Time; (2) Regular Market Session from 9:30 a.m. to 4 p.m. or 4:15 p.m., Eastern Time; and (3) Post-

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will disclose on its Web site the identities and quantities of the portfolio of securities, and other assets (the ''Disclosed Portfolio'' as defined in Nasdaq Rule 5735(c)(2)) held by the Fund that will form the basis for the Fund's calculation of NAV at the end of the business day.[35] The Fund's disclosure of derivative positions in the Disclosed Portfolio will include information that market participants can use to value these positions intraday. On a daily basis, the Fund will disclose on the Fund's Web site the following information regarding each portfolio holding, as applicable to the type of holding: Ticker symbol, CUSIP number or other identifier, if any; a description of the holding (including the type of holding), the identity of the security or other asset or instrument underlying the holding, if any; for options, the option strike price; quantity held (as measured by, for example, par value, notional value or number of shares, contracts or units); maturity date, if any; coupon rate, if any; effective date, if any; market value of the holding; and percentage weighting of the holding in the Fund's portfolio. The Web site information will be publicly available at no charge.

In addition, for the Fund, an estimated value, defined in Rule 5735(c)(3) as the ''Intraday Indicative Value,'' that reflects an estimated intraday value of the Fund's Disclosed Portfolio, will be disseminated. Moreover, the Intraday Indicative Value, available on the NASDAQ OMX Information LLC proprietary index data service,[36] will be based upon the current value for the components of the Disclosed Portfolio and will be updated and widely disseminated by one or more major market data vendors and broadly displayed at least every 15 seconds during the Regular Market Session. The Intraday Indicative Value will be based on quotes and closing prices from the securities' local market and may not reflect events that occur subsequent to the local market's close. Premiums and discounts between the Intraday Indicative Value and the market price may occur. This should not be viewed as a ''real time'' update of the NAV per Share of the Fund, which is calculated only once a day.

The dissemination of the Intraday Indicative Value, together with the Disclosed Portfolio, will allow investors to determine the value of the underlying portfolio of the Fund on a daily basis and will provide a close estimate of that value throughout the trading day.

Investors will also be able to obtain the Fund's Statement of Additional Information (''SAI''), the Fund's annual and semi-annual reports (together, ''Shareholder Reports''), and its Form N–CSR and Form N–SAR, filed twice a year. The Fund's SAI and Shareholder Reports will be available free upon request from the Fund, and those documents and the Form N–CSR and Form N–SAR may be viewed on-screen or downloaded from the Commission's Web site at *www.sec.gov.* Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. Quotation and last sale information for the Shares will be available via Nasdaq proprietary quote and trade services, as well as in accordance with the Unlisted Trading Privileges and the Consolidated Tape Association (''CTA'') plans for the Shares. Quotation and last sale information for the other ETFs in which the Fund will invest will be available via the quote and trade services of their respective primary exchanges, as well as in accordance with the Unlisted Trading Privileges and the CTA plans, as applicable. Quotation and last sale information for exchange-traded options will be available via the Options Price Reporting Authority. Intraday executable price quotations on Floating Rate Debt Instruments and other assets not traded on an exchange will be available from major broker-dealer firms or market data vendors, as well as from automated quotation systems, published or other public sources, or online information services. Additionally, the Trade Reporting and Compliance Engine (''TRACE'') of the Financial Industry Regulatory Authority (''FINRA'') will be a source of price information for corporate bonds, privately-issued securities, mortgage-backed securities and asset-backed securities to the extent transactions in such securities are reported to TRACE.[37] For exchange-traded assets, intraday pricing information will be available directly from the applicable listing exchange.

Additional information regarding the Fund and the Shares, including investment strategies, risks, creation and redemption procedures, fees, Fund holdings disclosure policies, distributions and taxes will be included in the Registration Statement.

Initial and Continued Listing

The Shares will be subject to Rule 5735, which sets forth the initial and continued listing criteria applicable to Managed Fund Shares. The Exchange represents that, for initial and/or continued listing, the Fund must be in compliance with Rule 10A–3 [38] under the Act. A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund. Nasdaq will halt trading in the Shares under the conditions specified in Nasdaq Rules 4120 and 4121, including the trading pauses under Nasdaq Rules 4120(a)(11) and (12). Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and/or the other assets constituting the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares also will be subject to Rule 5735(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted.

Trading Rules

Nasdaq deems the Shares to be equity securities, thus rendering trading in the Shares subject to Nasdaq's existing rules

Market Session from 4 p.m. or 4:15 p.m. to 8 p.m., Eastern Time).

[35] Under accounting procedures to be followed by the Fund, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Accordingly, the Fund will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

[36] Currently, the NASDAQ OMX Global Index Data Service (''GIDS'') is the NASDAQ OMX global index data feed service, offering real-time updates, daily summary messages, and access to widely followed indexes and Intraday Indicative Values for ETFs. GIDS provides investment professionals with the daily information needed to track or trade NASDAQ OMX indexes, listed ETFs, or third-party partner indexes and ETFs.

[37] Broker-dealers that are FINRA member firms have an obligation to report transactions in specified debt securities to TRACE to the extent required under applicable FINRA rules. Generally, such debt securities will have at issuance a maturity that exceeds one calendar year.

[38] *See* 17 CFR 240.10A–3.

governing the trading of equity securities. Nasdaq will allow trading in the Shares from 4:00 a.m. until 8:00 p.m., Eastern Time. The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in Nasdaq Rule 5735(b)(3), the minimum price variation for quoting and entry of orders in Managed Fund Shares traded on the Exchange is $0.01.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by both Nasdaq and also FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[39] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and the exchange-traded securities and instruments held by the Fund with other markets and other entities that are members of ISG,[40] and FINRA may obtain trading information regarding trading in the Shares and the exchange-traded securities and instruments held by the Fund from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and the exchange-traded securities and instruments held by the Fund from markets and other entities that are members of ISG, which includes securities and futures exchanges, or with which the Exchange has in place a comprehensive surveillance sharing agreement. Moreover, FINRA, on behalf of the Exchange, will be able to access, as needed, trade information for certain Floating Rate Debt Instruments and other debt securities held by the Fund reported to FINRA's TRACE.

All of the Fund's net assets that are invested in exchange-traded equity securities will be invested in securities that trade in markets that are members of ISG or are parties to a comprehensive surveillance sharing agreement with the Exchange. At least 90% of the Fund's net assets that are invested in exchange-traded derivative instruments will be invested in instruments that trade in markets that are members of ISG or are parties to a comprehensive surveillance sharing agreement with the Exchange.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

Information Circular

Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (2) Nasdaq Rule 2111A, which imposes suitability obligations on Nasdaq members with respect to recommending transactions in the Shares to customers; (3) how information regarding the Intraday Indicative Value is disseminated; (4) the risks involved in trading the Shares during the Pre-Market and Post-Market Sessions when an updated Intraday Indicative Value will not be calculated or publicly disseminated; (5) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information. The Information Circular will also discuss any exemptive, no-action and interpretive relief granted by the Commission from any rules under the Act.

Additionally, the Information Circular will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Information Circular will also disclose the trading hours of the Shares of the Fund and the applicable NAV Calculation Time for the Shares. The Information Circular will disclose that information about the Shares of the Fund will be publicly available on the Fund's Web site.

2. Statutory Basis

Nasdaq believes that the proposal is consistent with Section 6(b) of the Act in general and Section 6(b)(5) of the Act in particular in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in Nasdaq Rule 5735. The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by both Nasdaq and also FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.

The Adviser is not a broker-dealer, although it is affiliated with the Distributor, a broker-dealer, and is required to implement a ''fire wall'' with respect to such broker-dealer affiliate regarding access to information concerning the composition and/or changes to the Fund's portfolio. In addition, paragraph (g) of Nasdaq Rule 5735 further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the open-end fund's portfolio.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and the exchange-traded securities and instruments held by the Fund with other markets and other entities that are members of ISG, and FINRA may obtain trading information regarding trading in the Shares and the exchange-traded securities and instruments held by the Fund from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and the exchange-traded securities and instruments held by the Fund from markets and other entities that are members of ISG, which includes securities and futures exchanges, or with which the Exchange has in place a comprehensive surveillance sharing agreement. Moreover, FINRA, on behalf of the Exchange, will be able to access, as needed, trade information for certain

[39] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[40] For a list of the current members of ISG, *see www.isgportal.org.* The Exchange notes that not all components of the Disclosed Portfolio may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

Floating Rate Debt Instruments and other debt securities held by the Fund reported to FINRA's TRACE.

All of the Fund's net assets that are invested in exchange-traded equity securities will be invested in securities that trade in markets that are members of ISG or are parties to a comprehensive surveillance sharing agreement with the Exchange. At least 90% of the Fund's net assets that are invested in exchange-traded derivative instruments will be invested in instruments that trade in markets that are members of ISG or are parties to a comprehensive surveillance sharing agreement with the Exchange.

The investment objective of the Fund will be to seek current income. To achieve its objective, the Fund will invest, under normal market conditions, at least 80% of its net assets in a portfolio of Floating Rate Debt Instruments. In addition, the Fund may invest up to 20% of its net assets in certain fixed-rate debt securities. The Fund may invest up to 20% of the value of its net assets in exchange-listed options on U.S. Treasury securities, exchange-listed options on U.S. Treasury futures contracts and exchange-listed U.S. Treasury futures contracts. The Fund's investments in derivative instruments will be consistent with the Fund's investment objective and the 1940 Act and will not be used to seek to achieve a multiple or inverse multiple of an index. At least 65% of the Fund's net assets will be invested in Floating Rate Debt Instruments that are, at the time of purchase, investment grade. The Fund will limit its investments in asset-backed securities (excluding agency mortgage-backed securities) and non-agency mortgage-backed securities (in the aggregate) to 20% of its net assets. In addition, the Fund will limit its investments in junior loans to 20% of its net assets. The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Adviser. The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information will be publicly available regarding the Fund and the Shares, thereby promoting market transparency. Moreover, the Intraday Indicative Value, available on the NASDAQ OMX Information LLC proprietary index data service, will be widely disseminated by one or more major market data vendors and broadly displayed at least every 15 seconds during the Regular Market Session. On each business day, before commencement of trading in Shares in the Regular Market Session on the Exchange, the Fund will disclose on its Web site the Disclosed Portfolio that will form the basis for the Fund's calculation of NAV at the end of the business day. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information for the Shares will be available via Nasdaq proprietary quote and trade services, as well as in accordance with the Unlisted Trading Privileges and the CTA plans for the Shares. Quotation and last sale information for the other ETFs in which the Fund will invest will be available via the quote and trade services of their respective primary exchanges, as well as in accordance with the Unlisted Trading Privileges and the CTA plans, as applicable. Quotation and last sale information for exchange-traded options will be available via the Options Price Reporting Authority. Intraday executable price quotations on Floating Rate Debt Instruments and other assets not traded on an exchange will be available from major broker-dealer firms or market data vendors, as well as from automated quotation systems, published or other public sources, or online information services. Additionally, FINRA's TRACE will be a source of price information for corporate bonds, privately-issued securities, mortgage-backed securities and asset-backed securities to the extent transactions in such securities are reported to TRACE. For exchange-traded assets, intraday pricing information will be available directly from the applicable listing exchange.

The Fund's Web site will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. Trading in Shares of the Fund will be halted under the conditions specified in Nasdaq Rules 4120 and 4121 or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to Nasdaq Rule 5735(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

The Fund's investments will be valued daily at market value or, in the absence of market value with respect to any investment, at fair value, in each case in accordance with the Valuation Procedures and the 1940 Act.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of actively-managed exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and the exchange-traded securities and instruments held by the Fund with other markets and other entities that are members of ISG, and FINRA may obtain trading information regarding trading in the Shares and the exchange-traded securities and instruments held by the Fund from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and in the exchange-traded securities and instruments held by the Fund from markets and other entities that are members of ISG, which includes securities and futures exchanges, or with which the Exchange has in place a comprehensive surveillance sharing agreement. Furthermore, as noted above, investors will have ready access to information regarding the Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

For the above reasons, Nasdaq believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change will facilitate the listing and trading of an additional type of actively-managed exchange-traded fund that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (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–NASDAQ–2015–011 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2015–011. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2015–011, and should be submitted on or before March 24, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[41]

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–04334 Filed 3–2–15; 8:45 am]

BILLING CODE 8011–01–P

[41] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of Agent155 Media Corp., QSound Labs, Inc., STEN Corp., and Wind Energy America, Inc.; Order of Suspension of Trading

February 27, 2015.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Agent155 Media Corp. because it has not filed any periodic reports since the period ended September 30, 2011.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of QSound Labs, Inc. because it has not filed any periodic reports since the period ended December 31, 2007.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of STEN Corp. because it has not filed any periodic reports since the period ended September 28, 2008.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Wind Energy America, Inc. because it has not filed any periodic reports since the period ended June 30, 2010.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EST on February 27, 2015, through 11:59 p.m. EDT on March 12, 2015.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–04450 Filed 2–27–15; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Order of Suspension of Trading; In the Matter of China Pharmaceuticals, Inc., China Printing & Packaging, Inc., Silvan Industries, Inc., and Ziyang Ceramics Corp.

February 27, 2015.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of China Pharmaceuticals, Inc. because it has not filed any periodic reports since the period ended June 30, 2012.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of China Printing & Packaging, Inc. because it has not filed any periodic reports since the period ended June 30, 2012.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Silvan Industries, Inc. because it has not filed any periodic reports since the period ended December 31, 2011.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Ziyang Ceramics Corp. because it has not filed

any periodic reports since the period ended June 30, 2012.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EST on February 27, 2015, through 11:59 p.m. EDT on March 12, 2015.

By the Commission.

Jill M. Peterson,

Assistant Secretary.

[FR Doc. 2015–04449 Filed 2–27–15; 4:15 pm]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14233 and #14234]

California Disaster #CA–00231

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of California dated 02/23/2015.

Incident: Mission District Fire.

Incident Period: 01/27/2015.

DATES: *Effective Date:* 02/23/2015.

Physical Loan Application Deadline Date: 04/24/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 11/23/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: San Francisco.

Contiguous Counties: California:

Alameda; Marin; San Mateo.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	3.625
Homeowners Without Credit Available Elsewhere	1.813
Businesses With Credit Available Elsewhere	6.000
Businesses Without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere	2.625
Non-Profit Organizations Without Credit Available Elsewhere	2.625
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	2.625

The number assigned to this disaster for physical damage is 14233 5 and for economic injury is 14234 0.

The States which received an EIDL Declaration # are California.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: February 23, 2015.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2015–04309 Filed 3–2–15; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA 2015–0071–N–3]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and its implementing regulations, the Federal Railroad Administration (FRA) hereby announces that it is seeking renewal of the following currently approved information collection activities. Before submitting these information collection requirements for clearance by the Office of Management and Budget (OMB), FRA is soliciting public comment on specific aspects of the activities identified below.

DATES: Comments must be received no later than May 4, 2015.

ADDRESSES: Submit written comments on any or all of the following proposed activities by mail to Ms. Kimberly Toone, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590. Commenters requesting FRA to acknowledge receipt of their respective comments must include a self-addressed stamped postcard stating, ''Comments on OMB control number 2130–0548.'' Alternatively, comments may be transmitted via facsimile to (202) 493–6170, or via email to Ms. Toone at *kim.toone@dot.gov.* Please refer to the assigned OMB control number in any correspondence submitted. FRA will summarize comments received in response to this notice in a subsequent notice and include them in its information collection submission to OMB for approval.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Toone, Office of Information Technology, RAD–20, Federal Railroad Administration, 1200 New Jersey Ave. SE., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6132). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 CFR part 1320, require Federal agencies to provide 60-days notice to the public for comment on information collection activities before seeking approval for reinstatement or renewal by OMB. 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1), 1320.10(e)(1), 1320.12(a). Specifically, FRA invites interested respondents to comment on the following summary of proposed information collection activities regarding (i) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the activities will have practical utility; (ii) the accuracy of FRA's estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (iii) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (iv) ways for FRA to minimize the burden of information collection activities on the public by automated, electronic, mechanical, or other technological collection techniques or other forms of information technology (*e.g.,* permitting electronic submission of responses). See 44 U.S.C. 3506(c)(2)(A)(I)–(iv); 5 CFR 1320.8(d)(1)(I)–(iv). FRA believes that soliciting public comment will promote its efforts to reduce the administrative

and paperwork burdens associated with the collection of information mandated by Federal regulations. In summary, FRA reasons that comments received will advance three objectives: (i) Reduce reporting burdens; (ii) ensure that it organizes information collection requirements in a ''user friendly'' format to improve the use of such information; and (iii) accurately assess the resources expended to retrieve and produce information requested. See 44 U.S.C. 3501.

Below is a brief summary of the information collection activities that FRA will submit for clearance by OMB as required under the PRA:

Title: Railroad Rehabilitation and Improvement Financing Program (RRIF).

OMB Control Number: 2130–0548.

Abstract: Title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (Act), 45 U.S.C. 821 *et seq.,* authorized FRA to provide railroads financial assistance through the purchase of preference shares, and the issuance of loan guarantees. Section 7203 of the Transportation Equity Act for the 21st Century of 1998, Public Law 105–178 (1998) (TEA 21), and subsequent amendments in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Public Law 109–59 (2005) SAFETEA–LU and the Rail Safety Improvement Act of 2008 (RSIA), Division A of Public Law 110–432 have since replaced the previous Title V financing program. On July 6, 2000, FRA published a final rule (FR) with procedures and requirements to cover applications of financial assistance in the form of direct loans and loan guarantees consistent with the changes made to Title V of the Act by section 7203 of TEA 21. On September 29, 2010, FRA published a Notice Regarding Consideration and Processing of Applications for Financial Assistance Under the RRIF Program. The collection of information is used by FRA staff to determine the legal and financial eligibility of applicants for direct loans regarding eligible projects. Eligible projects include: (1) Acquisition, improvement or rehabilitation of intermodal or rail equipment or facilities (including tracks, components of tracks, bridges, yards, buildings, and shops); (2) Refinancing outstanding debt incurred for these purposes; or (3) Development or establishment of new intermodal or railroad facilities. The aggregate unpaid principal amounts of obligations cannot exceed $35.0 billion at any one time, and not less than $7.0 billion is to be available solely for projects benefitting freight railroads other than Class I carriers. The Secretary of Transportation has delegated his authority under the RRIF Program to the FRA Administrator in 1 CFR 1.49. On September 29, 2010, FRA published a Notice Regarding Consideration and Processing of Applications for Financial Assistance Under the RRIF Program. As explained in the notice, FRA's RRIF Buy America policy furthers two of the RRIF program's eight priorities described in 45 U.S.C. 822(c): (3) Promote economic development, and (4) Enable U.S. companies to be more competitive in international markets.

Form Number(s): FRA Forms 217, 219 and 229.

Affected Public: State and local governments, government sponsored authorities and corporations, railroads, and joint ventures that include at least one railroad.

REPORTING BURDEN—APPLICATIONS

CFR section	Respondent universe	Total annual responses	Average time per response (hours)	Total annual burden hours
260.23—Form and Content of Application	75,635 potential applicants.	18 applications	20	360
260.25—Additional Information Loan Guarantees	640 potential	15 financial documents	50	750
260.31—Execution and Filing Application	75,635 potential	18 executed applications	.6	10.8
Certificates with Original Application	75,635 potential	18 certificates	.6	10.8
Transmittal Letters	75,635 potential	18 letters	.6	10.8
Application Packages	75,635 potential	18 packages	1.5	27
260.33—Information Statements	75,635 potential	18 statements	*30	9
260.35—Environmental Impact Statements	75,635 potential	1 impact statement	15,552	15,552
Environmental Assessment	75,635 potential	2 assessments	4,992	9,984
Categorical Exclusions	75,635 potential	15 exclusions	176	2,640
Environmental Consultations	75,635 potential	5 consultations	1	5
260.41—Inspection and Reporting—Financial Records and Other.	75,635 potential	18 financial records	10	180

*In minutes.

REPORTING BURDEN—BUY AMERICA ACT REQUIREMENTS

Item No.	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
1.1—Certification of Compliance or Non-Compliance with Buy America Requirements for Steel, Iron, or Manufactured Products being produced by Borrower.	18 Borrowers	2,376 compliance certifications.	3 hours	7,128
1.2—Certification of Compliance with Buy America for Rolling Stock.	18 Borrowers	1 certification	62 hours	62
2.1—Waivers—Requests/Applications for Waivers, including FRA Form 229.	18 Borrowers	12 waiver requests	198 hours	2,349
2.2—Public Comment on Waiver Requests	6 Rail Car Manufacturers/3 Associations/Public.	18 comments	4 hours	72

REPORTING BURDEN—BUY AMERICA ACT REQUIREMENTS—Continued

Item No.	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
2.3—Consultations with Organizations/Associations Knowledgeable about Sources of Domestic Goods.	3 Associations/6 Rail Car Manufacturers.	12 consultations	1 hour	12
3.1—Financial Assistance Agreements with FRA.	18 Borrowers	18 agreements	60 minutes	18
3.2—Borrower Request for Proposal (RFP) with Buy America Notice.	18 Borrowers	18 RFPs	75 minutes	23
3.3—Bidder/Offeror Written Explanation concerning Incomplete/Incorrect Certification.	11 Bidders/Offerors	3 written Explanations	6 hours	18
3.4—Borrower/Borrower's Designee Request for Additional Information from Bidder/Offeror.	18 Borrowers 11 Bidders/Offerors.	1 request + 1 document.	2 hours + 6 hours	8
3.5—Borrower Determination to Accept/Reject Bidder's/Offeror's Written Explanation + Notification to FRA of Borrower's Final Determination.	18 Borrowers	3 determination/3 notifications.	2 hours + 6 minutes	6.25
3.6—Additional Information from Bidder/Offeror/Borrower after FRA Request.	11 Bidders/Offerors	1 document	2 hours	2
4.1—Petition to FRA to Investigate Compliance of Successful Bidder/Offeror with Bidder's/Offeror's Certification by Interested Party.	Interested Parties	1 requests/petitions	12 hours	12
4.2—Borrower Investigations (including FRA initiated investigations).	18 Borrowers	3 investigations	333 hours	999
4.3—Bidder/Offeror Documentation of Compliance Submitted to Borrower after FRA Determination to Conduct Investigation and Letter from Borrower.	11 Bidders/Offerors	2 letters + 2 documents	1 hour + 8 hours	18
4.4—Borrower direct reply to FRA after request to conduct investigation of bidder/offeror.	18 Borrowers	2 replies	1 hour	2
4.5—Bidder/Offeror Notice to Borrower that it will respond directly to FRA.	11 Bidders/Offerors	2 notices	60 minutes	2
4.6—Direct Consultation by FRA with Bidder/Offeror.	11 Bidders/Offerors	1 consultations	1 hour	1
4.7—Additional Documents to FRA from Borrower/Investigated Party.	18 Borrowers/1 Investigated Parties.	1 document	4 hours	4
4.8—Transmission of Borrower/Bidder/Offeror Reply to Petitioner.	18 Borrowers	2 replies	30 minutes	1
4.9—Petitioner Comment to FRA on Reply	1 Petitioners	1 comment	8 hours	8
4.10—Petitioner Comment Copy to Borrower/Investigated Bidder/Offeror.	11 Bidders/Offerors	12 comment copies	15 minutes	3
4.11—Borrower/Investigated Bidder/Offeror respond to Petitioner Comment.	11 Bidders/Offerors	1 comment responses	8 hours	8
4.12—Written request to FRA for information bearing on substance of investigation which has been submitted by petitioner, interested parties, or borrowers.	Interested Parties	1 request	4 hours	4
4.13—Detailed Statement to FRA Regarding Confidentiality of Previously Submitted Information to Agency.	18 Borrowers/11 Bidders/Offerors.	1 detailed Statement	8 hours	8
4.14—Borrower Determination to make award before resolution of investigation one of this sections specified reasons.	18 Borrowers	1 determination	40 hours	40
4.15—Notification to FRA by Borrower to make award during pendency of investigation.	18 Borrowers	1 notification	1 hour	1
4.16—Request to FRA for Reconsideration of Initial Decision by Party Involved in Investigations.	Interested Parties	1 request	80 hours	80
5.1—Pre-Award Audit	18 Borrowers	1 audit	33 hours	33
5.2—List by Bidder/Offeror Detailing Facility Assembly Activities.	11 Bidders/Offerors	1 list	8 hours	8
5.3—Formal Final Contract between Borrower and Bidder/Offeror.	18 Borrowers	1 formal contract	16 hours	16
5.4—Post Award Audit	18 Borrowers	1 audit	256 hours	256
5.5—Written Agreement by Bidder/Offeror/Successful Contractor to allow Borrower, its Designee, or FRA to Complete All Audits, Inspections, and Provide All Requested Information.	11 Bidders/Offerors/Successful Contractors.	1 agreement	4 hours	4
5.6—Rolling Stock Domestic Content Improvement Plans.	11 Bidders/Offerors	1 plan	120 hours	120

REPORTING BURDEN—BUY AMERICA ACT REQUIREMENTS—Continued

Item No.	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
Totals	n/a	12,090	n/a	11,326

Total Estimated Annual Burden: 40,865 hours.

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 1320.5(b) and 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, DC, on February 25, 2015.

Rebecca Pennington,

Chief Financial Officer.

[FR Doc. 2015–04351 Filed 3–2–15; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2014–0078; Notice 2]

AGC Flat Glass North America, Inc., Grant of Petition For Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Grant of petition.

SUMMARY: AGC Flat Glass North America, Inc., dba AGC Automotive Americas Co. (AGC) has determined that certain glazing that it manufactured as replacement equipment for model year 2003–2008 Toyota Matrix vehicles, do not fully comply with paragraph S5.1 of Federal Motor Vehicle Safety Standard (FMVSS) No. 205, *Glazing Materials.* AGC has filed an appropriate report dated May 23, 2013, 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) 366–5298, facsimile (202) 366–5930.

SUPPLEMENTARY INFORMATION:

I. AGC's Petition: Pursuant to 49 U.S.C. 30118(d) and 30120(h) and the rule implementing those provisions at 49 CFR part 556, AGC 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 AGC's petition was published, with a 30-Day public comment period, on August 14, 2014 in the **Federal Register** (79 FR 47722). One comment was received from Toyota Motor Engineering & Manufacturing North America, Inc. (Toyota). To view the petition, comment and 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–2014–0078.''

II. Replacement Equipment Involved: Affected are approximately 1,435 replacement back windows (backlites) for model year 2003–2008 Toyota Matrix vehicles that AGC manufactured on February 28, 2012. The subject glazing is labeled ''AGC Automotive, DOT–376 M2H5 AS2, 30B, Temperlite.''

In the associated Defect and Noncompliance Report that AGC submitted to NHTSA pursuant to 49 CFR part 573, AGC indicated that, as of May 23, 2014, approximately 941 of the affected 1,435 backlites have already been removed from the stream of commerce, leaving 494 of the backlites subject to notification and recall.

III. Noncompliance: AGC explains that the noncompliance is that the affected glazing does not fully comply with Paragraph S5.1 of FMVSS No. 205 because some portions of the glass located in the wing area of the affected backlites may not fragment into pieces that are small enough to meet the standard set forth in Section 5.7 of ANSI Z26.1–1996 (fragment must weigh less than 4.25 g).

IV. Rule Text: Paragraph S5.1 of FMVSS No. 205 incorporates by reference ANSI Z26.1–1996 and other industry standards. Specifically, Section S5.7 (Fracture Test) of ANSI Z26.1–1996 requires that no individual fragment free of cracks and obtained within 3 minutes subsequent to testing shall weigh more than 4.25 g (0.15 oz.).

V. Summary of AGC's Analyses: AGC stated its belief that the noncompliance exhibited by some glass fragments breaking into pieces that weighing more than 4.25 g does not create a risk to motor vehicle safety for the following reasons:

1. AGC testing demonstrates that the noncompliant fragments have no adverse impact on the characteristics of the glass performing as tempered glass.

2. The design of the 2003–2008 Toyota Matrix leaves it unlikely to cause any safety risks to any vehicle occupant if the ARG backlite breaks.

3. AGC's destructive testing confirmed all noncompliant fragments do not impact the safety of the vehicle or its occupants.

AGC stated that while it recognizes that its tests were static and that the actual results in a crash might be somewhat different. For example, AGC stated its belief that in a rear or partial rear collision, if the glass breaks, most of that glass will fall and remain in the general area of the breakage since the remainder of the vehicle will be propelled forward in the later phases of the crash. This makes it even less likely that any glass will enter or be propelled forward enough to reach the passenger compartment of a vehicle. ARG expects that the subject backlites will react no differently.

Refer to AGC's petition for more detailed descriptions of the data and analyses that it provided in support of its reasoning.

AGC has additionally informed NHTSA that it has corrected the noncompliance so that all future production of the subject glazing will fully comply with FMVSS No. 205.

In summation, AGC believes that the described noncompliance of the subject glazing is inconsequential to motor vehicle safety, and that its petition, to exempt AGC 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. As related to the subject noncompliance, FMVSS No. 205 incorporates ANSI Z26.1 (1996) and other industry standards by reference (S.5.1). Paragraph 4.1 of ANSI Z26.1 (1996)

specifies the grouping of tests applicable to each item of glazing. The groupings are also summarized in Table I. Fracture, Test No. 7 (par. 5.7), is part of a grouping of tests specified for item of glazing 2 (AS–2). The purpose of the fracture test is to ensure that resulting fragments are light enough to minimize risk of injury after a glazing fracture. Six production glazing items must be tested (paragraph 3.2.1(3) of ANSI Z26.1 (1996)) and upon fracture no individual piece is to weigh more than 4.25 g (paragraph 5.7.4 of ANSI Z26.1 (1996)).

In the subject petition AGC states that it was alerted to a possible noncompliance by a customer concerning replacement backlites that it manufactured for 2003–2008 Toyota Matrix vehicles. In response, AGC conducted fracture testing in accordance with paragraph 5.7 of ANSI Z26.1 (1996) and other testing. The fracture testing produced fragments weighting over the maximum allowed 4.25 g.

AGC stated its belief that the backlites ''broke like tempered safety glass and exhibited all the characteristics of safety glazing material required in ANSI Z26.1.'' The fact that there were fragments that weigh over the required 4.25 g and some fragments weighing over 10 g contradicts AGC's statement. A variation in the size of the fragmented material points to tempering that is not completely consistent with the intent of Test No. 7, ''verify that the fragments produced by fracture of safety glazing materials are such as to minimize risk of injury.'' As stated in ANSI Z26.1 this minimization of risk is afforded by fragments weighing 4.25 g or less.

AGC also explains that the failures are constrained to the winged side edges of the backlites and that 90% of the glass meets the 4.25 g requirement. In addition, AGC claims that since ''virtually all'' of the black ceramic painted portion of the winged side edges is covered by the door frame and on the exterior of the car this portion of the backlite curves out towards the sides of the vehicle, and that the chances of passengers being injured by broken glass during a crash are small.

NHTSA also reviewed Toyota's comment that it submitted to the docket in response to the publication of the notice of petition. In summary, Toyota states that it does not believe that the noncompliance poses an unreasonable risk to safety due to the small number of vehicles with the noncompliant glazing installed and because 90% of each backlite complies with the fracture test requirements.

The agency does not agree with Toyota's reasoning. The purpose of FMVSS No. 205 is to ''reduce injuries'' without regard to the number of vehicles involved. However, AGC has shown that the noncompliance is limited to the winged black ceramic area of the backlite. In the vehicle's interior this area sits on top of the frame and is not exposed to passengers, and in the outside it faces away from the vehicle. Therefore, NHTSA concludes that in this specific case, due to the location of the noncompliant winged section of the backlite in conjunction with the shape of the subject vehicle, there is a low probability that fragments would be propelled to the inside of the vehicle in the event of a glazing fracture.

NHTSA Decision: In consideration of the foregoing, NHTSA has decided that AGC has met its burden of persuasion that the subject FMVSS No. 205 noncompliance is inconsequential to motor vehicle safety. Accordingly, AGC's petition is hereby granted and AGC is exempted from the obligation of providing notification of, and a remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject noncompliant glazing that AGC 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 glazing under their control after AGC 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. 2015–04311 Filed 3–2–15; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Additional Designations, Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of five individuals and 14 entities whose property and interests in property have been blocked pursuant to the Foreign Narcotics Kingpin Designation Act (Kingpin Act) (21 U.S.C. 1901–1908, 8 U.S.C. 1182).

DATES: The designation by the Director of OFAC of the five individuals and 14 entities identified in this notice pursuant to section 805(b) of the Kingpin Act is effective on February 24, 2015.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Office of Foreign Assets Control, U.S. Department of the Treasury, Washington, DC 20220, Tel: (202) 622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available on OFAC's Web site at *http://www.treasury.gov/ofac* or via facsimile through a 24-hour fax-on-demand service at (202) 622–0077.

Background

The Kingpin Act became law on December 3, 1999. The Kingpin Act establishes a program targeting the activities of significant foreign narcotics traffickers and their organizations on a worldwide basis. It provides a statutory framework for the imposition of sanctions against significant foreign narcotics traffickers and their organizations on a worldwide basis, with the objective of denying their businesses and agents access to the U.S. financial system and the benefits of trade and transactions involving U.S. companies and individuals.

The Kingpin Act blocks all property and interests in property, subject to U.S. jurisdiction, owned or controlled by significant foreign narcotics traffickers as identified by the President. In addition, the Secretary of the Treasury, in consultation with the Attorney General, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement

Administration, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security may designate and block the property and interests in property, subject to U.S. jurisdiction, of persons who are found to be: (1) Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; or (3) playing a significant role in international narcotics trafficking.

On February 24, 2015, the Director of OFAC designated the following five individuals and 14 entities whose property and interests in property are blocked pursuant to section 805(b) of the Kingpin Act.

Individuals

1. DONKO, Dejan, Na Brezno 42, Brezovica pri Ljubljani 1351, Slovenia; DOB 01 Aug 1974; POB Murska Sobota, Slovenia; nationality Slovenia; Passport P00095070 (Slovenia); Registration ID 0108974500707 (Slovenia) (individual) [SDNTK] (Linked To: PANACEA INTERNATIONAL LTD.).
2. KARNER, Matevz (a.k.a. KOVAC, Matevz), Malci Beliceve 107, Ljubljana, Slovenia; DOB 19 Jul 1978; POB Ljubljana, Slovenia; nationality Slovenia; Passport P01104005 (Slovenia); Registration ID 1907978500063 (Slovenia) (individual) [SDNTK] (Linked To: BAMEX LIMITED; Linked To: PALEA D.O.O.; Linked To: KARNER D.O.O. LJUBLJANA; Linked To: PABAS HOLDING CORP.).
3. KARNER, Alenka (a.k.a. HRIBAK, Alenka; a.k.a. HRIBAR, Alenka), IV–044 Rozna Dolina Cesta, Ljubljana, Slovenia; DOB 04 Sep 1978; POB Ljubljana, Slovenia; citizen Slovenia; Registration ID 0409978505053 (Slovenia) (individual) [SDNTK].
4. SLIVNIK, Uros, Malci Beliceve 36, Ljubljana, Slovenia; DOB 05 May 1979; Passport P01095514 (Slovenia) (individual) [SDNTK] (Linked To: VELINVESTMENT D.O.O.; Linked To: SAGAX INVESTMENT GROUP LTD.).
5. STJEPANOVIC, Savo; DOB 11 Apr 1976; POB Ljubljana, Slovenia; nationality Slovenia; Passport P00787190 (Slovenia); Registration ID 1104976500095 (Slovenia) (individual) [SDNTK] (Linked To: SIS D.O.O.; Linked To: NORTHSTAR TRADING CORPORATION).

Entities

6. AMMERSHAM COMMERCIAL VENTURES LIMITED, Victoria, Seychelles; PostFach 432, Klagenfurt, Austria; Certificate of Incorporation Number 006939 (Seychelles) [SDNTK].
7. BAMEX LIMITED, PostFach 52, Klagenfurt 9023, Austria; Company Number 94593 (Gibraltar) [SDNTK].
8. KALLIOPE LIMITED, Suite 2, Portland House, Glacis Road, Gibraltar; Company Number 89681 (Gibraltar) [SDNTK].
9. KARNER D.O.O. LJUBLJANA, 177 V Murglah, Ljubljana 1000, Slovenia; Registration ID 5621208 (Slovenia); Tax ID No. 16437748 (Slovenia) [SDNTK].
10. MERIDEIS D.O.O. (f.k.a. NIPL D.O.O.), 27 Vilharjeva Cesta, Ljubljana 1000, Slovenia; Registration ID 71071784 (Slovenia) [SDNTK].
11. NORTH GROUP HOLDING CORP.; RUC # 1932244–1–728269 (Panama) [SDNTK].
12. NORTHSTAR TRADING CORPORATION (a.k.a. SYNERGY CONSULTANTS LIMITED), Victoria, Seychelles; Certificate of Incorporation Number 006971 (Seychelles) [SDNTK].
13. PABAS HOLDING CORP.; RUC # 1428011–1–633523 (Panama) [SDNTK].
14. PALEA D.O.O. (a.k.a. PALEA LTD.), 57 B Tbilisijska Ulica, Ljubljana 1000, Slovenia; Registration ID 2227843 (Slovenia); Tax ID No. SI29769221 (Slovenia) [SDNTK].
15. PANACEA INTERNATIONAL LTD., Copthall, P.O. Box 2331, Roseau, Dominica [SDNTK].
16. PANYA AG, Liechtenstein; Registration ID FL00023080583 (Liechtenstein) [SDNTK].
17. SAGAX INVESTMENT GROUP LTD., Suite 102, Blake Building, Corner Eyre & Hutson Street, Belize City 78583, Belize [SDNTK].
18. SIS D.O.O., 19 Spruha, Trzin 1236, Slovenia; Registration ID 5919070 (Slovenia); Tax ID No. SI91729181 (Slovenia) [SDNTK].
19. VELINVESTMENT D.O.O., Vilharjeva Cesta 27, Ljubljana 1000, Slovenia; Registration ID 2333970 (Slovenia); Tax ID No. SI26557576 (Slovenia) [SDNTK].

In addition, OFAC has made additions to the identifying information for the following individual previously designated pursuant to the Kingpin Act:

20. KARNER, Mihael (a.k.a. TOPOLOVEC, Jozef), Locnikarijeva ulica 7, 1000, Ljubljana, Slovenia; Rozna Dolina, Cesta IV 44, Ljubljana, Slovenia; V Murglah 177, Ljubljana, Slovenia; DOB 13 Mar 1975; POB Ljubljana, Slovenia; nationality Slovenia; Passport PZ2420022110 (Slovenia); alt. Passport PB06005902 (Slovenia); Personal ID Card 00246412491303975500493 (Slovenia) expires 17 Dec 2018; alt. Personal ID Card 002464124 (Slovenia) expires 17 Dec 2018 (individual) [SDNTK] (Linked To: MERIDEIS D.O.O.; Linked To: PANYA AG; Linked To: VELINVESTMENT D.O.O.; Linked To: SAGAX INVESTMENT GROUP LTD.; Linked To: KALLIOPE LIMITED; Linked To: KARNER D.O.O. LJUBLJANA; Linked To: NORTHSTAR TRADING CORPORATION; Linked To: AMMERSHAM COMMERCIAL VENTURES LIMITED; Linked To: NORTH GROUP HOLDING CORP.).

Dated: February 24, 2015.

John E. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2015–04401 Filed 3–2–15; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Additional Designations, Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one individual and one entity whose property and interests in property have been blocked pursuant to the Foreign Narcotics Kingpin Designation Act (Kingpin Act) (21 U.S.C. 1901–1908, 8 U.S.C. 1182).

DATES: The designation by the Acting Director of OFAC of the individual and entity identified in this notice pursuant to section 805(b) of the Kingpin Act is effective on February 17, 2015.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Office of Foreign Assets Control, U.S. Department of the Treasury, Washington, DC 20220. Tel: (202) 622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available on OFAC's Web site at *http://www.treasury.gov/ofac* or via facsimile through a 24-hour fax-on-demand service at (202) 622–0077.

Background

The Kingpin Act became law on December 3, 1999. The Kingpin Act establishes a program targeting the activities of significant foreign narcotics traffickers and their organizations on a worldwide basis. It provides a statutory framework for the imposition of sanctions against significant foreign narcotics traffickers and their organizations on a worldwide basis, with the objective of denying their businesses and agents access to the U.S. financial system and the benefits of trade and transactions involving U.S. companies and individuals.

The Kingpin Act blocks all property and interests in property, subject to U.S. jurisdiction, owned or controlled by significant foreign narcotics traffickers

as identified by the President. In addition, the Secretary of the Treasury, in consultation with the Attorney General, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security may designate and block the property and interests in property, subject to U.S. jurisdiction, of persons who are found to be: (1) Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; or (3) playing a significant role in international narcotics trafficking.

On February 17, 2015, the Acting Director of OFAC designated the following individual and entity whose property and interests in property are blocked pursuant to section 805(b) of the Kingpin Act.

Individual

GASTELUM SERRANO, Francisco Javier; DOB 02 Dec 1964; POB Culiacan, Sinaloa, Mexico; citizen Mexico; C.U.R.P. GASF641202HSLSRR09 (Mexico) (individual) [SDNTK].

Entity

ANDAMIOS DALMINE DE MEXICO, S.A., J.J. Rousseau #14, Colonia Anzures, Distrito Federal C.P. 11590, Mexico; Calzada Aeropuerto #7258, Colonia Bachigualato, Culiacan, Sinaloa, Mexico; Tuberosa #215, Colonia San Carlos, Guadalajara, Jalisco, Mexico; Avenida Guerrero #3298 Norte, Colonia Del Norte, Monterrey, Nuevo Leon, Mexico; Avenida 20 de Noviembre #12621, Colonia 20 de Noviembre, Tijuana, Baja California Norte, Mexico; Bugambilia #6313, Colonia Bugambilias, Puebla, Puebla, Mexico; Boulevard Luis Donaldo, Colosio Kilometer 10 Lote 44, Colonia Alfredo V. Bonfil, Cancun, Quintana Roo, Mexico; Calle 20 de Noviembre #8, Colonia Tezontepec, Cuernavaca, Morelos, Mexico; Avenida La Paz #3308, Colonia Santa Rosa, Los Cabos, Baja California Sur, Mexico; Carretera Internacional al Norte Kilometer 15, Bodega 309, El Venadillo, Mazatlan, Sinaloa, Mexico; Poniente 134 #769, Colonia Industrial Vallejo, Distrito Federal, Mexico; Constituyentes de 1975, #4770, Colonia Puesta del Sol, La Paz, Baja California Sur, Mexico; Roberto Barrios #2, Colonia Casa Blanca, Queretaro, Queretaro, Mexico; Cardenal #106, Colonia Los Sauces, Puerto Vallarta, Jalisco, Mexico; RFC ADM821230NBO (Mexico) [SDNTK].

Dated: February 17, 2015.

John E. Smith,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2015–04403 Filed 3–2–15; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; System of Records

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of Amendment to System of Records.

SUMMARY: As required by the Privacy Act of 1974, 5 U.S.C. 552a(e), notice is hereby given that the Department of Veterans Affairs (VA) is amending the system of records currently entitled ''Consolidated Data Information System-VA'' (97VA105) as set forth in the **Federal Register** 76 FR 25409. VA is amending the system by revising the System Number and Appendix 5.

DATES: Comments on the amendment of this system of records must be received no later than April 2, 2015. If no public comment is received, the amended system will become effective April 2, 2015.

ADDRESSES: Written comments may be submitted through *www.Regulations.gov;* by mail or hand-delivery to Director, Regulations Management (02Reg), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1068, Washington, DC 20420; or by fax to (202) 273–9026. Comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 (this is not a toll-free number) for an appointment. In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.Regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Stephania Griffin, Veterans Health Administration (VHA) Privacy Officer, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (704) 245–2492.

SUPPLEMENTARY INFORMATION: The system number is changed from 97VA105 to 97VA10P1 to reflect the current organizational alignment.

VA Appendix 5 is being amended to change VA Information Resource Center (VIReC), Hines VA Medical Center, 5th Ave. & Roosevelt Ave., Hines, IL 60141 to VA/CMS Data for Research Project VA Information Resource Center (151V), Hines VA Hospital (578), 5000 South 5th Avenue Building 18, Hines, IL 60141–3030. Also, the address of the Office of the Assistant Deputy Under Secretary for Health (ADUSH) for Policy and Planning, 811 Vermont Avenue NW., Washington, DC 20420 is being changed to 810 Vermont Avenue NW.

The Report of Intent to Amend a System of Records Notice and an advance copy of the system notice have been sent to the appropriate Congressional committees and to the Director of the Office of Management and Budget (OMB) as required by the Privacy Act, 5 U.S.C. 552a(r), and guidelines issued by OMB, 65 FR 77677 (Dec. 12, 2000).

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jose D. Riojas, Chief of Staff, approved this document on February 10, 2015, for publication.

Dated: February 25, 2015.

Jeffrey M. Martin,

Program Manager, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.

97VA10P1

SYSTEM NAME:

Consolidated Data Information System-VA

* * * * *

VA APPENDIX 5

1. VA Medicare and Medicaid Analysis Center, field unit of the Office of the Assistant Deputy Under Secretary for Health (ADUSH) for Policy and Planning, 100 Grandview Rd., Suite 114, Braintree, MA 02184.

2. VA/CMS Data for Research Project VA Information Resource Center (151V) Hines VA Hospital (578) 5000 South 5th Avenue Building 18 Hines, IL 60141–3030.

3. Office of the Assistant Deputy Under Secretary for Health (ADUSH) for Policy and Planning, 810 Vermont Avenue NW., Washington, DC 20420.

4. Austin Information Technology Center, 1615 Woodward Street, Austin, TX 78772.

5. VA facilities.

[FR Doc. 2015–04313 Filed 3–2–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; System of Records

AGENCY: Department of Veterans Affairs.

ACTION: Notice of amendment to system of records—Department of Veterans Affairs Federal Docket Management System Commenter Information (VAFDMS—Commenter Info)—(140VA02REG).

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of Veterans Affairs (VA) is amending the system of records currently titled, ''Department of Veterans Affairs Federal Docket Management System (VAFDMS)—(140VA00REG)'' as set forth in the **Federal Register** on February 9, 2007 and amended on March 25, 2008. VA is amending the system name, expanding the authority listed for maintenance of the system, clarifying storage location, and updating the address for notification and record access procedures. VA is republishing the system notice in its entirety.

DATES: This amended system of record will be effective March 3, 2015.

FOR FURTHER INFORMATION CONTACT: William F. Russo, Privacy Officer, or Janet Coleman, Chief, Office of Regulation Policy and Management (02REG), Office of the General Counsel, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–4902.

SUPPLEMENTARY INFORMATION: A Notice of Establishment of New System of Records was published in the **Federal Register** on February 9, 2007 (72 FR 6315), and amended on March 25, 2008 (73 FR 15856).

I. Description of the System of Records

The Department of Veterans Affairs Federal Docket Management System (VAFDMS) serves as a central, electronic repository for VA rulemaking and non-rulemaking dockets including **Federal Register** rules, notices, supporting materials such as scientific and economic analyses, and public comments. The portion of VAFDMS information that comes under the Privacy Act is personal identifying information (name and contact address/email address). This information permits VA to identify individuals who have submitted comments in response to VA rulemaking documents or notices so that communications or other actions, as appropriate and necessary, can be effected, such as clarification of the comment, direct response to a comment, and other activities associated with the rulemaking or notice process. Identification is possible only if the individual voluntarily provides identifying information when submitting a comment. If such information is not furnished, the submitted comments and/or supporting documentation cannot be linked to an individual.

VAFDMS permits members of the public to search posted public comments received by name of the individual submitting the comment on the regulations.gov Web site. All the contents of posted comments are searchable. Unless the individual submits the comment anonymously, a name search will result in the comment being displayed for view. If the comment is submitted electronically using VAFDMS, the viewed comment will not include the name of the submitter or any other identifying information about the individual except the information that the submitter has opted to include as part of his or her general comment. If a comment is submitted by an individual on his or her own behalf, in writing, that has been scanned and uploaded into VAFDMS, unless the individual submits the comment anonymously, the submitter's name will be on the comment, but other personally identifying information will be redacted before it is scanned and posted. Comments submitted on behalf of organizations in writing that have to be scanned and uploaded into VAFDMS, may not be redacted.

II. Proposed Update to Authority for Maintenance of the System

VA is adding to the authority listed for the system so as to better guide individuals if they are researching the authority.

III. Proposed Amendments to System Name

VA is renaming the system of records to reflect the categories of individuals on whom information is maintained, and to update the originating office name that changed from 00REG to 02REG. Thus ''Department of Veterans Affairs Federal Docket Management System (VAFDMS)—(140VA00REG)'' is renamed as, ''Department of Veterans Affairs Federal Docket Management System Commenter Information (VAFDMS—Commenter Info)—(140VA02REG)''.

IV. Proposed Amendment to Storage

VA is providing greater detail as to where records are stored.

V. Proposed Update to the Address for Notification and Record Access Procedures

VA is updating the mailbox address for the office for notification and record access procedures from 00REG to 02REG.

VI. Proposed Update To Record Source Categories

VA is correcting the Record Source Categories to correctly list both individuals and public or private organizations. Formerly only ''individuals'' was listed.

Under 5 U.S.C. 552a(r) (Privacy Act), as amended, and guidelines issued by OMB published at 65 FR 77677 on December 12, 2000, these proposed minor changes do not need to be reported to Congressional Committees or the Director of the Office of Management and Budget before implementation.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jose D. Riojas, Chief of Staff, approved this document on February 12, 2015 for publication.

Dated: February 25, 2015.

Jeffrey M. Martin,

Program Manager, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.

140VA02REG

SYSTEM NAME:

Department of Veterans Affairs Federal Docket Management System Commenter Information (VAFDMS—Commenter Info)

SYSTEM LOCATION:

Primary location: Electronic records are kept at the U.S. Environmental Protection Agency, Research Triangle Park, NC 27711–0001. Secondary location: Paper records are kept at Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who voluntarily provide personal contact information when submitting a public comment and/or supporting materials in response to a Department of Veterans Affairs rulemaking document or notice.

CATEGORIES OF RECORDS IN THE SYSTEM:

Full name, postal address, email address, phone and fax numbers of the individual submitting comments, the name of the individual or organization that the individual represents, and the comments, as well as other supporting documentation, furnished by the individual. Comments may include personal information about the commenter.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3501, Note; Sec. 206(d), Pub. L. 107–347; 5 U.S.C. 301, 552, 552a, and 553.

PURPOSE:

To permit the Department of Veterans Affairs (VA) to identify individuals, who have submitted comments in response to VA rulemaking documents or notices, so that communications or other actions, as appropriate and necessary, can be effected, such as to seek clarification of the comment, to directly respond to a comment, and for other activities associated with the rulemaking or notice process.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PUROSES OF SUCH USES:

1. The record of an individual who is covered by a system of records may be disclosed to a Member of Congress, or a staff person acting for the Member, when the Member or staff person requests the record on behalf of and at the written request of the individual.

2. Disclosure may be made to the National Archives and Records Administration in records management inspections conducted under authority of Title 44 U.S.C.

3. VA may disclose information from this system of records to the Department of Justice (DoJ), either on VA's initiative or in response to DoJ's request for the information, after either VA or DoJ determines that such information is relevant to DoJ's representation of the United States or any of its components in legal proceedings before a court or adjudicative body, provided that, in each case, the agency also determines prior to disclosure that release of the records to the DoJ is a use of the information contained in the records that is compatible with the purpose for which VA collected the records. VA, on its own initiative, may disclose records in this system of records in legal proceedings before a court or administrative body after determining that the disclosure of the records to the court or administrative body is a use of the information contained in the records that is compatible with the purpose for which VA collected the records.

4. Disclosure of relevant information may be made to individuals, organizations, private or public agencies, or other entities with whom VA has a contract or agreement or where there is a subcontract to perform such services as VA may deem practicable for the purposes of laws administered by VA, in order for the contractor or subcontractor to perform the services of the contract or agreement.

5. VA may disclose on its own initiative any information in the system, except the names and home addresses of veterans and their dependents, that is relevant to a suspected or reasonably imminent violation of the law whether civil, criminal, or regulatory in nature and whether arising by general or program statute or by regulation, rule, or order issued pursuant thereto, to a Federal, state, local, tribal, or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule, or order. VA may also disclose on its own initiative the names and addresses of veterans and their dependents to a Federal agency charged with the responsibility of investigating or prosecuting civil, criminal, or regulatory violations of law, or charged with enforcing or implementing the statute, regulation, or order issued pursuant thereto.

6. Disclosure to other Federal agencies may be made to assist such agencies in preventing and detecting possible fraud or abuse by individuals in their operations and programs.

7. VA may, on its own initiative, disclose any information or records to appropriate agencies, entities, and persons when (1) VA suspects or has confirmed that the integrity or confidentiality of information in the system of records has been compromised; (2) VA has determined that as a result of the suspected or confirmed compromise, there is a risk of embarrassment or harm to the reputations of the record subjects, harm to economic or property interests, identity theft or fraud, or harm to the security, confidentiality, or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the potentially compromised information, and (3) the disclosure is to agencies, entities, or persons whom VA determines are reasonably necessary to assist or carry out the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm. This routine use permits disclosures by the Department to respond to a suspected or confirmed data breach, including the conduct of any risk analysis or provision of credit protection services as provided in 38 U.S.C. 5724, as the terms are defined in 38 U.S.C. 5727.

8. VA may disclose information contained in this System of Records, as necessary, to comply with the requirements of the Administrative Procedure Act (APA) that comments are available for public review if submitted in response to VA's solicitation of public comments as part of the Agency's notice and rulemaking activities under the APA. However, VA will not release individually-identifiable personal information, such as an individual's address or home telephone number, under this routine-use, except where VA determines that publication without redaction was intended by the submitter.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

(a) *STORAGE:*

Records are maintained on electronic storage media and paper. See System Location.

(b) *RETRIEVABILITY:*

Records are retrieved by various data elements and key word searches, among which are by: Name, Agency, Docket Type, Docket Sub-Type, Agency Docket ID, Docket Title, Docket Category, Document Type, CFR Part, Date Comment Received, and **Federal Register** Published Date.

(c) *SAFEGUARDS:*

Electronic records are maintained in a secure, password protected, electronic system that utilizes security hardware and software to include: multiple firewalls, active intruder detection, and role-based access controls. Paper records are maintained in a controlled facility, where physical entry is restricted by the use of locks, guards, and/or administrative procedures. Access to records is limited to those officials who require the records to perform their official duties consistent with the purpose for which the information was collected. All personnel whose official duties require access to the information are trained in the proper safeguarding and use of the information.

(d) *RETENTION AND DISPOSAL:*

Records will be maintained and disposed of, in accordance with records disposition authority, approved by the Archivist of the United States.

SYSTEM MANAGER(S) AND ADDRESSES:

William F. Russo, Privacy Officer, Office of Regulation Policy and

Management (02REG), Department of Veterans Affairs, 810 Vermont Ave. NW., Washington, DC 20420; telephone (202) 461–4902.

NOTIFICATION PROCEDURES:

Individuals seeking to determine whether this System of Records contains information about them should address written inquiries to the Office of Regulation Policy and Management (02REG), Department of Veterans Affairs, 810 Vermont Ave. NW., Washington, DC 20420. Requests should contain the full name, address and telephone number of the individual making the inquiry.

RECORD ACCESS PROCEDURE:

Individuals seeking to access or contest the contents of records, about themselves, contained in this System of Records should address a written request, including full name, address and telephone number to the Office of Regulation Policy and Management (02REG), Department of Veterans Affairs, 810 Vermont Ave. NW., Washington, DC 20420.

CONTESTING RECORD PROCEDURE:

(See Record Access Procedure above.)

RECORD SOURCE CATEGORIES:

Individuals; public or private organizations.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

There are no exemptions being claimed for this system.

[FR Doc. 2015–04314 Filed 3–2–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; System of Records

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of amendment to system of records.

SUMMARY: As required by the Privacy Act of 1974, 5 U.S.C. 552a(e), notice is hereby given that the Department of Veteran Affairs (VA) is amending the system of records currently entitled ''Health Administration Center Civilian Health and Medical Program Records-VA'' (54VA16) as set forth in the **Federal Register** 74 FR 34398. VA is amending the system of records by revising the System Name, System Number, System Location, Categories of Individuals Covered by the System, Categories of Records in the System, Authority for Maintenance of the System, Purpose, Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses; Retrievability, Safeguards, Retention and Disposal, System Manager(s) and Address, Record Access Procedure, and Notification Procedure. VA is republishing the system notice in its entirety.

ADDRESSES: Written comments concerning the proposed new system of records may be submitted through *www.regulations.gov;* by mail or hand-delivery to Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1068, Washington, DC 20420; or by fax to (202) 273–9026. All comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. (This is not a toll free number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Veterans Health Administration (VHA) Privacy Officer, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420; telephone (704) 245–2492.

SUPPLEMENTARY INFORMATION: VA is renaming the system of records from Health Administration Center Civilian Health and Medical Program Records-VA to Veterans and Beneficiaries Purchased Care Community Health Care Claims, Correspondence, Eligibility, Inquiry and Payment Files-VA.

The system number is changed from 54VA16 to 54VA10NB3 to reflect the current organizational alignment.

The System Location, Safeguards, Notification Procedure, and Record Access Procedure have been amended to reflect a name change from the Health Administration Center to the VA Chief Business Office Purchased Care.

Categories of Individuals Covered by the System has been amended to include family members and caregivers of Veterans who are authorized and receive community non-VA medical care health care benefits and/or stipends, and to reflect that records are maintained on all health care providers who provide care under the programs administered by CBOPC. 38 U.S.C. 1720G, 1787, 1812, 1821 and Public Law 111–163 section 101 are being added to section 1 and 4. A new section 5 has been added to include caregivers of Veterans providing personal care services and in receipt of a stipend under 38 U.S.C. 1720G and Public Law 111–163 section 101.

The Category of Records in the System is amended to reflect that information regarding family members and caregivers will be included, including information regarding eligibility or entitlement to other federal medical programs; and those who have applied for benefits in these programs, claims (billing) for medical care and services; information related to claims processing; documents pertaining to stipend calculation and payment; and documents pertaining to appeals.

The Authority for Maintenance of the System is amended to include 1720G, 1787, 1812, 1821, and Public Law 111–163 section 101.

The Purpose is being amended to include processing claims for medical care and services, and processing stipends.

Routine use 1 is being amended to add interactive voice recognition and portal. Routine use 28 is added to allow the disclosure of any relevant information to the Centers for Medicare and Medicaid, the Social Security Administration, Veterans Benefit Administration, or any other federal or state agency.

The Retrievability section is being amended to include caregivers. The Retention and Disposal section is amended to reflect the Record Control Schedule (RCS) 10–1 item XXXVIII Civilian Health and Medical care (CHMC) Records, NARA job number N1–015–3–1Item 1–8b, (Master file) item 3, destroy 6 years after all individuals in the record become ineligible for program benefits.

The System Manager and Address and Record Access Procedure are being amended to change the official maintaining the System from the Director, Health Administration Center to the Deputy Chief Business Officer Purchased Care.

The Privacy Act permits VA to disclose information about individuals without their consent for a routine use when the information will be used for a purpose that is compatible with the purpose for which VA collected the information. In all of the routine use disclosures described above, the recipient of the information will use the information in connection with a matter relating to one of VA's programs, or to provide a benefit to VA, or disclosure is required by law.

The Report of Intent to Amend a System of Records Notice and an advance copy of the system notice have been sent to the appropriate Congressional committees and to the

Director of the Office of Management and Budget (OMB) as required by 5 U.S.C. 552a(r) (Privacy Act) and guidelines issued by OMB (65 FR 77677), December 12, 2000.

Signing Authority: The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jose D. Riojas, Chief of Staff, approved this document on February 10, 2015, for publication.

Dated: February 25, 2015.

Jeffrey M. Martin,

Program Manager, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.

54VA10NB3

SYSTEM NAME:

''Veterans and Beneficiaries Purchased Care Community Health Care Claims, Correspondence, Eligibility, Inquiry and Payment Files—VA''

SYSTEM LOCATION:

Records are maintained at the Chief Business Office Purchased Care (CBOPC), 3773 Cherry Creek North Drive, Denver, Colorado 80209.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Categories of individuals covered by the system include the following:

1. Family members of Veterans who seek health care under 38 U.S.C. 1720G, 1781, 1787, 1802, 1803, 1812, 1813, 1821, Public Law 103–446, section 107 and Public Law 111–163 section 101.

2. Veterans seeking health care services in a foreign country under 38 U.S.C. 1724.

3. Veterans receiving community fee-for-service benefits at VA expense under Title 38 U.S.C. 1703, 1725 and 1728.

4. Health care providers treating individuals who receive care under 38 U.S.C. 1703, 1720G, 1724, 1725, 1728, 1781, 1787, 1803, 1812, 1813, 1821, Public Law 103–446 section 107 and Public Law 111–163 section 101.

5. Caregivers of Veterans providing personal care services and in receipt of a stipend under 38 U.S.C. 1720G and Public Law 111–163 section 101.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records maintained in the system include program applications, eligibility information concerning the Veteran, family members, caregivers: Other health insurance information to include information regarding eligibility or entitlement to other federal medical programs: Correspondence concerning individuals who have applied for benefits in these programs; claims (billing) for medical care and services; documents pertaining to claims for medical services; information related to claims processing; documents pertaining to stipend calculation and payment; documents pertaining to appeals; and third party liability information and recovery actions taken by VA and/or TRICARE. The record may include the name, address and other identifying information concerning health care providers, services provided, amounts claimed and paid for health care services, amounts calculated and paid for stipends, medical records, and treatment and payment dates.

Additional information may include Veterans, who have applied for benefits in these programs; claims (billing) for medical care and services; documents pertaining to claims for medical services; information related to claims processing; documents pertaining to stipend calculation and payment; documents pertaining to appeals; and third party liability information and recovery actions. family member, and caregiver identifying information (*e.g.,* name, address, social security number, VA claim file number, date of birth), and military service information concerning the Veteran and spouse or other family member (when applicable—*e.g.,* dates, branch and character of service, medical information).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, United States Code, sections 501(a), 501(b), 1703, 1720G, 1724, 1725, 1728, 1781, 1787, 1802, 1803, 1812, 1813, 1821, Public Law 103–446 section 107 and Public Law 111–163 section 101.

PURPOSE(S):

Records may be used for purposes of establishing and monitoring eligibility to receive VA benefits, processing claims for medical care and services, and processing stipends.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the extent that records contained in the system include information protected by 45 CFR parts 160 and 164, *i.e.,* individually identifiable health information, and 38 U.S.C. 7332, *i.e.,* medical treatment information related to drug abuse, alcoholism or alcohol abuse, sickle cell anemia or infection with the human immunodeficiency virus, that information cannot be disclosed under a routine use unless there is also specific statutory authority in 38 U.S.C. 7332 and regulatory authority in 45 CFR parts 160 and 164 permitting disclosure.

1. Eligibility and claim information from this system of records may be disclosed verbally or in writing. For example, disclosure may be made via correspondence, call service center, interactive voice recognition, portal or interactive Web page, in response to an inquiry made by the claimant, claimant's guardian, claimant's next of kin, health care provider, trading partner, other federal agency or contractor. Purposes of these disclosures are to assist the provider or claimant in obtaining reimbursement for claimed medical services, to facilitate billing processes, to verify beneficiary eligibility and to provide payment information regarding claimed services. Eligibility or entitlement information disclosed may include the name, authorization number (social security number), effective dates of eligibility, reasons for any period of ineligibility, and other health insurance information of the named individual. Claim or stipend information disclosed may include payment information such as payment identification number, date of payment, date of service, amount billed, amount paid, name of payee, or reasons for non-payment.

2. Statistical and other data to Federal, State, and local government agencies and national health organizations to assist in the development of programs that will be beneficial to health care recipients, to protect their rights under the law, and to ensure that they are receiving all health benefits to which they are entitled.

3. VA may disclose on its own initiative any information in this system, except the names and home addresses of Veterans and their family members or caregivers which is relevant to a suspected or reasonably imminent violation of law, whether civil, criminal or regulatory in nature, and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, to a Federal, State, local, Tribal, or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule or order. On its own initiative, VA may also disclose the names and addresses of Veterans, their family members or caregivers to a Federal agency charged with the responsibility of investigating or prosecuting civil, criminal or regulatory violations of law, or charged with enforcing or implementing the statute,

regulation, rule or order issued pursuant thereto.

4. A record from this system of records may be disclosed to a Federal agency upon its request for use in the issuance of a security clearance, the investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting Agency's decision on the matter.

5. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

6. Disclosure may be made to National Archives and Records Administration and to General Services Administration in records management inspections conducted under authority of 44 U.S.C.

7. Any relevant information in this system of records may be disclosed to attorneys, insurance companies, employers, and to courts, boards, or commissions; such disclosures may be made only to the extent necessary to aid the VA in preparation, presentation, and prosecution of claims authorized under Federal, State, or local laws, and regulations promulgated thereunder.

8. Any information in this system of records may be disclosed to the United States Department of Justice or United States Attorneys in order to prosecute or defend litigation involving or pertaining to the United States, or in which the United States has an interest.

9. Any information in this system of records may be disclosed to a Federal agency or party to an administrative proceeding being conducted by a Federal agency, in order for VA to respond to and comply with the issuance of an order by that Federal agency requiring production of the information.

10. Any information in this system of records may be disclosed to a State or municipal grand jury, a State or municipal court or a party in litigation, or to a State or municipal administrative agency functioning in a quasi-judicial capacity or a party to a proceeding being conducted by such agency, provided that any disclosure of claimant information made under this routine use must comply with the provisions of 38 CFR 1.511.

11. Any information concerning the claimant's indebtedness to the United States by virtue of a person's participation in a benefits program administered by VA, including personal information obtained from other Federal agencies through computer matching programs, may be disclosed to any third party, except consumer reporting agencies, in connection with any proceeding for the collection of any amount owed to the United States. Purposes of these disclosures may be to assist VA in collection of costs of services provided individuals not entitled to such services and to initiate legal actions for prosecuting individuals who willfully or fraudulently obtain Title 38 benefits without entitlement. This disclosure is consistent with 38 U.S.C. 5701(b)(6).

12. Any relevant information from this system of records may be disclosed to TRICARE, the Department of Defense (DoD) and the Defense Eligibility Enrollment Reporting System (DEERS) to the extent necessary to determine eligibility for the Civilian Health and Medical Program of the Department of Veterans Affairs (CHAMPVA) or TRICARE benefits, to develop and process CHAMPVA or TRICARE claims, and to develop cost-recovery actions for claims involving individuals not eligible for the services or claims involving potential third party liability.

13. The name and address of a Veteran, family member or caregiver, and other information as is reasonably necessary to identify such individual, may be disclosed to a consumer reporting agency for the purpose of locating the individual or obtaining a consumer report to determine the ability of the individual to repay an indebtedness to the United States by virtue of the individual's participation in a benefits program administered by VA, provided that the requirements of 38 U.S.C. 5701(g)(2) have been met.

14. The name and address of a Veteran, family member or caregiver and other information as is reasonably necessary to identify such individual, including personal information obtained from other Federal agencies through computer matching programs, and any information concerning the individual's indebtedness to the United States by virtue of the individual's participation in a benefits program administered by VA, may be disclosed to a consumer reporting agency for purposes of assisting in the collection of such indebtedness, provided that the requirements of 38 U.S.C. 5701(g)(4) have been met.

15. In response to an inquiry about a named individual from a member of the general public, disclosure of information may be made from this system of records to report the amount of VA monetary benefits being received by the individual. This disclosure is consistent with 38 U.S.C. 5701(c)(1).

16. The name and address of a Veteran, family member or caregiver may be disclosed to another Federal agency or to a contractor of that agency, at the written request of the head of that agency or designee of the head of that agency, for the purpose of conducting government research necessary to accomplish a statutory purpose of that agency.

17. Any information in this system of records relevant to a claim of a Veteran, family member or caregiver such as the name, address, the basis and nature of a claim, amount of benefit payment information, medical information and military service and active duty separation information may be disclosed at the request of the claimant to accredited service organizations, VA approved claim agents and attorneys acting under a declaration of representation, so that these individuals can aid claimants in the preparation, presentation and prosecution of claims under the laws administered by VA. The name and address of a claimant will not, however, be disclosed to these individuals under this routine use if the claimant has not requested the assistance of the accredited service organization, claims agent or an attorney.

18. Any information in this system, including medical information, the basis and nature of claim, the amount of benefits and personal information may be disclosed to a VA Federal fiduciary or a guardian ad litem in relation to his or her representation of a claimant only to the extent necessary to fulfill the duties of the VA Federal fiduciary or the guardian ad litem.

19. The individual's name, address, social security number and the amount (excluding interest) of any indebtedness which is waived under 38 U.S.C. 3102, compromised under 4 CFR part 103, otherwise forgiven, or for which the applicable statute of limitations for enforcing collection has expired, may be disclosed to the Treasury Department, Internal Revenue Service, as a report of income under 26 U.S.C. 61(a)(12).

20. The name of a Veteran, family member or caregiver, or other information as is reasonably necessary to identify such individual, and any other information concerning the individual's indebtedness by virtue of a person's participation in a benefit program administered by VA, may be disclosed to the Treasury Department, Internal Revenue Service, for the collection of Title 38, U.S.C. benefit overpayments, overdue indebtedness, and/or costs of services provided to an individual not entitled to such services, by the withholding of all or a portion of the person's Federal income tax refund.

21. The name, date of birth and social security number of a Veteran, family member or caregiver, and other identifying information as is reasonably necessary may be disclosed to Social Security Administration and Centers for Medicare & Medicaid Services, Department of Health and Human Services, for the purpose of validating social security numbers and Medicare information.

22. The name and address of any health care provider in this system of records who has received payment for claimed services on behalf of a Veteran, family member or caregiver may be disclosed in response to an inquiry from a member of the general public who requests assistance in locating medical providers who accept VA payment for health care services.

23. Relevant information from this system of records may be disclosed to individuals, organizations, private or public agencies, etc., with whom VA has a contract or agreement to perform such services as VA may deem practicable for the purposes of laws administered by VA in order for the contractor or subcontractor to perform the services of the contract or agreement.

24. Relevant information from this system of records may be disclosed to an accrediting Quality Review and Peer Review Organization in connection with the review of claims or other review activities associated with CBOPC accreditation to professionally accepted claims processing standards.

25. Identifying information, including social security number, of Veterans, spouse(s) of veterans, and dependents of Veterans, family members and caregivers, may be disclosed to other Federal agencies for purposes of conducting computer matches, to obtain information to determine or verify eligibility of Veterans who are receiving VA medical care under relevant sections of Title 38, U.S.C.

26. Disclosure to other Federal agencies may be made to assist such agencies in preventing and detecting possible fraud or abuse by individuals in their operations and programs.

27. VA may, on its own initiative, disclose any information or records to appropriate agencies, entities, and persons when (1) VA suspects or has confirmed that the integrity or confidentiality of information in the system of records has been compromised; (2) the Department has determined that as a result of the suspected or confirmed compromise, there is a risk of embarrassment or harm to the reputations of the record subjects, harm to economic or property interests, identity theft or fraud, or harm to the security, confidentiality, or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the potentially compromised information; and (3) the disclosure is to agencies, entities, or persons whom VA determines are reasonably necessary to assist or carry out the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm. This routine use permits disclosures by the Department to respond to a suspected or confirmed data breach, including the conduct of any risk analysis or provision of credit protection services as provided in 38 U.S.C. 5724, as the terms are defined in 38 U.S.C. 5727.

28. Any relevant information from this system of records may be disclosed to the Centers for Medicare and Medicaid, the Social Security Administration, Veterans Benefit Administration, or any other federal or state agency.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored electronically, in paper folders, magnetic discs, and magnetic tape. Paper documents may be scanned/digitized and stored for viewing electronically.

RETRIEVABILITY:

Paper records are retrieved by name or VA claims file number or social security number of the Veteran, family member or caregiver. Computer records are retrieved by name or social security number of the Veteran family member, caregiver, or VA claims file number of the Veteran.

SAFEGUARDS:

Working spaces and record storage areas at CBOPC are secured during all business and non-business hours. All entrance doors require an electronic pass card for entry. The CBOPC Logistics Department issues electronic pass cards. CBOPC staff control visitor entry by door release and escort. The building is equipped with an intrusion alarm system monitored by CBOPC security staff during business hours and by a security service vendor during non-business hours. Electronic/Digital records are stored in an electronic controlled storage filing area. Paper records in work areas are stored in locked file cabinets or locked rooms. Access to record storage areas is restricted to VA employees on a ''need-to-know'' basis. Access to the computer room is limited by appropriate locking devices and restricted to authorized VA employees and vendor personnel. Automated Data Processing (ADP) peripheral devices are generally placed in secure areas or are otherwise protected. Authorized VA employees may access information in the computer system by a series of individually unique passwords/codes.

RETENTION AND DISPOSAL:

Record Control Schedule (RCS) 10–1 item XXXVIII Civilian Health and Medical care (CHMC) Records. NARA job number N1–015–3–1Item 1–8b. (Master file) item 3, Destroy 6 years after all individuals in the record become ineligible for program benefits.

SYSTEM MANAGER(S) AND ADDRESS:

Official responsible for policies and procedures: Chief Business Officer (10NB), Department of Veterans Affairs, Veterans Health Administration, VA Central Office, 810 Vermont Avenue NW., Washington, DC 20420. Official Maintaining the System: Deputy Chief Business Officer Purchased Care, Department of Veterans Affairs, P.O. Box 469060, Denver, CO 80246–9060.

NOTIFICATION PROCEDURE:

Any individual who wishes to determine whether a record is being maintained in this system under his or her name or other personal identifier, or wants to determine the contents of such record, should submit a written request to Chief Business Office Purchased Care, P.O. Box 469060, Denver, Colorado 80246–9060, or apply in person to the VHA Chief Business Office Purchased Care, 3773 Cherry Creek North Drive, Denver, Colorado 80209. All inquiries (Veteran and beneficiary) should include the Veteran's full name and social security and VA claims file numbers, and the spouse's family member or caregiver's name, social security number and return address.

RECORD ACCESS PROCEDURE:

An individual who seeks access to records maintained under his or her name in this system may write or visit the Deputy Chief Business Officer, VHA CBO Purchased Care.

CONTESTING RECORD PROCEDURES:

(*See* Record Access Procedures above.)

RECORD SOURCE CATEGORIES:

The Veteran sponsor, family member, caregiver, military service departments, private medical facilities and health care professionals, electronic trading partners, contractors, DoD, TRICARE,

DEERS, other Federal agencies, VA Regional Offices, Veterans Benefits Administration (VBA) automated record systems, and VA Medical Centers.

[FR Doc. 2015–04312 Filed 3–2–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; System of Records

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of amendment of system of records.

SUMMARY: As required by the Privacy Act of 1974, 5 U.S.C. 552a(e), notice is hereby given that the Department of Veterans Affairs (VA) is amending the system of records currently entitled ''Customer Relationship Management System (CRMS)–VA'' (155VA16) as set forth in the **Federal Register** 77 FR 72123. VA is amending the system by revising the System Number, System Location, Categories of Individuals Covered by the System, Categories of Records in the System, Safeguards, and System Managers and Address. VA is republishing the system of records notice in its entirety.

DATES: Comments on this amended system of records must be received no later than April 2, 2015. If no public comment is received during the period allowed for comment or unless otherwise published in the **Federal Register** by the VA, the new system of records will become effective April 2, 2015.

ADDRESSES: Written comments concerning the proposed amended system of records may be submitted by: mail or hand-delivery to Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1068, Washington, DC 20420; fax to (202) 273–9026; or email to *http://www.Regulations.gov.* All comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 (this is not a toll-free number) for an appointment.

FOR FURTHER INFORMATION CONTACT: Veterans Health Administration (VHA) Privacy Officer, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420; telephone (704) 245–2492.

SUPPLEMENTARY INFORMATION: The System Number is changed from 155VA16 to 155VA10NB to reflect the current organizational alignment.

The System Location and the System Manager and Address sections are being amended to reflect a name change from Health Revenue Center to the Health Resource Center (HRC).

The Categories of Individuals Covered by the System is being amended to include information concerning secure messaging and web chat.

The Categories of Records in the System is being amended to include health care appointment request and general administrative pharmacy inquires.

Safeguards, number one, is being amended to state that all entrance doors to the HRC Topeka, KS and Waco, TX locations require an electronic pass card to gain entry. Number four is being amended to replace the Statement of Commitment and Understanding with the Rules of Behavior.

The Report of Intent to Amend a System of Records Notice and an advance copy of the system notice have been sent to the appropriate Congressional committees and to the Director of the Office of Management and Budget (OMB) as required by 5 U.S.C. 552a(r) (Privacy Act) and guidelines issued by OMB (65 FR 77677), December 12, 2000.

Signing Authority: The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Jose D. Riojas, Chief of Staff, approved this document on February 10, 2015, for publication.

Dated: February 25, 2015.

Jeffrey M. Martin,

Program Manager, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.

155VA10NB

SYSTEM NAME:

Customer Relationship Management System (CRMS)—VA

SYSTEM LOCATION:

Records and magnetic media are maintained at the Health Resource Center (HRC), Topeka, Kansas facility or at another OI&T approved location. Magnetic media are also stored at an OI&T approved location for contingency back-up purposes.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The records include information concerning telephone, secure messaging and web chat inquiries from Veterans, Veteran's family members, members of the general public, VA customers, and VA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records may include information related to:

1. Veteran health benefits eligibility and health care appointment request;
2. Veteran medical claims processing and payments;
3. Co-payments charged for medical care and prescriptions;
4. General administrative pharmacy inquiries;
5. General human resources management; *e.g.,* employee benefits, recruitment/job applicants, etc.; and
6. Other information related to Veterans, Veteran's family members, members of the general public, VA customers, and VA employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 38, United States Code, sections 501(a), 1705, 1710, 1722, 1722(a), 1781 and Title 5, United States Code, section 552(a).

PURPOSE(S):

The records and information may be used for historical reference, quality assurance, training, and statistical reporting.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the extent that records contained in the system include information protected by 45 CFR parts 160 and 164, *i.e.,* individually identifiable health information, and 38 U.S.C. 7332, *i.e.,* medical treatment information related to drug abuse, alcoholism or alcohol abuse, sickle cell anemia or infection with the human immunodeficiency virus, that information cannot be disclosed under a routine use unless there is also specific statutory authority in 38 U.S.C. 7332 and regulatory authority in 45 CFR parts 160 and 164 permitting disclosure.

1. The record of an individual who is covered by this system of records may be disclosed to a Member of Congress, or a staff person acting for the Member, when the Member or staff person requests the record on behalf of and at the written request of the individual.

2. Disclosure may be made to National Archives and Records Administration (NARA) and the General Services Administration (GSA) in records management inspections conducted under authority of Tile, Chapter 29, of the Unites States Code (44 U.S.C.).

3. VA may disclose information in this system of records to the Department of Justice (DOJ), either on VA's initiative or in response to DOJ's request for the information, after either VA or DOJ determines that such information is relevant to DOJ's representation of the United States or any of its components in legal proceedings before a court or adjudicative body, provided that, in each case, the agency also determines prior to disclosure that release of the records to the DOJ is a use of the information contained in the records that is compatible with the purpose for which VA collected the records. VA, on its own initiative, may disclose records in this system of records in legal proceedings before a court or administrative body after determining that the disclosure of the records to the court or administrative body is a use of the information contained in the records that is compatible with the purpose for which VA collected the records.

4. Disclosure of relevant information may be made to individuals, organizations, private or public agencies, or other entities or individuals with whom VA has a contract or agreement or where there is a subcontract to perform such services as VA may deem practicable for the purposes of laws administered by VA, in order for the contractor or subcontractor to perform the services of the contract or agreement.

5. VA may disclose, on its own initiative, any information in this system, except the names and home addresses of Veterans and their dependents, that is relevant to a suspected or reasonably imminent violation of law, whether civil, criminal or regulatory in nature and whether arising by general or program statute or by regulation, rule or order issued pursuant thereto, to a Federal, State, local, tribal, or foreign agency charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, regulation, rule or order. VA may also disclose on its own initiative the names and addresses of Veterans and their dependents to a Federal agency charged with the responsibility of investigating or prosecuting civil, criminal or regulatory violations of law, or charged with enforcing or implementing the statute, regulation, or order issued pursuant thereto.

6. Disclosure to other Federal agencies may be made to assist such agencies in preventing and detecting possible fraud or abuse by individuals in their operations and programs.

7. VA may, on its own initiative, disclose any information or records to appropriate agencies, entities, and persons when (1) VA suspects or has confirmed that the integrity or confidentiality of information in the system of records has been compromised; (2) the Department has determined that as a result of the suspected or confirmed compromise, there is a risk of embarrassment or harm to the reputations of the record subjects, harm to economic or property interests, identity theft or fraud, or harm to the security, confidentiality, or integrity of this system or other systems or programs (whether maintained by the Department or another agency or entity) that rely upon the potentially compromised information; and (3) the disclosure is to agencies, entities, or persons whom VA determines are reasonably necessary to assist or carry out the Department's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm. This routine use permits disclosures by the Department to respond to a suspected or confirmed data breach, including the conduct of any risk analysis or provision of credit protection services as provided in 38 U.S.C. 5724, as the terms are defined in 38 U.S.C. 5727.

8. Disclosure may be made to those officers and employees of the agency that maintains the record who have a need for the record in the performance of their duties.

9. To disclose the information listed in 5 U.S.C. 7114(b)(4) to officials of labor organizations recognized under 5 U.S.C. Chapter 71 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

10. To disclose information to officials of the Merit Systems Protection Board (MSPB), or the Office of the Special Counsel, when requested in connection with appeals, special studies of the civil service and other merit systems, review of rules and regulations, investigation of alleged or possible prohibited personnel practices, and such other functions, promulgated in 5 U.S.C. 1205 and 1206, or as may be authorized by law.

11. To disclose information from this system to the Equal Employment Opportunity Commission (EEOC) when requested in connection with investigations of alleged or possible discriminatory practices, examination of Federal affirmative employment programs, or other functions of the Commission as authorized by law or regulation.

12. To disclose to the Federal Labor Relations Authority (FLRA), including its General Counsel, information related to the establishment of jurisdiction, the investigation and resolution of allegations of unfair labor practices, or information in connection with the resolution of exceptions to arbitration awards when a question of material fact is raised; to disclose information in matters properly before the Federal Services Impasses Panel, and to investigate representation petitions and conduct or supervise representation elections.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored on electronic media in a VA OI&T approved location.

RETRIEVABILITY:

Records are retrieved by name, social security number or other assigned identifiers of the individuals on whom they are maintained.

SAFEGUARDS:

1. All entrance doors to the HRC Topeka, KS and Waco, TX locations require an electronic pass card to gain entry. Hours of entry to the facility are controlled based on position held and special needs. Visitors to the HRC are required to sign-in at a specified location and are escorted the entire time they are in the building or they are issued a temporary visitors badge. At the end of the visit, visitors are required to turn in their badge. The building is equipped with an intrusion alarm system which is activated when any of the doors are forced open or held ajar for a specified length of time. During business hours, the security system is monitored by the VA police and HRC staff. After business hours, the security system is monitored by the VA telephone operator(s) and VA police. The VA police conduct visual security checks of the outside perimeter of the building.

2. Access to the building is generally restricted to HRC staff and VA police, specified custodial personnel, engineering personnel, and canteen service personnel.

3. Access to computer rooms is restricted to authorized VA OI&T personnel and requires entry of a personal identification number (PIN) with the pass card swipe. PIN's must be changed periodically. All other persons gaining access to computer rooms are escorted. Information stored in the computer may be accessed by authorized VA employees at remote locations including the Health Eligibility Center in Atlanta, GA; Health

Administration Center in Denver, CO; Consolidated Patient Accounting Center in Ashville, NC; and VA health care facilities.

4. All HRC employees receive information security and privacy awareness training and sign the Rules of Behavior; training is provided to all employees on an annual basis. The HRC Information Security Officer performs an annual information security audit and periodic reviews to ensure security of the system.

5. For contingency purposes, database backups on magnetic media are stored off-site at an approve VA OI&T location.

RETENTION AND DISPOSAL:

Electronic Service Records are purged when they are no longer needed for current operation. Records are maintained and disposed of in accordance with records disposition authority approved by the Archivist of the United States, National Archives and Records Administration, and published in the VHA Records Control Schedule 10–1.

SYSTEM MANAGER(S) AND ADDRESS:

Official responsible for policies and procedures: Chief Business Officer (10NB), VA Central Office, 1722 I St. NW., Washington, DC 20420. Official maintaining the system: Director, Health Resource Center, 3401 SW 21st Street Bldg. 9, Topeka, Kansas 66604.

NOTIFICATION PROCEDURE:

Individuals who wish to determine whether this system of records contains information about them should contact the VA facility location at which they are or were employed or made or have contact. Inquiries should include the person's full name, social security number, dates of employment, date(s) of contact, and return address.

RECORD ACCESS PROCEDURE:

Individuals seeking information regarding access to and contesting of records in this system may write, call or visit the VA facility location where they are or were employed or made contact.

CONTESTING RECORD PROCEDURES:

(See Record Access Procedures above.)

RECORD SOURCE CATEGORIES:

Information in this system of records is provided by Veterans, Veteran's family members, members of the general public, VA customers, and VA employees.

[FR Doc. 2015–04315 Filed 3–2–15; 8:45 am]

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