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DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Rural Housing Service

Rural Utilities Service

Farm Service Agency

7 CFR Parts 1901 and 1942

Rural Business-Cooperative Service

Rural Utilities Service

7 CFR Parts 4280 and 4284

RIN 0570–AA92

Rural Business Development Grant

AGENCY: Rural Business-Cooperative Service, Rural Housing Service, Rural Utilities Service and Farm Service Agency, the U.S. Department of Agriculture.

ACTION: Interim final rule with request for comments.

SUMMARY: This Interim Final Rule is needed to ensure that the Agency will have a regulation in place to meet the Congressional mandate established in Congress in the Agricultural Act of 2014 (2014 Farm Bill). This mandate requires the Agency to establish a new program called the Rural Business Development Grant Program which combines the former Rural Business Enterprise Grant and Rural Business Opportunity Grant programs. The Agency has made no substantive changes to either the Rural Business Enterprise Grant or Rural Business Opportunity Grant programs when combining these regulations into the Rural Business Development Grant program.

Rural Development, Rural Business-Cooperative Service (RBS) is establishing a new regulation for the Rural Business Development Grant (RBDG) program. The program was established by the 2014 Farm Bill. The RBDG Program will combine the Rural Business Enterprise Grant (RBEG) and the Rural Business Opportunity Grant (RBOG) programs. There are no substantive programmatic changes to RBEG and RBOG with this consolidation.

DATES: This Interim Final Rule is effective March 25, 2015. Written comments on this Interim Final Rule must be received on or before May 26, 2015.

ADDRESSES: You may submit comments on this Interim Final Rule by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. You can find the rule by searching the RIN number 0570–AA92.
- *Mail:* Submit written comments via the U.S. Postal Service to the Branch Chief, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, 300 7th Street SW., 7th Floor, Washington, DC 20024.
- *Hand Delivery/Courier:* Submit written comments via Federal Express Mail or other courier service requiring a street address to the Branch Chief, Regulations and Paperwork Management Branch, U.S. Department of Agriculture, 300 7th Street SW., 7th Floor, Washington, DC 20024.

All written comments will be available for public inspection during regular work hours at the 300 7th Street SW., 7th Floor address listed above.

FOR FURTHER INFORMATION CONTACT: Melvin Padgett or Cindy Mason, Rural Development, Business Programs, U.S. Department of Agriculture, 1400 Independence Avenue SW., Stop 3226, Washington, DC 20250; email: *Melvin.padgett@wdc.usda.gov* or *cindy.mason@wdc.usda.gov;* at (202) 720–1495 or (202) 690–1433, respectively.

SUPPLEMENTARY INFORMATION: *Request for Comments:* The Agency is interested in receiving comments on all aspects of the Interim Final Rule. All comments should be submitted as indicated in the **ADDRESSES** section of this preamble. The Agency is seeking specific comments on whether or not to utilize this RBDG regulation to continue to process television demonstration grants and regional commission grants which are currently in 7 CFR part 1942, subpart G. And, whether or not to incorporate grants for expansion of employment opportunities for individuals with disabilities and health care services which were authorized in the 2008 Farm Bill. The Agency is interested in considering all factors that affect the public. Please be sure to include your rationale for your suggestions.

Additionally, in 2007, Rural Development published a proposed rule for RBEG, however, a final rule was never published. Rural Development appreciates the comments that were submitted on the proposed rule, and requests that reviewers resubmit comments on this consolidated rule if they believe they are still valid.

Executive Order 12866, Classification

This rule has been determined to be not significant for purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget (OMB).

Programs Affected

The Catalog of Federal Domestic Assistance Program number assigned to the RBDG is 10.351.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, ''Environmental Program.'' Rural Development has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4321 *et seq.,* an Environmental Impact Statement is not required.

Executive Order 12372, Intergovernmental Consultation

The program is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. Consultation will be completed at the time each grant is made.

Executive Order 12988, Civil Justice

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. The Agency has determined that this rule meets the applicable standards provided in section 3 of the Executive Order. Additionally, (1) all State and local laws and regulations that

are in conflict with this rule will be preempted; (2) no retroactive effect will be given to the rule; and (3) administrative appeal procedures, if any, must be exhausted before litigation against the Department or its agencies may be initiated, in accordance with the regulations of the National Appeals Division of the U.S. Department of Agriculture at 7 CFR part 11.

Executive Order 13132, Federalism

The policies contained in this rule do not have any substantial direct effect on States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of Government. Nor does this rule impose substantial direct compliance costs on State and local Governments. Therefore, consultation with States is not required.

Regulatory Flexibility Act Certification

Under section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Agency certifies that this rule will not have a significant economic impact on a substantial number of small entities. The Agency made this determination based on the fact that this regulation only impacts those who choose to participate in the program. Small entity applicants will not be impacted to a greater extent than large entity applicants.

Unfunded Mandate Reform Act

This rule contains no Federal mandates (under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995) for State, local, and Tribal governments, or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the Unfunded Mandates Reform Act of 1995.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This executive order imposes requirements on Rural Development in the development of regulatory policies that have Tribal implications or preempt Tribal laws. As previously noted, the consolidation of the RBEG and RBOG programs through the publication of this Interim Final Rule will not institute any substantive programmatic changes. However, since Congress has legislatively mandated funds to benefit federally recognized Indian Tribes in both programs, in the past, implementation of the RBDG program in future years may have substantial and direct effects on one or more Indian Tribe(s).

Consequently, the consolidation of the RBEG and RBOG programs under the RBDG program was featured in two Tribal Consultation webinars hosted by Rural Development in fiscal year (FY) 2014. On April 2, 2014, Rural Development hosted a Tribal Consultation webinar and teleconference that summarized significant changes to its programs mandated by the 2014 Farm Bill. During the webinar, in addition to summarizing the Farm Bill changes, Rural Development listed five Farm Bill provisions that would likely require further consultation—including the RBDG program. No objections were raised by participants to alter that assumption.

On August 25, 2014, Rural Development hosted a Tribal Consultation webinar and teleconference that covered the implementation of the RBDG program and the Strategic Economic and Community Development (Section 6025) provision in great depth. Again, no objections were raised by participants to alter the course of implementation for either the RBDG program or Section 6025.

For further information regarding Rural Development's past Tribal Consultation events or Rural Development's Tribal Consultation process, please contact Rural Development's Native American Coordinator at (720) 544–2911 or *AIAN@wdc.usda.gov.*

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, this document announces the intention of RBS to request information collection in support of the RBDG program (7 CFR part 4280, subpart E). No new requirements have been added, but it is the intent of the Agency to combine the two current Paperwork Reduction Act packages into one. Until this paperwork burden is approved, the Agency will utilize the current RBEG and RBOG paperwork burdens. These burdens are approved under 0570–0022 and 0570–0024 respectively.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 3.0 hours per response.

Respondents: Nonprofit corporations and public bodies.

Estimated Number of Respondents: 920.

Estimated Number of Responses per Respondent: 22.

Estimated Number of Responses: 20,517.

Estimated Total Annual Burden on Respondents: 64,773.

Comments on this document must be received by May 26, 2015 to be assured of consideration.

E-Government Act Compliance

Rural Development 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 citizens to access Government information and services electronically.

Good Cause

Rural Development is publishing this rule as an interim final rule for good cause in that:

Rural Development anticipates going forward that Congress will only be providing appropriations for RBDG and not for the RBOG and RBEG programs;

Since the RBEG and RBOG programs are being merged without substantive changes, the public will not be unfamiliar with the new RBDG provisions; and

Making the RBDG rule an interim final rule will assure the continuity of benefits historically provided under the RBOG and RBEG programs.

Additionally, notice and comment are not required because of the Administrative Procedures Act exceptions for loans and grants at 5 U.S.C. 553(a)(2).

I. Background

Rural Development is charged with assisting, among other entities, the startup, expansion, and the continuation of small and emerging businesses and/or non-profits in rural communities. Rural Development supports this portion of the overall mission through two grant programs, the RBEG and RBOG programs.

Rural Development makes RBEGs to public bodies and non-profit corporations so that they may assist small and emerging businesses and/or non-profits in their communities to create and support jobs. RBEG funds may be used to: Acquire or develop land, buildings, plants, equipment; access streets and roads, parking areas, utility extensions, necessary water and supply and waste disposal facilities; provide technical assistance; establish revolving loan funds; and to create, expand, or operate rural distance learning programs that provide educational or job training instruction related to potential employment or job advancement to adult students.

RBOG funds are made to public bodies and non-profit corporations to assist businesses and/or non-profits in

their communities. RBOG funds may be used to assist in the economic development of rural areas by providing technical assistance, training, and planning for business and economic development.

In February 2014 the United States Congress passed the 2014 Farm Bill. This law combined the RBEG and RBOG programs into one grant program, the RBDG program. The Congressional Record emphasizes that the two programs should continue to operate in essentially the same manner as they operated when they were separate grant programs. Thus, Rural Development is publishing this Interim Final Rule to meet the statutory requirements of the 2014 Farm Bill.

Grants made before the implementation of the RBDG program will continue to be governed by the terms of the applicable RBOG and RBEG regulations in effect at the time the grants were made together with any other applicable agreements.

II. Discussion of Changes

The Agency is publishing this Interim Final Rule to meet the statutory requirements of the 2014 Farm Bill including revising the definition of rural and rural areas to conform to the Consolidated Farm and Rural Development Act definition. The 2014 Farm Bill consolidated the RBEG and RBOG programs into one grant program while allowing both programs to operate essentially as they have in the past. The Agency is soliciting comments to this new regulation and will consider all comments received prior to publishing a Final Rule. Publishing this Interim Final Rule will permit the Agency to provide continuous service to rural small and emerging businesses, non-profit corporations, and local public bodies, while requesting input from the public on their views of this grant program.

The Agency combined 7 CFR part 1942, subpart G and 7 CFR part 4284, subpart G into the RBDG rule at 7 CFR part 4280, subpart E. Rural Development has also integrated applicable general provisions of 7 CFR part 4284, subpart A into the RBDG rule. Essentially, the Agency did not change any of the requirements of either program but blended the two regulations into one and eliminated duplicative portions so that there is only one set of requirements. The Agency also combined definitions so that the public has one definition for both programs as well as blended the scoring requirements of both former regulations. Finally, the Agency blended the application processes into one streamlined set of procedures under the RBDG funding, incorporating the statutory language of the 2014 Farm Bill (7 U.S.C. 1932(c)) specifying how the funding would be split.

The U.S. Department of Agriculture and the Agency is adopting the new the U.S. Department of Agriculture grant regulation at 2 CFR chapter IV for monitoring and servicing RBDG funding. If this rule is published prior to new the U.S. Department of Agriculture grant regulations being published and effective, the Agency will comply with all applicable parts of 2 CFR chapter IV and chapter XXX including 7 CFR parts 3015, 3016, 3019, and 3052.

List of Subjects

7 CFR Part 1901

Civil rights, Compliance reviews, Fair housing, and Minority groups.

7 CFR Part 1942

Business and Industry, Grant programs—Housing and Community development, Industrial park, and Rural areas.

7 CFR Part 4280

Business and Industry, Economic Development, Grant programs, Community development, Industrial Sites, and Rural Areas.

7 CFR Part 4284

Business and Industry, Economic Development, Grant programs—Housing and Community development, and Rural Areas.

For the reasons set forth in the preamble, chapters XVIII and XLII, title 7, of the Code of Federal Regulations are being amended as follows:

CHAPTER XVIII—RURAL HOUSING SERVICE, RURAL BUSINESS-COOPERATIVE SERVICE, RURAL UTILITIES SERVICE, AND FARM SERVICE AGENCY, DEPARTMENT OF AGRICULTURE

PART 1901—PROGRAM-RELATED INSTRUCTIONS

■ 1. The authority citation for part 1901 is revised to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989; 40 U.S.C. 442; 42 U.S.C. 1480, 2942.

Subpart E—Civil Rights Compliance Requirements

■ 2. Amend § 1901.204 by revising paragraph (a)(16) to read as follows:

§ 1901.204 Compliance reviews.

(a) * * *

(16) Rural Business Development Grants.

* * * * *

PART 1942—ASSOCIATIONS

■ 3. The authority citation for part 1942 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989.

Subpart G—[Removed and Reserved]

■ 4. Remove and reserve subpart G, consisting of §§ 1942.301 through 1942.350 and Guides 1 and 2 to subpart G.

CHAPTER XLII—RURAL BUSINESS-COOPERATIVE SERVICE AND RURAL UTILITIES SERVICE, DEPARTMENT OF AGRIGULTURE

PART 4280—LOANS AND GRANTS

■ 5. The authority citation for part 4280 is revised to read as follows:

Authority: 5 U.S.C. 301: 7 U.S.C. 940c and 7 U.S.C. 1932(c).

■ 6. Add subpart E to read as follows:

Subpart E—Rural Business Development Grants

General

Sec.
4280.401 Purpose.
4280.402 [Reserved]
4280.403 Definitions.
4280.404 Exception authority.
4280.405 Review or appeal rights.
4280.406 Conflict of interest.
4280.407 Statute and regulation references.
4280.408 U.S. Department of Agriculture (USDA) departmental regulations and laws that contain other compliance requirements.
4280.409 [Reserved]
4280.410 Other laws and regulations that contain compliance requirements for this program.
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Rural Business Development Grants

4280.415 Rural Business Development Grants.

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4280.436–4280.438 [Reserved]

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4280.439 Grant awards and agreements.
4280.440–4280.442 [Reserved]

Post Award Activities and Requirements

4280.443 Grant monitoring and servicing.
4280.444–4280.447 [Reserved]
4280.448 Transfers and assumptions.
4280.449–4280.499 [Reserved]
4280.500 OMB control number.

General

§ 4280.401 Purpose.

This subpart implements the RBDG program administered by the Agency. Grants made under this subpart will be made to eligible entities for use in funding various business opportunity and business enterprise Projects that serve Rural Areas.

§ 4280.402 [Reserved]

§ 4280.403 Definitions.

Administrator. The Administrator of RBS or designees or successors.

Agency. Rural Business-Cooperative Service (RBS) or successor.

Agriculture Production. The cultivation, production, growing, raising, feeding, housing, breeding, hatching, or managing of crops, plants, animals or birds, either for fiber, food for human consumption, or livestock feed.

Arm's-length Transaction. The sale, release, or disposition of assets in which the title to the property passes to a ready, willing, and able disinterested third party that is not affiliated with or related to and has no security, monetary, or stockholder interest in the grantee or transferor at the time of the transaction.

Business Support Centers. Centers established to provide assistance to businesses in such areas as counseling, business planning, training, management assistance, marketing information, and locating financing for business operations. The centers need not be located in a Rural Area, but must provide assistance to businesses located in Rural Areas.

Departmental Grant Regulations. The USDA grant regulations at 2 CFR chapter IV.

Economic Development. The industrial, business and financial augmentation of an area as evidenced by increases in total income, employment opportunities, value of production, duration of employment, or diversification of industry, reduced outmigration, higher labor force participation rates or wage levels or gains in other measurements of economic activity, such as land values.

Indian Tribe (Tribal). Indian Tribes on Federal and State reservations and other federally recognized Indian Tribal groups.

Industrial Site. The development of undeveloped real estate for uses which will assist Small and Emerging Businesses.

Long-term. The period of time covered by the three most recent decennial censuses of the United States to the present.

Nonprofit. An entity chartered as a nonprofit organization under applicable State or Tribal law.

Other Business Development. Any business related activity that will assist Small and Emerging Businesses and may include but is not limited to business incubators, business training centers, and other training activity which leads directly to Small and Emerging Business development.

Planning. A process to coordinate Economic Development activities, develop guides for action, or otherwise assist local community leaders in the Economic Development of Rural Areas.

Priority Communities. Communities targeted for Agency assistance as determined by the U.S. Department of Agriculture Under Secretary for Rural Development that are experiencing trauma due to natural disasters or are undertaking or completing fundamental structural changes, have remained persistently poor, or have experienced Long-Term population decline or job deterioration.

Project. The result of the use of grant funds provided under this subpart through Technical Assistance or Planning relating to the Economic Development of a Rural Area; or the result of the use of program funds (*i.e.,* a facility whether constructed by the applicant or a third party made with grant funds, Technical Assistance, startup operating costs, or working capital). A revolving fund established in whole or in part with grant funds will also be considered a Project.

Public Bodies/Government Entity. Public Bodies include States, counties, cities, townships, and incorporated towns and villages, boroughs, authorities, districts, and education institutions organized under State and Federal laws, and Indian Tribes.

Rural and Rural Area. As described in 7 U.S.C. 1991(a)(13)(A) and (D) *et seq.*

Small and Emerging Business. Any private and/or Nonprofit business which will employ 50 or fewer new employees and has less than $1 million in gross revenue; for retail operations, total sales minus cost of goods sold minus returns or for a service organizations, gross revenue minus cost of providing service or for a manufacturing operation it will be total sales minus cost of raw materials minus the cost of production.

State. Any of the 50 States, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands.

Technical Assistance. A function performed for the benefit of a private business enterprise or a community and which is a problem solving activity, such as market research, product and/or service improvement, feasibility study, etc., to assist in the Economic Development of a Rural Area.

§ 4280.404 Exception authority.

The Administrator may make an exception, on a case-by-case basis, to any requirement or provision of this subpart that is not inconsistent with any authorizing statute or applicable law if the Administrator determines that application of the requirement or provision would adversely affect the Government's financial interest.

§ 4280.405 Review or appeal rights.

A person may seek a review of an Agency decision under this subpart from the appropriate Agency official that oversees the program in question or appeal to the National Appeals Division in accordance with 7 CFR part 11.

§ 4280.406 Conflict of interest.

(a) *General.* No conflict of interest or appearance of conflict of interest will be allowed. For purposes of this subpart, Conflict of Interest includes, but is not limited to, distribution or payment of grant, guaranteed loan funds, and matching funds or award of Project construction contracts to an individual owner, partner, or stockholder, or to a beneficiary or immediate family of the applicant or grantee when the recipient will retain any portion of ownership in the applicant's or grantee's Project. Grant and matching funds may not be used to support costs for services or goods going to, or coming from, a person or entity with a real or apparent conflict of interest. All transactions must be Arm's-length Transactions.

(b) *Assistance to employees, relatives, and associates.* The Agency will process any requests for assistance under this subpart in accordance with 7 CFR part 1900, subpart D.

(c) *Member/delegate clause.* No member of or delegate to Congress shall receive any share or part of this grant or any benefit that may arise therefrom; but this provision shall not be construed to bar, as a contractor under the grant, a publicly held corporation whose ownership might include a member of Congress so long as the member's ownership is less than 10 percent.

§ 4280.407 Statute and regulation references.

All references to statutes and regulations are to include any and all successor statutes and regulations.

§ 4280.408 U.S. Department of Agriculture departmental regulations and laws that contain other compliance requirements.

(a) *Departmental regulations.* All funded under this subpart are subject to the provisions of the Departmental Regulations, as applicable, which are incorporated by reference herein.

(b) *Equal opportunity and nondiscrimination.* The Agency will ensure that equal opportunity and nondiscrimination requirements are met in accordance with the Equal Credit Opportunity Act, 15 U.S.C. 1691 *et seq.* and 7 CFR part 15d, ''Nondiscrimination in Programs and Activities Conducted by the United State Department of Agriculture.'' The Agency will not discriminate against applicants on the basis of race, color, religion, national origin, sex, marital status, or age (provided that the applicant has the capacity to contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act, 15 U.S.C. 1601 *et seq.*

(c) *Civil rights compliance.* Recipients of grants must comply with the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.,* Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.,* and section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794. This may include collection and maintenance of data on the race, sex, and national origin of the recipient's membership/ownership and employees. The data must be available to conduct compliance reviews.

(1) Initial compliance reviews will be conducted by the Agency prior to funds being obligated.

(2) Grants will require one subsequent compliance review following Project completion. This will occur prior to the last disbursement of grant funds.

(d) *Environmental requirements.* 7 CFR part 1940, subpart G or successor regulation applies to this subpart. Prospective applicants are advised to contact the Agency to determine environmental requirements as soon as practicable after they decide to pursue any form of financial assistance directly or indirectly available through the Agency.

(1) Any required environmental review must be completed by the Agency prior to the Agency obligating any funds.

(2) The applicant will be notified of all specific compliance requirements, including, but not limited to, the publication of public notices, and consultation with State Historic Preservation Offices (or Tribal Historic Preservation Offices where appropriate) and the U.S. Fish and Wildlife Service.

(3) A site visit by the Agency may be scheduled, if necessary, to determine the scope of the review.

(4) Applications for Technical Assistance or Planning Projects are generally excluded from the environmental review process by § 1940.333 of this title provided the assistance is not related to the development of a specific site. However, as further specified in 7 CFR 1940.330, the grantee for a Technical Assistance grant, in the process of providing Technical Assistance, must consider the potential environmental impacts of the recommendations provided to the recipient of the Technical Assistance.

(5) Applicants for grant funds must consider and document within their plans the important environmental factors within the Planning area and the potential environmental impacts of the plan on the Planning area, as well as the alternative Planning strategies that were reviewed.

(6) Whenever an applicant files an application that includes a direct construction Project and a plan, they must have a separate environmental evaluation.

(e) *Discrimination complaints*—(1) *Who may file.* Persons or a specific class of persons believing they have been subjected to discrimination prohibited by this section may file a complaint personally, or by an authorized representative with USDA, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250.

(2) *Time for filing.* A complaint must be filed no later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the designated officials of USDA or the Agency.

(f) *Uniform Relocation and Real Property Acquisition Policies Act.* All Projects must comply with the requirements set forth in 7 CFR part 21.

(g) *Floodplains and wetlands.* All Projects must comply with Executive Order 11988 ''Floodplain Management'' and Executive Order 11990 ''Protection of Wetlands.'' The applicable regulations are codified at 44 CFR parts 59 through 80.

§ 4280.409 [Reserved]

§ 4280.410 Other laws and regulations that contain compliance requirements for this program.

(a) *Equal employment opportunity.* For all construction contracts and grants in excess of $10,000, the contractor must comply with Executive Order 11246, as amended by Executive Order 11375, and as supplemented by applicable Department of Labor regulations (41 CFR part 60–1). The applicant is responsible for ensuring that the contractor complies with these requirements.

(b) *Architectural barriers.* All facilities financed with Zero-Interest Loans that are open to the public or in which persons may be employed or reside must be designed, constructed, or altered to be readily accessible to and usable by disabled persons. Standards for these facilities must comply with the Architectural Barriers Act of 1968, as amended, (42 U.S.C. 4151–4157).

(c) *Uniform relocation assistance.* Relocations in connection with these programs are subject to 49 CFR part 24 as referenced by 7 CFR part 21 except that the provisions in title III of the Uniform Act do not apply to these programs.

(d) *Drug-free workplace.* Grants made under these programs are subject to the requirements contained in 2 CFR chapter IV which implements the Drug-Free Workplace Act. RBDG recipients will be required to certify that it will establish and make a good faith effort to maintain a drug-free workplace program.

(e) *Debarment and suspension.* The requirements of 2 CFR chapter IV are applicable to this program.

(f) *Intergovernmental review of Federal programs.* These programs are subject to the requirements of Executive Order 12372 and 2 CFR chapter IV. Proposed Projects are subject to the State and local government review process contained in 2 CFR chapter IV.

(g) *Restrictions on lobbying.* The restrictions and requirements imposed by 31 U.S.C. 1352, and 2 CFR chapter IV, are applicable to these programs.

(h) *Earthquake hazards.* These programs are subject to the seismic requirements of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701–7706).

(i) *Affirmative fair housing.* If applicable, the grantee will be required to comply with the Affirmative Fair Housing Act (42 U.S.C. 3601–3631 and 24 CFR part 100).

(j) *Flood hazard insurance.* The RBDG program is subject to the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, as amended by 42 U.S.C. 4001–4129 and 7 CFR part 1806, subpart B.

(k) *Uniform administrative requirements, cost principles, and audit requirements for Federal awards.* The requirements of 2 CFR chapter IV, or its successor regulations are applicable to this program.

(l) *Planning and performing construction and other development.* The requirements of 7 CFR part 1924, subpart A, or its successor regulations, are applicable to this program.

(m) *Transparency Act.* The requirements of 2 CFR part 170 are applicable to this program.

§ 4280.411 Forms, guides, and attachments.

All forms, guides, and attachments referenced in this subpart are available online at: *http://forms.sc.egov.usda.gov/eForms/* or in any Rural Development State office.

§§ 4280.412–4280.414 [Reserved]

Rural Business Development Grants

§ 4280.415 Rural Business Development Grants.

Sections 4280.416 through 4280.439 identify the provisions that the Agency will use for making awards for Rural Business Development Grants.

Eligibility

§ 4280.416 Applicant eligibility.

To receive an RBDG under this subpart, an applicant must meet the requirements specified in paragraphs (a) through (e) of this section. If an award is made to an applicant, that applicant (grantee) must continue to meet the requirements specified in this section. If the grantee does not, then grant funds may be recovered from the grantee by the Agency in accordance with Departmental Regulations.

(a) *Type of applicant.* The Applicant must be one of the following:

(1) A Public Body/Government Entity;

(2) An Indian Tribe; or

(3) A Nonprofit entity.

(b) *Financial strength and expertise.* The Applicant must have sufficient financial strength and expertise in activities proposed in the application to ensure accomplishment of the described activities and objectives.

(1) Financial strength will be analyzed by the Agency based on financial data provided in the application. The analysis will consider the applicant's tangible net worth, which must be positive, and whether the applicant has dependable sources of revenue or a successful history of raising revenue sufficient to meet cash requirements.

(2) Expertise will be analyzed by the Agency based on the applicant staff's training and experience in activities similar to those proposed in the application and, if consultants will be used, on the staff's experience in choosing and supervising consultants.

(c) *Universal identifier and system for awards management.* Unless exempt under 2 CFR 25.110, the Applicant must:

(1) Be registered in the System for Awards Management (SAM) prior to submitting an application;

(2) Maintain an active SAM registration with current information at all times during which it has an active Federal award or an application under consideration by the Agency; and

(3) Provide its Dun and Bradstreet Data Universal Numbering System (DUNS) number in each application it submits to the Agency. Generally, the DUNS number is included on Standard Form (SF) 424, ''Application for Federal Assistance.''

(d) *Delinquent debt.* The applicant must not have any delinquent debt to the Federal Government. If an applicant has any delinquent debt to the Federal Government, the applicant will be ineligible to receive any funds obligated under this subpart until the debt has been paid.

(e) *Legal authority and responsibility.* Each Applicant must have the legal authority necessary to apply for and carry out the purpose of the grant.

§ 4280.417 Project eligibility.

For a Project to be eligible for funding under this subpart, the proposed Project must meet each of the requirements specified in paragraphs (a) through (e) of this section.

(a) *Types of projects.* Grant funds may be used for Projects identified in either paragraph (a)(1) of this section, business opportunity type grants, or paragraph (a)(2) of this section, business enterprise type grants. Unless otherwise announced in a Notice of Solicitation of Applications, the Agency will set aside 10 percent of its RBDG appropriation for business opportunity type grants. The Agency reserves the right to reallocate funds set aside for business opportunity type grants to business enterprise type grants if it becomes apparent to the Agency that there is insufficient demand for the funds set aside for the business opportunity type grants.

(1) *Business opportunity Projects.* Grant funds may be used for business opportunity Projects that include one or more of the following activities:

(i) Identify and analyze business opportunities that will use local rural materials or human resources. This includes opportunities in export markets, as well as feasibility and business plan studies;

(ii) Identify, train, and provide Technical Assistance to existing or prospective rural entrepreneurs and managers;

(iii) Establish Business Support Centers and otherwise assist in the creation of new Rural businesses;

(iv) Conduct local community or multi-county Economic Development Planning;

(v) Conduct leadership development training of existing or prospective adult rural entrepreneurs and managers;

(vi) Establish centers for training, technology, and trade that will provide training to Rural businesses in the utilization of interactive communications technologies to develop international trade opportunities and markets; or

(vii) Pay reasonable fees and charges for professional services necessary to conduct the Technical Assistance, training, or planning functions.

(2) *Business enterprise projects.* Grant funds may be used to finance and/or develop Small and Emerging Businesses in Rural Areas including, but not limited to, the following activities:

(i) Acquisition and development of land, easements and rights-of-way;

(ii) Construction, conversion, enlargement, repairs or modernization of buildings, plants, machinery, equipment, access streets and roads, parking areas, utilities, and pollution control and abatement facilities;

(iii) Provision of loans for startup operating cost and working capital;

(iv) Reasonable fees and charges for professional services necessary for the planning and development of the Project;

(v) Establishment of a revolving loan fund to provide financial assistance to third parties through a loan; and

(vi) Establishment, expansion, and operation of Rural distance learning networks or development of Rural learning programs that provide educational instruction or job training instruction related to potential employment or job advancements for adult students;

(vii) Provision of Technical Assistance for Small and Emerging Businesses, including but not limited to feasibility studies and business plans; and/or

(viii) Provision of Technical Assistance and training to rural communities for the purpose of improving passenger transportation services or facilities.

(b) *Result of projects.* (1) For business opportunity type grants, the Project must have a reasonable prospect that the Project will result in the Economic Development of a Rural Area.

(2) For business enterprise type grants, the Project must have a reasonable prospect that it will result in the development or financing of Small and Emerging Businesses.

(c) *Basis for success or failure.* Grants may be made only when the application demonstrates a need for the Project and includes a basis for determining the success or failure of the Project and individual major elements of the Project and outlines procedures that will be taken to assess the Project's impact at its conclusion.

(d) *Local and area-wide strategic plans.* Business opportunity type grants may be made only when the proposed Project is consistent with any local and area-wide strategic plans for community and Economic Development, coordinated with other Economic Development activities in the Project area, and consistent with any Rural Development State Strategic Plan.

§§ 4280.418–4280.420 [Reserved]

Funding Provisions

§ 4280.421 Term requirement.

A grant may be considered for the amount needed to assist with the completion of a proposed Project, provided that the Project can reasonably be expected to be completed within 1 full year after it has begun.

§ 4280.422 Joint funding.

To the extent permitted by law, Agency grant funds may be used jointly and in proportion with funds furnished by the grantee or from other sources including Agency loan funds.

§ 4280.423 Ineligible uses of grant funds.

Grant funds may not be used towards any of the uses identified in paragraphs (a) through (n) of this section.

(a) Duplicate current services or substitute support previously provided. If the current service is inadequate, however, grant funds may be used to expand the level of effort or services beyond what is currently being provided.

(b) Pay costs of preparing the application package for funding under this program or any other program.

(c) Pay costs for any expenses incurred prior to receipt of a full application, except for those permitted under Departmental Regulations.

(d) Fund political activities.

(e) Pay for assistance to any private business enterprise which does not create and/or support jobs in the United States.

(f) Pay any judgment or debt owed to the United States.

(g) Fund Agriculture Production either directly or through horizontally integrated livestock operations except for commercial nurseries, timber operations or limited Agricultural Production related to Technical Assistance Projects. The following are not considered Agriculture Production:

(1) Aquaculture, including conservation, development, and utilization of water for aquaculture;

(2) Commercial fishing;

(3) Commercial nurseries engaged in the production of ornamental plants and trees and other nursery products such as bulbs, flowers, shrubbery, flower and vegetable seeds, sod, and the growing of plants from seed to the transplant stage;

(4) Forestry, which includes businesses primarily engaged in the operation of timber tracts, tree farms, and forest nurseries and related activities such as reforestation; or

(5) The growing of mushrooms or hydroponics.

(h) To finance comprehensive area-wide type Planning. This does not preclude the use of grant funds for Planning for a given Project.

(i) To make loans when the rates, terms, and charges for those loans are not reasonable or would be for purposes not eligible under 7 CFR part 4274, subpart D.

(j) For programs operated by cable television systems.

(k) To fund a part of a Project that is dependent on other funding unless there is a firm commitment of the other funding to ensure completion of the Project.

(l) To pay for Technical Assistance that duplicates assistance provided to implement an action plan funded by the Forest Service (FS) under the National Forest-Dependent Rural Communities Economic Diversification Act for 5 continuous years from the date of grant approval by the FS. To avoid duplicate assistance, the grantee shall coordinate with FS and the Agency to ascertain if a grant has been made in a substantially similar geographical or defined local area in a State for Technical Assistance under the FS program. The grantee will provide documentation to FS and the Agency regarding the contact with each agency.

(m) Pass through grants. Pass through grants are for, but not limited to:

(1) The purchase, refurbishing, or remodeling of real estate for use as a business incubator without charging a fair market rental;

(2) The purchase of equipment for use by an ultimate recipient without charging a fair market rental; and

(3) The making of a Revolving Loan Fund (RLF) loan without taking appropriate security to reasonably assure repayment of the loan.

(n) For a Project that would result in the transfer of existing employment or business activity more than 25 miles from its existing location.

§§ 4280.424–4280.426 [Reserved]

Applying for a Grant

§ 4280.427 Application.

Applications for an RBDG grant as specified in § 4280.417(a)(1) and (2) must contain the following:

(a) An original and one copy of SF 424, ''Application For Federal Assistance (For Non-construction);''

(b) Copies of applicant's organizational documents showing the applicant's legal existence and authority to perform the activities under the grant;

(c) A proposed scope of work, including a description of the proposed Project, *e.g.,* RLF, Technical Assistance, Industrial Site, Business Opportunity and Other Business Development, details of the proposed activities to be accomplished and timeframes for completion of each task, the number of months duration of the Project, and the estimated time it will take from grant approval to beginning of Project implementation;

(d) A written narrative that includes, at a minimum, the following items:

(1) An explanation of why the Project is needed, the benefits of the proposed Project, and how the Project meets the grant eligible purposes;

(2) Area to be served, identifying each governmental unit, *i.e.* town, county, etc., to be affected by the Project;

(3) Description of how the Project will coordinate Economic Development activities with other Economic Development activities within the Project area;

(4) Business to be assisted, if appropriate, and Economic Development to be accomplished;

(5) An explanation of how the proposed Project will result in newly created, increased, or supported jobs in the area and the number of projected new and supported jobs within the next 3 years;

(6) A description of the applicant's demonstrated capability and experience in providing the proposed Project assistance or similar Economic

Development activities, including experience of key staff members and persons who will be providing the proposed Project activities and managing the Project;

(7) The method and rationale used to select the areas and businesses that will receive the service;

(8) A brief description of how the work will be performed including whether organizational staff or consultants or contractors will be used; and

(9) Other information the Agency may request to assist it in making a grant award determination;

(e) The latest 3 years of financial information to show the applicant's financial capacity to carry out the proposed work. If the applicant is less than 3 years old, at a minimum, the information should include all balance sheet(s), income statement(s) and cash flow statement(s). A current audited report is required if available;

(f) Intergovernmental review comments from the State Single Point of Contact, or evidence that the State has elected not to review the program under Executive Order 12372;

(g) Documentation regarding the availability and amount of other funds to be used in conjunction with the funds from the RBDG;

(h) A budget which includes salaries, fringe benefits, consultant costs, indirect costs, and other appropriate direct costs for the Project; and

(i) RBDG construction Project grants must conform with 7 CFR part 1924, subpart A requirements.

§§ 4280.428–4280.429 [Reserved]

§ 4280.430 Notification of decision.

When the Agency has determined that an application is not eligible or that no further action will be taken, the Agency will notify the applicant in writing of the reasons why the application was not favorably considered and provide any appeal rights.

§§ 4280.431–4280.433 [Reserved]

Processing and Scoring Applications

§ 4280.434 General processing and scoring provisions.

The Agency will review each application for assistance in accordance with the priorities established in § 4280.435. The Agency will assign each application a priority rating and will select applications for funding based on the priority ratings and the total funds available to the program.

(a) *Applications.* The Agency will score each application based on the information contained in the application and its supporting information. All applications submitted for funding must contain sufficient information to permit the Agency to complete a thorough priority rating.

(b) *Unfunded applications.* The Agency will notify eligible applicants if funds are not available. If an applicant wishes to have their application maintained in an active file for future consideration, the applicant must revise and update their application in writing for the Agency to reconsider in a future funding cycle.

§ 4280.435 Scoring criteria.

The Agency will use the criteria in this section to score applications for purposes identified under § 4280.417(a)(1)and (2).

(a) *Leveraging.* If the grant will fund a critical element of a larger program of Economic Development, without which the overall program either could not proceed or would be far less effective, or if the program to be assisted by the grant will also be partially funded from other sources, points will be awarded as follows. If points are awarded for leveraging, funds must be spent proportionally, and if leveraged funds are not utilized proportionately with the grant, the Agency reserves the right to take any legal action, including terminating the grant.

(1) If Rural Development's portion of Project funding is:

(i) Less than 20 percent—30 points;

(ii) 20 but less than 50 percent—20 points;

(iii) 50 but less than 75 percent—10 points; or

(iv) 75 percent or more—0 points.

(2) [Reserved]

(b) Points will be awarded for each of the following criteria met by the community or communities that will receive the benefit of the grant. However, regardless of the mathematical total of points indicated by paragraphs (b)(1) through (4) of this section, total points awarded under this paragraph (b) must not exceed 40.

(1) *Trauma.* Experiencing trauma due to a major natural disaster that occurred not more than 3 years prior to the filing of the application for assistance—15 points;

(2) *Economic distress.* The community has suffered a loss of 20 percent or more in their total jobs caused by the closure of a military facility or other employers within the last 3 years—15 points;

(3) *Long-term poverty.* Has experienced Long-Term poverty as demonstrated by being a former Rural empowerment zone, Rural economic area partnership zone, Rural enterprise community, champion community, or a persistent poverty county as determined by USDA's Economic Research Serviced—10 points;

(4) *Population decline.* Has experienced Long-Term population decline—10 points as demonstrated by the latest three decennial censuses.

(c) *Population.* Proposed Project(s) will be located in a community of:

(1) Under 5,000 population—15 points;

(2) Between 5,000 and less than 15,000 population—10 points; or

(3) Between 15,000 and 25,000 population—5 points.

(d) *Unemployment.* Proposed Project(s) will be located in areas where the unemployment rate:

(1) exceeds the State rate by 25 percent or more—20 points;

(2) exceeds the State rate by less than 25 percent—10 points; or

(3) is equal to or less than the State rate—0 points.

(e) *Median household income.* Proposed Project(s) will be located in areas where Median Household Income (MHI) as prescribed by section 673(2) of the Community Services Block Grant Act for a family of 4 for the State is:

(1) Less than poverty line—25 points;

(2) More than poverty line but less than 65 percent of State MHI—15 points;

(3) Between 65 and 85 percent of State MHI—10 points; or

(4) Greater than 85 percent State MHI—0 points.

(f) *Experience.* Applicant has evidence of successful experience in the type of activity. Evidence of successful experience may be a description of experience supplied and certified by the applicant based upon its current employees' resumes:

(1) 10 or more years-30 points;

(2) At least 5 but less than 10 years-20 points;

(3) At least 3 but less than 5 years-10 points; or

(4) At least 1 but less than 3 years-5 points.

(g) *Small business start-up or expansion.* Applicant has evidence that small business development will be supported by startup or expansion as a result of the activities to be carried out under the grant. Written evidence of commitment by a small, or a Small and Emerging Business must be provided to the Agency, and should include the number of jobs that will be supported and created. 5 points for each letter up to 25 points.

(h) *Jobs created or supported.* The anticipated development, expansion, or furtherance of business enterprises as a result of the proposed Project will create and/or support existing jobs associated

with the affected businesses. The number of jobs must be evidenced by a written commitment from the business to be assisted.

(1) One job for less than $5,000—25 points;

(2) one job for $5,000 but less than $10,000—20 points;

(3) one job for $10,000 but less than $15,000—15 points;

(4) one job for $15,000 but less than $20,000—10 points; or

(5) one job for $20,000 but less than $25,000—5 points.

(i) *Size of grant request.* Grant Projects utilizing funds available under this subpart of:

(1) less than $100,000—25 points;

(2) $100,000 to $200,000—15 points; or

(3) more than $200,000 but not more than $500,000—10 points.

(j) *Indirect cost.* Applicant is not requesting grant funds to cover their administrative or indirect costs-5 points.

(k) *Discretionary points.* Either the State Director or Administrator may assign up to 50 discretionary points to an application. Assignment of discretionary points must include a written justification. Permissible justifications are geographic distribution of funds, special Secretary of Agriculture initiatives such as Priority Communities, or a state's strategic goals. Discretionary points may only be assigned to initial grants. However, in the case where two Projects have the same score, the State Director may add one point to the Project that best fits the State's strategic plan regardless of whether the Project is an initial or subsequent grant.

§§ 4280.436–4280.438 [Reserved]

Grant Awards and Agreement

§ 4280.439 Grant awards and agreements.

The Agency will award and administer RBDG grants in accordance with applicable Departmental regulations, this subpart, and the unauthorized grant provisions of 7 CFR part 1951, subpart O.

(a) *Letter of conditions.* The Agency will provide each approved applicant a letter of conditions, which sets out the conditions under which the grant will be made, including, but not limited to, an Agency grant agreement.

(b) *Applicant's intent to meet conditions.* The applicant must complete, sign and return a ''Letter of Intent to Meet Conditions,'' to the Agency. If applicant identifies certain conditions that the applicant cannot meet, the applicant may propose alternate conditions to the Agency. The Agency must concur with any changes proposed by the letter of conditions by the applicant before the any grant will be made.

§§ 4280.440–4280.442 [Reserved]

Post Award Activities and Requirements

§ 4280.443 Grant monitoring and servicing.

RBDG grants will be monitored and serviced in accordance with the grant agreement, this subpart, and 2 CFR chapter IV.

§§ 4280.444–4280.447 [Reserved]

§ 4280.448 Transfers and assumptions.

The Agency will approve transfer and assumption requests on grants awarded under this subpart on a case by case basis, and then only to eligible entities under § 4280.416.

§§ 4280.449–4280.499 [Reserved]

§ 4280.500 OMB control number.

The reporting and recordkeeping requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35 and have been assigned OMB control numbers 0570–0022 and 0570–0024 in accordance with the Paperwork Reduction Act of 1995. You are not required to respond to this collection of information unless it displays a valid OMB control number.

PART 4284—GRANTS

■ 7. The authority citation for part 4284 continues to read as follows:

Authority: 5 U.S.C. 301 and 7 U.S.C. 1989.

Subpart F also issued under 7 U.S.C 1932(e).

Subpart G also issued under 7 U.S.C 1926(a)(11).

Subpart J also issued under 7 U.S.C 1621 note.

Subpart K also issued under 7 U.S.C. 1621 note.

Subpart G—[Removed and Reserved]

■ 8. Subpart G, consisting of §§ 4284.601 through 4284.700, is removed and reserved.

Dated: March 6, 2015.

Lisa Mensah,

Under Secretary, Rural Development.

Dated: March 3, 2015.

Michael Scuse,

Under Secretary, Farm and Foreign Agricultural Services.

[FR Doc. 2015–06489 Filed 3–24–15; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 944, 980, and 999

[Doc. No. AMS–FV–14–0093; FV15–944/980/999–1 IR]

Fruit, Vegetable, and Specialty Crops—Import Regulations; Changes to Reporting Requirements To Add Electronic Form Filing Option

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This rule changes the reporting requirements for commodities exempt from import regulations under section 608(e) (hereinafter referred to as ''8e'') of the Agricultural Marketing Agreement Act of 1937 by adding an option to electronically file an ''Importer's Exempt Commodity Form'' (FV–6 form). These changes are needed to bring the import regulations into conformance with the current practice of filing FV–6 forms electronically using the Marketing Order Online System (MOLS), an internet-based application that was implemented in 2008. This rule also changes the import regulations for dates and raisins by moving the FV–6 form-filing procedures for these two commodities to the safeguard procedure regulations for specialty crops and by making other administrative updates. These changes to the import regulations are also required to support the International Trade Data System (ITDS), a key White House economic initiative that will automate the filing of import and export information by the trade. All government agencies that are participating in the ITDS initiative, including AMS, are required by U.S. Customs and Border Protection (hereinafter referred to as ''CBP'') to make updates to import and export regulations to provide for the electronic entry of shipment data.

DATES: Effective March 30, 2015; comments received by May 26, 2015 will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this 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 rule 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: Richard Lower, Senior Marketing Specialist, or Candice Spalding, Deputy Director, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Richard.Lower@ams.usda.gov* or *Candice.Spalding@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 rule is issued under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' Section 8e provides that whenever certain commodities are regulated under Federal marketing orders, imports of those commodities into the United States are prohibited unless they meet the same or comparable grade, size, quality, and/or maturity requirements as those in effect for the domestically produced commodities. The Act also authorizes USDA to perform inspections on those imported commodities and certify whether these requirements have been met.

Parts 944, 980, and 999 of title 7 of the Code of Federal Regulations (CFR) specify which imported commodities may be exempt from grade, size, quality, and/or maturity requirements when imported for specific purposes, such as processing, donation to charitable organizations, or livestock feed. These parts further specify the form importers must use to report to USDA and CBP imports of commodities exempt from 8e regulations.

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

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

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

This rule changes §§ 944.350, 980.501, and 999.500 of the import regulations, which specify safeguard procedures for fruits, vegetables, and specialty crops, respectively, that are exempt from 8e regulations. Currently, safeguard procedures exist for the following commodities: Avocados, grapefruit, kiwifruit, fresh prunes (suspended indefinitely in 2006), olives, oranges, table grapes, Irish potatoes, onions, tomatoes, dates, walnuts, raisins, and pistachios.

The safeguard procedures require that importers and receivers certify to AMS by filing an FV–6 form that an imported commodity is sent to and used in an exempt outlet as authorized by the regulations and as declared on the FV–6 form. Examples of authorized exempt uses include processing, livestock feed, seed, and distribution to charitable organizations or relief agencies. Prior to this change, the safeguard procedures specified requirements for filing a paper copy of an FV–6 form for an imported shipment intended for an exempted purpose, with an ''online'' submission option also provided for in § 999.500. These sections will now provide options to submit an FV–6 form either electronically or on paper.

In addition, the three import safeguard sections have been updated to reflect that the definition of an importer includes a customs broker, when that broker is acting as an importer's representative, and to clarify that both an importer and a receiver must certify an FV–6 form. Changes have also been made to update contact information (for example, agency name, email address, etc.).

This rule also changes §§ 999.1 and 999.300, the date and raisin import regulations, respectively, by moving the procedures for filing FV–6 forms for dates or raisins that are exempt from 8e regulations from those sections to the specialty crops safeguard procedures section (§ 999.500). This change makes the safeguard regulations consistent for walnuts, dates, pistachios, and raisins that are exempt from 8e regulations. This rule also makes minor administrative updates and corrections to §§ 999.1 and 999.300 (for example, updating division names and correcting typographical errors).

Importer's Exempt Commodity Form (FV–6)

The import regulations in parts 944, 980, and 999 provide that individual lots of some imported commodities may be exempted from 8e requirements if those commodities are intended to be used in processing or in some other exempted outlet, such as a charitable organization or as livestock feed. To import exempt commodities into the United States, importers and receivers are required to certify to USDA and CBP as to the intended, authorized exempt use of those commodities. Certification is reported by both importers and receivers using an FV–6 form (''Importer's Exempt Commodity Form'').

Submission of FV–6 Form

Prior to 2008, an FV–6 form was only available in a paper format. The paper FV–6 form is a four-part form that is used as follows: One part is presented to CBP by the importer; one part accompanies the import shipment to its destination, where the receiver of the shipment certifies its receipt and submits that certified copy to AMS' Marketing Order and Agreement Division (MOAD) for compliance purposes; one part is submitted to MOAD by the importer; and one part is retained by the importer.

To streamline and automate the FV–6 filing process, in August 2008, AMS launched its Marketing Order Online System (MOLS), an internet-based application, which continues to be used today. Using MOLS, importers and receivers complete an electronic registration process that allows them to utilize the system for the completion and certification of FV–6 forms.

After registering in MOLS, and prior to importing a commodity for an exempt purpose, an importer electronically completes an FV–6 form in MOLS, certifying that the commodity will be used in the declared exempt outlet. After inputting the required FV–6 form data in MOLS, an importer is able to print a certificate for the exempt commodity that accompanies that shipment into the United States. Each certificate has a unique identification number.

The FV–6 form data input into MOLS by an importer is accessible to the receiver of the imported commodity as well as to AMS. The receiver must certify in MOLS that he or she received the imported commodity and that it was or will be used for the declared exempt purpose; this certification must be completed within two days of receipt of the exempt commodity.

MOAD uses MOLS to monitor industry compliance with 8e regulations. Using MOLS and other data available from CBP, MOAD is able to identify shipments that require the submission of FV–6 forms as well as FV–6 forms that have been initiated but not yet completed.

The majority of all FV–6 forms are filed electronically using MOLS. However, MOAD continues to maintain a supply of paper FV–6 forms for use in those rare instances where an importer or receiver is unable to use MOLS. In those cases, MOAD tracks the distribution of the paper forms by maintaining a log of the form numbers and the contact information of the importers to whom the paper forms were provided.

When MOLS was implemented in 2008, the regulations for imported fruit, vegetable, and specialty crops were not updated to provide for the option to enter an FV–6 form electronically, in addition to the paper form option. However, in 2012, the specialty crop safeguard regulations (§ 999.500) were amended to include an ''online'' option for the submission of FV–6 forms to MOAD. This ''online'' submission change was made in a final rule that was published in the **Federal Register** on August 27, 2012, (77 FR 51686).

This rule updates all of the safeguard procedures in the fruit, vegetable, and specialty crop import regulations to add the option to file an FV–6 form electronically (for consistency among the three safeguard procedures, the term ''online'' in § 999.500 is changed to ''electronically''). Other changes to the safeguard procedures include the following clarifications and updates: (1) A customs broker, acting as a representative for an importer, is considered an ''importer''; (2) both an importer and a receiver must certify an FV–6 form; (3) paper versus electronic FV–6 form requirements (for example, an importer and receiver must certify a paper FV–6 form using a handwritten signature, whereas certification is automated when the form is submitted electronically); and (4) updates to MOAD and CBP contact information. These changes do not add new requirements to the regulations but are intended to provide clarity and up-to-date information.

Date and Raisin Regulation Changes

On January 16, 2009, a final rule was published in the **Federal Register** (74 FR 2806) that changed, among other things, the import regulations for dates and raisins (§§ 999.1 and 999.300, respectively) by replacing four commodity-specific import exemption forms with the FV–6 form; specifically, the FV–6 form replaced Date Forms No. 1 and 2 and Raisin Form Nos. 1 and 2. In that 2009 action, the form names were changed in the regulations; however, the submission requirements that were associated with the former date- and raisin-specific forms were not updated accordingly. As a result, the date and raisin regulations have continued to require that a certified FV–6 form be submitted to MOAD by the fifth day of the month in the month following receipt of the exempt dates or raisins by the receiver. This submission requirement is associated with the forms that were replaced in 2009 and is not applicable to an FV–6 form. Therefore, the old submission deadline has been removed by this action.

In addition to removing the obsolete exempt form submission deadline requirement, the requirements for filing an FV–6 form for a shipment of dates or raisins exempted from 8e regulations have been moved from §§ 999.1 and 999.300, respectively, to the safeguard procedures section for specialty crops (§ 999.500). The import regulations for dates and raisins still reference the types of dates and raisins that are exempted from 8e requirements provided that those dates and raisins follow the safeguard procedures contained in § 999.500.

Prior to this change, § 999.500 contained safeguard procedures for filing an FV–6 form for walnuts, certain types of dates, and pistachios, while the requirements for certain other types of dates and for raisins were contained in the import regulations for those two import commodities. Incorporating the safeguard procedures for dates and raisins into the specialty crop safeguard procedures streamlines and standardizes the specialty crop regulations.

Finally, the date and raisin import regulations are further changed to include miscellaneous updates, such as updating agency names, deleting outdated references to terms no longer applicable to the regulations, and correcting typographical errors. These changes are administrative in nature and do not impose any new requirements on importers or receivers.

International Trade Data System (ITDS)

Changing the 8e regulations to provide for the electronic filing of an FV–6 form supports the International Trade Data System (ITDS), a key White House economic initiative that has been under development for over ten years and is mandated for completion by December 31, 2016 (pursuant to Executive Order 13659, *Streamlining the Export/Import Process for America's Businesses,* signed by President Obama on February 19, 2014). Under ITDS, the import and export trade will file shipment data through an electronic ''single window,'' instead of completing multiple paper-based forms to report the same information to different government agencies. ITDS will greatly reduce the burden on America's import and export trade while still providing information necessary for the United States to ensure compliance with its laws.

By the end of 2016, the ITDS ''single window'' will be presented to the import and export trade through CBP's Automated Commercial Environment (ACE) platform. ACE will be the primary system through which the global trade community will file information about imports and exports so that admissibility into the U.S. may be determined and government agencies may monitor compliance.

Prior to the implementation of the ITDS ''single window,'' CBP is requiring that the 47 partnering government agencies that are participating in the ITDS project, including AMS, ensure that agency regulations provide for the electronic entry of import and/or export information.

MOAD is currently developing a new automated system called the Compliance and Enforcement Management System (CEMS) that will interface with CBP's ACE system in support of ITDS. CEMS will electronically link with the ACE system to create a ''pipeline'' through which data will be transmitted between MOAD and CBP. CEMS will contain several components, including an exempt imported commodities module that will replace MOLS. Until CEMS is implemented, MOLS will continue to allow for the electronic entry and certification of FV–6 form data.

The revised reporting requirements for imported commodities that are exempt from 8e regulations will bring the fruit, vegetable, and specialty crop import regulations into conformance with the current standard industry practice of filing FV–6 forms electronically using MOLS. This change will also meet CBP's requirements for ITDS/ACE by adding the existing electronic filing option for FV–6 forms to the safeguard procedures in the import regulations.

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. Import regulations issued under the Act are based on those established under Federal marketing orders.

Small agricultural service firms, which include importers and receivers of commodities exempt from import regulations, are defined by the Small Business Administration (SBA) as those having annual receipts of less than $7,000,000 (13 CFR 121.201). USDA estimates that there are approximately 220 importers and receivers of commodities that are exempt from 8e requirements. Although USDA does not have access to data about the business sizes of these importers and receivers, it is likely that the majority may be classified as small entities.

This action adds to the import regulations the existing option of electronically reporting on shipments of imported fruits, vegetables, and specialty crops that are exempt from 8e regulations. Importers and receivers of exempt commodities have been filing FV–6 forms electronically for several years, since the implementation of MOLS in 2008. There are an estimated 100 importers and 92 receivers of commodities exempt from 8e requirements who report exempt shipment information electronically using MOLS. During the two-year period 2013–2014, USDA information shows that 637,818,253 pounds of exempt commodities were electronically reported on 12,832 FV–6 forms. The table below provides a breakdown of this information by commodity:

COMMODITIES REPORTED ELECTRONICALLY AS EXEMPT FROM IMPORT REGULATIONS—2013–2014

Commodity	Pounds	Electronic FV–6 Forms
Avocados	757,939	33
Dates	1,029,855	37
Grapefruit	511,965	14
Kiwifruit	360	1
Olives	79,858	3
Onions	17,959,787	418
Oranges	46,441,261	1,138
Potatoes	570,971,367	11,172
Tomatoes	65,861	16
Total	637,818,253	12,832

In comparison, USDA received only 365 paper FV–6 forms from importers and receivers for all exempted commodities in 2013–2014. As mentioned earlier, the majority of FV–6 forms are filed electronically.

This change to the import regulations does not revise the procedures currently used by importers and receivers to report shipments that are exempt from 8e regulations. Most importers and receivers already file FV–6 forms electronically using MOLS and will continue to do so. In the future, importers and receivers will report these exempt shipments electronically through CBP's ACE system or MOAD's CEMS system, which is currently under development and will eventually replace MOLS. This action imposes no additional cost or burden on importers and receivers of any size.

The current process of electronically filing FV–6 forms streamlines business operations, both for filers of the forms as well as for USDA, which uses the electronic form data to monitor compliance with 8e regulations. Changing the regulations to include the current standard industry practice of filing FV–6 forms electronically also meets CBP's requirement to ensure that the regulations of those government agencies participating in the ITDS project provide for an electronic data collection. The electronic filing option for FV–6 forms has existed for many years, and this change aligns the regulations with that longstanding industry practice.

Regarding alternatives to this action, AMS considered making no changes to the import regulations. However, AMS determined that the regulations should contain complete and accurate information about the electronic option that is already available to importers and receivers to file FV–6 forms. AMS also determined that moving the safeguard procedures for dates and raisins exempted from 8e regulations to the specialty crop safeguard section will standardize the regulations, which will benefit importers and receivers who use these regulations. Finally, CBP is requiring all government agencies who are partnering with CBP on the ITDS project (including AMS) to update their regulations to provide for the electronic entry of import and export shipment data. Therefore, the alternative to not update the regulations alternative was rejected.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection requirements for the FV–6 form and imported commodities exempt from 8e regulations were previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0167 (Specific Commodities Imported into the United States Exempt From Import Regulations), effective August 19, 2014. Administrative modifications to the FV–6 form and the shift of exemption authority for dates and raisins from §§ 999.1 and 999.300, respectively, to § 999.500, as necessitated by this rulemaking action, have been submitted to OMB for approval. Because importers and receivers of dates and raisins exempt from import regulations will continue to file FV–6 forms, the burden hours associated with OMB No. 0581–0167 remain unchanged at 17,734 hours. Should additional changes become necessary, they would be submitted to OMB for approval.

This rule will not impose any additional reporting or recordkeeping requirements on either small or large importers or receivers of commodities exempt from 8e regulations. As with all import regulations, 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, importers and receivers of commodities exempt from 8e regulations have been using MOLS for more than six years to electronically complete and certify FV–6 forms. The import trade is also fully aware of the ITDS initiative, which is designed to eliminate paper-based manual processes and replace those processes with electronic entry methods such as the one used to electronically file FV–6 forms.

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

This rule invites comments on a change that aligns the fruit, vegetable, and specialty crop import regulations with the standard practice of allowing importers and receivers of exempt commodities the option to submit FV–6 forms electronically. Any comments received will be considered prior to finalization of this rule.

After consideration of all relevant material presented, it is found that this interim rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) This rule does not impose any new requirements on importers or receivers of imported commodities; (2) this rule clarifies, updates, and standardizes exempt commodity form-filing requirements and related information, which should benefit importers and receivers; (3) the import industry is well aware of the ITDS initiative and its goal to streamline and automate paper-based processes; (4) CPB is requiring timely update of import and export regulations to meet the ITDS electronic entry requirement; and (5) this rule provides a 60-day comment period, and any comments received will be considered prior to finalization of this rule.

List of Subjects

7 CFR Part 944

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

7 CFR Part 980

Food grades and standards, Imports, Marketing agreements, Onions, Potatoes, Tomatoes.

7 CFR Part 999

Dates, Filberts, Food grades and standards, Imports, Nuts, Prunes, Raisins, Reporting and recordkeeping requirements, Walnuts.

For the reasons set forth in the preamble, 7 CFR parts 944, 980, and 999 are amended as follows:

■ 1. The authority citation for 7 CFR parts 944 and 980 continues to read as follows:

Authority: 7 U.S.C. 601–674.

PART 944—FRUITS; IMPORT REGULATIONS

■ 2. Revise § 944.350 to read as follows:

§ 944.350 Safeguard procedures for avocados, grapefruit, kiwifruit, olives, oranges, prune variety plums (fresh prunes), and table grapes, exempt from grade, size, quality, and maturity requirements.

(a) Each person who imports or receives any of the commodities listed in paragraphs (a)(1) through (5) of this section shall file (electronically or paper) an ''Importer's Exempt Commodity Form'' (FV–6) with the Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA. A ''person who imports'' may include a customs broker, acting as an importer's representative (hereinafter referred to as ''importer''). A copy of the completed form (electronic or paper) shall be provided to the U.S. Customs and Border Protection. If a paper form is used, a copy of the form shall accompany the lot to the exempt outlet specified on the form. Any lot of any commodity offered for inspection and, all or a portion thereof, subsequently imported as exempt under this provision shall also be reported on an FV–6 form. Such form (electronic or paper) shall be provided to the Marketing Order and Agreement Division in accordance with paragraph (d) of this section. The applicable commodities are:

(1) Avocados, grapefruit, kiwifruit, olives, oranges, and prune variety plums (fresh prunes) for consumption by charitable institutions or distribution by relief agencies;

(2) Avocados, grapefruit, kiwifruit, oranges, prune variety plums (fresh prunes), and table grapes for processing;

(3) Olives for processing into oil;

(4) Grapefruit for animal feed; or

(5) Avocados for seed.

(b) *Certification of exempt use.* (1) Each importer of an exempt commodity as specified in paragraph (a) of this section shall certify on the FV–6 form (electronic or paper) as to the intended exempt outlet (*e.g.,* processing, charity, livestock feed). If certification is made using a paper FV–6 form, the importer shall provide a handwritten signature on the form.

(2) Each receiver of an exempt commodity as specified in paragraph (a) of this section shall also receive a copy of the associated FV–6 form (electronic or paper) filed by the importer. Within two days of receipt of the exempt lot, the receiver shall certify on the form (electronic or paper) that such lot has been received and will be utilized in the exempt outlet as certified by the importer. If certification is made using a paper FV–6 form, the receiver shall provide a handwritten signature on the form.

(c) It is the responsibility of the importer to notify the Marketing Order and Agreement Division of any lot of exempt commodity rejected by a receiver, shipped to an alternative exempt receiver, exported, or otherwise destroyed. In such cases, a second FV–6 form must be filed by the importer, providing sufficient information to determine ultimate disposition of the exempt lot, and such disposition shall be so certified by the final receiver.

(d) All FV–6 forms and other correspondence regarding entry of exempt commodities must be submitted electronically, by mail, or by fax to the 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; email *ComplianceInfo@ams.usda.gov;* or fax (202) 720–5698.

PART 980—VEGETABLES; IMPORT REGULATIONS

■ 3. Revise § 980.501 to read as follows:

§ 980.501 Safeguard procedures for potatoes, onions, and tomatoes exempt from grade, size, quality, and maturity requirements.

(a) Each person who imports or receives any of the commodities listed in paragraphs (a)(1) through (4) of this section shall file (electronically or paper) an ''Importer's Exempt

Commodity Form'' (FV–6) with the Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA. A ''person who imports'' may include a customs broker, acting as an importer's representative (hereinafter referred to as ''importer''). A copy of the completed form (electronic or paper) shall be provided to the U.S. Customs and Border Protection. If a paper form is used, a copy of the form shall accompany the lot to the exempt outlet specified on the form. Any lot of any commodity offered for inspection and, all or a portion thereof, subsequently imported as exempt under this provision shall also be reported on an FV–6 form. Such form (electronic or paper) shall be provided to the Marketing Order and Agreement Division in accordance with paragraph (d) of this section. The applicable commodities are:

(1) Potatoes, onions or tomatoes for consumption by charitable institutions or distribution by relief agencies;

(2) Potatoes, onions, or tomatoes for processing;

(3) Potatoes or onions for livestock feed; or

(4) Pearl onions.

(b) *Certification of exempt use.* (1) Each importer of an exempt commodity as specified in paragraph (a) of this section shall certify on the FV–6 form (electronic or paper) as to the intended exempt outlet (*e.g.,* processing, charity, livestock feed). If certification is made using a paper FV–6 form, the importer shall provide a handwritten signature on the form.

(2) Each receiver of an exempt commodity as specified in paragraph (a) of this section shall also receive a copy of the associated FV–6 form (electronic or paper) filed by the importer. Within two days of receipt of the exempt lot, the receiver shall certify on the form (electronic or paper) to the Marketing Order and Agreement Division that such lot has been received and will be utilized in the exempt outlet as certified by the importer. If certification is made using a paper FV–6 form, the receiver shall provide a handwritten signature on the form.

(c) It is the responsibility of the importer to notify the Marketing Order and Agreement Division of any lot of exempt commodity rejected by a receiver, shipped to an alternative exempt receiver, returned to the country of origin, or otherwise disposed of. In such cases, a second FV–6 form must be filed by the importer, providing sufficient information to determine ultimate disposition of the exempt lot, and such disposition shall be so certified by the final receiver.

(d) All FV–6 forms and other correspondence regarding entry of exempt commodities must be submitted electronically, by mail, or by fax to the 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; email *ComplianceInfo@ams.usda.gov;* or fax (202) 720–5698.

PART 999—SPECIALTY CROPS; IMPORT REGULATIONS

■ 4. The authority citation for 7 CFR part 999 is revised to read as follows:

Authority: 7 U.S.C. 601–674.

■ 5. In § 999.1:

■ a. Remove paragraph (a)(7);

■ b. Redesignate paragraphs (a)(8) through (10) as paragraphs (a)(7) through (9), respectively;

■ c. Revise newly redesignated paragraphs (a)(7) and (9);

■ d. Revise paragraph (c)(2)(vi);

■ e. Revise paragraph (d);

■ f. Revise paragraph (e);

■ g. Remove paragraphs (f) and (g); and

■ h. Redesignate paragraphs (h) through (k) as paragraphs (f) through (i), respectively.

The revisions read as follows:

§ 999.1 Regulation governing the importation of dates.

(a) * * *

(7) *USDA inspector* means an inspector of the Specialty Crops Inspection Division, Fruit and Vegetable Program, or any other duly authorized employee of the USDA.

* * * * *

(9) *Importation* means release from custody of United States Customs and Border Protection.

* * * * *

(c) * * *

(2) * * *

(vi) If the lot fails to meet the import requirements, a statement to that effect and the reasons therefor.

(d) *Exemptions.* (1) Notwithstanding any other provisions of this section, any lot of dates for importation which in the aggregate does not exceed 70 pounds and any dates that are so denatured as to render them unfit for human consumption may be imported exempt from the provisions of this section.

(2) The grade, size, quality, and maturity requirements of this section shall not apply to dates which are donated to needy persons, prisoners, or Native Americans on reservations; dates for processing; or dates prepared or preserved, but all such dates shall be subject to the safeguard provisions contained in § 999.500.

(3) Dates for packaging or dates in retail packages that fail to meet the grade, size, quality, and maturity requirements of this section may be reclassified as dates for processing for importation, but such dates shall be subject to the safeguard provisions contained in § 999.500.

(e) *Importation.* No person may import dates into the United States unless he or she first files with Customs and Border Protection at the port at which the Customs entry is filed, as a condition of each such importation, either an inspection certificate or an executed ''Importer's Exempt Commodity Form'' (FV–6).

* * * * *

■ 6. In § 999.300:

■ a. Remove paragraphs (a)(5) and (8);

■ b. Redesignate paragraphs (a)(6) and (a)(7) as paragraphs (a)(5) and (6), respectively;

■ c. Revise newly redesignated paragraphs (a)(5) and (6);

■ d. Revise the last sentence in paragraph (c)(3); and

■ e. Revise paragraph (e)(2).

The revisions read as follows:

§ 999.300 Regulation governing importation of raisins.

(a) * * *

(5) *USDA inspector* means an inspector of the Specialty Crops Inspection Division, Fruit and Vegetable Program, Agricultural Marketing Service, U.S. Department of Agriculture, or any other duly authorized employee of the U.S. Department of Agriculture.

(6) *Importation of raisins* means the release of raisins from custody of the U.S. Customs and Border Protection.

* * * * *

(c) * * *

(3) * * * To avoid delay in scheduling the inspection the applicant should make advance arrangements with the USDA inspection office.

* * * * *

(e) * * *

(2) Any lot of raisins which does not meet the applicable grade and size requirements of paragraph (b) of this section may be imported for use in the production of alcohol, syrup for industrial use, or any lot of raisins which does not meet such requirements with respect to mechanical damage or sugaring may be imported for use in the production of raisin paste, but all such raisins shall be subject to the safeguard provisions contained in § 999.500.

* * * * *

■ 7. Revise § 999.500 to read as follows:

§ 999.500 Safeguard procedures for walnuts, dates, pistachios, and raisins exempt from grade, size, quality, and maturity requirements.

(a) Each person who imports or receives any of the commodities listed in paragraphs (a)(1) through (4) of this section shall file (electronically or paper) an ''Importer's Exempt Commodity Form'' (FV–6) with the Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA. A ''person who imports'' may include a customs broker, acting as an importer's representative (hereinafter referred to as ''importer''). A copy of the form (electronic or paper) shall be provided to the U.S. Customs and Border Protection. If a paper form is used, a copy of the form shall accompany the lot to the exempt outlet specified on the form. Any lot of any commodity offered for inspection or aflatoxin testing and, all or a portion thereof, subsequently imported as exempt under this provision shall also be reported on an FV–6. Such form (electronic or paper) shall be provided to the Marketing Order and Agreement Division in accordance with paragraph (d) of this section. The applicable commodities are:

(1) Dates which are donated to needy persons, prisoners or Native Americans on reservations; dates for processing; dates prepared or preserved; or dates for packaging or dates in retail packages that fail to meet grade, size, quality, and maturity requirements and are reclassified as dates for processing;

(2) Walnuts which are: Green walnuts (so immature that they cannot be used for drying and sale as dried walnuts); walnuts used in non-competitive outlets such as use by charitable institutions, relief agencies, governmental agencies for school lunch programs, and diversion to animal feed or oil manufacture;

(3) Substandard pistachios which are for non-human consumption purposes; or

(4) Raisins which do not meet grade and size requirements and are used in the production of alcohol, or syrup for industrial use, or which do not meet grade requirements with respect to mechanical damage or sugaring and are used in the production of raisin paste.

(b) *Certification of exempt use.* (1) Each importer of an exempt commodity as specified in paragraph (a) of this section shall certify on the FV–6 form (electronic or paper) as to the intended exempt outlet (*e.g.,* processing, charity, livestock feed). If certification is made using a paper FV–6 form, the importer shall provide a handwritten signature on the form.

(2) Each receiver of an exempt commodity as specified in paragraph (a) of this section shall also receive a copy of the associated FV–6 form (electronic or paper) filed by the importer. Within two days of receipt of the exempt lot, the receiver shall certify on the form (electronic or paper) that such lot has been received and will be utilized in the exempt outlet as certified by the importer. If certification is made using a paper FV–6 form, the receiver shall provide a handwritten signature on the form.

(c) It is the responsibility of the importer to notify the Marketing Order and Agreement Division of any lot of exempt commodity rejected by a receiver, shipped to an alternative exempt receiver, exported, or otherwise disposed of. In such cases, a second FV–6 form must be filed by the importer, providing sufficient information to determine ultimate disposition of the exempt lot, and such disposition shall be so certified by the final receiver.

(d) All FV–6 forms and other correspondence regarding entry of exempt commodities must be submitted electronically, by mail, or by fax to the 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; email *ComplianceInfo@ams.usda.gov;* or fax (202) 720–5698.

Dated: March 17, 2015.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2015–06490 Filed 3–24–15; 8:45 am]

BILLING CODE P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2014–0120]

RIN 3150–AJ42

List of Approved Spent Fuel Storage Casks: Holtec International HI–STORM Underground Maximum Capacity Canister Storage System, Certificate of Compliance No. 1040; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is correcting a final rule that was published in the **Federal Register** (FR) on March 6, 2015. The final rule amends the NRC's spent fuel storage regulations by adding the Holtec International HI–STORM Underground Maximum Capacity Canister Storage System, Certificate of Compliance No. 1040, to the ''List of approved spent fuel storage casks.'' This action is necessary to correct the Certificate Expiration Date from March 6, 2035, to April 6, 2035.

DATES: This correction is effective April 6, 2015.

ADDRESSES: Please refer to Docket ID NRC–2014–0120 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- Federal Rulemaking Web site: Go to *http://www.regulations.gov* and search for Docket ID NRC–2014–0120. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

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

SUPPLEMENTARY INFORMATION: In the FR on March 6, 2014, in FR Doc. 2015–05238, on page 12078, second column, under the heading ''§ 72.214 List of approved spent fuel storage casks,'' eleventh line, the ''Certificate Expiration Date'' of ''March 6, 2035'' is corrected to read ''April 6, 2035.''

Dated at Rockville, Maryland, this 18th day of March 2015.

For the Nuclear Regulatory Commission.

Cindy Bladey,

Chief, Rules, Announcements, and Directives Branch, Division of Administrative Services, Office of Administration.

[FR Doc. 2015–06664 Filed 3–24–15; 8:45 am]

BILLING CODE 7590–01–P

FARM CREDIT ADMINISTRATION

12 CFR Part 600

RIN 3052–AD05

Organization and Functions; Field Office Locations

AGENCY: Farm Credit Administration.

ACTION: Final rule.

SUMMARY: The Farm Credit Administration (FCA, we, our or Agency) issues a final rule amending our regulation in order to change the addresses for two field offices as a result of recent office relocations.

DATES: The regulation shall become effective upon the expiration of 30 days after publication in the **Federal Register** during which either or both Houses of Congress are in session. We will publish notice of the effective date in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Michael T. Wilson, Policy Analyst, Office of Regulatory Policy, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4124, TTY (703) 883–4056,

Or

Jane Virga, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4071, TTY (703) 883–4056.

SUPPLEMENTARY INFORMATION:

I. Objective

The objective of this final rule is to reflect the change of address for two FCA field office locations. The Freedom of Information Act, 5 U.S.C. 552, requires, in part, that each Federal agency publish in the *Federal Register* for the guidance of the public a description and the location of its central and field organizations. As two of FCA's field offices recently changed locations, this final rule amends our regulation to include the new addresses, in accordance with the Freedom of Information Act.

II. Certain Finding

We have determined that the amendment involves Agency management and personnel. Therefore, this amendment does not constitute a rulemaking under the Administrative Procedure Act (APA), 5 U.S.C. 551, 553(a)(2). Under this statute of the APA, the public may participate in the promulgation of rules that have a substantial impact on the public. This amendment to our regulation relates to Agency management and personnel only and has no direct impact on the public and, therefore, does not require public participation.

Even if this amendment was a rulemaking under 5 U.S.C. 551, 553(a)(2) of the APA, we have determined that notice and public comment are unnecessary and contrary to the public interest. Under 5 U.S.C. 553(b)(A) and (B) of the APA, an agency may publish regulations in final form when they involve matters of agency organization or where the agency for good cause finds that notice and public comment are impracticable, unnecessary, or contrary to the public interest. As discussed above, this amendment results from recent address changes due to the relocation of two field offices. Because the amendments will provide accurate and current information on field office addresses to the public, it would be contrary to the public interest to delay amending the regulation.

III. Regulatory Flexibility Act

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

List of Subjects in 12 CFR Part 600

Organization and functions (Government agencies).

As stated in the preamble, part 600 of chapter VI, title 12, of the Code of Federal Regulations is amended as follows:

PART 600—ORGANIZATION AND FUNCTIONS

■ 1. The authority citation for part 600 continues to read as follows:

Authority: Secs. 5.7, 5.8, 5.9, 5.10, 5.11, 5.17, 8.11 of the Farm Credit Act (12 U.S.C. 2241, 2242, 2243, 2244, 2245, 2252, 2279aa–11).

■ 2. Amend § 600.2 by revising paragraph (b) to read as follows:

§ 600.2 Farm Credit Administration.

* * * * *

(b) *Locations.* FCA's headquarters address is 1501 Farm Credit Drive, McLean, Virginia 22102–5090. The FCA has the following field offices:

1501 Farm Credit Drive, McLean, VA 22102–5090

7900 International Drive, Suite 200, Bloomington, MN 55425–2563

500 East John Carpenter Freeway, Suite 400, Irving, TX 75602–3957

3131 South Vaughn Way, Suite 250, Aurora, CO 80014–3507

2180 Harvard Street, Suite 300, Sacramento, CA 95815–3323.

Date: March 19, 2015.

Dale L. Aultman,

Secretary, Farm Credit Administration.

[FR Doc. 2015–06756 Filed 3–24–15; 8:45 am]

BILLING CODE 6705–01–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 30

Foreign Futures and Options Transactions

AGENCY: Commodity Futures Trading Commission.

ACTION: Order.

SUMMARY: The Commodity Futures Trading Commission (Commission or CFTC) is granting an exemption to certain firms designated by the Hong Kong Securities and Futures Commission (HKSFC) from the application of certain of the Commission's foreign futures and option regulations based upon substituted compliance with certain comparable regulatory and self-regulatory requirements of a foreign regulatory authority consistent with conditions specified by the Commission, as set forth herein. This Order is issued pursuant to Commission Regulation 30.10, which permits persons to file a petition with the Commission for exemption from the application of certain of the Regulations set forth in Part 30 and authorizes the Commission to grant such an exemption if such action would not be otherwise contrary to the public interest or to the purposes of the provision from which exemption is sought. The Commission notes that the relief granted by this Order is not applicable to any licensed corporation subject to joint oversight by the Hong Kong Monetary Authority (HKMA) and the HKSFC, or to any registered institution subject to oversight solely by the HKMA. Further, this Order does not pertain to any

transaction in swaps, as defined in Section 1a(47) of the Commodity Exchange Act.

DATES: Effective March 25, 2015.

FOR FURTHER INFORMATION CONTACT: Andrew V. Chapin, Associate Director, (202) 418–5465, *achapin@cftc.gov,* or Scott W. Lee, Special Counsel, (202) 418–5090, *slee@cftc.gov,* Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

SUPPLEMENTARY INFORMATION: The Commission has issued the following Order:

Order Under CFTC Regulation 30.10 Exempting Certain Firms Designated by Hong Kong Securities and Futures Commission From the Application of Certain of the Foreign Futures and Option Regulations as of the Later of the Date of Publication of the Order Herein in the **Federal Register** or After Filing of Consents by Such Firms and HKSFC, as Appropriate, to the Terms and Conditions of the Order Herein.

Commission Regulations governing the offer and sale of commodity futures and option contracts traded on or subject to the regulations of a foreign board of trade to customers located in the U.S. are contained in Part 30 of the Commission's regulations.[1] These regulations include requirements for intermediaries with respect to registration, disclosure, capital adequacy, protection of customer funds, recordkeeping and reporting, and sales practice and compliance procedures that are generally comparable to those applicable to transactions on U.S. markets.

In formulating a regulatory program to govern the offer and sale of foreign futures and option products to customers located in the U.S., the Commission, among other things, considered the desirability of ameliorating the potential impact of such a program. Based upon these considerations, the Commission determined to permit persons located outside the U.S. and subject to a comparable regulatory structure in the jurisdiction in which they were located to seek an exemption from certain of the requirements under Part 30 of the Commission's regulations based upon substituted compliance with the regulatory requirements of the foreign jurisdiction.[2]

Appendix A to Part 30, ''Interpretative Statement With Respect to the Commission's Exemptive Authority Under § 30.10 of Its Rules'' (Appendix A), generally sets forth the elements the Commission will evaluate in determining whether a particular regulatory program may be found to be comparable for purposes of exemptive relief pursuant to Regulation 30.10.[3] These elements include: (1) Registration, authorization or other form of licensing, fitness review or qualification of persons that solicit and accept customer orders; (2) minimum financial requirements for those persons who accept customer funds; (3) protection of customer funds from misapplication; (4) recordkeeping and reporting requirements; (5) sales practice standards; (6) procedures to audit for compliance with, and to take action against those persons who violate, the requirements of the program; and (7) information sharing arrangements between the Commission and the appropriate governmental and/or self-regulatory organization (SRO) to ensure Commission access on an ''as needed'' basis to information essential to maintaining standards of customer and market protection within the U.S.

Moreover, the Commission specifically stated in adopting Regulation 30.10 that no exemption of a general nature would be granted unless the persons to whom the exemption is to be applied: (1) Submit to jurisdiction in the U.S. by designating an agent for service of process in the U.S. with respect to transactions subject to Part 30 and filing a copy of the agency agreement with the National Futures Association (NFA); (2) agree to provide access to their books and records in the U.S. to the Commission and Department of Justice representatives; and (3) notify NFA of the commencement of business in the U.S.[4]

On September 8, 2012, the HKSFC petitioned the Commission on behalf of its member firms, known as ''licensed corporations'', for which it is the sole regulatory body, located and doing business in Hong Kong, for an exemption from the application of the Commission's Part 30 Regulations to those firms. In support of its petition, the HKSFC stated that granting such an exemption with respect to such firms that it has authorized to conduct foreign futures and option transactions on behalf of customers located in the U.S. would not be contrary to the public interest or to the purposes of the provisions from which the exemption is sought because such firms are subject to a regulatory framework comparable to that imposed by the Commodity Exchange Act (Act) and the regulations thereunder.

Based upon a review of the petition, including supplementary materials filed by the HKSFC, the Commission has concluded that the standards for relief set forth in Regulation 30.10 and, in particular, Appendix A thereof, have been met and that compliance with applicable Hong Kong law and regulations may be substituted for compliance with those sections of the Act and regulations thereunder more particularly set forth herein.

By this Order, the Commission hereby exempts, subject to specified conditions, those firms identified to the Commission by the HKSFC as eligible for the relief granted herein from:

- Registration with the Commission for firms and for firm representatives;
- The requirement in Commission Regulation 30.6(a) and (d), 17 CFR 30.6(a) and (d), that firms provide customers located in the U.S. with the risk disclosure statements in Commission Regulation 1.55(b), 17 CFR 1.55(b), and Commission Regulation 33.7, 17 CFR 33.7, or as otherwise approved under Commission Regulation 1.55(c), 17 CFR 1.55(c);
- The separate account requirement contained in Commission Regulation 30.7, 17 CFR 30.7;
- Those sections of Part 1 of the Commission's financial regulations that apply to foreign futures and options sold in the U.S. as set forth in Part 30; and
- Those sections of Part 1 of the Commission's regulations relating to books and records which apply to transactions subject to Part 30, based upon substituted compliance by such persons with the applicable statutes and regulations in effect in Hong Kong.

This determination to permit substituted compliance is based on, among other things, the Commission's finding that the regulatory framework governing persons in Hong Kong who would be exempted hereunder provides:

(1) A system of qualification or authorization of firms who deal in transactions subject to regulation under Part 30 that includes, for example, criteria and procedures for granting, monitoring, suspending and revoking licenses, and provisions for requiring and obtaining access to information about authorized firms and persons who act on behalf of such firms;

(2) Financial requirements for firms including, without limitation, a requirement for a minimum level of working capital and daily mark-to-

[1] Commission regulations referred to herein are found at 17 CFR Ch. I (2014).

[2] ''Foreign Futures and Foreign Options Transactions,'' 52 FR 28290 (Aug. 5, 1987).

[3] 52 FR 28990, 29001.

[4] 52 FR 28980, 28981, and 29002.

market settlement and/or accounting procedures;

(3) A system for the protection of customer assets that is designed to preclude the use of customer assets to satisfy house obligations and requires separate accounting for such assets;

(4) Recordkeeping and reporting requirements pertaining to financial and trade information;

(5) Sales practice standards for authorized firms and persons acting on their behalf that include, for example, required disclosures to prospective customers and prohibitions on improper trading advice;

(6) Procedures to audit for compliance with, and to redress violations of, the customer protection and sales practice requirements referred to above, including, without limitation, an affirmative surveillance program designed to detect trading activities that take advantage of customers, and the existence of broad powers of investigation relating to sales practice abuses; and

(7) Mechanisms for sharing of information between the Commission, and the HKSFC on an ''as needed'' basis including, without limitation, confirmation data, data necessary to trace funds related to trading futures products subject to regulation in Hong Kong, position data, and data on firms' standing to do business and financial condition.

Commission staff has concluded, upon review of the petition of the HKSFC and accompanying exhibits, that the HKSFC's regulation of financial futures and options intermediaries is comparable to that of the U.S. in the areas specified in Appendix A of Part 30, as described above.

This Order does not provide an exemption from any provision of the Act or regulations thereunder not specified herein, such as the antifraud provision in Regulation 30.9. Moreover, the relief granted is limited to brokerage activities undertaken by certain licensed corporations on behalf of customers located in the U.S. with respect to transactions on a foreign futures and options exchange located in Hong Kong subject to exclusive regulatory oversight by the HKSFC for products that customers located in the U.S. may trade.[5] The relief does not extend to regulations relating to trading, directly or indirectly, on U.S. exchanges, and does not pertain to any transaction in swaps, as defined in Section 1a(47) of the Act. For example, a licensed corporation trading in U.S. markets for its own account would be subject to the Commission's large trader reporting requirements.[6] Similarly, if such a licensed corporation were carrying positions on a U.S. exchange on behalf of foreign clients and submitted such transactions for clearing on an omnibus basis through a firm registered as a futures commission merchant under the Act, it would be subject to the reporting requirements applicable to foreign brokers.[7] The relief herein is not applicable where the licensed corporation solicits or accepts orders from customers located in the U.S. for transactions on U.S. exchanges. In that case, the firm must comply with all applicable U.S. laws and regulations, including the requirement to register in the appropriate capacity. The Commission further notes that the relief granted by this Order is not applicable to any licensed corporation subject to joint oversight by the Hong Kong Monetary Authority (HKMA) and the HKSFC.[8]

The eligibility of any firm to seek relief under this exemptive Order is subject to the following conditions:

(1) The regulator or SRO responsible for monitoring the compliance of such firms with the regulatory requirements described in the Regulation 30.10 petition must represent in writing to the Commission that:

(a) Each firm for which relief is sought is registered, licensed or authorized, as appropriate, and is otherwise in good standing under the standards in place in Hong Kong; such firm is engaged in business with customers located in Hong Kong as well as in the U.S.; and such firm and its principals and employees who engage in activities subject to Part 30 would not be statutorily disqualified from registration under Section 8a(2) of the Act, 7 U.S.C. 12a(2);

(b) It will monitor firms to which relief is granted for compliance with the regulatory requirements for which substituted compliance is accepted and will promptly notify the Commission or NFA of any change in status of a firm that would affect its continued eligibility for the exemption granted hereunder, including the termination of its activities in the U.S.;

(c) All transactions with respect to customers located in the U.S. will be made subject to the regulations of the HKSFC and the Commission will receive prompt notice of all material changes to the relevant laws in Hong Kong, any rules promulgated thereunder and HKSFC rules;

(d) Customers located in the U.S. will be provided no less stringent regulatory protection than Hong Kong customers under all relevant provisions of Hong Kong law; and

(e) It will cooperate with the Commission with respect to any inquiries concerning any activity subject to regulation under the Part 30 Regulations, including sharing the information specified in Appendix A on an ''as needed'' basis and will use its best efforts to notify the Commission if it becomes aware of any information that in its judgment affects the financial or operational viability of a member firm doing business in the U.S. under the exemption granted by this Order.

(2) Each firm seeking relief hereunder must represent in writing that it:

(a) Is located outside the U.S., its territories and possessions and, where applicable, has subsidiaries or affiliates domiciled in the U.S. with a related business (*e.g.,* banks and broker/dealer affiliates) along with a brief description of each subsidiary's or affiliate's identity and principal business in the U.S.;

(b) Consents to jurisdiction in the U.S. under the Act by filing a valid and binding appointment of an agent in the U.S. for service of process in accordance with the requirements set forth in Regulation 30.5;

(c) Agrees to provide access to its books and records related to transactions under Part 30 required to be maintained under the applicable statutes and regulations in effect in Hong Kong upon the request of any representative of the Commission or U.S. Department of Justice at the place in the U.S. designated by such representative, within 72 hours, or such lesser period of time as specified by that representative as may be reasonable under the circumstances after notice of the request;

(d) Has no principal or employee who solicits or accepts orders from customers located in the U.S. who would be disqualified under Section 8a(2) of the Act, 7 U.S.C. 12a(2), from doing business in the U.S.;

(e) Consents to participate in any NFA arbitration program that offers a procedure for resolving customer disputes on the papers where such disputes involve representations or activities with respect to transactions under Part 30, and consents to notify customers located in the U.S. of the availability of such a program; *provided,*

[5] *See, e.g.,* Sections 2(a)(1)(C) and (D) of the Act.

[6] *See, e.g.,* 17 CFR part 18 (2014).

[7] *See, e.g.,* 17 CFR parts 17 and 21 (2014).

[8] The HKMA administers the Hong Kong Banking Ordinance and is the government authority in Hong Kong responsible for maintaining monetary and banking stability. Certain financial institutions may be required to become a licensed corporation by virtue of undertaking certain regulated activities subject to HKSFC oversight. Elements of the HKMA's regulatory program did not form the basis, in whole or in part, for this exemptive relief.

however, that the firm may require its customers located in the U.S. to execute a consent concerning the exhaustion of certain mediation or conciliation procedures made available by the HKSFC prior to bringing an NFA arbitration proceeding;

(f) Undertakes to comply with the applicable provisions of Hong Kong laws and HKSFC rules that form the basis upon which this exemption from certain provisions of the Act and regulations thereunder is granted; and

(g) Consents to refuse those customers located in the U.S. the option of not segregating funds notwithstanding relevant provisions of Hong Kong law or regulations promulgated by the HKSFC.

As set forth in the Commission's September 11, 1997 Order delegating to NFA certain responsibilities, the written representations set forth in paragraph (2) shall be filed with NFA.[9] Each firm seeking relief hereunder has an ongoing obligation to notify NFA should there be a material change to any of the representations required in the firm's application for relief.

This Order will become effective as to any designated HKSFC firm on the later of the date of publication of the Order in the **Federal Register** or the filing of the consents set forth in paragraphs (2)(a)–(f). Upon filing of the notice required under paragraph (1)(b) as to any such firm, the relief granted by this Order may be suspended immediately as to that firm. That suspension will remain in effect pending further notice by the Commission, or the Commission's designee, to the firm and the HKSFC.

This Order is issued pursuant to Regulation 30.10 based on the representations made and supporting material provided to the Commission and the recommendation of the staff, and is made effective as to any firm granted relief hereunder based upon the filings and representations of such firms required hereunder. Any material changes or omissions in the facts and circumstances pursuant to which this Order is granted might require the Commission to reconsider its finding that the standards for relief set forth in Regulation 30.10 and, in particular, Appendix A, have been met. Further, if experience demonstrates that the continued effectiveness of this Order in general, or with respect to a particular firm, would be contrary to public policy or the public interest, or that the systems in place for the exchange of information or other circumstances do not warrant continuation of the exemptive relief granted herein, the Commission may condition, modify, suspend, terminate, withhold as to a specific firm, or otherwise restrict the exemptive relief granted in this Order, as appropriate, on its own motion.

The Commission will continue to monitor the implementation of its program to exempt firms located in jurisdictions generally deemed to have a comparable regulatory program from the application of certain of the foreign futures and option regulations and will make necessary adjustments if appropriate.

Issued in Washington, DC, on March 19, 2015, by the Commission.

Christopher J. Kirkpatrick,

Secretary of the Commission.

Appendix to Foreign Futures and Options Transactions—Commission Voting Summary

On this matter, Chairman Massad and Commissioners Wetjen, Bowen, and Giancarlo voted in the affirmative. No Commissioner voted in the negative.

[FR Doc. 2015–06687 Filed 3–24–15; 8:45 am]

BILLING CODE 6351–01–P

[9] 62 FR 47792, 47793 (Sept. 11, 1997). Among other duties, the Commission authorized NFA to receive requests for confirmation of Regulation 30.10 relief on behalf of particular firms, to verify such firms' fitness and compliance with the conditions of the appropriate Regulation 30.10 Order and to grant exemptive relief from registration to qualifying firms.

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0158]

RIN 1625–AA00

Safety Zone; ARCTIC CHALLENGER, Port of Bellingham; Bellingham, WA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone around the barge ARCTIC CHALLENGER within the waters of the Captain of the Port Zone Puget Sound. This action is necessary to ensure the safety of the maritime public and the crews involved in operational testing of the Arctic Containment System, and will do so by prohibiting all persons and vessels not involved with the operational testing of the Arctic Containment System from entering, transiting, or remaining in the safety zone unless authorized by the Captain of the Port or his Designated Representative.

DATES: This rule is effective without actual notice from March 25, 2015 until April 1, 2015. For the purposes of enforcement, actual notice will be used from the date the rule was signed, March 11, 2015, until March 25, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket USCG–2015–1058 to view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Ryan Griffin, Waterways Management Division, Coast Guard Sector Puget Sound; Coast Guard; telephone (206) 217–6051, email *SectorPugetSoundWWM@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Barbara Hairston, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because publishing an NPRM would be impracticable as delayed promulgation may result in injury or damage to the maritime public, vessel crews, the vessels themselves, and the facilities prior to conclusion of a notice and comment period.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for

making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date until 30 days after publication would be impracticable, as such a delay would eliminate the safety zone's effectiveness and usefulness in protecting waterway users, property, and the safe navigation of maritime traffic from the hazards associated with sea trials before 30 days have elapsed.

B. Basis and Purpose

Coast Guard Captains of the Port are granted authority to establish safety and security zones in 33 CFR 1.05–1(f) for safety and environmental purposes, described in 33 CFR part 165.

The ARCTIC CHALLENGER is a barge currently located at the Port of Bellingham that has been converted by Superior Energy Services for use in the Arctic drilling operations as a containment system that would respond in the event that a well blowout should occur.

The ARCTIC CHALLENGER is scheduled to depart the Port of Bellingham to anchor inside the East Vendovi Island Anchorage site located in the Samish Bay. While at anchorage, the ARCTIC CHALLENGER will be conducting several operational tests of the Arctic Containment System. These operational tests are complex and will involve five different vessels in conducting deployment and recovery of containment dome systems and subsea pump operation and testing. As a result, the Coast Guard is establishing a temporary safety zone which is necessary to ensure the safety of the maritime public and workers involved in the operational tests.

C. Discussion of the Final Rule

The Coast Guard is establishing a temporary safety zone which encompasses all waters within 100 yards of the barge ARCTIC CHALLENGER, located in Samish Bay.

Vessels not involved with the operational testing of the Arctic Containment System wishing to enter the zone must request permission for entry by contacting the Joint Harbor Operations Center at 206–217–6001, or the on-scene patrol craft via VHF–FM CH 13. Once permission for entry is granted, vessels must proceed at a minimum speed for safe navigation.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. This rule is not a significant regulatory action as the safety zone is limited both in size and duration.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit the affected waterway during the period mentioned. This safety zone will not have a significant economic impact on a substantial number of small entities because the zone established in this rule is limited in size and duration. Further, vessels wishing to pass through the zone may do so with permission of the Captain of the Port.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to

minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a 100 yard safety zone around the barge ARCTIC CHALLENGER. The rule will prevent any vessel not involved with operational tests of the Arctic Containment System from approaching within 100 yards of ARCTIC CHALLENGER without permission of the Captain of the Port. This rule is categorically excluded from further review under paragraph 34(g) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T13–285 to read as follows:

§ 165.T13–285 Safety Zone; ARCTIC CHALLENGER, Port of Bellingham; Bellingham, WA.

(a) *Location.* The following areas are designated as a safety zone: All waters within 100 yards of the vessel ARCTIC CHALLENGER as it conducts operational tests of the Arctic Containment System within the waters of the Captain of the Port Zone Puget Sound.

(b) *Regulations.* In accordance with the general regulations in subpart C of this part vessels not involved with the Arctic Containment System operational tests who wish to enter the zone must request permission for entry by contacting the Joint Harbor Operation Center at 206–217–6001 or the on-scene patrol craft on VHF–FM CH13. Once permission for entry is granted vessels must proceed at a minimum speed for safe navigation.

(c) *Dates.* This rule is effective March 25, 2015 through April 1, 2015. It is enforceable from 12 a.m. on March 11, 2015 until 12 a.m. on April 1, 2015.

Dated: March 11, 2015.

M. W. Raymond,

Captain, U.S. Coast Guard, Captain of the Port, Puget Sound.

[FR Doc. 2015–06580 Filed 3–24–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2014–0677; FRL–9924–33]

2-Propenoic acid, 2-methyl-, 2-methylpropyl ester, homopolymer; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of 2-propenoic acid, 2-methyl-, 2-methylpropyl ester, homopolymer; when used as an inert ingredient in a pesticide chemical formulation. Evonik Corporation submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of 2-propenoic acid, 2-methyl-, 2-methylpropyl ester, homopolymer on food or feed commodities.

DATES: This regulation is effective March 25, 2015. Objections and requests for hearings must be received on or before May 26, 2015, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2014–0677, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Susan Lewis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers

determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. Can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2014–0677 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before May 26, 2015. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2014–0677, by one of the following methods.

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.* Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Background and Statutory Findings

In the **Federal Register** of February 11, 2015 (80 FR 7559) (FRL–9921–94), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the receipt of a pesticide petition (PP IN–10754) filed by Evonik Corporation, 299 Jefferson Rd., Parsippany, NJ 07054. The petition requested that 40 CFR 180.960 be amended by establishing an exemption from the requirement of a tolerance for residues of 2-propenoic acid, 2-methyl-, 2-methylpropyl ester, homopolymer; (CAS Reg. No. 9011–15–8). That document included a summary of the petition prepared by the petitioner and solicited comments on the petitioner's request. The Agency did not receive any comments.

Section 408(c)(2)(A)(i) of FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is ''safe.'' Section 408(c)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and use in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing an exemption from the requirement of a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue . . .'' and specifies factors EPA is to consider in establishing an exemption.

III. Risk Assessment and Statutory Findings

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be shown that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. In the case of certain chemical substances that are defined as polymers, the Agency has established a set of criteria to identify categories of polymers expected to present minimal or no risk. The definition of a polymer is given in 40 CFR 723.250(b) and the exclusion criteria for identifying these low-risk polymers are described in 40 CFR 723.250(d). 2-propenoic acid, 2-methyl-, 2-methylpropyl ester, homopolymer conforms to the definition of a polymer given in 40 CFR 723.250(b) and meets the following criteria that are used to identify low-risk polymers.

1. The polymer is not a cationic polymer nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.
2. The polymer does contain as an integral part of its composition the atomic elements carbon, hydrogen, and oxygen.
3. The polymer does not contain as an integral part of its composition, except as impurities, any element other than those listed in 40 CFR 723.250(d)(2)(ii).
4. The polymer is neither designed nor can it be reasonably anticipated to substantially degrade, decompose, or depolymerize.
5. The polymer is manufactured or imported from monomers and/or reactants that are already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.
6. The polymer is not a water absorbing polymer with a number average molecular weight (MW) greater than or equal to 10,000 daltons.

7. The polymer does not contain certain perfluoroalkyl moieties consisting of a CF3- or longer chain length as specified in 40 CFR 723.250(d)(6).

Additionally, the polymer also meets as required the following exemption criteria specified in 40 CFR 723.250(e).

8. The polymer's number average MW of 55,000 is greater than or equal to 10,000 daltons. The polymer contains less than 2% oligomeric material below MW 500 and less than 5% oligomeric material below MW 1,000.

Thus, 2-propenoic acid, 2-methyl-, 2-methylpropyl ester, homopolymer meets the criteria for a polymer to be considered low risk under 40 CFR 723.250. Based on its conformance to the criteria in this unit, no mammalian toxicity is anticipated from dietary, inhalation, or dermal exposure to 2-propenoic acid, 2-methyl-, 2-methylpropyl ester, homopolymer.

IV. Aggregate Exposures

For the purposes of assessing potential exposure under this exemption, EPA considered that 2-propenoic acid, 2-methyl-, 2-methylpropyl ester, homopolymer could be present in all raw and processed agricultural commodities and drinking water, and that non-occupational non-dietary exposure was possible. The number average MW of 2-propenoic acid, 2-methyl-, 2-methylpropyl ester, homopolymer is 55,000 daltons. Generally, a polymer of this size would be poorly absorbed through the intact gastrointestinal tract or through intact human skin. Since 2-propenoic acid, 2-methyl-, 2-methylpropyl ester, homopolymer conforms to the criteria that identify a low-risk polymer, there are no concerns for risks associated with any potential exposure scenarios that are reasonably foreseeable. The Agency has determined that a tolerance is not necessary to protect the public health.

V. Cumulative Effects From Substances With a Common Mechanism of Toxicity

Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found 2-propenoic acid, 2-methyl-, 2-methylpropyl ester, homopolymer to share a common mechanism of toxicity with any other substances, and 2-propenoic acid, 2-methyl-, 2-methylpropyl ester, homopolymer does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that 2-propenoic acid, 2-methyl-, 2-methylpropyl ester, homopolymer does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

VI. Additional Safety Factor for the Protection of Infants and Children

Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA concludes that a different margin of safety will be safe for infants and children. Due to the expected low toxicity of 2-propenoic acid, 2-methyl-, 2-methylpropyl ester, homopolymer, EPA has not used a safety factor analysis to assess the risk. For the same reasons the additional tenfold safety factor is unnecessary.

VII. Determination of Safety

Based on the conformance to the criteria used to identify a low-risk polymer, EPA concludes that there is a reasonable certainty of no harm to the U.S. population, including infants and children, from aggregate exposure to residues of 2-propenoic acid, 2-methyl-, 2-methylpropyl ester, homopolymer.

VIII. Other Considerations

A. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for 2-propenoic acid, 2-methyl-, 2-methylpropyl ester, homopolymer.

IX. Conclusion

Accordingly, EPA finds that exempting residues of 2-propenoic acid, 2-methyl-, 2-methylpropyl ester, homopolymer from the requirement of a tolerance will be safe.

X. Statutory and Executive Order Reviews

This action establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not

have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

XI. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 16, 2015.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.960, add alphabetically the following polymer to the table to read as follows:

§ 180.960 Polymers; exemptions from the requirement of a tolerance.

* * * * *

Polymer	CAS No.
* * * * * *	*
2-Propenoic acid, 2-methyl-, 2-methylpropyl ester, homopolymer, minimum number average molecular weight (in amu), 55,000	9011–15–8
* * * * * *	*

[FR Doc. 2015–06690 Filed 3–24–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 64

[CG Docket No. 02–278; FCC 14–32]

Cargo Airlines Association Petition for Expedited Declaratory Ruling

AGENCY: Federal Communications Commission.

ACTION: Exemption.

SUMMARY: In this document, the Commission grants a request to exempt package delivery notifications from the Telephone Consumer Protection Act's (TCPA) restrictions on autodialed and prerecorded calls and messages to wireless telephone numbers, as long as consumers are not charged and may easily opt out of future messages if they wish, among other pro-consumer conditions. Congress gave the Commission the authority to exclude from this prohibition calls and texts that are not charged to the called party, subject to conditions necessary to protect the called party's privacy rights. This action is necessary to allow wireless consumers to receive package delivery notifications that will be welcome both as a convenience and as a way to guard against package theft.

DATES: Effective March 25, 2015.

FOR FURTHER INFORMATION CONTACT: Kristi Lemoine, Consumer Policy Division, Consumer and Governmental Affairs Bureau, at (202) 418–2467 (voice), or email *kristi.lemoine@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order, document FCC 14–32, adopted March 27, 2014 and released on March 27, 2014, in CG Docket No. 02–278. An Erratum to document FCC 14–32, was released on May 12, 2014. The full text of these documents and copies of any subsequently filed documents in this matter will be available for public inspection and copying via ECFS, and during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. Document FCC 14–32 can also be downloaded in Word or Portable Document Format (''PDF'') at *http://www.fcc.gov/document/cargo-airline-petition-declaratory-ruling.* 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).

Final Paperwork Reduction Act of 1995 Analysis

Document FCC 14–32 does not contain new or modified information collection requirements subject to the Paperwork Reduction Act (PRA) of 1995, 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).

Congressional Review Act

The Commission will not send a copy of FCC 14–32 pursuant to the Congressional Review Act, *see* 5 U.S.C 801(a)(1)(A), because the Commission adopted no rules therein. Rather than adopting rules, the Commission exercised its statutory authority to grant an exemption by Order. *See* 47 U.S.C. 227(b)(2)(C).

Synopsis

The Commission grants the Cargo Airline Association's request to exempt, from the TCPA's restrictions, its proposed free-to-end-user package delivery notifications to consumers' wireless phones, subject to certain conditions. The TCPA prohibits making, without the prior express consent of the called party, any non-emergency call

using an automatic telephone dialing system or an artificial or prerecorded voice to, among other recipients, any wireless telephone number. Specifically, the Commission adopts the following conditions applicable to each delivery notification (voice call or text message) made utilizing the exemption the Commission grants:

(1) A notification must be sent, if at all, only to the telephone number for the package recipient;

(2) notifications must identify the name of the delivery company and include contact information for the delivery company;

(3) notifications must not include any telemarketing, solicitation, or advertising content;

(4) voice call and text message notifications must be concise, generally one minute or less in length for voice calls and one message of 160 characters or less in length for text messages;

(5) delivery companies shall send only one notification (whether by voice call or text message) per package, except that one additional notification may be sent to a consumer for each of the following two attempts to obtain the recipient's signature when the signatory was not available to sign for the package on the previous delivery attempt;

(6) delivery companies relying on this exemption must offer parties the ability to opt out of receiving future delivery notification calls and messages and must honor the opt-out requests within a reasonable time from the date such request is made, not to exceed thirty days; and,

(7) each notification must include information on how to opt out of future delivery notifications; voice call notifications that could be answered by a live person must include an automated, interactive voice- and/or key press-activated opt-out mechanism that enables the called person to make an opt-out request prior to terminating the call; voice call notifications that could be answered by an answering machine or voice mail service must include a toll-free number that the consumer can call to opt out of future package delivery notifications; text notifications must include the ability for the recipient to opt out by replying ''STOP.''

The Commission's grant of the requested exemption, to the extent indicated herein, is limited to package delivery notifications to consumers' wireless phones either by voice or text and only applies so long as those calls are not charged to the consumer recipient, including not being counted against the consumer's plan limits on minutes or texts, and must comply with the conditions the Commission adopts. In addition to the limited context within which package delivery companies will be making autodialed or prerecorded package delivery notification calls to consumers' wireless numbers, the conditions adopted herein to protect consumers' privacy interests are critical to the Commission's exercise of the statutory authority to grant an exemption. Taken as a whole, the Commission finds that these conditions simultaneously fulfill the statutory obligation to protect consumers' privacy interest in avoiding unwanted calls while allowing package delivery companies a reasonable time in which to implement opt-out elections. The Commission clarifies that, as required by the statute, except in an emergency or with the prior express consent of the consumer, any party who sends an autodialed or prerecorded package delivery notification to a wireless number that is not in full conformance with the requirements the Commission adopts today may not take advantage of this exemption and risks violating the TCPA.

Ordering Clause

Pursuant to sections 4(i), 4(j), and 227 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 227, and §§ 1.2 and 64.1200 of the Commission's rules, 47 CFR 1.2, 64.1200, that the Petition for Expedited Declaratory Ruling filed by Cargo Airline Association on August 17, 2012 *is granted in part* and *is otherwise dismissed* to the extent indicated herein.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2015–06709 Filed 3–24–15; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 21

[Docket No. FWS–R9–MB–2011–0100; FF09M29000–145–FXMB12320900000]

RIN 1018–AX92

Migratory Bird Permits; Removal of Regulations Concerning Certain Depredation Orders

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We are removing two regulations that set forth certain depredation orders for migratory birds. There have been no requests for authorization of a depredation order under one regulation we are removing, and no reports of activities undertaken under the other in the last 10 years. Control of depredating birds may be undertaken under depredation permits in accordance with the regulations already set forth.

DATES: This rule is effective April 24, 2015.

FOR FURTHER INFORMATION CONTACT: George Allen, at 703–358–1825.

SUPPLEMENTARY INFORMATION:

Background

On November 4, 2013, we published a proposed rule (78 FR 65953) to remove 50 CFR 21.42, 21.45, and 21.46. These regulations concern depredating migratory birds.

Specifically, 50 CFR 21.42 governs control of depredating migratory game birds in the United States; under this section of the regulations, the Director of the U.S. Fish and Wildlife Service is authorized to issue, by publication in the **Federal Register**, a depredation order to permit the taking of migratory game birds under certain conditions if the Director receives evidence clearly showing that the migratory game birds have accumulated in such numbers in a particular area as to cause or about to cause serious damage to agricultural, horticultural, and fish cultural interests.

Under 50 CFR 21.45, landowners, sharecroppers, tenants, or their employees or agents actually engaged in the production of rice in Louisiana, may, without a permit and in accordance with certain conditions, take purple gallinules (*Ionornis martinica*) when found committing or about to commit serious depredations to growing rice crops on the premises owned or occupied by those persons.

Under 50 CFR 21.46, landowners, sharecroppers, tenants, or their employees or agents actually engaged in the production of nut crops in Washington and Oregon may, without a permit and in accordance with certain conditions, take scrub jays (*Aphelocoma coerulescens*) and Steller's jays (*Cyanocitta stelleri*) when found committing or about to commit serious depredations to nut crops on the premises owned or occupied by such persons.

This Rule

In response to our November 4, 2013, proposed rule (78 FR 65953), we received no comments on our proposal to remove 50 CFR 21.42 or 21.45, but we did receive comments about our proposal to remove 50 CFR 21.46. In this final rule, we are removing only 50

CFR 21.42 and 21.45, as well as references to those two sections that appear in 50 CFR 21.41 and 21.53. Removal of these depredation orders does not affect any other depredation order in 50 CFR part 21. We will address our proposal to remove 50 CFR 21.46 in a separate rule, in which we will respond to the comments we received concerning the proposal to remove that section of our regulations.

The regulations at 50 CFR 21.42 and 21.45 were put in place in 1974, to help commercial agricultural interests (39 FR 1157, January 4, 1974). 50 CFR 21.45 requires reporting and recordkeeping on activities taken in accordance with the regulations. We have received no applications for declaration of a depredation order under § 21.42 in the last 15 years, and there have been no reports of activities conducted under § 21.45 in at least 10 years.

Upon the effective date of this rule (see **DATES**, above), control of depredating birds may still be undertaken under depredation permits, in accordance with 50 CFR 21.41.

Required Determinations

Regulatory Planning and Review (Executive Orders 12866 and 13563)

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

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

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 (Pub. L. 104–121)), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small businesses, small organizations, and small government jurisdictions. However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities.

SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide the statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities. There are no costs associated with this regulations change. The Federal Government will see a small benefit because it will no longer incur the annual cost of publishing the three sections of the regulations in the Code of Federal Regulations (CFR).

We have examined this rule's potential effects on small entities as required by the Regulatory Flexibility Act. This action will not have not have a significant economic impact on any small entity, so a regulatory flexibility analysis is not required.

This rule is not a major rule under the SBREFA (5 U.S.C. 804(2)). It will not have a significant impact on a substantial number of small entities.

a. This rule does not have an annual effect on the economy of $100 million or more.

b. This rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, Tribal, or local government agencies, or geographic regions.

c. This rule will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Therefore, we certify that this rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we have determined the following.

a. This rule will not ''significantly or uniquely'' affect small governments. A small government agency plan is not required.

b. This rule will not produce a Federal mandate of $100 million or greater in any year. It is not a ''significant regulatory action.''

Takings

This rule does not contain a provision for taking of private property. In accordance with Executive Order 12630, a takings implication assessment is not required.

Federalism

This rule does not have sufficient Federalism effects to warrant preparation of a federalism summary impact statement under Executive Order 13132. It will not interfere with the States' abilities to manage themselves or their funds. We do not expect significant economic impacts to result from the removal of the depredation orders.

Civil Justice Reform

In accordance with Executive Order 12988, the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act of 1995

There is no information collection requirement associated with this regulations change. 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.

National Environmental Policy Act

We have analyzed this rule in accordance with the National Environmental Policy Act (NEPA), 42 U.S.C. 432–437(f) and 43 CFR 46.210. The regulations change will remove unused regulations, and is administrative in nature. The action is categorically excluded from further NEPA consideration by 43 CFR 46.210(i).

Socioeconomic. The regulations change will have no socioeconomic impacts.

Migratory bird populations. The regulations change will not affect native migratory bird populations.

Endangered and threatened species. The regulation change will not affect endangered or threatened species or habitats important to them.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and 512 DM 2, we have determined that there are no potential effects on Federally recognized Indian Tribes from the regulations change. The

regulations change will not interfere with Tribes' abilities to manage themselves or their funds or to regulate migratory bird activities on Tribal lands.

Energy Supply, Distribution, or Use (Executive Order 13211)

This rule will affect only two depredation orders for migratory birds, and will not affect energy supplies, distribution, or use. This is not a significant energy action, and no Statement of Energy Effects is required.

Compliance With Endangered Species Act Requirements

Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that ''The Secretary [of the Interior] shall review other programs administered by him and utilize such programs in furtherance of the purposes of this chapter'' (16 U.S.C. 1536(a)(1)). It further states that the Secretary must ''insure that any action authorized, funded, or carried out . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of [critical] habitat'' (16 U.S.C. 1536(a)(2)). The regulations change will not affect listed species.

List of Subjects in 50 CFR Part 21

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Regulation Promulgation

For the reasons described in the preamble, we amend subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 21—MIGRATORY BIRD PERMITS

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

Authority: 16 U.S.C. 703–712.

■ 2. Amend § 21.41 by revising paragraph (a) to read as follows:

§ 21.41 Depredation permits.

(a) *Permit requirement.* Except as provided in §§ 21.43, 21.44, and 21.46, a depredation permit is required before any person may take, possess, or transport migratory birds for depredation control purposes. No permit is required merely to scare or herd depredating migratory birds other than endangered or threatened species or bald or golden eagles.

* * * * *

§ 21.42 [Removed and reserved]

■ 3. Remove and reserve § 21.42.

§ 21.45 [Removed and reserved]

■ 4. Remove and reserve § 21.45.

§ 21.53 [Amended]

■ 5. Amend § 21.53 by removing the fourth sentence of paragraph (c)(2).

Dated: February 2, 2015.

Michael J. Bean,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2015–06639 Filed 3–24–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 140903744–5258–02]

RIN 0648–BE46

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Amendment 16

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement Amendment 16 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP), as prepared and submitted by the Gulf of Mexico (Gulf) Fishery Management Council (Council). This final rule revises the annual catch limit (ACL) for royal red shrimp, removes the royal red shrimp quota, and revises the accountability measures (AMs) for royal red shrimp to remove an inconsistency in the regulations. The purpose of this rule is to prevent overfishing of the royal red shrimp resource while helping to achieve optimum yield and reconcile conflicting Federal regulations.

DATES: This rule is effective April 24, 2015.

ADDRESSES: Electronic copies of Amendment 16, which includes an supplemental environmental impact statement, a Regulatory Flexibility Act analysis, and a regulatory impact review, may be obtained from the Southeast Regional Office Web site at *http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/shrimp/2014/am16/index.html.*

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

SUPPLEMENTARY INFORMATION: The shrimp fishery in the Gulf is managed under the FMP. The FMP was prepared by the Council and implemented through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

On March 11, 2014, NMFS published a notice of intent to prepare a supplemental environmental impact statement for Amendment 16 and requested public comment (79 FR 13623). NMFS published a notice of availablility for Amendment 16 on December 24, 2014, (79 FR 77425) and published the proposed rule on January 26, 2015, (80 FR 3937) and requested public comment. A summary of the actions implemented by Amendment 16 and this final rule is provided below.

On January 30, 2012, NMFS implemented regulations developed through the Generic ACL/AMs Amendment to multiple fishery management plans, including the Shrimp FMP (December 29, 2011, 76 FR 82044). That amendment included actions to establish the commercial ACL and AM for royal red shrimp. However, the ''no action'' alternatives and discussions in the Generic ACL Amendment incorrectly stated that there were currently no catch limits or AMs for royal red shrimp, even though a quota and in-season quota closure were in the regulations. As a consequence, through the Generic ACL Amendment, both a royal red shrimp ACL and AM were added to the regulations, but the existing quota and in-season quota closure provision were not removed.

Federal regulations currently include a royal red shrimp ACL of 334,000 lb (151,000 kg), tail weight, and a quota of 392,000 lb (177.8 mt), tail weight. This final rule removes the royal red shrimp quota and updates the ACL to 337,000 lb (152,861 kg), tail weight, which is equal to the acceptable biological catch as recommended by the Council's Scientific and Statistical Committee.

Federal regulations also include a royal red shrimp in-season closure if the quota is met or projected to be met, based on in-season monitoring (which functions as an AM), and include an AM that implements in-season monitoring and an ACL closure in the year following any ACL overage. The presence of two AMs in the regulations presents an inconsistency in the management of royal red shrimp. This final rule removes the in-season quota closure associated with the royal red shrimp quota and retains the AM associated with the ACL.

Comments and Responses

NMFS received one comment on the proposed rule related to analysis in the final supplemental environmental impact statementfrom a Federal agency. That comment is outside the scope of the rule and is addressed in the Record of Decision for Amendment 16. No other comments were received. No changes were made to the final rule based on public comment.

Classification

The Regional Administrator, Southeast Region, NMFS has determined that this final rule is necessary for the conservation and management of royal red shrimp and is consistent with Amendment 16, the FMP, the Magnuson-Stevens Act, and other applicable law.

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

The Magnuson-Stevens Act provides the statutory basis for this rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting, record-keeping, or other compliance requirements are introduced by this final rule.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this rule would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination was published in the proposed rule and is not repeated here. No comments were received regarding the certification and NMFS has not received any new information that would affect its determination. As a result, a final regulatory flexibility analysis is not required and none was prepared.

List of Subjects in 50 CFR Part 622

Accountability measures, Annual catch limits, Fisheries, Fishing, Gulf of Mexico, Royal red shrimp, Shrimp.

Dated: March 18, 2015.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 622 is amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF OF MEXICO, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

§ 622.57 [Removed and Reserved]

■ 2. Section 622.57 is removed and reserved.

■ 3. In § 622.58, paragraph (a)(1) is revised to read as follows:

§ 622.58 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

(a) * * *

(1) *Commercial sector.* If commercial landings, as estimated by the SRD, exceed the commercial ACL, then during the following fishing year, if commercial landings reach or are projected to reach the commercial ACL, the AA will file a notification with the Office of the Federal Register to close the commercial sector for the remainder of that fishing year. When the commercial sector is closed, royal red shrimp in or from the Gulf EEZ may not be retained, and the sale or purchase of royal red shrimp taken from the Gulf EEZ is prohibited. This prohibition on sale or purchase during a closure for royal red shrimp does not apply to royal red shrimp that were harvested, landed ashore, and sold prior to the effective date of the closure and were held in cold storage by a dealer or processor. The commercial ACL for royal red shrimp is 337,000 lb (152,861 kg), tail weight.

* * * * *

[FR Doc. 2015–06571 Filed 3–24–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 141103917–5223–02]

RIN 0648–BE60

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Black Sea Bass Fishery; Framework Adjustment 8

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

ACTION: Final rule.

SUMMARY: NMFS is implementing regulations consistent with Framework Adjustment 8 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan. This action allows the black sea bass recreational fishery to begin on May 15 of each year, instead of May 19, to provide additional fishing opportunities earlier in the year, unless otherwise modified by further rulemaking.

DATES: Effective April 24, 2015.

ADDRESSES: Copies of the Supplemental Information Report and other supporting documents for this action are available from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 N. State Street, Dover, DE 19901. These documents are also accessible via the Internet at: *http://www.greateratlantic.fisheries.noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Moira Kelly, Fishery Policy Analyst, (978) 281–9218.

SUPPLEMENTARY INFORMATION:

General Background

The summer flounder, scup, and black sea bass fisheries are managed cooperatively under the provisions of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) developed by the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission, in consultation with the New England and South Atlantic Fishery Management Councils. This rule applies to black sea bass (*Centropristis striata*) in U.S. waters of the Atlantic Ocean from 35 E. 13.′ N. lat. (the latitude of Cape Hatteras Lighthouse, Buxton, North Carolina) northward to the U.S./Canada border.

The FMP is managed jointly by the Council and Commission. States manage black sea bass within 3 nautical miles (4.83 km) of their coasts under the Commission's plan. The applicable Federal regulations govern vessels and individual anglers fishing in Federal waters of the exclusive economic zone (EEZ), as well as vessels possessing a Federal black sea bass charter/party vessel permit, regardless of where they fish. The recreational fishery is essentially managed using four tools: The recreational harvest limit; the open season; minimum fish size; and a recreational angler bag limit. The recreational harvest limit is established based on the specifications formula in the FMP. The open season, minimum fish size, and bag limit are collectively referred to as the ''recreational management measures,'' which are designed to ensure that the recreational harvest limit is not exceeded. Because of the way we collect recreational fisheries data along the Atlantic coast, recreational fishing years are divided into 2-month waves: Wave 1 (January/February); Wave 2 (March/April); Wave

3 (May/June); Wave 4 (July/August); Wave 5 (September/October); and Wave 6 (November/December). In the last several years, the black sea bass recreational season has opened during Wave 3. Additional background information on the standard recreational management process was provided in the proposed rule for this action (79 FR 78022; December 29, 2014), and is not repeated here. Additional background information on recreational fishing data can be found on the Marine Recreational Information Program's Web site (*http://www.st.nmfs.noaa.gov/recreational-fisheries*).

Final Action

This action revises the start date of the black sea bass recreational fishery by four days to begin on May 15 instead of May 19, unless otherwise changed by subsequent rulemaking.

In recent years, the black sea bass recreational harvest limit has been achieved or exceeded. Because of this, starting the season on May 15 (*i.e.,* earlier in Wave 3) requires the Council to compensate by shortening the Wave 5 season, when fishing effort is equivalent to Wave 3, by four days, in addition to other potential management changes, to ensure that the recreational harvest limit is not exceeded in 2015. The Council made the necesary recommendations on other management measures, including shortening Wave 5 to accommodate the earlier season opening, at its December 2014 meeting. The Commission is also preparing state-by-state management measures for the 2015 season in order to ensure the recreational harvest limit is not exceeded. Pending submission and review of the Council's and Commission's proposed recreational management measures, NMFS will implement further changes to the black sea bass recreational management measures in a subsequent rulemaking later this year.

Comments and Responses

Two comments were received on the proposed rule.

Comment: One commenter stated that the start date for the black sea bass season should not be changed to make the season longer.

Response: As described above, the Wave 5 season will be adjusted in a future rulemaking action, as recommended by the Council and Commission, to offset the extra days added to Wave 3, so the fishing season as a whole is not getting longer. Because of the timing of the normal recreational management measures rulemaking, in order have the change effective for fishing year 2015, we needed to separate the changes into two rulemakings.

Comment: A second commenter simply stated that black sea bass are delicious.

Response: NMFS agrees (see FishWatch at *http://www.fishwatch.gov*), but this comment is not directly relevant to the action.

Changes From the Proposed Rule

There are no changes from the proposed measures.

Classification

The Administrator, Greater Atlantic Region, NMFS, determined that this framework adjustment is necessary for the conservation and management of the black sea bass fishery and that it is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

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

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. No comments were received regarding this certification. As a result, a Final Regulatory Flexibility Analysis was not required and none was prepared.

There are no new reporting or recordkeeping requirements contained in any of the alternatives considered for this action.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 18, 2015.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 648 is amended 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 648.146 is revised to read as follows:

§ 648.146 Black sea bass recreational fishing season.

Vessels that are not eligible for a moratorium permit under § 648.4(a)(7), and fishermen subject to the possession limit specified in § 648.145(a), may only possess black sea bass from May 15 through September 18, and October 18 through December 31, unless this time period is adjusted pursuant to the procedures in § 648.142.

[FR Doc. 2015–06797 Filed 3–24–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 141110950–5227–02]

RIN 0648–BE63

Pacific Island Fisheries; Pacific Remote Islands Marine National Monument Expansion

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

ACTION: Final rule.

SUMMARY: In this final rule, NMFS establishes requirements for fishing in the Pacific Remote Islands Marine National Monument Expansion. This final rule implements fishery management measures required by Presidential Proclamation 9173.

DATES: This final rule is effective on April 24, 2015.

ADDRESSES: You may review Presidential Proclamation 9173 establishing the Pacific Remote Islands Marine National Monument (PRI Monument Expansion), Presidential Proclamation 8336 (establishing the PRI Monument), and the PRI Monument fishing requirements established in Amendment 2 to the Fishery Ecosystem Plan for the Pacific Remote Island Areas published in 2013, at *www.regulations.gov.* Amendment 2 is also available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808–522–8220, fax 808–522–8226, or from *www.wpcouncil.org.*

FOR FURTHER INFORMATION CONTACT: Bob Harman, NMFS PIR Sustainable Fisheries, tel 808–725–5170.

SUPPLEMENTARY INFORMATION: NMFS and the Council manage Pacific Island fisheries through fishery ecosystem plans (FEP) for American Samoa,

Hawaii, the Mariana Archipelago (Guam and the Commonwealth of the Northern Mariana Islands), the Pacific Remote Island Areas (PRIA), and pelagic fisheries. Fishing regulations for the Pacific Islands are found mainly in 50 CFR part 665.

In 2009, President Bush issued Presidential Proclamations that established three Marine National Monuments in the Pacific Islands, including the PRI Monument (Proclamation 8336). The 2009 Proclamations directed the Secretaries of the Interior and Commerce to regulate fisheries, including allowing for traditional indigenous fishing practices, and to ensure proper care and management of the monuments. In 2013, the Council incorporated the Proclamations' fishery management provisions into its FEPs. Based on the Proclamations and Council recommendations, NMFS implemented a final rule (78 FR 32996, June 3, 2013) that, among other things, codified the PRI Monument's boundaries and prohibited commercial fishing throughout the PRI Monument. It further established management measures for non-commercial and recreational fishing.

In September 2014, President Obama issued Presidential Proclamation 9173, the ''Pacific Remote Islands Marine National Monument Expansion'' (PRI Monument Expansion). The PRI Monument Expansion includes the waters and submerged lands of Jarvis and Wake Islands and Johnston Atoll that lie from the PRI Monument boundary established in Proclamation 8336 to the seaward limit of the U.S. Exclusive Economic Zone (U.S. EEZ, as established in Proclamation 5030 of March 10, 1983).

The intent of the PRI Monument Expansion was to provide expanded protection to objects of scientific interest, including seamounts, deep sea corals, sea turtles, seabirds, and other species. The action called for the prohibition on commercial fishing in the PRI Monument Expansion and directed the Secretaries of the Interior and Commerce to ensure that recreational and non-commercial fishing continue to be managed as sustainable activities in the PRI Monument and Monument Expansion.

Consistent with Proclamation 9173, existing requirements in the PRI Monument, and Council recommendations from its 161st meeting held in Honolulu from October 20–23, 2014, this final rule prohibits commercial fishing, and allows for managed non-commercial fishing, in the PRI Monument Expansion. The requirements for fishing in the Monument Expansion now include, among other things, the following:

- Prohibition of commercial fishing;
- Permit and reporting requirements for non-commercial and recreational fishing;
- Prohibition of the conduct of commercial fishing outside the PRI Monument and Monument Expansion and non-commercial fishing within the PRI Monument and Monument Expansion during the same trip; and
- Federal permit and reporting requirements at §§ 665.13 and 665.14, and the vessel identification requirements at § 665.16.

Additional background information on this final rule is found in the preamble to the proposed rule published on January 14, 2015 (80 FR 1881), and is not repeated here.

Comments and Responses

On January 14, 2015, NMFS published a proposed rule and request for public comments (80 FR 1881); the comment period ended February 13, 2015. NMFS received one comment from the Tri Marine Group, which represents six U.S. flag tuna purse seine vessels, and responds as follows:

Comment: The proposed expansion of the Monument would be harmful to the economic future of the U.S. purse seine fleet and to American Samoa because it unnecessarily restricts access to fishing areas that are already heavily restricted, and would further concentrate tuna fishing pressure into a smaller geographic area. Therefore, NMFS should include a regulatory permit exception in the final rule that would allow U.S. fishery endorsed and documented purse seine vessels to fish in the expanded Monument area between the existing Monument boundaries and the outer limit of the U.S. EEZ at Jarvis and Wake Islands and at Johnston Atoll.

Response: NMFS acknowledges that the Monument Expansion will have impacts on the U.S. purse seine fishery. Purse seine fishing effort in the PRIAs over the past several decades has ranged from less than one percent to about a fifth of the total U.S. purse seine fishing effort in the Pacific. The purse seine catch from the PRIAs has ranged from none to a quarter of the total U.S. Pacific purse seine catch. The average catch from all the PRIAs combined have averaged about five percent of the total U.S. Pacific purse seine catch. The EEZ around Howland and Baker—not affected by this final rule—has received the most effort (about eight fishing days per vessel per year), followed by Jarvis (two days) and Kingman and Palmyra (0.3 days). No purse seine fishing has occurred at Wake Island.

Despite these impacts, Presidential Proclamation 8336 clearly states that the Secretaries of Commerce and the Interior shall not allow or permit any appropriation, injury, destruction, or removal of any feature of this monument, except as provided for by the Proclamation. Specifically, the Proclamation calls for the prohibition of commercial fishing within boundaries of the monument (January 12, 2009, 74 FR 1565). Proclamation 9173 expands the boundaries of the Pacific Remote Islands Marine National Monument to the seaward limit of the U.S. EEZ at Jarvis and Wake Islands and Johnston Atoll, and directs the Secretaries of the Commerce and the Interior to continue to manage the expanded monument as directed in Proclamation 8336. Proclamation 9173 directs the Secretary of Commerce to extend the ban on commercial fishing to the seaward limit of the U.S. EEZ at Jarvis and Wake Islands and Johnston Atoll. NMFS, under authority of the Magnuson-Stevens Act, may not take action inconsistent with other applicable laws; here, the Proclamations are clear regarding the prohibition on commercial fishing within the PRI Monument and Monument Expansion. NMFS, therefore, does not have authority under the Magnuson-Stevens Act to provide a permit exception to this prohibition.

Changes to the Proposed Rule

There are no changes in this final rule from the proposed rule.

Classification

The Regional Administrator, Pacific Islands Region, NMFS, has determined that this final rule is necessary for the conservation and management of the fisheries in the PRI Monument, and that it is consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable laws.

Executive Order 12866

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

Certification Under the Regulatory Flexibility Act

The Chief Council for Regulation of the Department of Commerce certified to the Chief Council for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. NMFS published the factual basis for the certification in the

proposed rule and does not repeat it here. NMFS received no comments regarding this certification. As a result, a regulatory flexibility analysis was not required and none was prepared.

List of Subjects in 50 CFR Part 665

Administrative practice and procedure, Commercial fishing, Fisheries, Monuments and memorials, Pacific Remote Islands.

Dated: March 13, 2015.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, NMFS amends 50 CFR part 665 as follows:

PART 665—FISHERIES IN THE WESTERN PACIFIC

■ 1. The authority citation for 50 CFR part 665 continues to read as follows:

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

■ 2. Revise § 665.930 to read as follows:

§ 665.930 Scope and purpose.

The regulations in this subpart codify certain provisions of the Proclamations, and govern the administration of fishing in the Monument.

■ 3. In § 665.931, revise paragraphs (a), (c), and (d) to read as follows:

§ 665.931 Boundaries.

* * * * *

(a) *Wake Island.* The Wake Island unit of the Monument includes the waters and submerged and emergent lands around Wake Island to the seaward limit of the U.S. EEZ.

* * * * *

(c) *Jarvis Island.* The Jarvis Island unit of the Monument includes the waters and submerged and emergent lands around Jarvis Island to the seaward limit of the U.S. EEZ.

(d) *Johnston Atoll.* The Johnston Atoll unit of the Monument includes the waters and submerged and emergent lands around Johnston Atoll to the seaward limit of the U.S. EEZ.

* * * * *

■ 4. In § 665.932, revise the definition of ''Monument'', remove the definition of ''Proclamation'', and add the definition of ''Proclamations'' in alphabetical order to read as follows:

§ 665.932 Definitions.

* * * * *

Monument means the waters and submerged and emergent lands of the Pacific Remote Islands Marine National Monument and the Pacific Remote Islands Marine National Monument Expansion, as defined in § 665.931.

Proclamations means Presidential Proclamation 8336 of January 6, 2009, ''Establishment of the Pacific Remote Islands Marine National Monument,'' and Presidential Proclamation 9173 of September 29, 2014, ''Pacific Remote Islands Marine National Monument Expansion.''

[FR Doc. 2015–06402 Filed 3–24–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 141021887–5172–02]

RIN 0648–XD846

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pollock in the Bering Sea and Aleutian Islands

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

ACTION: Temporary rule.

SUMMARY: NMFS is reallocating the projected unused amounts of the Aleut Corporation pollock directed fishing allowance from the Aleutian Islands subarea to the Bering Sea subarea. This action is necessary to provide opportunity for harvest of the 2015 total allowable catch of pollock, consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), March 25, 2015, through 2400 hrs, A.l.t., December 31, 2015.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI exclusive economic zone 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 (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.

In the Aleutian Islands subarea, the portion of the 2015 pollock total allowable catch (TAC) allocated to the Aleut Corporation directed fishing allowance (DFA) is 14,700 metric tons (mt) as established by the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015).

As of March 17, 2015, the Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that 2,554 mt of the A season allowance of the Aleut Corporation pollock DFA in the Aleutian Islands subarea will not be harvested. Therefore, in accordance with § 679.20(a)(5)(iii)(B)(*4*), NMFS reallocates 2,554 mt of A season pollock DFA from the Aleutian Islands subarea to the 2015 Bering Sea subarea DFAs. The 2,554 mt of the A season Aleut Corporation pollock DFA is added to the 2015 Bering Sea non-CDQ DFA. As a result, the 2015 harvest specifications for pollock in the Aleutian Islands subarea included in the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015, and 80 FR 12781, March 11, 2015) are revised as follows: 12,146 mt to the annual Aleut Corporation pollock DFA and 7,350 mt to the A season Aleut Corporation pollock DFA. Furthermore, pursuant to § 679.20(a)(5), Table 4 of the final 2015 and 2016 harvest specifications for groundfish in the Bering Sea and Aleutian Islands (80 FR 11919, March 5, 2015, and 80 FR 12781, March 11, 2015), is revised to make 2015 pollock allocations consistent with this reallocation. This reallocation results in adjustments to the 2015 pollock allocations established at § 679.20(a)(5).

TABLE 4—FINAL 2015 ALLOCATIONS OF POLLOCK TACS TO THE DIRECTED POLLOCK FISHERIES AND TO THE CDQ DIRECTED FISHING ALLOWANCES (DFA) [1]

[Amounts are in metric tons]

Area and sector	2015 Allocations	2015 A season [1]		2015 B season [1]
		A season DFA	SCA harvest limit [2]	B season DFA
Bering Sea subarea TAC [1]	1,314,454	n/a	n/a	n/a
CDQ DFA	132,900	53,160	37,212	79,740
ICA [1]	47,160	n/a	n/a	n/a
AFA Inshore	567,197	226,879	158,815	340,318
AFA Catcher/Processors [3]	453,758	181,503	127,052	272,255
Catch by C/Ps	415,188	166,075	n/a	249,113
Catch by CVs [3]	38,569	15,428	n/a	23,142
Unlisted C/P Limit [4]	2,269	908	n/a	1,361
AFA Motherships	113,439	45,376	31,763	68,064
Excessive Harvesting Limit [5]	198,519	n/a	n/a	n/a
Excessive Processing Limit [6]	340,318	n/a	n/a	n/a
Total Bering Sea DFA	1,134,394	453,758	317,630	680,636
Aleutian Islands subarea ABC	29,659	n/a	n/a	n/a
Aleutian Islands subarea TAC [1]	14,546	n/a	n/a	n/a
CDQ DFA	0	0	n/a	0
ICA	2,400	1,200	n/a	1,200
Aleut Corporation	12,146	7,350	n/a	4,796
Area harvest limit 541	8,898	n/a	n/a	n/a
542	4,449	n/a	n/a	n/a
543	1,483	n/a	n/a	n/a
Bogoslof District ICA [7]	100	n/a	n/a	n/a

[1] Pursuant to § 679.20(a)(5)(i)(A), the BS subarea pollock, after subtracting the CDQ DFA (10 percent) and the ICA (4.0 percent), is allocated as a DFA as follows: inshore sector—50 percent, catcher/processor sector (C/P)—40 percent, and mothership sector—10 percent. In the BS subarea, 40 percent of the DFA is allocated to the A season (January 20–June 10) and 60 percent of the DFA is allocated to the B season (June 10–November 1). Pursuant to § 679.20(a)(5)(iii)(B)(*2*)*(i)* and *(ii),* the annual AI pollock TAC, after subtracting first for the CDQ directed fishing allowance (10 percent) and second the ICA (2,400 mt), is allocated to the Aleut Corporation for a pollock directed fishery. In the AI subarea, the A season is allocated 40 percent of the ABC and the B season is allocated the remainder of the pollock directed fishery.

[2] In the BS subarea, no more than 28 percent of each sector's annual DFA may be taken from the SCA before April 1.

[3] Pursuant to § 679.20(a)(5)(i)(A)(*4*), not less than 8.5 percent of the DFA allocated to listed catcher/processors shall be available for harvest only by eligible catcher vessels delivering to listed catcher/processors.

[4] Pursuant to § 679.20(a)(5)(i)(A)(*4*)(*iii*), the AFA unlisted catcher/processors are limited to harvesting not more than 0.5 percent of the catcher/processors sector's allocation of pollock.

[5] Pursuant to § 679.20(a)(5)(i)(*A*)(*6*), NMFS establishes an excessive harvesting share limit equal to 17.5 percent of the sum of the non-CDQ pollock DFAs.

[6] Pursuant to § 679.20(a)(5)(i)(*A*)(*7*), NMFS establishes an excessive processing share limit equal to 30.0 percent of the sum of the non-CDQ pollock DFAs.

[7] Pursuant to § 679.20(a)(5)(iii)(B)(*6*), NMFS establishes harvest limits for pollock in the A season in Area 541 no more than 30 percent, in Area 542 no more than 15 percent, and in Area 543 no more than 5 percent of the Aleutian Islands pollock ABC.

[8] The Bogoslof District is closed by the final harvest specifications to directed fishing for pollock. The amounts specified are for ICA only and are not apportioned by season or sector.

Note: Seasonal or sector apportionments may not total precisely due to rounding.

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 reallocation of Aleutian Island subarea pollock. Since the pollock fishery is currently underway, it is important to immediately inform the industry as to the final Bering Sea and Aleutian Islands pollock allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery; allow the industry to plan for the fishing season and avoid potential disruption to the fishing fleet as well as processors; and provide opportunity to harvest increased seasonal pollock allocations while value is optimum. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as March 17, 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: March 20, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–06851 Filed 3–24–15; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 57
Wednesday, March 25, 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.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

RIN 3245–AG69

Small Business Timber Set Aside Program

AGENCY: U.S. Small Business Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The U.S. Small Business Administration (SBA or Agency) is seeking comments on possible amendments to its Small Business Timber Set-Aside Program (the Program) regulations. The Small Business Timber Set-Aside Program is rooted in the Small Business Act, which tasked SBA with ensuring that small businesses receive a fair proportion of the total sales of government property. Several timber industry stakeholders have petitioned SBA to make changes to the Program because they believe that the current regulations do not provide adequate protections to ensure that small businesses maintain a fair share of the National Forest timber sale market. In response, SBA, in consultation with the United States Forest Service, is seeking comment on several issues to assist the agency in formulating potential regulatory proposals. SBA will share the comments received in response to this advance notice of proposed rulemaking with the United States Forest Service for their use in determining whether, and if so how, to make any corresponding changes to the United States Forest Service Handbook. First, SBA seeks comments on the possibility of including saw timber volume sold as part of a stewardship timber or stewardship services contract in the calculation of the timber sale share of small business. Second, SBA seeks comments on how timber sale appraisals should be performed for small business set aside sales and associated costs and benefits to stakeholders. The SBA is also seeking input on various policy options.

DATES: Comments must be received on or before May 26, 2015.

ADDRESSES: You may submit comments, identified by RIN: 3245–AG69, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *For mail, paper, disk, or CD/ROM submissions:* Brenda J. Fernandez, Procurement Analyst, U.S. Small Business Administration, Office of Policy, Planning and Liaison, 409 Third Street SW., 8th Floor, Washington, DC 20416.
- *Hand Delivery/Courier:* Brenda J. Fernandez, Procurement Analyst, U.S. Small Business Administration, Office of Policy, Planning and Liaison, 409 Third Street SW., 8th Floor, Washington, DC 20416.

SBA will post all comments on *www.regulations.gov.* If you wish to submit confidential business information (CBI) as defined in the User Notice at *www.regulations.gov,* please submit the information to: Brenda J. Fernandez, Procurement Analyst, U.S. Small Business Administration, Office of Policy, Planning and Liaison, 409 Third Street SW., 8th Floor, Washington, DC 20416, or send an email to *brenda.fernandez@sba.gov.* Highlight the information that you consider to be CBI and explain why you believe SBA should hold this information as confidential. SBA will review the information and make the final determination on whether it will publish the information.

FOR FURTHER INFORMATION CONTACT: Brenda J. Fernandez, Procurement Analyst, Office of Policy, Planning and Liaison, 409 Third Street SW., Washington, DC 20416; (202) 205–7337; *brenda.fernandez@sba.gov.*

SUPPLEMENTARY INFORMATION: The Forest Service, an agency of the federal government sells saw logs in accordance with the Small Business Act (Pub. L. 85–536 as amended) and the National Forest Management Act (Pub. L. 94–588 as amended). Timber is regularly sold from the federal forests managed by the U.S. Department of Agriculture's Forest Service (USDA/FS) and the U.S. Department of the Interior's Bureau of Land Management (DOI/BLM). On occasion, timber is sold from federal forests which are under the supervision of the U.S. Department of the Interior's U.S. Fish and Wildlife Service, the U.S. Department of Defense, the U.S. Department of Energy, and the Tennessee Valley Authority. Collectively, these agencies are considered the ''sales agencies.'' SBA and the sales agencies jointly set aside timber sales for bidding by small concerns when market data demonstrates that small businesses would not obtain their fair share under open sales. In 1971, USDA and SBA signed a Memorandum of Understanding (MOU) intended to accomplish the declared policy of Congress that a fair proportion of the total sales of Government property be made to small business enterprises defined by SBA (Small Business Act. 15 U.S.C. 631, *et seq.*). In the 1980s and 1990s, efforts to protect species habitat and watersheds in compliance with federal law and regulation resulted in dramatic changes to the United States timber industry. These changes included reduced timber harvests on Federal and private lands which in turn caused market failures for timber mills that could not adapt and retool. As a result, many small timber mills (western mills in particular) have been forced to close. As such, the Small Business Timber Set-Aside Program has become increasingly important to ensure that a ''fair proportion'' of Federal timber is available for purchase by qualified small business concerns.

SBA is soliciting public comment on the Small Business Timber Set-Aside Program to help the agency determine what, if any, changes should be proposed. Specifically, SBA is soliciting public comments on methods to include stewardship sales in the calculation of the timber sale share for small business and considerations for how timber sale appraisals are performed for small business set-aside sales. These possible amendments would not impact the DOI/BLM's Timber Sale and Forest Management Programs. DOI/BLM's small business set-asides, which are limited to 8 markets in Oregon, are made in accordance with the terms of a separate MOU between SBA and DOI/BLM. Rather than setting forth computation methods for small business market share considerations, SBA's MOU with DOI/BLM affords SBA the opportunity to review DOI/BLM annual timber sale plans prior to publication

and to request set-asides under the authority of the Small Business Act. When DOI/BLM agrees to set aside certain timber sales, DOI/BLM consults with SBA concerning financial and other performance qualifications to be included in the conditions of sale. While DOI/BLM utilizes various stewardship contracting vehicles, the regulatory amendments contemplated by SBA will not impact DOI/BLM's use of stewardship contracting. Further, DOI's current policy regarding small business set-aside timber sales is to appraise the hauling costs to the closest mill that qualifies as a small business under SBA's definition located in.

Saw logs are sold through conventional timber sales and through stewardship contracting. The stewardship contracting program was established by Section 347 of the FY1999 Omnibus Appropriations Act (Pub. L. 105–277) to help achieve land management goals on the national forests, and to help meet the needs of local and rural communities. Stewardship contracting is a goods-for-services arrangement that requires timber companies who cut trees on National Forest System lands to perform other service work in exchange for the timber volume. Integrated Resource Timber Contract (IRTC) formats were developed by the Forest Service for exclusive use in implementing stewardship contracting projects when the value of goods exceeds the cost of services. Integrated Resource Service Contract (IRSC) formats were developed by the Forest Service for exclusive use in implementing stewardship contracting projects when the cost of services exceeds the value of the goods. As demonstrated below, stewardship sales accounted for 31% of all timber (sawtimber plus non-sawtimber) sold by the FS in Fiscal Year 2013. This is the highest percentage of total sales in the last ten years. However, some stakeholders believe that certain FS Regions could/should do consistently better in making timber sales awards to small business.

STEWARDSHIP TIMBER/SERVICE SALES SOLD

[FY 2004–2013]

Year (FY)	R–1	R–2	R–3	R–4	R–5	R–6	R–8	R–9	R–10	All FS
All sales, sawtimber + non-sawtimber (MMbf)										
2004	159	163	49	107	208	434	359	319	85	1,883
2005	243	132	72	49	386	392	414	364	54	2,105
2006	189	165	69	68	228	470	858	381	83	2,511
2007	135	198	57	69	272	489	501	352	29	2,101
2008	186	201	43	70	109	525	539	349	4	2,026
2009	216	199	21	41	236	498	476	319	6	2,011
2010	180	196	46	60	252	424	540	358	45	2,100
2011	149	159	54	46	212	464	556	379	37	2,056
2012	144	196	32	53	219	512	521	419	41	2,137
2013	115	210	129	71	229	527	475	393	13	2,162
Stewardship timber/service sales (MMbf)										
2004	7	9	25	12	23	19	0	0	0	96
2005	12	9	17	7	23	30	4	2	1	105
2006	48	16	18	15	24	64	42	4	0	231
2007	44	16	28	9	62	91	34	23	1	308
2008	64	35	21	12	14	100	28	10	1	284
2009	45	38	15	11	54	96	62	22	0	343
2010	56	70	26	38	75	120	50	50	0	486
2011	43	33	31	21	47	105	62	50	33	427
2012	41	35	19	22	102	175	92	67	40	592
2013	36	39	107	51	75	202	90	61	0	661
% Stewardship										
2004	4	5	51	12	11	4	0	0	0	5
2005	5	7	23	13	6	8	1	1	1	5
2006	25	10	26	22	11	14	5	1	0	9
2007	33	8	49	14	23	19	7	6	2	15
2008	35	17	49	17	13	19	5	3	27	14
2009	21	19	72	27	23	19	13	7	0	17
2010	31	36	56	64	30	28	9	14	0	23
2011	29	21	59	47	22	23	11	13	9	21
2012	28	18	58	42	47	34	18	16	96	28
2013	32	19	83	72	33	38	19	16	0	31

Data Source: Timber Data Company; November 19, 2013.

To help ensure a fair proportion of timber sales go to small businesses, timber sales must be set aside when small business participation falls below a certain amount. In determining this trigger amount, the FS calculates the amount of small business market share based on small business purchases of saw timber volume over a five-year period. This percentage, based upon historical purchases, sets the framework for what constitutes small businesses' fair proportion of the total sales volume. Currently, the computation of small business market share does not include saw logs from stewardship contracts. SBA is seeking comment on whether the calculation should also include saw

timber purchased through stewardship contracts. Specifically, SBA invites comments and supporting data in response to the following questions.

Stewardship Contracting Questions

1. How should the FS include the saw timber volume on stewardship contracts awarded to small business in the computation of small business market share?

2. How might including stewardship saw timber volume impact future market share calculations for small business concerns that participate in stewardship contracts and/or conventional timber sales?

3. What are the potential impacts (costs and benefits) if SBA regulations at 13 CFR 121.506 were to include the saw timber volume from IRTCs and IRSCs in the calculation of small business market share?

a. What is the anticipated impact of the inclusion of saw timber volume from stewardship contracts on stumpage prices?

b. If inclusion of saw timber volume from stewardship contracts leads to lower stumpage prices, what is the impact to land management activities (paid for by stumpage prices) and retained receipts?

c. What is the anticipated impact on sale values both from an agency perspective and a treasury perspective?

4. What would be the most efficient and effective way to account for actual saw timber volume from stewardship contracts awarded to small business?

5. Would an increase in the utilization of stewardship contracts in a market area result in a lower representation of small businesses successfully bidding for timber sales in that market area? Should this lead to lowering the market share for small business set-aside sales in that market area when the FS and SBA compute small business participation?

6. Would including stewardship saw timber volume on contracts awarded to small business in the calculation result in more accurate representation of small business participation in the market area?

Unrelated to stewardship contracting, SBA is also seeking public comments on potential amendments to its current regulations at 13 CFR 121.507(a)(4)(i), which provides that on a set-aside timber sale, the small business may not resell more than 30% of the saw timber volume to a large business concern. When the FS offers any timber sale, it appraises the sale for its potential market value and sets the minimum bid that it will accept based on that appraisal. One factor in the appraisal is the haul cost that the purchaser (small or large) will absorb to bring the timber to a manufacturing facility. Currently, all appraisals are made to the nearest mill. In timber sales set aside for small businesses, large mills are ineligible to bid. In the context of a set-aside, if the nearest mill is a large mill, the appraisal will not accurately capture the haul cost to eligible bidders. As such, SBA is seeking public comment on whether the appraisal for a small business set-aside sale should be made to the nearest, small mill.

Set-aside Sale Appraisal Point Questions

1. How can the actual haul costs to eligible small business timber set-aside purchasers be better reflected in the appraisal process?

2. Should there be considerations for keeping the appraisal point to the nearest mill on a small business timber set-aside sale in those market areas that do not have mills that would qualify as ''small'' under the SBA criteria?

3. How should the prohibition against small businesses reselling more than 30% of the saw timber volume to a large business concern be taken into account when making appraisals for small business timber set-aside sales?

4. What is the financial impact to the Forest Service if the 30% rule is included in the appraisal point haul cost calculation of a small business timber set-aside sale?

5. What is the anticipated impact on trust funds (*e.g.,* Knutson-Vandenberg), if any, if appraisals are made to a small mill rather than the closest processer.

6. SBA is also requesting data on mill size and location.

The SBA welcomes comments and any available data to help substantiate recommendations made in response to the foregoing general questions, or other potential policy options—including status quo—that should be considered for the Small Business Timber Sales Set-Aside Program.

Dated: March 16, 2015.

Maria Contreras-Sweet,

Administrator.

[FR Doc. 2015–06557 Filed 3–24–15; 8:45 am]

BILLING CODE 8025–01–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1, 15, 17, 19, 32, 37, 38, 140, and 150

RIN 3038–AD99; 3038–AD82

Position Limits for Derivatives and Aggregation of Positions; Correction

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed rulemaking; provision of Table 11a; and reopening of comment periods; correction.

SUMMARY: This is a correction to the preamble of a document published by the Commodity Futures Trading Commission (''Commission'') in the **Federal Register** of February 25, 2015, regarding the reopening of the comment periods for proposed rulemakings to establish speculative position limits for 28 exempt and agricultural commodity futures and options contracts and the physical commodity swaps that are economically equivalent to such contracts (the ''Position Limits Proposal'') and to amend existing regulations setting out the Commission's policy for aggregation under its position limits regime (the ''Aggregation Proposal''). This correction clarifies the closing date for the reopened comment periods, which was inadvertently set to fall on a non-business day.

DATES: The comment periods for the Aggregation Proposal published November 15, 2013, at 78 FR 68946, and for the Position Limits Proposal published December 12, 2013, at 78 FR 75680, which reopened on February 26, 2015, will close on March 30, 2015.

FOR FURTHER INFORMATION CONTACT: Stephen Sherrod, Senior Economist, Division of Market Oversight, (202) 418–5452, *ssherrod@cftc.gov;* or Riva Spear Adriance, Senior Special Counsel, Division of Market Oversight, (202) 418–5494, *radriance@cftc.gov;* Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

Correction

In the **Federal Register** of February 25, 2015, in proposed rule FR Doc. 2015–03834, on page 10023, in the first column, correct the **DATES** caption to read:

DATES: The comment periods for the Aggregation Proposal published November 15, 2013, at 78 FR 68946, and for the Position Limits Proposal published December 12, 2013, at 78 FR 75680, will reopen on February 26, 2015, and will close on March 30, 2015.

Dated: March 19, 2015.

Christopher J. Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2015–06688 Filed 3–19–15; 04:15 pm]

BILLING CODE 6351–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 385

[Docket No. RM15–5–000]

Revised Exhibit Submission Requirements for Commission Hearings

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Commission proposes to amend Rule 508 of the Commission's Rules of Practice and Procedure to eliminate the requirement that participants in Commission trial-type evidentiary hearings must provide paper copies of all exhibits introduced as evidence. The Proposed Rule will facilitate a shift toward electronic hearing procedures which should improve the efficiency and administrative convenience of the Commission hearing process, reduce the burden and expense associated with paper exhibits, and facilitate the compilation and transmittal of the hearing record to the Commission in electronic format.

DATES: Comments are due May 26, 2015.

ADDRESSES: Comments, identified by docket number, may be filed in the following ways:

- Electronic Filing through *http://www.ferc.gov.* Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format.
- *Mail/Hand Delivery:* Those unable to file electronically may mail or hand-deliver comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: For detailed instructions on submitting comments and additional information on the rulemaking process, see the Comment Procedures Section of this document.

FOR FURTHER INFORMATION CONTACT: Karin Herzfeld, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, Telephone: (202) 502–8459.

SUPPLEMENTARY INFORMATION:

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1. The Commission is proposing to amend Rule 508 of the Commission's Rules of Practice and Procedure [1] to eliminate the requirement that participants in Commission trial-type evidentiary hearings must provide paper copies of all exhibits introduced as evidence. The Commission proposes to amend section 385.508 of the Commission's regulations by removing paragraph (a)(2) and redesignating paragraph (a)(3) as paragraph (a)(2). While still retaining the option to provide exhibits in paper form, the proposed rule will facilitate a shift toward electronic hearing procedures which should improve the efficiency and administrative convenience of the Commission hearing process, reduce the burden and expense associated with paper exhibits, and facilitate the compilation and transmittal of the hearing record to the Commission in electronic format.

I. Background

2. The Federal government has set a goal to substitute electronic means of communication and information storage for paper. For example, the Government Paperwork Elimination Act directed agencies to provide for the optional use and acceptance of electronic documents and signatures, and electronic record-keeping, where practical.[2] Similarly, the Office of Management and Budget (OMB) Circular A–130 required agencies to use electronic information collection techniques, where such means will reduce the burden on the public, increase efficiency, reduce costs, and help provide better service.

3. On September 21, 2000, the Commission issued Order No. 619, which implemented the use of the Internet for submission of certain documents to the Commission for filing.[3] The eFiling system plays an important role in the Commission's efforts to comply with the Government Paperwork Elimination Act's requirement that agencies provide the option to submit information electronically, when practicable, as a substitute for paper.[4] Filing via the Internet is optional for eligible documents.[5] Since issuing Order No. 619, the Commission has greatly expanded its ability to accept electronically filed material, including interventions, protests, rehearings, complaints, and applications for certificates and licenses.[6] In 2008, the Commission further implemented a system for electronic tariff filing.[7] Consistent with these prior efforts to provide electronic filing options, the Commission is proposing to eliminate the requirement that all exhibits introduced at Commission hearings must be provided in paper form.

II. Discussion

4. Section 385.508 of the Commission's regulations currently requires that ''[a]ny participant who seeks to have an exhibit admitted into evidence must provide one copy of the

[1] 18 CFR 385.508.

[2] 44 U.S.C. 3504.

[3] *Electronic Filing of Documents,* Order No. 619, 65 FR 57088 (Sept. 21, 2000), FERC Stats. & Regs. ¶31,107 (2000).

[4] 44 U.S.C. 3504.

[5] 18 CFR 385.2001(a).

[6] *See Electronic Registration,* Order No. 891, 67 FR 52,406 (Aug. 12, 2002), FERC Stats. & Regs. ¶ 31,132 (2002); *Electronic Filing of FERC Form 1, and Elimination of Certain Designated Schedules in Form Nos. 1 and 1F,* Order No. 626, 67 FR 36,093 (May 23, 2002), FERC Stats. & Regs. ¶ 31,130 (2002); *Electronic Service of Documents,* 66 FR 50,591 (Oct. 4, 2001), FERC Stats. & Regs. ¶ 35,539 (2001); *Revised Public Utility Filing Requirements,* Order No. 2001, 67 FR 31,043 (May 8, 2002), FERC Stats. & Regs. ¶ 31,127 (2002); *Filing Via the Internet,* Order No. 703, 72 FR 65,659 (Nov. 23, 2007), FERC Stats. & Regs. ¶ 31,259 (2007).

[7] *Electronic Tariff Filings,* Order No. 714, FERC Stats. & Regs. ¶ 31,276 (2008).

exhibit to the presiding officer and two copies to the reporter, not later than the time that the exhibit is marked for identification.'' [8] Under current practice, the court reporter assigns Exhibit Numbers to the paper copies and provides the paper copies to the Commission's Docket Branch to be scanned into the Commission's eLibrary system. Copies of all exhibits and motions that are not pre-filed must also be provided to all participants at the hearing.[9]

5. The administrative law judges recently adopted a revised practice for handling exhibits and creating the Exhibit List that removes the need for providing paper copies at the hearing. Under this policy, within seven days of the end of the hearing, participants must file (via eFiling) a ''Joint Exhibit List'' and each sponsoring party must file (via eFiling) the ''Official Copies'' of each exhibit that was offered into evidence and admitted or rejected.[10] Thus, it is no longer necessary or efficient to require all participants to provide the presiding judge and court reporter with paper copies of each exhibit introduced at the hearing.

6. The Commission therefore proposes to eliminate the requirement that participants provide one paper copy of each exhibit to the presiding officer and two paper copies to the court reporter.[11] The proposed rule represents a continuation of the Commission's efforts to implement the goal of substituting electronic means of communication and information storage for paper means. The proposed rule should save resources because participants will no longer be required to make multiple paper copies of all exhibits that they intend to submit into evidence. The proposed rule also will facilitate the presiding judge's compilation and transmittal of the hearing record to the Commission in electronic format.

[8] 18 CFR 385.508(2).

[9] 18 CFR 385.510(d).

[10] *See Notice to the Public, Procedures for Handling Exhibits and Developing the Electronic Hearing Record* (issued December 12, 2014), *http://www.ferc.gov/media/headlines/2014/2014-4/12-12-14-notice.pdf.*

All electronically-filed exhibits must comply with eFiling file format requirements. *See Filing Via the Internet,* Order No. 703, FERC Stats. & Regs. ¶ 31,259 at P 33.

For exhibits that have not previously been provided to the participants, such exhibits must still be provided to the participants at the hearing. *See* 18 CFR 385.510(d).

[11] Most participants file pre-filed testimony and exhibits electronically via the eFiling system before the hearing. The presiding judge in each case will continue to determine how participants exchange exhibits brought to the hearing. *See* 18 CFR 385.504(b)(1), (4).

III. Information Collection Statement

7. Certain collections of information are subject to review by the Office of Management and Budget (OMB) under section 3507(d) of the Paperwork Reduction Act of 1995 (PRA).[12] OMB's regulations require OMB to approve certain information collection requirements imposed by agency rule.[13] This Proposed Rule does not contain any information collection requirements, as defined under section 3502(3) of the PRA, and compliance with the OMB regulations is thus not required.

IV. Environmental Analysis

8. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[14] This action has been categorically excluded under section 380.4(a)(2)(ii), addressing procedural rules.[15]

V. Regulatory Flexibility Act

9. The Regulatory Flexibility Act of 1980 (RFA) [16] generally requires a description and analysis of proposed rules that will have significant economic impact on a substantial number of small entities. This Notice of Proposed Rulemaking (NOPR) concerns procedural matters and, if adopted, is expected to reduce the burden and expense associated with paper exhibits and improve the efficiency and administrative convenience of the Commission hearing process.

10. Accordingly, the Commission certifies that this NOPR, if adopted, will not have a significant economic impact on a substantial number of small entities. An analysis under the RFA is not required.

VI. Comment Procedures

11. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due May 26, 2015. Comments must refer to Docket No. RM15–5–000, and must include the commenter's name, the organization they represent, if applicable, and their address in their comments.

[12] 44 U.S.C. 3507(d).

[13] 5 CFR 1320.12.

[14] *Regulations Implementing the National Environmental Policy Act,* Order No. 486, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. Preambles 1986–1990 ¶ 30,783 (1987).

[15] 18 CFR 380.4(a)(2)(ii).

[16] 5 U.S.C. 601–12.

12. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's Web site at *http://www.ferc.gov.* The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

13. Commenters that are not able to file comments electronically must send an original of their comments to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

14. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

VII. Document Availability

15. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through the Commission's Home Page (*http://www.ferc.gov*) and in the Commission's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE., Room 2A, Washington, DC 20426.

16. From the Commission's Home Page on the Internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

17. User assistance is available for eLibrary and the Commission's Web site during normal business hours from the Commission's Online Support at (202) 502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

By direction of the Commission.

Dated: March 19, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

In consideration of the foregoing, the Commission proposes to amend Part 385, Chapter I, Title 18, Code of Federal Regulations, as follows.

PART 385—RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for Part 385 continues to read as follows:

Authority: 5 U.S.C. 551–557; 15 U.S.C. 717–717z, 3301–3432; 16 U.S.C. 792–828c, 2601–2645; 28 U.S.C. 2461; 31 U.S.C. 3701, 9701; 42 U.S.C. 7101–7352, 16441, 16451–16463; 49 U.S.C. 60502; 49 App. U.S.C. 1–85 (1988).

■ 2. Section 385.508 is amended by revising paragraph (a) to read as follows:

§ 385.508 Exhibits (Rule 508).

(a) *General rules.* (1) Except as provided in paragraphs (b) through (e) of this section, any material offered in evidence, other than oral testimony, must be offered in the form of an exhibit.

(2) The presiding officer will cause each exhibit offered by a participant to be marked for identification.

* * * * *

[FR Doc. 2015–06694 Filed 3–24–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, 1917, 1918, and 1926

[Docket No. OSHA–2012–0023]

RIN 1218–AC74

Chemical Management and Permissible Exposure Limits (PELs)

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Extension of comment period.

SUMMARY: OSHA is extending the comment period on the Request for Information on Chemical Management and Permissible Exposure Limits (PELs) to October 9, 2015.

DATES: Comments must be submitted (postmarked, sent or received) by October 9, 2015.

ADDRESSES: You may submit comments, identified by Docket No. OSHA–2012–0023, by any one of the following methods:

Electronically: You may submit comments and written testimony along with attachments electronically at *http://www.regulations.gov,* which is the Federal e-Rulemaking Portal. Click on the ''COMMENT NOW!'' box next to the title ''Chemical Management and Permissible Exposure Limits (PELs); Extension of Comment Period,'' and follow the instructions on-line for making electronic submissions.

Fax: If your comments, including attachments, do not exceed 10 pages, you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger or courier service: You must submit three copies of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2009–0044, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2350 (OSHA's TTY number is (877) 889–5627). Deliveries (hand, express mail, messenger and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m.–4:45 p.m., e.t.

Instructions: All submission must include the docket number (Docket No. OSHA–2012–0023) or RIN number (RIN 1218–AC74) for this rulemaking. Because of security-related procedures, submission by regular mail may result in significant delay. Please contact the OSHA Docket Office about security procedures for hand delivery, express delivery, messenger or courier.

All comments, including any personal information you provide, are placed in the public docket without change and may be made available on *http://www.regulations.gov.* Therefore, OSHA cautions you about submitting personal information such as social security numbers and birthdates.

Docket: To read or download submissions in response to the proposed rule, go to Docket No. OSHA–2009–0044 at *http://www.regulations.gov.* All submissions are listed in the *http://www.regulations.gov* index, however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through that Web page. All submissions, including copyrighted material, are available for inspections and copying at the OSHA Docket Office.

Electronic copies of this **Federal Register** document are available at *http://www.regulations.gov.* This document, as well as news releases and other relevant information, also are available at OSHA's Web page at *http://www.osha.gov.*

FOR FURTHER INFORMATION CONTACT: For general information and press inquiries, contact Frank Meilinger, Director, Office of Communications, Room N–3647, OSHA, U.S. Department of Labor, 200Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

For technical inquiries, contact William Perry or Lyn Penniman, Directorate of Standards and Guidance, Room N–3718, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–1950 or fax (202) 693–1678; email: *penniman.lyn@dol.gov.*

SUPPLEMENTARY INFORMATION: On October 10, 2014, OSHA published in the **Federal Register** (79 FR 61384–61438) a Request for Information (RFI) soliciting stakeholder feedback with respect to OSHA's overall approach to managing hazardous chemical exposures in the workplace. The document outlines potential modifications to OSHA's current risk and feasibility assessment approaches and requests additional information about chemical management for the workplace that may be more efficient, while still maintaining worker protection. The RFI set a date of April 8, 2015 for submitting written comments.

OSHA has received multiple requests from stakeholders, including the American College of Occupational and Environmental Medicine (ACOEM), the American Federation of Labor and Congress of Industrial Organizations (AFL–CIO), the American Industrial Hygiene Association (AIHA), and ORCHSE Strategies, LLC, to extend the comment period by 60 to 180 additional days. These groups have requested this additional time in order to better research, consider, and formulate responses to the over 50 questions OSHA included in the RFI.

OSHA has decided to extend the comment deadline to October 9, 2015, which provides stakeholders an additional 6 months in which to submit comments.

Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, directed the preparation of this notice. OSHA is issuing this notice under 29 U.S.C. 653, 655, 657; 33 U.S.C. 941; 40 U.S.C. 3704 *et seq.;* Secretary of Labor's Order 1–2012 (77 FR 3912, 1/25/2012); and 29 CFR part 1911.

Signed at Washington, DC, on March 12, 2015.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2015–06516 Filed 3–24–15; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 147

[Docket No. USCG–2014–0863]

RIN 1625–AA00

Safety Zone; Big Foot TLP, Walker Ridge 29, Outer Continental Shelf on the Gulf of Mexico

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes a safety zone around the Big Foot Tension Leg Platform (TLP), Walker Ridge 29 on the Outer Continental Shelf (OCS) in the Gulf of Mexico. The purpose of the safety zone is to protect the facility from all vessels operating outside the normal shipping channels and fairways that are not providing services to or working with the facility. Placing a safety zone around the facility will significantly reduce the threat of allisions, collisions, security breaches, oil spills, releases of natural gas, and thereby protect the safety of life, property, and the environment.

DATES: Comments and related material must be received by the Coast Guard on or before April 24, 2015.

ADDRESSES: You may submit comments identified by docket number USCG–2014–0863 using any one of the following methods:

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

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Mr. Rusty Wright, U.S. Coast Guard, District Eight Waterways Management Branch; telephone 504–671–2138, *rusty.h.wright@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
OCS Outer Continental Shelf
USCG United States Coast Guard

A. Public Participation and Request for Comments

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

1. Submitting Comments

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

To submit your comment online, go to *http://www.regulations.gov,* type the docket number [USCG–2014–0863] in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number (USCG–2014–0863) in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

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

4. Public Meeting

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

B. Basis and Purpose

Under the authority provided in 14 U.S.C. 85, 43 U.S.C. 1333, and Department of Homeland Security Delegation No. 0170.1, 33 CFR part 147 permits the establishment of safety zones for facilities located on the OCS for the purpose of protecting life, property and the marine environment. The protections included in a safety zone established under 33 CFR part 147 include promoting safety of life and property on the facilities as well as their appurtenances and attending vessels and also for the adjacent waters located in and around each facility. Therefore, a safety zone under 33 CFR part 147 may also include provisions to restrict, prevent, or control certain activities, including access by vessels or persons to maintain safety of life, property and the environment. Chevron North America requested that the Coast Guard establish a safety zone around its facility located in the deepwater area of the Gulf of Mexico on the OCS. Placing a safety zone around this facility will

significantly reduce the threat of allisions, oil spills, and releases of natural gas, and thereby protect the safety of life, property, and the environment.

The safety zone proposed by this rulemaking is on the OCS in the deepwater area of the Gulf of Mexico in Walker Ridge 29 with a center point at N. 26°55′58″, W. 90°31′12″. For the purpose of safety zones established under 33 CFR part 147, the deepwater area is considered to be waters of 304.8 meters (1,000 feet) or greater depth extending to the limits of the Exclusive Economic Zone (EEZ) contiguous to the territorial sea of the United States and extending to a distance up to 200 nautical miles from the baseline from which the breadth of the sea is measured. Navigation in the vicinity of the safety zone consists of large commercial shipping vessels, fishing vessels, cruise ships, tugs with tows and the occasional recreational vessel. The deepwater area also includes an extensive system of fairways.

C. Discussion of Proposed Rule

Chevron North America requested that the Coast Guard establish a safety zone extending 500 meters from each point on the Big Foot TLP facility structure's outermost edge. The request for the safety zone was made due to safety concerns for both the personnel aboard the facility, including its appurtenances and attending vessels, and the environment. Chevron North America indicated that it is highly likely that any allision with the facility would result in a catastrophic event. In evaluating this request, the Coast Guard explored relevant safety factors and considered several criteria, including but not limited to, (1) the level of shipping activity around the facility, (2) safety concerns for personnel aboard the facility, (3) concerns for the environment, (4) the likeliness that an allision would result in a catastrophic event based on proximity to shipping fairways, offloading operations, production levels, and size of the crew, (5) the volume of traffic in the vicinity of the proposed area, including those vessels providing services to or working with the facility, (6) the types of vessels navigating in the vicinity of the proposed area, both related and unrelated to facility operations, and (7) the structural configuration of the facility.

Results from a thorough and comprehensive examination of the criteria, IMO guidelines, and existing regulations warrant the establishment of a safety zone of 500 meters around the facility. The proposed safety zone would restrict all vessels from entering into, transiting through, remaining in, or anchoring in the safety zone area. Vessels attending to, servicing, or working with the facility would be exempt from the restrictions in this proposed rule. This proposed safety measure reduces significantly the threat of allisions, collisions, oil spills, and releases of natural gas and increases the safety of life, property, and the environment in the Gulf of Mexico. Authorization to deviate from this proposed rule and transit through the safety zone may be requested from the Commander, Eighth Coast Guard District or a designated representative. Such deviation requests would be considered on a case-by-case basis.

D. Regulatory Analyses

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

1. Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

This rule is not a significant regulatory action due to the location of the Big Foot TLP—on the Outer Continental Shelf—and its distance from both land and safety fairways. Additionally, the area covered by this proposed safety zone is limited in scope as it would encompass only the waters within 500 meters of the outer edges of the facility structure. This is the area where the facility operates and vessels servicing the facility transit and maneuver, presenting the area most vulnerable to risk of allision or collision. Vessels traversing waters near the proposed safety zone will be able to safely travel around the zone using alternate routes. Exceptions to this proposed rule include vessels measuring less than 100 feet in length overall and not engaged in towing. Deviation to transit through the proposed safety zone may be requested. Such requests will be considered on a case-by-case basis and may be authorized by the Commander, Eighth Coast Guard District or a designated representative.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities.

This proposed rule would affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor within the area extending 500 meters from the outermost edges of the Big Foot TLP facility structure located in Walker Ridge 29 on the OCS.

This safety zone will not have a significant economic impact or a substantial number of small entities for the following reasons: Vessel traffic can pass safely around the safety zone using alternate routes. Based on the limited scope of the safety zone, any delay resulting from using an alternate route is expected to be minimal depending on vessel traffic and speed in the area. Additionally, exceptions to this proposed rule include vessels measuring less than 100 feet in length overall and not engaged in towing. Deviation to transit through the proposed safety zone may be requested. Such requests will be considered on a case-by-case basis and may be authorized by the Commander, Eighth Coast Guard District or a designated representative.

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

3. Assistance for Small Entities

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

(see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

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

14. Environment

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

List of Subjects in 33 CFR Part 147

Continental shelf, Marine safety, Navigation (water).

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 147 as follows:

PART 147—SAFETY ZONES

■ 1. The authority citation for part 147 continues to read as follows:

Authority: 14 U.S.C. 85; 43 U.S.C. 1333; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 147.861 to read as follows:

§ 147.861 Big Foot Tension Leg Platform (TLP) Facility Safety Zone.

(a) *Description.* The Big Foot TLP is in the deepwater area of the Gulf of Mexico at Walker Ridge 29. The facility is located at N. 26°55′58″, W. 90°31′12″, and the area within 500 meters (1640.4 feet) from each point on the facility structure's outer edge is a safety zone.

(b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(1) An attending vessel;

(2) A vessel under 100 feet in length overall not engaged in towing; or

(3) A vessel authorized by the Commander, Eighth Coast Guard District or a designated representative.

Dated: February 11, 2015.

Kevin S. Cook,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 2015–06482 Filed 3–24–15; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2014–1069]

RIN 1625–AA00

Safety Zones Within the Captain of the Port New Orleans Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Coast Guard proposes temporary safety zones for multiple locations and dates within the Captain of the Port New Orleans' zone. These safety zones are necessary to protect persons and vessels from potential safety hazards associated with fireworks displays on or over federal waterways.

Entry into these zones is prohibited unless specifically authorized by the Captain of the Port New Orleans or a designated representative.

DATES: Comments and related material must be received by the Coast Guard on or before April 9, 2015.

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

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

(2) *Fax:* 202–493–2251.

(3) *Mail or Delivery:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Deliveries accepted between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays. The telephone number is 202–366–9329.

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Commander (LCDR) James Gatz, Sector New Orleans, at (504) 365–2281 or *James.C.Gatz@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

BNM Broadcast Notice to Mariners
COTP Captain of the Port
DHS Department of Homeland Security
FR Federal Register
LNM Local Notice to Mariners
NPRM Notice of Proposed Rulemaking

A. Public Participation and Request for Comments

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

1. Submitting Comments

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

To submit your comment online, go to *http://www.regulations.gov,* type the docket number [USCG–2014–1069] in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this rulemaking.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

2. Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number (USCG–2014–1069) in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

3. Privacy Act

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

4. Public Meeting

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

B. Regulatory History and Information

Safety zones are proposed during the following five (5) individual marine events:

(1) New Orleans Navy Week is a single, non-repeating fireworks event. This event is scheduled to occur on April 27, 2015, on the Lower Mississippi River in New Orleans, Louisiana. The sponsor for this event applied for a marine event permit. The permit application is currently under review but the Coast Guard believes that additional safety measures in the form of a temporary safety zone will be necessary for safety of navigation during the event. There is no regulatory history for this event.

(2) The Hosts Global fireworks event is an annually-occurring event which occurs in late April on the Lower Mississippi River in New Orleans, Louisiana. The sponsor for this event applied for a marine event permit. The permit application is currently under review but the Coast Guard believes that additional safety measures in the form of a temporary safety zone will be necessary for safety of navigation during the event. The sponsor applied for the 2014 occurrence of this event and the permit was approved. A temporary safety zone was enforced through actual notice for the 2014 occurrence.

(3) The Madisonville 4th of July fireworks display is an annually-occurring event which occurs on July 4 each year in the Tchefuncta River near Madisonville, Louisiana. The sponsor for this event applied for a marine event permit. The permit application is currently under review but the Coast Guard believes that additional safety measures in the form of a temporary safety zone will be necessary for safety of navigation during the event. The sponsor for this event applied for a marine event permit in 2014 but the event was cancelled by the fireworks provider due to short notice on the sponsor's part.

(4) The Mandeville City Seafood Festival is an annually-occurring fireworks event that occurs on July 4 each year at Fountainbleau State Park in Mandeville, Louisiana. The sponsor for

this event applied for a marine event permit. The permit application is currently under review but the Coast Guard believes that additional safety measures in the form of a temporary safety zone will be necessary for safety of navigation during the event. There is no other regulatory history for this event.

(5) The Mandeville Lakefront fireworks show is a single event which is scheduled to occur July 4, 2015, in Mandeville, Louisiana. The sponsor for this event applied for a marine event permit. The permit application is currently under review but the Coast Guard believes that additional safety measures in the form of a temporary safety zone will be necessary for safety of navigation during the event. There is no regulatory history for this event.

Upon initial review of the details for each of these events, the Coast Guard determined that additional safety measures will be necessary.

C. Basis and Purpose

The legal basis and authorities for this rule are found in 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1; 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish and define regulatory safety zones.

The Coast Guard has determined that temporary safety zones are necessary to promote the safety of life on navigable waterways within the COTP New Orleans Zone during these events.

D. Discussion of Proposed Rule

The Coast Guard proposes to establish five temporary safety zones within the Captain of the Port (COTP) New Orleans Zone between April 27, 2015 and July 4, 2015.

The events to be covered by this proposed rule will be enforced on the respective dates listed in the table below.

Item No.	Name of event	Date and location
1	New Orleans Navy Week	Date: April 27, 2015. Location: the entire width of the Lower Mississippi River between MM 94 and MM 96 Above Head of Passes.
2	Hosts Global	Date: April 28, 2015. Location: the entire width of the Lower Mississippi River between MM 94 and MM 96 Above Head of Passes.
3	Madisonville 4th of July	Date: July 4, 2015. Location: the entire width of the Tchefuncta River between the confluence of the Tchefuncta River and Lake Pontchartrain, extending one mile north.
4	Mandeville City Seafood Festival	Date: July 4, 2015. Location: 350 feet in all directions from the end of the Fountainbleau State Park Pier in Lake Pontchartrain.
5	Mandeville Lakefront Fireworks	Date: July 4, 2015. Location: 350 feet in all directions from the fireworks barge, which will be positioned offshore of Mandeville, LA in Lake Pontchartrain.

The COTP New Orleans will inform the public through broadcast notices to mariners (BNM) and local notices to mariners (LNM) of the enforcement periods for the safety zones as well as any changes in the planned schedules. Mariners and other members of the public may also contact Coast Guard Sector New Orleans Command Center to inquire about the status of the safety zones, at (504) 365–2200.

E. Regulatory Analyses

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

1. Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders. These temporary safety zones will restrict navigation on the Lower Mississippi River in the vicinity of New Orleans, Louisiana, the southern end of the Tchefuncta River near Madisonville, Louisiana, and Lake Pontchartrain in vicinity of Mandeville, Louisiana. No safety zone will be established for longer than one hour. Due to the limited scope and short duration of each temporary safety zone, the impacts on routine navigation are expected to be minimal.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities.

This proposed rule will affect the following entities, some of which may be small entities: The owners or operators of vessels intending to transit the following waterways on the listed dates: The Lower Mississippi River in New Orleans, Louisiana on April 27, 2015 and April 28, 2015; the Tchefuncta River near Madisonville, Louisiana on July 4, 2015, and the north shore of Lake Pontchartrain in the vicinity of Mandeville, LA on July 4, 2015. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities because it is limited in scope and each temporary safety zone will only be in effect for approximately one hour on one day. Before enforcement, COTP New Orleans will issue maritime advisories widely available to users of the impacted waterways and will make notifications to the public through marine band radio when the temporary safety zones are being enforced. Additionally, deviation from this rule may be requested and will be considered on a case by case basis by COTP New Orleans or a COTP New Orleans designated representative.

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

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

4. Collection of Information

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

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this proposed rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

This proposed rule would not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

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

10. Protection of Children From Environmental Health Risks

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. A new temporary § 165.T08–1069 is added to read as follows:

§ 165.T08–1069 Safety Zones, Captain of the Port New Orleans Zone, LA.

(a) *Locations.* The following areas are safety zones:

(1) All waters of the Lower Mississippi River from mile marker 94 to mile marker 96 above Head of Passes, New Orleans, LA. This location will be used for the New Orleans Navy Week and Hosts Global events.

(2) All waters of the Tchefuncta River from the confluence of the Tchefuncta River and Lake Pontchartrain, extending one mile north into the Tchefuncta River, Madisonville, LA. This location will be used for the Madisonville Fourth of July event.

(3) All waters of Lake Pontchartrain extending 350 feet in all directions from the end of the Fountainbleau State Park Pier in Mandeville, LA. This location will be used for the Mandeville City Seafood Festival.

(4) All waters of Lake Pontchartrain extending 350 feet in all directions from a fireworks barge located offshore of Mandeville, LA. This location will be used for the Mandeville Lakefront Fireworks event.

(b) *Effective Dates and Enforcement Periods.* This rule is effective during five individual events occurring on four separate dates from April 27, 2015 through July 4, 2015. The temporary safety zones will be enforced during the following dates and times:

(1) April 27, 2015, in the evening for one hour or less in the location noted in section a.1.

(2) April 28, 2015, in the evening for one hour or less in the location noted in section a.1.

(3) July 4, 2015, in the evening for one hour or less in the location noted in section a.2.

(4) July 4, 2015, in the evening for one hour or less the locations noted in section a.3 and a.4.

(c) *Regulations.*

(1) In accordance with the general regulations in § 165.23 of this part, entry into these zones is prohibited unless specifically authorized by the Captain of the Port (COTP) New Orleans or designated personnel. Designated personnel include commissioned, warrant and petty officers of the U.S. Coast Guard assigned to units under the operational control of Sector New Orleans.

(2) Persons and vessels requiring deviation from this rule must request permission from the COTP New Orleans or a COTP New Orleans designated representative. They may be contacted on VHF–FM Channel 16 or 67, or through Coast Guard Sector New Orleans at 504–365–2200.

(3) Persons and vessels permitted to deviate from this rule must transit at the slowest safe speed and comply with all lawful directions issued by the COTP New Orleans or designated representative.

(d) *Information Broadcasts.* The COTP New Orleans or a COTP New Orleans designated representative will inform the public through broadcast notices to mariners of the enforcement period for the safety zones as well as any changes in the planned schedule.

Dated: March 4, 2015.

P.C. Schifflin,

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

[FR Doc. 2015–06846 Filed 3–24–15; 8:45 a.m.]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2015–0089; FRL–9925–15–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Biomass Fuel-Burning Equipment Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Maryland. This revision pertains to a new regulation for biomass fuel-burning equipment and related amendments to existing regulations. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before April 24, 2015.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2015–0089 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Email: powers.marilyn@epa.gov.*

C. *Mail:* EPA–R03–OAR–2015–0089, Marilyn Powers, Acting Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2015–0089. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

FOR FURTHER INFORMATION CONTACT: Irene Shandruk, (215) 814–2166, or by email at *shandruk.irene@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Biomass materials, which include wood residue and wood products, animal manure (including litter and other bedding materials), vegetative agricultural materials as well as silvicultural materials, can be used as fuel burned to provide heat and power. New technologies and environmental initiatives have recently increased the use of biomass material for combustion in the State of Maryland. Therefore, the Maryland Department of the Environment (MDE) has established emission standards for the combustion of biomass fuel by developing a new Code of Maryland (COMAR) regulation, COMAR 26.11.09.12—''Standards for Biomass Fuel-Burning Equipment Greater Than 350,000 British Thermal Units (Btu)/Hour (hr) Heat Input.'' The

typical type of equipment that is regulated under this new regulation is a boiler; however, it also applies to process heaters and other applications.

II. Summary of SIP Revision

On January 12, 2015, MDE submitted to EPA a SIP revision concerning new regulation COMAR 26.11.09.12 (Standards for Biomass Fuel-Burning Equipment Equal to or Greater Than 350,000 Btu/hr) and related amendments to regulations .01, .04, .06, .07, .09, and .10 under COMAR 26.11.09—Control of Fuel-Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations. The new regulation, COMAR 26.11.09.12, Standards for Biomass Fuel-Burning Equipment Equal to or Greater Than 350,000 Btu/hr, establishes particulate matter (PM) and nitrogen oxide (NO_X) emission limits (see Table 1) and additional requirements (such as compliance and record keeping and reporting) for biomass fuel-burning equipment. According to MDE, small biomass boilers will need to install PM emission controls; however, MDE asserts the NO_X emission rates for biomass fuel-burning equipment can be achieved through efficient system design and do not require add-on pollution controls. MDE also asserted in the SIP submittal that new biomass fuel-burning equipment would still be subject to standards based on federal maximum achievable control technology (MACT), generally available control technology (GACT), and best available control technology (BACT) analysis. Further EPA analysis and information on the MDE regulations for this SIP submittal are provided in the Technical Support Document (TSD) with Docket ID No. EPA–R03–OAR–2015–0089.

TABLE 1—EMISSION STANDARDS FOR BIOMASS FUEL-BURNING EQUIPMENT

Heat input capacity (mmBtu/hr)	PM (pounds/mmBtu)	NO_X (pounds/mmBtu)
≥10	0.03–0.07	0.25–0.30
>1.5 and <10	0.1–0.23	0.30
>0.35 and ≤1.5	0.1–0.35	0.30

MDE has submitted the new biomass fuel-burning provisions in COMAR 26.11.09.12 and revised provisions in COMAR 26.11.09.10 for inclusion in the Maryland SIP. The SIP submittal also includes revisions to COMAR 26.11.09.01 (February 22, 2011, 76 FR 9650), .04 (November 3, 1992, 57 FR 49651), .06 (July 6, 2005, 70 FR 38774), .07 (November 3, 1992, 57 FR 49651), and .09 (May 1, 2003, 68 FR 23206), which were previously included in the Maryland SIP.

III. Proposed Action

EPA's review of this material indicates that MDE's regulation provides emission limits on smaller biomass fuel-burning equipment providing PM and NO_X emission reductions which will strengthen the Maryland SIP. The reductions in PM and NO_X will help Maryland attain and maintain the National Ambient Air Quality Standards (NAAQS) for ozone and PM. EPA is proposing to approve Maryland's January 12, 2015 SIP revision for biomass fuel-burning equipment. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Incorporation by Reference

In this rulemaking, the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the Maryland rules regarding the definitions and requirements for biomass fuel-burning equipment in COMAR 26.11.09.01, .04, .06, .07, .09, .10, and .12. The EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the EPA Region III office (see the **ADDRESSES** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rule pertaining to Maryland's biomass fuel-burning equipment standards does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

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

Dated: March 10, 2015.

William C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2015–06856 Filed 3–24–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2014–0883; FRL–9924–96–Region–3]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Determination of Attainment of the 1997 8-Hour Ozone National Ambient Air Quality Standard for the Baltimore, Maryland Serious Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to make a determination that the Baltimore, Maryland Serious Nonattainment Area (Baltimore Area) has attained the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS). This proposed determination is based upon complete, quality-assured, and certified ambient air monitoring data that shows the Area has monitored attainment of the 1997 8-hour ozone NAAQS for the 2012–2014 monitoring period. If this proposal becomes final, the requirement for this Area to submit an attainment demonstration, reasonably available control measures (RACM), a reasonable further progress (RFP) plan, and contingency measures related to attainment of the 1997 8-hour ozone NAAQS shall be suspended for so long as the Area continues to attain the 1997 8-hour ozone NAAQS. This action does not constitute a redesignation to attainment. The Baltimore Area will remain nonattainment for the 1997 8-hour ozone NAAQS until such time as EPA determines that the Baltimore Area meets the Clean Air Act (CAA) requirements for redesignation to attainment, including an approved maintenance plan. This action is being taken under the CAA.

DATES: Written comments must be received on or before April 24, 2015.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2014–0883 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. Email: *fernandez.cristina@epa.gov.*

C. Mail: EPA–R03–OAR–2014–0883, Cristina Fernandez, Associate Director, Office of Air Program Planning, Mailcode 3AP30, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. Hand Delivery: At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2014–0883. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

FOR FURTHER INFORMATION CONTACT: Irene Shandruk, (215) 814–2166, or by email at *shandruk.irene@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On July 18, 1997, EPA revised the health-based NAAQS for ozone based on 8-hour average concentrations. 62 FR 38856. The 8-hour averaging period replaced the previous 1-hour averaging period, and the level of the NAAQS was changed from 0.12 parts per million (ppm) to 0.08 ppm. *Id.* On April 30, 2004 (69 FR 23858), EPA finalized its attainment/nonattainment designations for areas across the country for the 1997 8-hour ozone NAAQS. These actions became effective on June 15, 2004. Among those nonattainment areas was the Baltimore Area (specifically, Anne Arundel County, Baltimore City, Baltimore County, Carroll County, Harford County, and Howard County), which was designated as a moderate ozone nonattainment area. *Id.* Later, the Baltimore Area was reclassified as a serious nonattainment area for the 1997 ozone NAAQS. 77 FR 4901 (February 1, 2012). *See* 40 CFR 81.321. Air quality monitoring data from the 2012–2014 monitoring period indicate that the Baltimore Area is now attaining the 1997 8-hour ozone NAAQS.

Under the provisions of EPA's ozone implementation rule (40 CFR 51.918), if EPA issues a determination that an area is attaining the relevant standard (through a rulemaking that includes public notice and comment), it will suspend the area's obligations to submit an attainment demonstration, RACM, RFP, contingency measures and other planning requirements related to attainment of the 1997 8-hour ozone NAAQS for as long as the area continues to attain the standard. This suspension remains in effect until such time, if ever, that EPA (i) redesignates the area to attainment at which time those requirements no longer apply, or (ii) subsequently determines that the area has violated the 1997 8-hour ozone NAAQS. Although these requirements are suspended, EPA is not precluded

from acting upon these elements at any time if submitted to EPA for review and approval. The determination of attainment is not equivalent to a redesignation under section 107(d)(3) of the CAA. The designation status of the Baltimore Area will remain nonattainment for the 1997 8-hour ozone NAAQS until such time as EPA determines that the Baltimore Area meets the CAA requirements for redesignation to attainment, including an approved maintenance plan. Additionally, the determination of attainment is separate from, and does not influence or otherwise affect, any future designation determination or requirements for the Baltimore Area based on any new or revised ozone NAAQS, and it remains in effect regardless of whether EPA designates the Baltimore Area as a nonattainment area for purposes of any new or revised ozone NAAQS.

II. EPA's Evaluation

For ozone, an area may be considered to be attaining the 1997 8-hour ozone NAAQS if there are no violations, as determined in accordance with 40 CFR part 50, based on three complete, consecutive calendar years of quality-assured ambient air monitoring data. Under EPA regulations at 40 CFR part 50, the 1997 8-hour ozone standard is attained when the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentration at an ozone monitor is less than or equal to 0.08 ppm. This 3-year average is referred to as the design value. When the design value is less than or equal to 0.084 ppm (based on the rounding convention in 40 CFR part 50, Appendix I) at each monitor within the area, then the area is attaining the NAAQS. Also, the data completeness requirement is met when the average percent of days with valid ambient monitoring data is greater than or equal to 90 percent (%), and no single year has less than 75% data completeness as determined in Appendix I of 40 CFR part 50. The data must be collected and quality-assured in accordance with 40 CFR part 58, and recorded in the EPA Air Quality System (AQS).

EPA has reviewed the complete, quality-assured and certified ozone ambient air monitoring data for the monitoring period for 2012–2014 for the Baltimore Area. The design values for each monitor for the years 2012–2014 are less than or equal to 0.084 ppm, and all monitors meet the data completeness requirements (*see* Table 1). Based on this 2012–2014 data from the AQS database and consistent with the requirements contained in 40 CFR part 50, EPA has concluded that this Area attained the 1997 8-hour ozone NAAQS.

TABLE 1—2012–2014 BALTIMORE AREA 1997 8-HOUR OZONE DESIGN VALUES

Monitor ID	Average percent (%) data completeness	2012–2014 Design value (ppm)
24–003–0014	97	0.074
24–005–1007	95	0.072
24–005–3001	99	0.072
24–013–0001	99	0.069
24–025–1001	98	0.075
24–025–9001	96	0.073
24–510–0054	90	0.064

The data in Table 1 are available in EPA's AQS database. The AQS report with this data is available in the docket for this rulemaking under docket number EPA–R03–OAR–2014–0883 and available online at *www.regulations.gov,* docket number EPA–R03–OAR–2014–0883.

III. Proposed Action

EPA is proposing to make a determination that the Baltimore Area has attained the 1997 8-hour ozone NAAQS. This proposed determination is based upon complete, quality-assured, and certified ambient air monitoring data that show the Area has monitored attainment of the 1997 8-hour ozone NAAQS for the 2012–2014 monitoring period. Once this proposal is final, the requirement for this Area to submit an attainment demonstration, RACM, a RFP plan, contingency measures, and other planning requirements related to attainment of the 1997 8-hour ozone NAAQS shall be suspended for so long as the Area continues to attain the 1997 8-hour ozone NAAQS. Although these requirements are suspended, EPA is not precluded from acting upon these elements at any time if submitted to EPA for review and approval. Finalizing this determination does not constitute a redesignation of the Baltimore Area to attainment for the 1997 8-hour ozone NAAQS under CAA section 107(d)(3). This determination of attainment also does not involve approving any maintenance plan for the Baltimore Area and does not determine that the Area has met all the requirements for redesignation under the CAA, including that the attainment be due to permanent and enforceable measures. Therefore, the designation status of the Baltimore Area will remain nonattainment for the 1997 8-hour ozone NAAQS until such time as EPA takes final rulemaking action to determine that such Area meets the CAA requirements for redesignation to attainment. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Statutory and Executive Order Reviews

This action proposes to make an attainment determination based on air quality data and would, if finalized, result in the suspension of certain Federal requirements and would not impose any additional requirements. For that reason, this proposed action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4);

• does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

• is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

• is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

• is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

• does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rule, concerning a determination of attainment for the 1997 8-hour ozone NAAQS for the Baltimore Area, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the State Implementation Plan (SIP) is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Incorporation by reference, Ozone, Reporting and recordkeeping requirements.

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

Dated: March 9, 2015.

William C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2015–06731 Filed 3–24–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2014–0833; FRL–9924–97–Region–3]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Preconstruction Requirements—Nonattainment New Source Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted on August 22, 2013 by the Maryland Department of the Environment (MDE). This revision pertains to Maryland's major nonattainment New Source Review (NSR) program, notably preconstruction permitting requirements for sources of fine particulate matter ($PM_{2.5}$). This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before April 24, 2015.

ADDRESSES: Submit your comments, identified by Docket ID Number EPA–R03–OAR–2014–0833 by one of the following methods:

A. *www.regulations.gov.* Follow the on-line instructions for submitting comments.

B. *Email: campbell.dave@epa.gov.*

C. *Mail:* EPA–R03–OAR–2014–0833, David Campbell, Associate Director, Office of Permits and Air Toxics, Mailcode 3AP10, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

D. *Hand Delivery:* At the previously-listed EPA Region III address. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–R03–OAR–2014–0833. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the Maryland Department of the Environment, 1800 Washington Boulevard, Suite 705, Baltimore, Maryland 21230.

FOR FURTHER INFORMATION CONTACT: David Talley, (215) 814–2117, or by email at *talley.david@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On August 22, 2013, MDE submitted a SIP revision request to EPA. This SIP revision request, if approved, would revise Maryland's currently approved nonattainment NSR program by amending Regulation .01 under section 26.11.01 of the Code of Maryland Regulations (COMAR), and Regulations .01 and .02 under COMAR 26.11.17. Generally, the revisions incorporate provisions related to the 2008 ''Implementation of the New Source Review (NSR) Program for Particulate Matter Less than 2.5 Micrometers ($PM_{2.5}$)'' (2008 NSR $PM_{2.5}$ Rule). 73 FR 28321 (May 16, 2008). The 2008 NSR $PM_{2.5}$ rule: (1) Required NSR permits to address directly emitted $PM_{2.5}$ and precursor pollutants; (2) established significant emission rates for direct $PM_{2.5}$ and precursor pollutants (including sulfur dioxide (SO_2) and oxides of nitrogen (NO_X)); (3) established $PM_{2.5}$ emission offsets; and (4) required states to account for gases that condense to form particles (condensables) in $PM_{2.5}$ emission limits.

Additionally, the 2008 NSR $PM_{2.5}$ Rule authorized states to adopt provisions in their nonattainment NSR

rules that would allow major stationary sources and major modifications locating in areas designated nonattainment for $PM_{2.5}$ to offset emissions increases of direct $PM_{2.5}$ emissions or $PM_{2.5}$ precursors with reductions of either direct $PM_{2.5}$ emissions or $PM_{2.5}$ precursors in accordance with offset ratios contained in the approved SIP for the applicable nonattainment area. The inclusion, in whole or in part, of the interpollutant offset provisions for $PM_{2.5}$ is discretionary on the part of the states. In the preamble to the 2008 NSR $PM_{2.5}$ Rule, EPA included preferred or presumptive offset ratios, applicable to specific $PM_{2.5}$ precursors, that states may adopt in conjunction with the new interpollutant offset provisions for $PM_{2.5}$, and for which the state could rely on the EPA's technical work to demonstrate the adequacy of the ratios for use in any $PM_{2.5}$ nonattainment area. Alternatively, the preamble indicated that states may adopt their own ratios, subject to the EPA's approval, that would have to be substantiated by modeling or other technical demonstrations of the net air quality benefit for ambient $PM_{2.5}$ concentrations. The preferred ratios were subsequently the subject of a petition for reconsideration, which the Administrator granted. EPA continues to support the basic policy that sources may offset increases in emissions of direct $PM_{2.5}$ or of any $PM_{2.5}$ precursor in a $PM_{2.5}$ nonattainment area with actual emissions reductions in direct $PM_{2.5}$ or $PM_{2.5}$ precursors in accordance with offset ratios as approved in the SIP for the applicable nonattainment area. However, we no longer consider the preferred ratios set forth in the preamble to the 2008 NSR $PM_{2.5}$ Rule to be presumptively approvable. Instead, any ratio involving $PM_{2.5}$ precursors adopted by the state for use in the interpollutant offset program for $PM_{2.5}$ nonattainment areas must be accompanied by a technical demonstration that shows the net air quality benefits of such ratio for the $PM_{2.5}$ nonattainment area in which it will be applied. Maryland's August 22, 2013 submittal did not include the interpollutant offset provisions.

The 2008 NSR $PM_{2.5}$ Rule (as well as the 2007 ''Final Clean Air Fine Particle Implementation Rule'' (2007 $PM_{2.5}$ Implementation Rule) [1]), was the subject of litigation before the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) in *Natural Resources Defense Council* v. *EPA* (hereafter, *NRDC* v. *EPA*).[2] On January 4, 2013, the D.C. Circuit remanded to EPA both the 2007 $PM_{2.5}$ Implementation Rule and the 2008 NSR $PM_{2.5}$ Rule. The court found that in both rules EPA erred in implementing the 1997 $PM_{2.5}$ National Ambient Air Quality Standard (NAAQS) solely pursuant to the general implementation provisions of subpart 1 of part D of title I of the CAA (subpart 1), rather than pursuant to the additional implementation provisions specific to particulate matter in subpart 4 of part D of title I (subpart 4).[3] As a result, the court remanded both rules and instructed EPA ''to re-promulgate these rules pursuant to subpart 4 consistent with this opinion.'' Although the D.C. Circuit declined to establish a deadline for EPA's response, EPA intends to respond promptly to the court's remand and to promulgate new generally applicable implementation regulations for the $PM_{2.5}$ NAAQS in accordance with the requirements of subpart 4. In the interim, however, states and EPA still need to proceed with implementation of the 1997 $PM_{2.5}$ NAAQS in a timely and effective fashion in order to meet statutory obligations under the CAA and to assure the protection of public health intended by those NAAQS. In a June 2, 2014 final rulemaking entitled ''Identification of Nonattainment Classification and Deadlines for Submission of State Implementation Plan (SIP) Provisions for the 1997 Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS) and 2006 $PM_{2.5}$ NAAQS; Final Rule,'' (79 FR 31566), EPA identified the classification status under subpart 4 for areas currently designated nonattainment for the 1997 and 2006 $PM_{2.5}$ NAAQS. That rulemaking also established a December 31, 2014 deadline for the submission of any additional attainment related SIP elements that may be needed to meet the applicable requirements of subpart 4.

EPA is in the process of evaluating the requirements of subpart 4 as they pertain to nonattainment NSR. In particular, subpart 4 includes section 189(e) of the CAA, which requires the control of major stationary sources of coarse particulate matter (PM_{10}) precursors (and hence under the *NRDC* v. *EPA* court decision, $PM_{2.5}$ precursors) ''except where the Administrator determines that such sources do not contribute significantly to PM_{10} levels which exceed the standard in the area.'' The evaluation of which precursors need to be controlled to achieve the standard in a particular area is typically conducted in the context of the state's preparing and the EPA's reviewing an area's attainment plan SIP. At the time of the August 22, 2013 SIP submittal, three areas in Maryland were designated as nonattainment for the 1997 annual $PM_{2.5}$ NAAQS: The Maryland portion of the Washington DC–MD–VA nonattainment area; the Baltimore nonattainment area; and the Maryland portion of the Martinsburg-Hagerstown, MD–WV nonattainment area.

Since the SIP submittal, EPA has taken final action to redesignate all of these areas to attainment. On October 6, 2014, EPA took final action to redesignate the Washington, DC–MD–VA area. 79 FR 60081. On December 16, 2014, EPA took final action to redesignate both the Baltimore nonattainment area and the Martinsburg-Hagerstown nonattainment area to attainment. 79 FR 75032 (Baltimore area) and 79 FR 75035 (Maryland portion of the Martinsburg-Hagerstown area). As a result, MDE is no longer obligated to submit a nonattainment NSR SIP revision under section 189 of the CAA addressing nonattainment NSR permitting requirements for $PM_{2.5}$, including the requirements under subpart 4. Therefore, EPA has not evaluated the August 22, 2013 submittal for the purposes of determining compliance with the subpart 4 requirements. To the extent that any area is designated nonattainment for $PM_{2.5}$ in Maryland in the future, MDE will have to make a submission under section 189 of the CAA addressing how its nonattainment permitting program satisfies the CAA statutory requirements as to $PM_{2.5}$, including subpart 4 and any applicable $PM_{2.5}$ Federal implementation rules.

II. Summary of SIP Revision

As previously discussed, this SIP revision incorporates provisions related to the 2008 NSR $PM_{2.5}$ Rule, which: (1) Required NSR permits to address directly emitted $PM_{2.5}$ and precursor pollutants;(2) established significant emission rates for direct $PM_{2.5}$ and precursor pollutants (including sulfur dioxide (SO_2) and oxides of nitrogen (NO_X)); (3) established $PM_{2.5}$ emission offsets; and (4) required states to account for gases that condense to form particles (condensables) in $PM_{2.5}$ emission limits.

[1] 72 FR 20586 (April 25, 2007).

[2] 706 F.3d 428 (D.C. Cir. 2013).

[3] The court's opinion did not specifically address the point that implementation under subpart 4 requirements would still require consideration of subpart 1 requirements, to the extent that subpart 4 did not override subpart 1. EPA assumes that the court presumed that EPA would address this issue of potential overlap between subpart 1 and subpart 4 requirements in subsequent actions.

To implement these provisions, Maryland amended Regulation .01 under COMAR 26.11.01 (General Administrative Provisions) and Regulations .01 and .02 under COMAR 26.11.17 (Nonattainment Provisions for Major New Sources and Major Modifications). The general definitions at COMAR 26.11.01.01 were amended to add definitions of ''$PM_{2.5}$'' and ''$PM_{2.5}$ emissions.'' COMAR 26.11.17 contains the preconstruction requirements for new major stationary sources and major modifications locating in nonattainment areas. The definitions of ''regulated NSR pollutant'' and ''significant'' under COMAR 26.11.17.01 were amended. The amended definitions require that sources account for the condensable fraction of PM_{10} and $PM_{2.5}$, require that NO_X and SO_2 be regulated as precursors to PM_{10} and $PM_{2.5}$, and establish significant emission rates (SERs) for $PM_{2.5}$ and its precursors. COMAR 26.11.17.02 was revised to specify that all of the major nonattainment NSR preconstruction requirements of the chapter are applicable to new major stationary sources and major modifications that are major for $PM_{2.5}$ or its precursors. COMAR 26.11.17.02 was also revised to clarify that in addition to the requirements of that chapter, the Prevention of Significant Deterioration (PSD) requirements of COMAR 26.11.04.16 may also apply to sources locating in nonattainment areas.

III. Proposed Action

EPA's review of this material indicates that the proposed revisions comply with the nonattainment NSR program requirements of the CAA and its implementing regulations (including the 2008 NSR $PM_{2.5}$ Rule) that are applicable in Maryland at this time. EPA is therefore proposing to approve MDE's August 22, 2013 submittal as a revision to the Maryland SIP. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Incorporation by Reference

In this proposed action, the EPA is proposing to include in a final EPA rule, regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference amendments to Regulation .01 under COMAR 26.11.01 (General Administrative Provisions) and Regulations .01 and .02 under COMAR 26.11.17 (Nonattainment Provisions for Major New Sources and Major Modifications). The 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).

V. Statutory and Executive Order Reviews

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rule, relating to Maryland's nonattainment NSR program, does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

List of Subjects in 40 CFR Part 52

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

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

Dated: March 9, 2015.

William C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2015–06729 Filed 3–24–15; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 73

[AU Docket No. 15–3; DA 15–25]

Auction of FM Broadcast Construction Permits Scheduled for July 23, 2015; Comment Sought on Competitive Bidding Procedures for Auction 98

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; proposed auction procedures; comment sought.

SUMMARY: The Wireless Telecommunications and Media Bureaus (the Bureaus) announce the auction of certain FM broadcast construction permits. This document also seeks comment on competitive bidding procedures for Auction 98.

DATES: Comments are due on or before April 1, 2015, and reply comments are due on or before April 8, 2015. Bidding for construction permits in Auction 98 is scheduled to begin on July 23, 2015.

ADDRESSES: Interested parties may submit comments to the *Auction 98 Request for Comment* by any of the following methods:

- *FCC's Web site:* Federal Communication Commission's Electronic Comment Filing System (ECFS): *http://fjallfoss.fcc.gov/ecfs2/.* Follow the instructions for submitting comments.
- *Mail:* FCC Headquarters, 445 12th Street SW., Room TW–A325, Washington, DC 20554.
- *People With Disabilities:* To request materials in accessible formats for

people with disabilities (braille, large print, electronic files, or audio format), send an email to *FCC504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

For detailed instructions for submitting comments, see the **SUPPLEMENTARY INFORMATION** section of this document.

Initial Paperwork Reduction Act of 1995 Analysis:

This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed 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).

FOR FURTHER INFORMATION CONTACT:

Wireless Telecommunications Bureau, Auctions and Spectrum Access Division: For auction legal questions: Lynne Milne or Howard Davenport at (202) 418–0660; for general auction questions: Jeff Crooks at (202) 418–0660 or Sue Sterner at (717) 338–2868.

Media Bureau, Audio Division: For FM service rules questions: Lisa Scanlan or Tom Nessinger at (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a summary of the *Auction 98 Request for Comment* in AU Docket No. 15–3, DA 15–25, released on March 16, 2015. The complete text of this document, including any attachment, is available for public inspection and copying from 8:00 a.m. to 4:30 p.m. Eastern Time (ET) Monday through Thursday or from 8:00 a.m. to 11:30 a.m. ET on Fridays in the FCC Reference Information Center, 445 12th Street SW., Room CY–A257, Washington, DC 20554. The *Auction 98 Request for Comment* and related documents also are available on the Internet at the Commission's Web site: *http://wireless.fcc.gov/auctions/98/,* or by using the search function for AU Docket No. 15–3 on the Commission's ECFS Web page at *http://www.fcc.gov/cgb/ecfs/.*

All filings in response to the *Auction 98 Request for Comment* must refer to AU Docket No. 15–3. The Bureaus strongly encourage interested parties to file comments electronically, and request that an additional copy of all comments and reply comments be submitted electronically to the following address: *auction98@fcc.gov.*

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the Federal Communication Commission's Electronic Comments Filing System (ECFS): *http://fjallfoss.fcc.gov/ecfs2/.* Follow the instructions for submitting comments.
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary Attn: WTB/ASAD, Office of the Secretary, Federal Communications Commission (FCC). All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to the FCC Headquarters at 445 12th Street SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. Eastern Time (ET). All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.

I. Construction Permits in Auction 98

1. Auction 98 will offer 131 construction permits in the FM broadcast service. The construction permits to be auctioned are for 113 new FM allotments, including 18 construction permits that were offered but not sold or were defaulted upon in prior auctions. Attachment A of the *Auction 98 Request for Comment* lists the specific vacant FM allotments, along with the reference coordinates for each vacant FM allotment. These comprise FM channels added to the Table of FM Allotments, 47 CFR 73.202(b), and designated for use in the indicated communities.

2. Under established Commission policies, an applicant may apply for any vacant FM allotment listed in Attachment A of the *Auction 98 Request for Comment.* If two or more short-form applications (FCC Form 175) specify a construction permit for the same FM allotment in Auction 98, mutual exclusivity exists for auction purposes, and even if only one applicant is qualified to bid for a particular construction permit in Auction 98, that applicant is required to submit a bid in order to obtain that construction permit. Any applicant that submits a short-form application for Auction 98, but fails to become a qualified bidder for any reason, including a failure to timely submit an upfront payment, will retain its status as an applicant in Auction 98 and will remain subject to the rules prohibiting certain communications.

II. Due Diligence

3. Each potential bidder is solely responsible for investigating and evaluating all technical and marketplace factors that may have a bearing on the value of the construction permits for broadcast facilities that it is seeking in this auction. Each bidder is responsible for assuring that, if it wins a construction permit, it will be able to build and operate facilities in accordance with the Commission's rules. The FCC makes no representations or warranties about the use of this spectrum for particular services. Each applicant should be aware that an FCC auction of FM station construction permits represents an opportunity to become an FCC permittee in the broadcast service, subject to certain conditions and regulations. These conditions include, but are not limited to, the condition that FCC licenses and other authorizations (whether awarded through competitive bidding or otherwise) are subject to the authority of the FCC, under the Communications Act of 1934, as amended, to modification through rulemaking and adjudicative proceedings. An FCC auction does not constitute an endorsement by the FCC of any particular service, technology, or product, nor does an FCC construction permit or license constitute a guarantee of business success.

4. An applicant should perform its due diligence research and analysis before proceeding, as it would with any new business venture. In particular, the Bureaus strongly encourage each potential bidder to review all underlying Commission orders, such as the specific *Report and Order* amending the FM Table of Allotments and allotting the FM channel(s) on which it plans to bid. A *Report and Order* adopted in an FM allotment rulemaking proceeding may include anomalies such as site restrictions or expense reimbursement requirements. Additionally, each potential bidder should perform technical analyses and/or refresh any previous analyses to assure itself that, should it become a winning bidder for any Auction 98 construction permit, it will be able to build and operate facilities that will fully comply with all applicable technical and legal requirements. The Bureaus strongly encourage each applicant to inspect any prospective transmitter sites located in, or near, the service area for which it plans to bid; confirm the availability of such sites;

and familiarize itself with 47 CFR 1.1301–1.1319.

5. The Bureaus strongly encourage each applicant to conduct its own research prior to Auction 98 in order to determine the existence of pending administrative or judicial proceedings, including pending allocation rulemaking proceedings that might affect its decisions regarding participation in the auction. The Bureaus strongly encourage participants in Auction 98 to continue such research throughout the auction. These due diligence considerations are not an exhaustive list of steps that should be undertaken prior to participating in this auction. As always, the burden is on the potential bidder to determine how much research to undertake, depending upon the specific facts and circumstances related to its interests.

III. Bureaus Seek Comment on Auction Procedures

A. Auction Structure

6. Simultaneous Multiple Round Auction Design. The Bureaus propose to auction all construction permits included in Auction 98 using the Commission's standard simultaneous multiple-round auction format. This type of auction offers every construction permit for bid at the same time and consists of successive bidding rounds in which eligible bidders may place bids on individual construction permits. Typically, bidding remains open on all construction permits until bidding stops on every construction permit. The Bureaus seek comment on this proposal.

7. Bidding Rounds. Auction 98 will consist of sequential bidding rounds, each followed by the release of round results. The initial bidding schedule will be announced in a public notice to be released at least one week before the start of the auction. Details on viewing round results, including the location and format of downloadable round results files, will be included in the same public notice.

8. The Commission will conduct Auction 98 over the Internet using the Commission's Integrated Spectrum Auction System (FCC Auction System). Bidders will also have the option of placing bids by telephone through a dedicated Auction Bidder Line. The toll-free telephone number for the Auction Bidder Line will be provided to qualified bidders prior to the start of the auction.

9. The Bureaus propose to retain the discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. Under this proposal, the Bureaus may change the amount of time for the bidding rounds, the amount of time between rounds, or the number of rounds per day, depending upon bidding activity and other factors. The Bureaus seek comment on this proposal. Commenters on this issue should address the role of the bidding schedule in managing the pace of the auction, specifically discussing the tradeoffs in managing auction pace by bidding schedule changes, by changing the activity requirements or bid amount parameters, or by using other means.

10. Stopping Rule. To complete the auction within a reasonable time, the Bureaus propose to employ a simultaneous stopping rule approach for Auction 98, which means all construction permits remain available for bidding until bidding stops on every construction permit. Specifically, bidding will close on all construction permits after the first round in which no bidder submits any new bid, applies a proactive waiver, or, if bid withdrawals are permitted in this auction, withdraws any provisionally winning bid which is a bid that would become a final winning bid if the auction were to close in that given round. Thus, unless the Bureaus announce alternative procedures, the simultaneous stopping rule will be used in this auction, and bidding will remain open on all construction permits until bidding stops on every construction permit. Consequently, it is not possible to determine in advance how long the bidding in this auction will last.

11. Further, the Bureaus propose to retain the discretion to exercise any of the following options during Auction 98. (1) Use a modified version of the simultaneous stopping rule that would close the auction for all construction permits after the first round in which no bidder applies a waiver, withdraws a provisionally winning bid (if withdrawals are permitted in this auction), or places any new bid on a construction permit for which it is not the provisionally winning bidder, which means that, absent any other bidding activity, a bidder placing a new bid on a construction permit for which it is the provisionally winning bidder would not keep the auction open under this modified stopping rule. (2) Use a modified version of the simultaneous stopping rule that would close the auction for all construction permits after the first round in which no bidder applies a waiver, withdraws a provisionally winning bid (if withdrawals are permitted in this auction), or places any new bid on a construction permit that is not FCC held, which means that, absent any other bidding activity, a bidder placing a new bid on a construction permit that does not already have a provisionally winning bid (an FCC-held construction permit) would not keep the auction open under this modified stopping rule. (3) Use a modified version of the simultaneous stopping rule that combines (1) and (2). (4) Declare the auction will end after a specified number of additional rounds (special stopping rule). If the Bureaus invoke this special stopping rule, they will accept bids in the specified final round(s), after which the auction will close. (5) Keep the auction open even if no bidder places any new bid, applies a waiver, or withdraws any provisionally winning bid (if withdrawals are permitted in this auction). In this event, the effect will be the same as if a bidder had applied a waiver. The activity rule will apply as usual, and a bidder with insufficient activity will either lose bidding eligibility or use a waiver.

12. The Bureaus propose to exercise these options only in certain circumstances, for example, where the auction is proceeding unusually slowly or quickly, there is minimal overall bidding activity, or it appears likely that the auction will not close within a reasonable period of time or will close prematurely. Before exercising these options, the Bureaus are likely to attempt to change the pace of the auction. For example, the Bureaus may adjust the pace of bidding by changing the number of bidding rounds per day and/or the minimum acceptable bids. The Bureaus proposed to retain the discretion to exercise any of these options with or without prior announcement during the auction. The Bureaus seek comment on these proposals.

13. Information Relating to Auction Delay, Suspension or Cancellation. Pursuant to 47 CFR 1.2104(i), the Bureaus propose that they may delay, suspend, or cancel Auction 98 in the event of a natural disaster, technical obstacle, administrative or weather necessity, evidence of an auction security breach or unlawful bidding activity, or for any other reason that affects the fair and efficient conduct of competitive bidding. The Bureaus will notify participants of any such delay, suspension or cancellation by public notice and/or through the FCC Auction System's announcement function. If the auction is delayed or suspended, the Bureaus may, in their sole discretion, elect to resume the auction starting from the beginning of the current round or from some previous round, or cancel the

auction in its entirety. Network interruption may cause the Bureaus to delay or suspend the auction. The Bureaus emphasize that they will exercise this authority solely at their discretion, and not as a substitute for situations in which bidders may wish to apply activity rule waivers. The Bureaus seek comment on this proposal.

B. Auction Procedures

14. Upfront Payments and Bidding Eligibility. The Bureaus have delegated authority and discretion to determine an appropriate upfront payment for each construction permit being auctioned, taking into account such factors as the efficiency of the auction process and the potential value of similar construction permits. The upfront payment is a refundable deposit made by each bidder to establish eligibility to bid on construction permits. Upfront payments that are related to the specific construction permits being auctioned protect against frivolous or insincere bidding and provide the Commission with a source of funds from which to collect payments owed at the close of the auction. With these considerations in mind, the Bureaus propose the upfront payments set forth in Attachment A of the *Auction 98 Request for Comment.* The Bureaus seek comment on the upfront payments specified in Attachment A of the *Auction 98 Request for Comment.*

15. The Bureaus further propose that the amount of the upfront payment submitted by a bidder will determine its initial bidding eligibility in bidding units. The Bureaus propose to assign each construction permit a specific number of bidding units, equal to one bidding unit per dollar of the upfront payment listed in Attachment A of the *Auction 98 Request for Comment.* The number of bidding units for a given construction permit is fixed and does not change during the auction as prices change. A bidder may place bids on multiple construction permits, provided that the total number of bidding units associated with those construction permits does not exceed the bidder's current eligibility. A bidder cannot increase its eligibility during the auction; it can only maintain its eligibility or decrease its eligibility. Thus, in calculating its upfront payment amount and hence its initial bidding eligibility, an applicant must determine the maximum number of bidding units on which it may wish to bid (or hold provisionally winning bids) in any single round, and submit an upfront payment amount covering that total number of bidding units. The Bureaus request comment on these proposals.

16. Activity Rule. In order to ensure that the auction closes within a reasonable period of time, an activity rule requires bidders to bid actively throughout the auction, rather than wait until late in the auction before participating. A bidder's activity in a round will be the sum of the bidding units associated with any construction permits upon which it places bids during the current round and the bidding units associated with any construction permits for which it holds provisionally winning bids. Bidders are required to be active on a specific percentage of their current bidding eligibility during each round of the auction. Failure to maintain the requisite activity level would result in the use of an activity rule waiver, if any remain, or a reduction in the bidder's eligibility for the next round of bidding, possibly curtailing or eliminating the bidder's ability to place additional bids in the auction. The Bureaus seek comment on these proposals.

17. The Bureaus propose to divide the auction into at least two stages, each with a different activity requirement. Under this proposal, a bidder desiring to maintain its current bidding eligibility would be required to be active on bidding units associated with construction permits representing at least 80 percent of its current bidding eligibility in each round of the first stage of the auction. During Stage One, a bidder's reduced eligibility for the next round would be calculated by multiplying the bidder's current round activity level by five-fourths (5/4). The Bureaus propose to advance the auction to the next stage by announcement during the auction. A bidder desiring to maintain its current bidding eligibility would be required to be active in each round of the second stage of Auction 98 on 95 percent of its current bidding eligibility. During Stage Two, a bidder's reduced eligibility for the next round would be calculated by multiplying the bidder's current round activity by twenty-nineteenths (20/19). If the Bureaus implement a stage with an activity requirement other than 80 percent or 95 percent, the Bureaus propose to calculate a bidder's reduced eligibility for the next round by multiplying the bidder's current round activity by the reciprocal of the activity requirement. Failure to maintain the requisite activity level will result in the use of an activity rule waiver, if any remain, or a reduction in the bidder's eligibility for the next round of bidding, possibly curtailing or eliminating the bidder's ability to place additional bids in the auction. The Bureaus seek comment on these activity requirements.

18. The Bureaus retain the discretion to change stages unilaterally by announcement during the auction and to change the activity requirements during the auction. For example, the Bureaus could decide to add an additional stage with a higher activity requirement, not to transition to Stage Two if the Bureaus believe the auction is progressing satisfactorily under the Stage One activity requirement, or to transition to Stage Two with an activity requirement that is higher or lower than the 95 percent proposed for Stage Two in the *Auction 98 Request for Comment.*

19. Activity Rule Waivers and Reducing Eligibility. When a bidder's activity in the current round is below the required minimum level, it may preserve its current level of eligibility through an activity rule waiver. An activity rule waiver applies to an entire round of bidding, not to a particular construction permit. Activity rule waivers can be either proactive or automatic. Activity rule waivers are principally a mechanism for a bidder to avoid the loss of bidding eligibility in the event that exigent circumstances prevent it from bidding in a particular round.

20. The FCC Auction System assumes that a bidder that does not meet the activity requirement would prefer to use an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver at the end of any bidding round in which a bidder's activity is below the minimum required unless (1) the bidder has no activity rule waiver remaining or (2) the bidder overrides the automatic application of a waiver by reducing eligibility, thereby meeting the activity requirement. If a bidder has no waiver remaining and does not satisfy the required activity level, the bidder's current eligibility will be permanently reduced, possibly curtailing or eliminating the ability to place additional bids in the auction.

21. A bidder with insufficient activity may wish to reduce its bidding eligibility rather than use an activity rule waiver. If so, the bidder must affirmatively override the automatic waiver mechanism during the bidding round by using the reduced eligibility function in the FCC Auction System. In this case, the bidder's eligibility is permanently reduced to bring it into compliance with the activity requirement specified for that stage of the auction. Reducing eligibility is an irreversible action; once eligibility has been reduced, a bidder will not be permitted to regain its lost bidding

eligibility, even if the round has not yet closed.

22. Under the proposed simultaneous stopping rule, a bidder may apply an activity rule waiver proactively as a means to keep the auction open without placing a bid. If a bidder proactively applies an activity rule waiver (using the apply waiver function in the FCC Auction System) during a bidding round in which no bids are placed or withdrawn (if bid withdrawals are permitted in this auction), the auction will remain open and the bidder's eligibility will be preserved. An automatic waiver applied by the FCC Auction System in a round in which there are no new bids, withdrawals (if bid withdrawals are permitted in this auction), or proactive waivers will not keep the auction open. A bidder cannot apply a proactive waiver after bidding in a round, and applying a proactive waiver will preclude it from taking any other bidding-related action in that round, including placing bids or withdrawing bids (if bid withdrawals are permitted in this auction). Applying a waiver is irreversible; once a proactive waiver is submitted, it cannot be unsubmitted, even if the round has not yet closed.

23. The Bureaus propose that each bidder in Auction 98 be provided with three activity rule waivers that may be used at the bidder's discretion during the course of the auction. The Bureaus seek comment on this proposal.

24. Reserve Price or Minimum Opening Bids. Normally, a reserve price is an absolute minimum price below which an item will not be sold in a given auction. The Bureaus do not propose to establish separate reserve prices for the construction permits to be offered in Auction 98.

25. A minimum opening bid is the minimum bid price set at the beginning of the auction below which no bids are accepted. Because it is an effective bidding tool for accelerating the competitive bidding process, the Bureaus propose to establish minimum opening bid amounts for Auction 98 determined by taking into account the type of service and class of facility offered, market size, population covered by the proposed broadcast facility, and recent broadcast transaction data. Attachment A of the *Auction 98 Request for Comment* lists a proposed minimum opening bid amount for each construction permit available in Auction 98. The Bureaus seek comment on the minimum opening bid amounts specified in Attachment A of the *Auction 98 Request for Comment.*

26. If commenters believe that these minimum opening bid amounts will result in unsold construction permits, are not reasonable amounts, or should instead operate as reserve prices, they should explain why this is so and comment on the desirability of an alternative approach. The Bureaus ask commenters to support their claims with valuation analyses and suggested amounts or formulas for reserve prices or minimum opening bids. In establishing the minimum opening bid amounts, the Bureaus particularly seek comment on factors that could reasonably have an impact on valuation of the broadcast spectrum, including the type of service and class of facility offered, market size, population covered by the proposed FM broadcast facility, and any other relevant factors.

27. Bid Amounts. The Bureaus propose that, if the bidder has sufficient eligibility to place a bid on a particular construction permit in a round, an eligible bidder will be able to place a bid on that construction permit in any of up to nine different amounts. Under this proposal, the FCC Auction System interface will list the acceptable bid amounts for each construction permit. If there are duplicate bid amounts due to rounding, the FCC Auction System will omit the duplicates and will list fewer than nine acceptable bid amounts for the construction permit.

28. The first of the acceptable bid amounts is called the minimum acceptable bid amount. The minimum acceptable bid amount for a construction permit will be equal to its minimum opening bid amount until there is a provisionally winning bid for the construction permit. After there is a provisionally winning bid for a construction permit, the minimum acceptable bid amount will be a certain percentage higher. That is, the FCC will calculate the minimum acceptable bid amount by multiplying the provisionally winning bid amount times one plus the minimum acceptable bid percentage. If, for example, the minimum acceptable bid percentage is 10 percent, the minimum acceptable bid amount will equal (provisionally winning bid amount) * (1.10), rounded using the Commission's standard rounding procedures for auctions as described in the *Auction 98 Request for Comment.* If bid withdrawals are permitted in this auction, in the case of a construction permit for which the provisionally winning bid has been withdrawn, the minimum acceptable bid amount will equal the second highest bid received for the construction permit.

29. The FCC will calculate the eight additional bid amounts using the minimum acceptable bid amount and a bid increment percentage. The first additional acceptable bid amount equals the minimum acceptable bid amount times one plus the bid increment percentage, rounded. If, for example, the bid increment percentage is 5 percent, the calculation is (minimum acceptable bid amount) * (1 + 0.05), rounded, or (minimum acceptable bid amount) * 1.05, rounded; the second additional acceptable bid amount equals the minimum acceptable bid amount times one plus two times the bid increment percentage, rounded, or (minimum acceptable bid amount) * 1.10, rounded; etc. The Bureaus will round the results using the Commission's standard rounding procedures for auctions.

30. For Auction 98, the Bureaus propose to use a minimum acceptable bid percentage of 10 percent. This means that the minimum acceptable bid amount for a construction permit will be approximately 10 percent greater than the provisionally winning bid amount for the construction permit. To calculate the additional acceptable bid amounts, the Bureaus proposed to use a bid increment percentage of 5 percent. The Bureaus seek comment on these proposals.

31. The Bureaus retain the discretion to change the minimum acceptable bid amounts, the minimum acceptable bid percentage, the bid increment percentage, and the number of acceptable bid amounts if the Bureaus determine that circumstances so dictate. Further, the Bureaus retain the discretion to do so on a construction-permit-by-construction-permit basis. The Bureaus also retain the discretion to limit (a) the amount by which a minimum acceptable bid for a construction permit may increase compared with the corresponding provisionally winning bid, and (b) the amount by which an additional bid amount may increase compared with the immediately preceding acceptable bid amount. For example, the Bureaus could set a $10,000 limit on increases in minimum acceptable bid amounts over provisionally winning bids. Thus, if calculating a minimum acceptable bid using the minimum acceptable bid percentage results in a minimum acceptable bid amount that is $12,000 higher than the provisionally winning bid on a construction permit, the minimum acceptable bid amount would instead be capped at $10,000 above the provisionally winning bid. The Bureaus seek comment on the circumstances under which the Bureaus should employ such a limit, factors the Bureaus should consider when determining the dollar amount of the limit, and the tradeoffs in setting such a limit or

changing other parameters, such as changing the minimum acceptable bid percentage, the bid increment percentage, or the number of acceptable bid amounts. If the Bureaus exercise this discretion, they will alert bidders by announcement in the FCC Auction System during the auction.

32. Provisionally Winning Bids. Provisionally winning bids are bids that would become final winning bids if the auction were to close in that given round. At the end of a bidding round, the FCC Auction System determines a provisionally winning bid for each construction permit based on the highest bid amount received. If identical high bid amounts are submitted on a construction permit in any given round (*i.e.,* tied bids), the FCC Auction System will use a random number generator to select a single provisionally winning bid from among the tied bids. (The FCC Auction System assigns a random number to each bid when the bid is entered. The tied bid with the highest random number wins the tiebreaker.) The remaining bidders, as well as the provisionally winning bidder, can submit higher bids in subsequent rounds. However, if the auction were to end with no other bids being placed, the winning bidder would be the one that placed the provisionally winning bid. If the construction permit receives any bids in a subsequent round, the provisionally winning bid again will be determined by the highest bid amount received for the construction permit.

33. A provisionally winning bid will be retained until there is a higher bid on the construction permit at the close of a subsequent round, unless the provisionally winning bid is withdrawn (if bid withdrawals are permitted in this auction). The Bureaus remind bidders that provisionally winning bids count toward a bidder's activity level for purposes of the activity rule.

34. Bid Removal and Bid Withdrawal. For Auction 98, the Bureaus propose the following bid removal procedures. Before the close of a bidding round, a bidder has the option of removing any bid that bidder placed in that round. By removing a selected bid in the FCC Auction System, a bidder may effectively unsubmit any bid placed within that round. In contrast to the bid withdrawal provisions, a bidder removing a bid placed in the same round is not subject to a withdrawal payment. Once a round closes, a bidder may no longer remove a bid. The Bureaus seek comment on this bid removal proposal.

35. The Bureaus also seek comment on whether bid withdrawals should be permitted in Auction 98. When permitted in an auction, bid withdrawals provide a bidder with the option of withdrawing bids placed in prior rounds that have become provisionally winning bids. A bidder may withdraw its provisionally winning bids using the withdraw bids function in the FCC Auction System. A bidder that withdraws its provisionally winning bid(s), if permitted in this auction, is subject to the bid withdrawal payment provisions of 47 CFR 1.2104(g) and 1.2109.

36. Based on guidance provided by the Commission in several competitive bidding rulemaking proceedings and on the experience of the Bureaus with past auctions of FM broadcast construction permits, the Bureaus propose to prohibit bidders from withdrawing any bid after the close of the round in which the bid was placed. The Bureaus make this proposal in light of the site-specific nature and wide geographic dispersion of the permits available in this auction, which suggests that potential applicants for this auction may have fewer incentives to aggregate permits through the auction process (as compared with bidders in many auctions of wireless licenses). Thus, the Bureaus believe that it is unlikely that bidders will have a need to withdraw bids in this auction. Bid withdrawals also could encourage insincere bidding and the use of withdrawals for anti-competitive strategic purposes. The Bureaus also remain mindful that bid withdrawals, particularly those made late in this auction, could result in delays in licensing new FM stations and attendant delays in the offering of new broadcast service to the public. The Bureaus seek comment on their proposal to prohibit bid withdrawals in Auction 98.

C. Post-Auction Payments

37. Interim Withdrawal Payment Percentage. A bidder that withdraws a bid during an auction is subject to a withdrawal payment equal to the difference between the amount of the withdrawn bid and the amount of the winning bid in the same or a subsequent auction. However, if a construction permit for which a bid has been withdrawn does not receive a subsequent higher bid or winning bid in the same auction, the FCC cannot calculate the final withdrawal payment until that construction permit receives a higher bid or winning bid in a subsequent auction. In such cases, when that final withdrawal payment cannot yet be calculated, the FCC imposes on the bidder responsible for the withdrawn bid an interim bid withdrawal payment, which will be applied toward any final bid withdrawal payment that is ultimately assessed.

38. The amount of the interim bid withdrawal payment may range from three percent to twenty percent of the withdrawn bid amount. If bid withdrawals are allowed in Auction 98, the Bureaus propose that the interim bid withdrawal payment be 20 percent of the withdrawn bid, the maximum interim bid withdrawal payment percentage allowed by 47 CFR 1.2104(g)(1). The Bureaus request comment on using twenty percent for calculating an interim bid withdrawal payment amount in Auction 98. Commenters advocating the use of bid withdrawals should also address the percentage of the interim bid withdrawal payment.

39. Additional Default Payment Percentage. Any winning bidder that defaults or is disqualified after the close of an auction (*i.e.,* fails to remit the required down payment within the prescribed period of time, fails to submit a timely long-form application, fails to make full and timely final payment, or is otherwise disqualified) is liable for a default payment under 47 CFR 1.2104(g)(2). This default payment consists of a deficiency payment equal to the difference between the amount of the Auction 98 bidder's winning bid and the amount of the winning bid the next time a construction permit covering the same spectrum is won in an auction, plus an additional payment equal to a percentage of the defaulter's bid or of the subsequent winning bid, whichever is less.

40. Defaults weaken the integrity of the auction process and may impede the deployment of service to the public, and an additional twenty percent default payment will be more effective in deterring defaults than the three percent used in some earlier auctions. Moreover, a twenty percent additional default payment amount is consistent with the percentage used in recent auctions of FM permits. Based on the nature of the service and the construction permits being offered, the Bureaus propose for Auction 98 an additional default payment of twenty percent of the relevant bid. The Bureaus seek comment on this proposal.

IV. Ex Parte Rules

41. This proceeding has been designated as a permit-but-disclose proceeding in accordance with the Commission's *ex parte* rules. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of

the subjects discussed. More than a one- or two-sentence description of the views and arguments presented is generally required. Other provisions pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in 47 CFR 1.1206(b).

V. Supplemental Regulatory Flexibility Analysis

42. Consistent with the Regulatory Flexibility Act of 1980, as amended (RFA), as well as the Bureaus' obligations to small businesses under 47 U.S.C. 309(j)(3)(B) and 309(j)(4)(D), the Bureaus have prepared this additional analysis to supplement the Commission's Initial and Final Regulatory Flexibility Analyses completed in the underlying notices of proposed rulemaking and orders, including the *Broadcast First Report and Order* and associated competitive bidding orders, which are hereby incorporated by reference. This analysis addresses any possible incremental significant economic impact on small entities by the competitive bidding procedures proposed in the *Auction 98 Request for Comment* implementing such rulemaking orders. The Bureaus request written public comments on this supplemental analysis. Comments must be filed on or before April 1, 2015, and reply comments are due on or before April 8, 2015, and must be identified as responses to this supplemental analysis. The Bureaus will send a copy of the *Auction 98 Request for Comment,* including this supplemental analysis, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).

43. Need for, and Objectives of, the Proposed Competitive Bidding Procedures. The *Auction 98 Request for Comment* seeks comment on proposed procedures to govern Auction 98, an auction of 131 FM radio station construction permits. This process is intended to implement the Commission's duty under 47 U.S.C. 309(j)(3)(e)(i) to provide notice of and adequate time for potential applicants to comment on proposed auction procedures. The objective is to promote the efficient and fair administration of the competitive bidding process for all Auction 98 participants, including small businesses.

44. The *Auction 98 Request for Comment* seeks comment on proposed procedures for conducting Auction 98, including: (1) Use of a simultaneous multiple-round auction format, consisting of sequential bidding rounds with a simultaneous stopping rule (with discretion to exercise alternative stopping rules under certain circumstances); (2) A specific minimum opening bid amount for each construction permit proposed to be offered in Auction 98; (3) A specific upfront payment amount for each construction permit; (4) Establishment of a bidder's initial bidding eligibility in bidding units based on that bidder's upfront payment through assignment of a specific number of bidding units for each construction permit; (5) Use of an activity rule that would require bidders to bid actively during the auction rather than waiting until late in the auction before participating; (6) Use of different activity requirements in two stages of the auction, with the Bureaus retaining discretion to change the activity requirement during the auction; (7) Provision of three activity rule waivers for each bidder to allow it to preserve bidding eligibility during the course of the auction; (8) Use of minimum acceptable bid amounts and bid increments, along with a proposed methodology for calculating such amounts, with the Bureaus retaining discretion to change their methodology if circumstances dictate; (9) A procedure for breaking ties if identical high bid amounts are submitted on a permit in a given round; (10) Bid removal procedures; (11) Whether to permit bid withdrawals; (12) Establishment of an interim bid withdrawal percentage of 20 percent of the withdrawn bid in the event the Bureaus allow bid withdrawals in Auction 98; and (13) Establishment of an additional default payment of 20 percent under 47 CFR 1.2104(g)(2) in the event that a winning bidder defaults or is disqualified after the auction.

45. Description and Estimate of the Number of Small Entities to which Specified Auction 98 Procedures Will Apply. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by rules proposed in that rulemaking proceeding, if adopted. The RFA generally defines the term small entity as having the same meaning as the terms small business, small organization, and small governmental jurisdiction. In addition, the term small business has the same meaning as the term small business concern under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. Moreover, the SBA has created a small business size standard of $38.5 million or less in annual receipts for establishments primarily engaged in broadcasting aural programs. The size data provided by the SBA, however, does not enable the Bureaus to make a meaningful estimate of the number of small entities who may participate in Auction 98.

46. The specific procedures on which comment is sought in the *Auction 98 Request for Comment* will affect directly all applicants participating in Auction 98. The number of entities that may apply to participate in Auction 98 is unknown. Based on the numbers of applicants in prior FM auctions, the Bureaus estimate that the number of applicants for Auction 98 may range from approximately 175 to 260. This estimate is based on the number of applicants who filed short-form applications to participate in previous auctions of FM radio station construction permits (exclusive of closed auctions). In the eight open FM broadcast auctions held to date, an average of 1.98 short-form applications were filed per construction permit offered, with a median of 1.365 applications per permit. If those figures apply to Auction 98, the number of applicants may range between 179 and 259. The Bureaus recognize, however, that the actual number of applicants for Auction 98 could vary significantly as any individual's or entity's decision to participate may be affected by a number of factors beyond the Commission's control.

47. The Bureaus are unable to accurately develop an estimate based on the number of small entities that applied to participate in prior broadcast auctions because that information is not collected from applicants for broadcast auctions in which bidding credits are not based on an applicant's size (as is the case in auctions of licenses for wireless services). Potential applicants in Auction 98 may include existing holders of broadcast station construction permits or licenses, as well as non-licensees. The Bureaus note, however, that the Commission has recently estimated that 97 percent of radio broadcasters met the SBA's prior definition of small business concern, based on annual revenues of $7 million. Moreover, the SBA has since increased that revenue threshold to $38.5 million. Based on this assessment, the Bureaus conclude that nearly all of Auction 98 applicants will likely meet the SBA's definition of a small business concern.

48. Legal Basis. The Commission has established a framework of competitive bidding rules pursuant to which it has conducted auctions since the inception of the auction program in 1994 and would conduct Auction 98. The basis for those rules is found in various statutory provisions, including 47

U.S.C. 154(i), 301, 302, 303(e), 303(f), 303(r), 304, 307 and 309(j). The Commission has directed the Bureaus, under delegated authority, to seek comment on a variety of auction-specific procedures prior to the start of each auction.

49. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements. In the *Auction 98 Request for Comment,* the Bureaus do not propose to implement any new reporting requirements, recordkeeping requirements or any other compliance requirements. Any individual or entity seeking to participate in an auction must submit a short-form application (FCC Form 175). The information collected on FCC Form 175 is used by the Bureaus to determine if an applicant is legally, technically, and financially qualified to participate in a Commission auction. Additionally, if an applicant applies for status as a new entrant auction participant pursuant to Commission rules, the Commission uses information collected on FCC Form 175 to determine whether the applicant is eligible for the status requested. If an applicant is a winning bidder, it is required to submit a more detailed long-form application (such as an FCC Form 301 for an FM station), including any showings to demonstrate its eligibility for new entrant status it may have claimed. This two-phased process helps minimize reporting and compliance requirements for auction applicants.

50. Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered. The RFA requires an agency to describe any significant alternatives beneficial to small entities considered in reaching a proposed approach, which may include the following four alternatives (among others): (1) Establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) clarification, consolidation, or simplification for small entities of compliance and reporting requirements; (3) use of performance, rather than design, standards; and (4) an exemption for small entities.

51. The Bureaus propose a number of specific procedures to govern an auction of 131 FM radio station construction permits, which are summarized above in this supplemental analysis. Based on experience in conducting numerous auctions since the program's inception in 1994, the Commission has taken steps to minimize the impact of its auction procedures on small businesses. For example, following consideration of any comments submitted in response to the *Auction 98 Request for Comment,* the Bureaus will release a public notice to provide detailed guidance for potential applicants on how to complete a short-form application, participate in the auction, and comply with the various competitive bidding requirements applicable to all Auction 98 applicants.

52. The Commission designed the auction application process to minimize reporting and compliance requirements for applicants, including small business applicants. In the first part of the Commission's two-phased auction application process, parties desiring to participate in an auction file streamlined, short-form applications in which they certify under penalty of perjury as to their qualifications. Eligibility to participate in bidding is based on an applicant's short-form application and certifications, as well as its upfront payment. In the second phase of the process, winning bidders file a more comprehensive long-form application. Thus, a small business which fails to become a winning bidder does not need to file a long-form application and provide the additional showings and more detailed demonstrations required of a winning bidder.

53. The Commission provides a number of resources through which potential auction participants, including small entities, may seek clarification of or guidance on complying with competitive bidding rules and procedures, reporting requirements, and the FCC's auction system. An FCC Auctions Hotline provides access to Commission staff for information about the auction process and procedures. The FCC Auctions Technical Support Hotline is another resource which provides technical assistance to applicants, including small business entities, on issues such as access to or navigation within the electronic FCC Form 175 and use of the FCC's auction system. These hotlines are generally accessible during regular business hours. Commission staff also produces a web-based, interactive online tutorial for each auction which potential applicants, including small businesses, may access to familiarize themselves with auction procedures, filing requirements and other matters related to an auction. Once posted, the online tutorial remains available for reference and is accessible anytime.

54. The Bureaus also make various databases and other sources of information, including the Media Bureau's Consolidated Database System, the Auctions program Web sites, and copies of Commission decisions, available to the public without charge, providing a low-cost mechanism for small businesses to conduct research prior to and throughout the auction. Prior to and at the close of Auction 98, the Bureaus will post public notices on the Auctions Web site, which articulate auction procedures and deadlines. The Bureaus make this information easily accessible and without charge to benefit all Auction 98 applicants, including small businesses, by lowering their administrative costs to comply with the Commission's competitive bidding rules.

55. Prior to the start of bidding in each auction, all auction applicants are given an opportunity to become familiar with auction procedures and the bidding system by participating in a mock auction. Further, the Commission intends to conduct Auction 98 electronically over the Internet using its web-based auction system that eliminates the need for qualified bidders to be physically present in a specific location. Qualified bidders also have an option to place bids by telephone. These mechanisms are made available to facilitate participation in Auction 98 by all applicants, including small business entities. Moreover, the adoption of bidding procedures in advance of the auction, consistent with statutory directive, is designed to ensure that the auction will be administered predictably and fairly for all participants, including small businesses.

56. Federal Rules that May Duplicate, Overlap, or Conflict with the Procedures for which Comment is Solicited. None. These proposed procedures for the conduct of Auction 98 constitute the more specific implementation of the competitive bidding rules contemplated by Parts 1 and 73 of the Commission's rules and the underlying rulemaking orders, including the *Broadcast First Report and Order* and associated competitive bidding orders, and are fully consistent therewith.

Federal Communications Commission.

Gary D. Michaels,

Deputy Chief, Auctions and Spectrum Access Division, WTB.

[FR Doc. 2015–06864 Filed 3–24–15; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[WP Docket No. 15–32; FCC 15–17]

Creation of Interstitial 12.5 kHz Channels in the 800 MHz Band Between 809–817/854–862 MHz

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document seeks comment on proposals to amend the Commission's rules to promote spectrum efficiency and flexibility in 800 MHz Mid-Band (809–817 MHz/854–862 MHz). This document contains proposed new or modified information collection requirements. By this action, the Commission affords interested parties an opportunity to submit comments on these proposed rule changes and proposed new or modified information collections.

DATES: Comments are due on or before May 11, 2015 and reply comments are due on or before May 26, 2015. Written Paperwork Reduction Act (PRA) comments on the proposed information collection requirements contained herein must be submitted by the public, Office of Management and Budget (OMB), and other interested parties on or before May 26, 2015.

ADDRESSES: You may submit comments, identified by WP Docket No. 15–32, by any of the following methods:

- *Federal Communications Commission's Web site: http://fjallfoss.fcc.gov/ecfs2/.* Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document. In addition to filing comments with the Secretary, a copy of any PRA comments on the proposed collection requirements contained herein should be submitted to the Federal Communications Commission via email to *PRA@fcc.gov* and to Nicholas A. Fraser, Office of Management and Budget, via email to *nfraser@omb.eop.gov* or via fax at 202–395–5167.

FOR FURTHER INFORMATION CONTACT: For further information, contact John Evanoff, Esq., of the Public Safety and Homeland Security Bureau, Policy and Licensing Division, at (202) 418–0848, or by email to *john.evanoff@fcc.gov* or Rodney Conway, Wireless Telecommunications Bureau, Mobility Division, at (202) 418–2904, or by email to *rodney.conway@fcc.gov.* For additional information concerning the information collection requirements contained in this document, send an email to *PRA@fcc.gov* or contact Benish Shah, Office of Managing Director, Performance Evaluation and Records Management, 202–418–7866, or by email to *benish.shah@fcc.gov.* To view or obtain a copy of this information collection request (ICR) submitted to OMB: (1) Go to this OMB/GSA Web page: *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, and (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR as shown in the Supplementary Information section below (or its title if there is no OMB control number) and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking, FCC 15–17, released on February 9, 2015. The document is available for download at *http://fjallfoss.fcc.gov/edocs-public/.* The complete text of this document is also available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY–A257, Washington, DC 20554. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *FCC504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

In the Notice of Proposed Rulemaking (NPRM) in WP Docket No. 15–32, the Commission initiates a new proceeding to seek comment on proposals to amend the Commission's rules governing 800 MHz Mid-Band operations (809–817 MHz/854–862 MHz). The Commission seeks comment on whether to create new, full-power 12.5 kilohertz interstitial channels in the 800 MHz Mid-Band. The Commission also seeks comment on appropriate interference protection criteria for interstitial channels, including a proposal from the Land Mobile Communications Council (LMCC) to amend the rules to adopt new ''Interstitial 800 MHz Coordination Procedures.'' Finally, the Commission seeks comment on a number of licensing and eligibility issues, including whether to provide T-Band public safety incumbents priority access to new interstitial channels, as well as technical issues related to authorized bandwidth and emission mask requirements for new interstitial channels.

Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty). Commenters who file information that they believe should be withheld from public inspection may request confidential treatment pursuant to § 0.459 of the Commission's rules. Commenters should file both their original comments for which they request confidentiality and redacted comments, along with their request for confidential treatment. Commenters should not file proprietary information electronically. See Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission, Report and Order, 13 FCC Rcd 24816 (1998), Order on Reconsideration, 14 FCC Rcd 20128 (1999). Even if the Commission grants confidential treatment, information that does not fall within a specific exemption pursuant to the Freedom of Information Act (FOIA) must be publicly disclosed pursuant to an appropriate request. See 47 CFR 0.461; 5 U.S.C. 552. We note that the Commission may grant requests for confidential treatment either conditionally or unconditionally. As such, we note that the Commission has the discretion to release information on public interest grounds that does fall within the scope of a FOIA exemption.

This proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with Section 1.1206(b). In proceedings governed by Section 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

This document contains proposed information collection requirements. As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission invites the general public and other Federal agencies to comment on the following information collection(s). Public and agency comments are due May 26, 2015.

Comments should address: (a) 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; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we seek specific comment on how we might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–0798.

Title: FCC Application for Radio Service Authorization Wireless Telecommunications Bureau; Public Safety and Homeland Security Bureau.

Form No.: FCC Form 601.

Respondents: Individuals and households; Business or other for-profit; not-for-profit institutions; and state, local or tribal government.

Number of Respondents and Responses: 253,320 respondents and 253,320 responses.

Estimated Time per Response: 0.5–1.25 hours.

Frequency of Response: On occasion reporting requirement, recordkeeping requirement, every ten year reporting requirement and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 47 U.S.C. 151, 152, 154, 154(i), 155(c), 157, 201, 202, 208, 214, 301, 302a, 303, 307, 308, 309, 310, 311, 314, 316, 319, 324, 331, 332, 333, 336, 534, 535 and 554.

Total Annual Burden: 221,955 hours.

Total Annual Cost: $71,306,250.

Privacy Act Impact Assessment: Yes.

Nature and Extent of Confidentiality: In general there is no need for confidentiality with this collection of information.

Needs and Uses: FCC Form 601 is a consolidated, multi-part application form that is used for market-based and site-based licensing for wireless telecommunications services, including public safety licenses, which are filed through the Commission's Universal Licensing System (ULS). FCC Form 601 is composed of a main form that contains administrative information and a series of schedules used for filing technical and other information. This form is used to apply for a new license, to amend or withdraw a pending application, to modify or renew an existing license, cancel a license, request a duplicate license, submit required notifications, request an extension of time to satisfy construction requirements, or request an administrative update to an existing license (such as mailing address change), request a Special Temporary Authority or Developmental License. Respondents are encouraged to submit FCC Form 601 electronically and are required to do so when submitting FCC Form 601 to apply for an authorization for which the applicant was the winning bidder in a spectrum auction.

The data collected on FCC Form 601 includes the FCC Registration Number (FRN), which serves as a ''common link'' for all filings an entity has with the FCC. The Debt Collection Improvement Act of 1996 requires entities filing with the Commission use an FRN. This document seeks comment on proposals to amend the Commission's rules to promote spectrum efficiency and flexibility in 800 MHz Mid-Band (809–817 MHz/854–862 MHz). To accommodate these proposed changes, the Commission seeks comment on expanding the universe of respondents.

OMB Control No.: NONE.

Title: Section 90.175 Frequency Coordinator Requirements.

Form No.: N/A.

Respondents: Business or other for-profit entities, and State, Local or Tribal Government.

Number of Respondents and Responses: 2,500 respondents; 2,500 responses.

Estimated Time per Response: 1 hour.

Frequency of Response: One time reporting requirement, and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection is contained in 47 U.S.C. 154(i), 161, 303(g), 303(r), and 332(c)(7).

Total Annual Burden: 2,500 hours.

Annual Cost Burden: None.

Privacy Act Impact Assessment: No impact(s). *Nature and Extent of Confidentiality:* There is no need for confidentiality with this collection of information.

Needs and Uses: Frequency coordinators have been certified by the Commission to recommend the most appropriate frequencies for applicants in the designated Part 90 radio services. Section 90.175 requires coordinators to provide a statement recommending the most appropriate frequency. Section 90.175 of the Commission's rules require third party disclosures by applicants proposing to operate a land mobile radio station. This document seeks comment on proposals to amend the Commission's rules to promote spectrum efficiency and flexibility in 800 MHz Mid-Band (809–817 MHz/854–862 MHz). To accommodate these proposed changes, the Commission proposes to revise the frequency coordination process. This information will be used by Commission personnel in evaluating the applicant's need for such frequencies and to minimize the interference potential to other stations operating on the proposed frequencies.

OMB Control Number: NONE.

Title: Section 90.621, Selection and Assignment of Frequencies.

Form Number: N/A.

Respondents: Business or other for-profit entities; Not-for-profit institutions; and State, Local, or Tribal Government.

Number of Respondents: 20 respondents; 20 responses.

Estimated Time per Response: 1.5 hours.

Frequency of Response: On occasion reporting requirement and recordkeeping requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. Sections 154(i) and 309(j).

Total Annual Burden: 30 hours.

Total Annual Cost: $2,000.

Privacy Impact Assessment: N/A.

Needs and Uses: This document seeks comment on proposals to amend the Commission's rules to promote spectrum efficiency and flexibility in 800 MHz Mid-Band (809–817 MHz/854–862 MHz). To accommodate these proposed changes, the Commission seeks comment on adopting new interference criteria. As an alternative, the Commission seeks comment on permitting stations that do not meet the proposed interference criteria to obtain letters of concurrence from incumbent licensees and to file such letters of concurrence with the Commission when they file their FCC Form 601.

OMB Control Number: 3060–0057.

Title: Application for Equipment Authorization, FCC Form 731.

Form Number: FCC 731.

Respondents: Business or other for profit entities.

Estimated Number of Respondents: 280 (multiple responses annually).

Estimated Time per Response: 25 hours (average).

Frequency of Response: On occasion reporting requirements; Third party disclosure.

Total Annual Burden: 200,000 hours.

Total Annual Costs: $8,244,000.

Privacy Act Impact Assessment: Not Applicable.

Needs and Uses: This document seeks comment on proposals to amend the Commission's rules to promote spectrum efficiency and flexibility in 800 MHz Mid-Band (809–817 MHz/854–862 MHz). To accommodate these proposed changes, the Commission seeks comment on adopting new authorized bandwidth and emission mask specifications for equipment. If adopted, equipment manufacturers may be required to update their equipment certifications. We do not propose any substantive or material changes to the wording of this existing information collection. Instead, if we amend the emission mask and authorized bandwidth rules, which are important technical criteria, then the number of respondents subject to the existing information collections may increase.

A. Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), the Commission prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in this *Notice of Proposed Rulemaking (NPRM).* Written public comments are requested on this IRFA. Comments must be filed by the same dates as listed on the first page of the *NPRM* and must have a separate and distinct heading designating them as responses to this IRFA. The Commission will send a copy of the *NPRM,* including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). In addition, the *NPRM* and IRFA (or summaries thereof) will be published in the **Federal Register**.

B. Need for, and Objectives of, the Proposed Rules

The proposed changes to the 800 MHz band plan between 809–817 MHz/854–862 MHz (the 800 MHz ''Mid-Band'') provide flexibility in channel spacing and bandwidth limitation governing 800 MHz Private Land Mobile Radio (PLMR) licensees. Specifically, we propose to modify the band plan to accommodate full power, interstitial 12.5 kHz ''offset'' channels in the 800 MHz Mid-Band, subject to certain protections designed to safeguard 800 MHz incumbents from interference. These proposed band plan changes provide licensees with the flexibility to deploy advanced PLMR technologies while also continuing to protect 800 MHz incumbents, including public safety licensees, from any potential interference. The proposed band plan changes allow 800 MHz PLMR licensees in the 809–817 MHz/854–862 MHz band to reduce the channel spacing and bandwidth limits in Section 90.209 of the Commission's rules, upon completion of 800 MHz reconfiguration. We believe these proposed band plan changes will reduce barriers to innovation and investment and allow 800 MHz PLMR licensees to deploy advanced technologies at reduced cost and to the benefit of safety of life, health, and property as well as small businesses.

The *NPRM* seeks comment on the following implementation proposals. First, the *NPRM* seeks comment on licensing the proposed interstitial channels. The *NPRM* notes that licensing the interstitial channels would require frequency coordination (*e.g.* PLMR licensees would be required to submit a license application on Form 601 demonstrating evidence of frequency coordination). The Commission also seeks comment on appropriate eligibility requirements to ensure the efficient use of the interstitial channels.

The *NPRM* also seeks comment on adopting an adjacent channel interference analysis, which would

modify the existing frequency coordination process for the 800 MHz PLMR spectrum. Specifically, the *NPRM* seeks comments on adopting a contour overlap analysis, which would be different than the existing co-channel mileage separation rules (*i.e.* 47 CFR 90.621) used in the selection and assignment of 800 MHz PLMR channels. The *NPRM* seeks comment on alternatives to the contour overlap analysis, including TSB–88, and whether such alternatives are more appropriate for protecting adjacent channel incumbents.

Under the contour overlap analysis approach, the *NPRM* also seeks comment on whether PLMR applicants should be allowed to provide letters of concurrence indicating that the applicant and each adjacent-channel licensee agree to accept any interference resulting from the reduced adjacent channel separation between systems, an approach that would be similar to the consensual short-spacing approach (*i.e.* 47 CFR 90.621(e)(5)) or the concurrence approach below 512 MHz.

The *NPRM* seeks comment on whether or not the proposed band plan changes would require equipment manufacturers to update their equipment authorizations in order to comply with Emission Mask D and 12.5 kHz/11.25 kHz channel spacing/ authorized bandwidth, important technical parameters that minimize adjacent channel interference. As a general matter, the Commission rules require that manufacturers of certain radio frequency (RF) equipment file FCC Form 731 to obtain approval prior to marketing their equipment. Manufacturers may then market their RF equipment based on a showing of compliance with technical standards established in the FCC Rules for each type of equipment or device operated under the applicable FCC Rule part.

The primary beneficiaries of the proposed band plan changes are PLMR licensees, including small governmental jurisdictions and small business entities, as well as small equipment manufacturers and small business associations that are certified to coordinate PLMR frequencies in the 800 MHz band. The FCC notes that the proposed band plan changes do not require existing PLMR licensees, equipment manufacturers or certified frequency coordinators to make any changes unless they choose to take advantage of the proposed interstitial channels to make more intensive use of the 800 MHz Mid-Band. Thus, incumbent licensees, including small businesses and small governmental jurisdictions, will not be required to modify their systems and may continue to operate on their licensed spectrum. PLMR entities seeking to apply for the proposed interstitial channels may be required to obtain frequency coordination and submit a license application on FCC Form 601 in order to license, construct and operate base, control and mobile stations on the interstitial channels. Additionally, frequency coordinators would be allowed to coordinate more PLMR spectrum provided they incorporate adjacent channel protection criteria in making frequency recommendations. Further, equipment manufacturers may be allowed to exploit an expanded market for radio frequency equipment, provided they comply with the FCC's technical and equipment certification rules to avoid interference.

C. Legal Basis

The proposed action is taken under Sections 1, 2, 4(i), 4(j), 301, 302, 303, 308, 309, 316, 324, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 301, 302a, 303, 308, 309, 316, 324, and 332.

D. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

Private Land Mobile Radio Licensees. PLMR systems serve an essential role in a range of industrial, business, land transportation, and public safety activities. These radios are used by companies of all sizes operating in all U.S. business categories, and are often used in support of the licensee's primary (non-telecommunications) business operations. For the purpose of determining whether a licensee of a PLMR system is a small business as defined by the SBA, we use the broad census category, Wireless Telecommunications Carriers (except Satellite), which comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular phone services, paging services, wireless Internet access, and wireless video services. The appropriate size standard under SBA rules is for the category Wireless Telecommunications Carriers. The size standard for that category is that a business is small if it has 1,500 or fewer employees. For this category, census data for 2007 show that there were 11,163 establishments that operated for the entire year. Of this total, 10,791 establishments had employment of 999 or fewer employees and 372 had employment of 1000 employees or more. Thus under this category and the associated small business size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities.

Small Businesses, Small Organizations, and Small Governmental Jurisdictions. Our action may, over time, affect small entities that are not easily categorized at present. We therefore describe here, at the outset, three comprehensive, statutory small entity size standards that encompass entities that could be directly affected by the proposals under consideration. As of 2009, small businesses represented 99.9% of the 27.5 million businesses in the United States, according to the SBA. Additionally, a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of 2007, there were approximately 1,621,315 small organizations. Finally, the term ''small governmental jurisdiction'' is defined generally as ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' Census Bureau data for 2007 indicate that there were 89,527 governmental jurisdictions in the United States. We estimate that, of this total, as many as 88,761 entities may qualify as ''small governmental jurisdictions.'' Thus, we estimate that most governmental jurisdictions are small.

Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing. The Census Bureau defines this category as follows: ''This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment. Examples of products made by these establishments are:

Transmitting and receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment.'' The SBA has developed a small business size standard for Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing, which is: All such firms having 750 or fewer employees. According to Census Bureau data for 2007, there were a total of 939 establishments in this category that operated for part or all of the entire year. Of this total, 912 had less than 500 employees and 17 had more than 1000 employees. Thus, under that size standard, the majority of firms can be considered small.

Frequency Coordinators. Neither the Commission nor the SBA have developed a definition of small entities specifically applicable to frequency coordinators. Therefore, the Commission concluded that the closest applicable definition under SBA rules is Business Associations (NAICS Code 813910). The SBA defines a small business association as an entity with $7 million or less in annual receipts. There are 18 entities certified to perform frequency coordination functions under Part 90 of our Rules. However, the Commission is unable to ascertain how many of these frequency coordinators are classified as small entities under the SBA definition. The Census Bureau indicates that 97% of business associations have annual receipts of $7 million or less and would be classified as small entities. The Census Bureau category is very broad, and does not include specific figures for firms that are engaged in frequency coordination. Therefore, for the purposes of this IRFA, the Commission estimates that almost all of the 18 FCC-certified frequency coordinators are small as defined by the SBA.

E. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

The proposed rules provide regulatory flexibility to all 800 MHz PLMR licensees, including small governmental jurisdictions and small businesses. The proposed rules would minimize the filing burden and paperwork burden for all PLMR licensees seeking to license 12.5 kHz full power channels, for which applicants would under the current rules have to request a waiver. PLMR entities seeking licenses in the 800 MHz band are required to obtain coordination from certain frequency coordinators as specified in Sections 90.20 and 90.35 of the Commission's rules, 47 CFR 90.20 and 90.35. OMB has already approved the information collection requirements, including frequency coordination requirement associated with Form 601. *See* ICR Reference Number: 201311–3060–018, OMB Control No. 3060–0798. We do not propose any substantive or material changes to the wording of this existing information collection. Instead, if we amend to rules to allow PLMR licensees to license the proposed interstitial channels, then the number of respondents subject to the existing information collections would increase. Frequency coordinators have been certified by the Commission to recommend the most appropriate frequencies for applicants in the designated Part 90 radio services. Section 90.175 requires coordinators to provide a statement recommending the most appropriate frequency. In the below 512 MHz band, frequency coordinators are required to analyze adjacent channel interference. However, in the 800 MHz band, coordinators generally consider co-channel mileage separation requirements. If we amended the rules to permit frequency coordination of interstitial channels then the existing frequency coordination process for the 800 MHz PLMR spectrum would be modified. We anticipate that the burden and cost levels would be comparable to the existing contour overlap analysis in the below 512 MHz band, which OMB approved. *See* ICR Reference No: 201311–3060–015, OMB Control No: 3060–0984.

Under the proposed contour overlap approach, PLMR applicants may be allowed to provide letters of concurrence indicating that the applicant and each adjacent-channel incumbent agree to accept any interference resulting from the reduced adjacent channel separation between systems, an approach that would be similar to the consensual short-spacing approach. Currently PLMR applicants may provide letters of concurrence indicating that the applicant and each co-channel licensee agree to accept any interference resulting from the reduced co-channel separation between systems (*i.e.* 47 CFR 90.621(e)(5)). We envision that the estimated burden and cost levels would be comparable to the existing consensual short spacing rules. *See* ICR Reference No: 201205–3060–017, OMB Control No: 3060–0441.

If we amend to rules to allow manufacturers to comply with Emission Mask D and 12.5 kHz/11.25 kHz channel spacing/authorized bandwidth, then manufacturers may be required to update their equipment certifications. OMB has already approved the information collection requirements associated with updating equipment authorizations. OMB has already approved the information collection requirements associated with updating equipment authorizations. The estimated burden and cost levels for equipment certification are described in more detail in the supporting statement for ICR Reference No: 201404–3060–029, OMB Control No. 3060–0057. We do not propose any substantive or material changes to the wording of this existing information collection. Instead, if we amend to rules to allow manufacturers to comply with Emission Mask D and 12.5 kHz/11.25 kHz channel spacing/authorized bandwidth, then the number of respondents subject to the existing information collections may increase.

The Commission believes that applying the proposed information collections will promote spectrum efficiency, development of new technologies and mitigate adjacent channel interference. The Commission does not believe that the costs and/or administrative burdens associated with the proposed rules will unduly burden small entities. The rule revisions the Commission proposes should benefit small governmental jurisdictions, small businesses, small equipment manufacturers and small business associations by giving them more flexibility, and more options for gaining access to PLMR spectrum. As noted above, the FCC invites comment on these new or modified information collection requirements.

F. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

The RFA requires an agency to describe any significant, specifically small business, alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof for small entities.[1]

The *NPRM* seeks comment on a proposal to make more intensive use of the 800 MHz Mid-Band. Denying the

[1] 5 U.S.C. 603(c)(1)–(4).

proposal would preclude PLMR licensees and applicants, including small governmental jurisdictions and small businesses from making more effective use of the band and thus potentially increase costs on those entities. The *NPRM* is deregulatory in nature and seeks comment on appropriate interference and eligibility requirements on all affected entities, including small entities. In recognition of the resources available to small entities, and in the interest of simplified compliance obligations, the *NPRM* does not mandate a transition to 12.5 kHz technology. Specifically, the *NPRM* proposes to allow 800 MHz PLMR licensees the flexibility to increase capacity by reducing channel size and bandwidth as long as they meet interference protection criteria and eligibility requirements. While we strive to provide flexibility to small entities, because we believe that protection of public safety licensees and PLMR entities is essential and in the public interest, we do not propose any exemption for small entities. We invite comment on less burdensome alternatives.

G. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

None.

Ordering Clauses

Accordingly, *it is ordered,* pursuant to Sections 1, 2, 4(i), 4(j), 301, 302, 303, 308, 309, 316, 324, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 301, 302a, 303, 308, 309, 324, 316, and 332, that this *Notice of Proposed Rulemaking* is hereby *adopted.*

It is further ordered that pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments on the NPRM on or before May 11, 2015, and reply comments on or before May 26, 2015.

It is further ordered that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this *Notice of Proposed Rulemaking,* including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 90

Radio.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Proposed Rules

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 90 as follows:

PART 90—PRIVATE LAND MOBILE RADIO SERVICE

■ 1. The authority citation for part 90 continues to read as follows:

Authority: Sections 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), and 332(c)(7), and Title VI of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112–96, 126 Stat. 156.

■ 2. Amend § 90.209 by adding an entry for ''809–817/854–869'' in numerical order and revising footnote 6 to the table in paragraph (b)(5) and adding paragraph (b)(8) to read as follows:

§ 90.209 Bandwidth limitations.

* * * * *

(b) * * *

(5) * * *

STANDARD CHANNEL SPACING/BANDWIDTH

Frequency band (MHz)	Channel spacing (kHz)	Authorized bandwidth (kHz)
* * *	*	*
809–817/854–869 ...	25/12.5	[6] 20/11.25
* * *	*	*

* * * * *

[6] Operations using equipment designed to operate with a 25 kHz channel bandwidth may be authorized up to a 22 kHz bandwidth if the equipment meets the Adjacent Channel Power limits of § 90.221. Operations using equipment designed to operate with a 12.5 kHz channel bandwidth will be authorized a 11.25 kHz bandwidth.

* * * * *

(8) Private Land Mobile Radio (PLMR) site-based licensees in frequencies 809–817/854–862 MHz may reduce the standard channel spacing and authorized bandwidth listed in paragraph (b)(5) of this section in any National Public Safety Planning Advisory Committee Region upon issuance of Public Notice announcing the availability of interstitial channels. Licensees authorized to reduce the standard channel spacing and authorized bandwidth under this paragraph must meet the applicable co-channel and adjacent channel interference criteria and eligibility requirements prior to initiating service in the 809–817/854–862 MHz.

■ 3. Amend § 90.210 by revising the introductory paragraph to revise footnote 5 to the table to read as follows:

§ 90.210 Emission masks.

* * * * *

APPLICABLE EMISSION MASKS

Frequency band (MHz)	Mask for equipment with audio low pass filter	Mask for equipment without audio low passfilter
* * * * *	*	*
* * * * *	*	*

[5] Equipment designed to operate with a 25 kHz channel bandwidth may alternatively meet the Adjacent Channel Power limits of § 90.221. Equipment designed to operate with a 12.5 kHz channel bandwidth must meet the requirements of Emission Mask D.

* * * * *

■ 4. Amend the introductory paragraph of § 90.613 by adding the following entries in alpha-numeric order in the table titled ''Table of 806–824/851–869 MHz Channel Designations'' to read as follows:

§ 90.613 Frequencies available.

* * * * *

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS

Channel No.	Base frequency (MHz)
* * * * *	
231a	.0250
* * * * *	
232a	.0500
* * * * *	
233a	.0750
* * * * *	
234a	.1000
* * * * *	
235a	.1250
* * * * *	
236a	.1500
* * * * *	
237a	.1750
* * * * *	
238a	.2000
* * * * *	
239a	.2250
* * * * *	
240a	.2500
* * * * *	
241a	.2750
* * * * *	
242a	.3000
* * * * *	
243a	.3250
* * * * *	
244a	.3500
* * * * *	
245a	.3750
* * * * *	
246a	.4000
* * * * *	
247a	.4250
* * * * *	
248a	.4500
* * * * *	
249a	.4750
* * * * *	
250a	.5000
* * * * *	
251a	.5250
* * * * *	
252a	.5500
* * * * *	
253a	.5750

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
* * * * *	
254a	.6000
* * * * *	
255a	.6250
* * * * *	
256a	.6500
* * * * *	
257a	.6750
* * * * *	
258a	.7000
* * * * *	
259a	.7250
* * * * *	
260a	.7500
* * * * *	
261a	.7750
* * * * *	
262a	.8000
* * * * *	
263a	.8250
* * * * *	
264a	.8500
* * * * *	
265a	.8750
* * * * *	
266a	.9000
* * * * *	
267a	.9250
* * * * *	
268a	.9500
* * * * *	
269a	.9750
* * * * *	
270a	855.0000
* * * *	.0125
271a	.0250
* * * * *	
272a	.0500
* * * * *	
273a	.0750
* * * * *	
274a	.1000
* * * * *	
275a	.1250
* * * * *	
276a	.1500

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
* * * * *	
277a	.1750
* * * * *	
278a	.2000
* * * * *	
279a	.2250
* * * * *	
280a	.2500
* * * * *	
281a	.2750
* * * * *	
282a	.3000
* * * * *	
283a	.3250
* * * * *	
284a	.3500
* * * * *	
285a	.3750
* * * * *	
286a	.4000
* * * * *	
287a	.4250
* * * * *	
288a	.4500
* * * * *	
289a	.4750
* * * * *	
290a	.5000
* * * * *	
291a	.5250
* * * * *	
292a	.5500
* * * * *	
293a	.5750
* * * * *	
294a	.6000
* * * * *	
295a	.6250
* * * * *	
296a	.6500
* * * * *	
297a	.6750
* * * * *	
298a	.7000
* * * * *	
299a	.7250

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
* * * * *	
300a	.7500
* * * * *	
301a	.7750
* * * * *	
302a	.8000
* * * * *	
303a	.8250
* * * * *	
304a	.8500
* * * * *	
305a	.8750
* * * * *	
306a	.9000
* * * * *	
307a	.9250
* * * * *	
308a	.9500
* * * * *	
309a	.9750
* * * * *	
310a	856.0000
* * * *	.0125
311a	.0250
* * * * *	
312a	.0500
* * * * *	
313a	.0750
* * * * *	
314a	.1000
* * * * *	
315a	.1250
* * * * *	
316a	.1500
* * * * *	
317a	.1750
* * * * *	
318a	.2000
* * * * *	
319a	.2250
* * * * *	
320a	.2500
* * * * *	
321a	.2750
* * * * *	
322a	.3000
* * * * *	
323a	.3250

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
* * * * *	
324a	.3500
* * * * *	
325a	.3750
* * * * *	
326a	.4000
* * * * *	
327a	.4250
* * * * *	
328a	.4500
* * * * *	
329a	.4750
* * * * *	
330a	.5000
* * * * *	
331a	.5250
* * * * *	
332a	.5500
* * * * *	
333a	.5750
* * * * *	
334a	.6000
* * * * *	
335a	.6250
* * * * *	
336a	.6500
* * * * *	
337a	.6750
* * * * *	
338a	.7000
* * * * *	
339a	.7250
* * * * *	
340a	.7500
* * * * *	
341a	.7750
* * * * *	
342a	.8000
* * * * *	
343a	.8250
* * * * *	
344a	.8500
* * * * *	
345a	.8750
* * * * *	
346a	.9000

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
* * * * *	
347a	.9250
* * * * *	
348a	.9500
* * * * *	
349a	.9750
* * * * *	
350a	857.0000
* * * *	.01250
351a	.02500
* * * * *	
352a	.0500
* * * * *	
353a	.0750
* * * * *	
354a	.1000
* * * * *	
355a	.1250
* * * * *	
356a	.1500
* * * * *	
357a	.1750
* * * * *	
358a	.2000
* * * * *	
359a	.2250
* * * * *	
360a	.2500
* * * * *	
361a	.2750
* * * * *	
362a	.3000
* * * * *	
363a	.3250
* * * * *	
364a	.3500
* * * * *	
365a	.3750
* * * * *	
366a	.4000
* * * * *	
367a	.4250
* * * * *	
368a	.4500
* * * * *	
369a	.4750

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
* * * * *	
370a	.5000
* * * * *	
371a	.5250
* * * * *	
372a	.5500
* * * * *	
373a	.5750
* * * * *	
374a	.6000
* * * * *	
375a	.6250
* * * * *	
376a	.6500
* * * * *	
377a	.6750
* * * * *	
378a	.7000
* * * * *	
379a	.7250
* * * * *	
380a	.7500
* * * * *	
381a	.7750
* * * * *	
382a	.8000
* * * * *	
383a	.8250
* * * * *	
384a	.8500
* * * * *	
385a	.8750
* * * * *	
386a	.9000
* * * * *	
387a	.9250
* * * * *	
388a	.9500
* * * * *	
389a	.9750
* * * * *	
390a	858.0000
* * * *	.0125
391a	.0250
* * * * *	
392a	.0500
* * * * *	
393a	.0750

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
* * * * *	
394a	.1000
* * * * *	
395a	.1250
* * * * *	
396a	.1500
* * * * *	
397a	.1750
* * * * *	
398a	.2000
* * * * *	
399a	.2250
* * * * *	
400a	.2500
* * * * *	
401a	.2750
* * * * *	
402a	.3000
* * * * *	
403a	.3250
* * * * *	
404a	.3500
* * * * *	
405a	.3750
* * * * *	
406a	.4000
* * * * *	
407a	.4250
* * * * *	
408a	.4500
* * * * *	
409a	.4750
* * * * *	
410a	.5000
* * * * *	
411a	.5250
* * * * *	
412a	.5500
* * * * *	
413a	.5750
* * * * *	
414a	.6000
* * * * *	
415a	.6250
* * * * *	
416a	.6500

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
* * * * *	
417a	.6750
* * * * *	
418a	.7000
* * * * *	
419a	.7250
* * * * *	
420a	.7500
* * * * *	
421a	.7750
* * * * *	
422a	.8000
* * * * *	
423a	.8250
* * * * *	
424a	.8500
* * * * *	
425a	.8750
* * * * *	
426a	.9000
* * * * *	
427a	.9250
* * * * *	
428a	.9500
* * * * *	
429a	.9750
* * * * *	
430a	859.0000
* * * *	.0125
431a	.0250
* * * * *	
432a	.0500
* * * * *	
433a	.0750
* * * * *	
434a	.1000
* * * * *	
435a	.1250
* * * * *	
436a	.1500
* * * * *	
437a	.1750
* * * * *	
438a	.2000
* * * * *	
439a	.2250

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
* * * * *	
440a	.2500
* * * * *	
441a	.2750
* * * * *	
442a	.3000
* * * * *	
443a	.3250
* * * * *	
444a	.3500
* * * * *	
445a	.3750
* * * * *	
446a	.4000
* * * * *	
447a	.4250
* * * * *	
448a	.4500
* * * * *	
449a	.4750
* * * * *	
450a	.5000
* * * * *	
451a	.5250
* * * * *	
452a	.5500
* * * * *	
453a	.5750
* * * * *	
454a	.6000
* * * * *	
455a	.6250
* * * * *	
456a	.6500
* * * * *	
457a	.6750
* * * * *	
458a	.7000
* * * * *	
459a	.7250
* * * * *	
460a	.7500
* * * * *	
461a	.7750
* * * * *	
462a	.8000

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
* * * * *	
463a	.8250
* * * * *	
464a	.8500
* * * * *	
465a	.8750
* * * * *	
466a	.9000
* * * * *	
467a	.9250
* * * * *	
468a	.9500
* * * * *	
469a	.9750
* * * * *	
470a	860.0000
* * * *	.0125
471a	.0250
* * * * *	
472a	.0500
* * * * *	
473a	.0750
* * * * *	
474a	.1000
* * * * *	
475a	.1250
* * * * *	
476a	.1500
* * * * *	
477a	.1750
* * * * *	
478a	.2000
* * * * *	
479a	.2250
* * * * *	
480a	.2500
* * * * *	
481a	.2750
* * * * *	
482a	.3000
* * * * *	
483a	.3250
* * * * *	
484a	.3500
* * * * *	
485a	.3750
* * * * *	
486a	.4000

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
* * * * *	
487a	.4250
* * * * *	
488a	.4500
* * * * *	
489a	.4750
* * * * *	
490a	.5000
* * * * *	
491a	.5250
* * * * *	
492a	.5500
* * * * *	
493a	.5750
* * * * *	
494a	.6000
* * * * *	
495a	.6250
* * * * *	
496a	.6500
* * * * *	
497a	.6750
* * * * *	
498a	.7000
* * * * *	
499a	.7250
* * * * *	
500a	.7500
* * * * *	
501a	.7750
* * * * *	
502a	.8000
* * * * *	
503a	.8250
* * * * *	
504a	.8500
* * * * *	
505a	.8750
* * * * *	
506a	.9000
* * * * *	
507a	.9250
* * * * *	
508a	.9500
* * * * *	
509a	.9750

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
* * * * *	
510a	861.0000
* * * *	.0125
511a	.0250
* * * * *	
512a	.0500
* * * * *	
513a	.0750
* * * * *	
514a	.1000
* * * * *	
515a	.1250
* * * * *	
516a	.1500
* * * * *	
517a	.1750
* * * * *	
518a	.2000
* * * * *	
519a	.2250
* * * * *	
520a	.2500
* * * * *	
521a	.2750
* * * * *	
522a	.3000
* * * * *	
523a	.3250
* * * * *	
524a	.3500
* * * * *	
525a	.3750
* * * * *	
526a	.4000
* * * * *	
527a	.4250
* * * * *	
528a	.4500
* * * * *	
529a	.4750
* * * * *	
530a	.5000
* * * * *	
531a	.5250
* * * * *	
532a	.5500

TABLE OF 806–824/851–869 MHZ CHANNEL DESIGNATIONS—Continued

Channel No.	Base frequency (MHz)
* * * * *	
533a	.5750
* * * * *	
534a	.6000
* * * * *	
535a	.6250
* * * * *	
536a	.6500
* * * * *	
537a	.6750
* * * * *	
538a	.7000
* * * * *	
539a	.7250
* * * * *	
540a	.7500
* * * * *	
541a	.7750
* * * * *	
542a	.8000
* * * * *	
543a	.8250
* * * * *	
544a	.8500
* * * * *	
545a	.8750
* * * * *	
546a	.9000
* * * * *	
547a	.9250
* * * * *	
548a	.9500
* * * * *	
549a	.9750
* * * * *	

* * * * *

■ 5. Amend § 90.615 by revising the introductory paragraph, the introductory text to paragraphs (a) and (b), and paragraph (c) to read as follows:

§ 90.615 Individual channels available in the General Category in 806–824/851–869 MHz band.

The General Category will consist of channels 231–260a and 511–550 at locations farther than 110 km (68.4 miles) from the U.S./Mexico border and 140 km (87 miles) from the U.S./Canadian border. All entities will be eligible for licensing on these channels except as described in paragraphs (a) and (b) of this section.

(a) In a given 800 MHz NPSPAC region, any channel in the 231–260a range which is vacated by a licensee relocating to channels 551–830 and which remains vacant after band reconfiguration will be available as follows:

* * *

(b) In a given 800 MHz NPSPAC region, any channel in the 231–260a range which is vacated by a licensee relocating to channels 511–550 and remains vacant after band reconfiguration will be available as follows:

* * *

(c) Spectrum Block F1 consists of channels 236–260a.

■ 6. Amend § 90.617 by revising Table 1 in the introductory text of paragraph (a), Table 1A in paragraph (a)(2), and Table 1B in paragraph (a)(3); Table 2 in the introductory text of paragraph (b), Table 2A in paragraph (b)(1), and Table 2B in paragraph (b)(2); Table 4B in the introductory text of paragraph (d), Table 4C in paragraph (d)(1), and Table 4D in paragraph (d)(2) to read as follows:

§ 90.617 Frequencies in the 809.750–824/854.750–869 MHz, and 896–901/935–940 MHz bands available for trunked, conventional or cellular system use in non-border areas.

* * * * *

(a) * * *

TABLE 1—PUBLIC SAFETY POOL 806–816/851–861 MHZ BAND CHANNELS

[140 channels]

Group No.	Channel Nos.
269	269–289–311–399–439
269a	269a–289a–311a–399a–439a
270	270–290–312–400–440
270a	270a–290a–312a–400a–440a
279	279–299–319–339–359
279a	279a–299a–319a–339a–359a
280	280–300–320–340–360
280a	280a–300a–320a–340a–360a
309	309–329–349–369–389
309a	309a–329a–349a–369a–389a
310	310–330–350–370–390
310a	310a–330a–350a–370a–390a
313	313–353–393–441–461
313a	313a–353a–393a–441a–461a
314	314–354–394–448–468
314a	314a–354a–394a–448a–468a
321	321–341–361–381–419
321a	321a–341a–361a–381a–419a
328	328–348–368–388–420
328a	328a–348a–368a–388a–420a
351	351–379–409–429–449
351a	351a–379a–409a–429a–449a
352	352–380–410–430–450
352a	352a–380a–410a–430a–450a

TABLE 1—PUBLIC SAFETY POOL 806–816/851–861 MHZ BAND CHANNELS—Continued

[140 channels]

Group No.	Channel Nos.
Single Channels.	391, 391a, 392, 392a, 401, 401a, 408, 408a, 421, 421a, 428, 428a, 459, 459a, 460, 460a, 469, 469a, 470, 470a

* * * * *

(2) * * *

TABLE 1A—PUBLIC SAFETY POOL 806–816/851–861 MHZ BAND CHANNELS FOR COUNTIES IN SOUTHEASTERN U.S.

[140 channels]

Group No.	Channel Nos.
261	261–313–324–335–353
261a	261a–313a–324a–335a–353a
262	262–314–325–336–354
262a	262a–314a–325a–336a–354a
265	265–285–315–333–351
265a	265a–285a–315a–333a–351a
266	266–286–316–334–352
266a	266a–286a–316a–334a–352a
269	269–289–311–322–357
269a	269a–289a–311a–322a–357a
270	270–290–312–323–355
270a	270a–290a–312a–323a–355a
271	271–328–348–358–368
271a	271a–328a–348a–358a–368a
279	279–299–317–339–359
279a	279a–299a–317a–339a–359a
280	280–300–318–340–360
280a	280a–300a–318a–340a–360a
309	309–319–329–349–369
309a	309a–319a–329a–349a–369a
310	310–320–330–350–370
310a	310a–320a–330a–350a–370a
321	321–331–341–361–372
321a	321a–331a–341a–361a–372a
Single Channels.	326, 326a, 327, 327a, 332, 332a, 337, 337a, 338, 338a, 342, 342a, 343, 343a, 344, 344a, 345, 345a, 356, 356a

* * * * *

(3) * * *

TABLE 1B—PUBLIC SAFETY POOL 806–816/851–861 MHZ BAND CHANNELS FOR ATLANTA, GA

[140 channels]

Group No.	Channel Nos.
261	261–313–324–335–353
261a	261a–313a–324a–335a–353a
262	262–314–325–336–354
262a	262a–314a–325a–336a–354a
269	269–289–311–322–357
269a	269a–289a–311a–322a–357a
270	270–290–312–323–355
270a	270a–290a–312a–323a–355a
279	279–299–319–339–359
279a	279a–299a–319a–339a–359a

TABLE 1B—PUBLIC SAFETY POOL 806–816/851–861 MHZ BAND CHANNELS FOR ATLANTA, GA—Continued

[140 channels]

Group No.	Channel Nos.
280	280–300–320–340–360
280a	280a–300a–320a–340a–360a
285	285–315–333–351–379
285a	285a–315a–333a–351a–379a
286	286–316–334–352–380
286a	286a–316a–334a–352a–380a
309	309–329–349–369–389
309a	309a–329a–349a–369a–389a
310	310–330–350–370–390
310a	310a–330a–350a–370a–390a
321	321–331–341–361–381
321a	321a–331a–341a–361a–381a
328	328–348–358–368–388
328a	328a–348a–358a–368a–388a
Single Channels.	317, 317a, 318, 318a, 326, 326a, 327, 327a, 332, 332a, 337, 337a, 338, 338a, 356, 356a, 371, 371a, 372, 372a

* * * * *

(b) * * *

TABLE 2—BUSINESS/INDUSTRIAL/LAND TRANSPORTATION POOL 806–816/851–861 MHZ BAND CHANNELS

[200 channels]

Group No.	Channel Nos.
261	261–313–324–335–353
261a	261a–313a–324a–335a–353a
262	262–314–325–336–354
262a	262a–314a–325a–336a–354a
269	269–289–311–322–357
269a	269a–289a–311a–322a–357a
270	270–290–312–323–355
270a	270a–290a–312a–323a–355a
279	279–299–319–339–359
279a	279a–299a–319a–339a–359a
280	280–300–320–340–360
280a	280a–300a–320a–340a–360a
285	285–315–333–351–379
285a	285a–315a–333a–351a–379a
286	286–316–334–352–380
286a	286a–316a–334a–352a–380a
309	309–329–349–369–389
309a	309a–329a–349a–369a–389a
310	310–330–350–370–390
310a	310a–330a–350a–370a–390a
321	321–331–341–361–381
321a	321a–331a–341a–361a–381a
328	328–348–358–368–388
328a	328a–348a–358a–368a–388a
Single Channels.	317, 317a, 318, 318a, 326, 326a, 327, 327a, 332, 332a, 337, 337a, 338, 338a, 356, 356a, 371, 371a, 372, 372a

* * * * *

(1) * * *

TABLE 2A—BUSINESS/INDUSTRIAL/LAND TRANSPORTATION POOL 806–816/851–861 MHZ BAND FOR CHANNELS IN SOUTHEASTERN U.S.

[138 channels]

	Channel Nos.
Single Channels.	263, 263a, 264, 264a, 267, 267a, 268, 268a, 272, 272a, 273, 273a, 274, 274a, 275, 275a, 276, 276a, 277, 277a, 278, 278a, 281, 281a, 282, 282a, 283, 283a, 284, 284a, 287, 287a, 288, 288a, 291, 291a, 292, 292a, 293, 293a, 294, 294a, 295, 295a, 296, 296a, 297, 297a, 298, 298a, 301, 301a, 302, 302a, 303, 303a, 304, 304a, 305, 305a, 306, 306a, 307, 307a, 308, 308a, 346, 346a, 347, 347a, 362, 362a, 363, 363a, 364, 364a, 365, 365a, 366, 366a, 367, 367a, 379, 379a, 380, 380a, 381, 381a, 382, 382a, 383, 383a, 384, 384a, 385, 385a, 386, 386a, 387, 387a, 388, 388a, 389, 389a, 390, 390a, 391, 391a, 392, 392a, 393, 393a, 394, 394a, 399, 399a, 400, 400a, 401, 401a, 402, 402a, 403, 403a, 404, 404a, 405, 405a, 406, 406a, 407, 407a, 408, 408a, 409, 409a, 410, 410a

* * * * *

(2) * * *

TABLE 2B—BUSINESS/INDUSTRIAL/LAND TRANSPORTATION POOL 806–816/851–861 MHZ BAND FOR CHANNELS IN ATLANTA, GA

[138 channels]

	Channel Nos.
Single Channels.	263, 263a, 264, 264a, 265, 265a, 266, 266a, 267, 267a, 268, 268a, 271, 271a, 272, 272a, 273, 273a, 274, 274a, 275, 275a, 276, 276a, 277, 277a, 278, 278a, 281, 281a, 282, 282a, 283, 283a, 284, 284a, 287, 287a, 288, 288a, 291, 291a, 292, 292a, 293, 293a, 294, 294a, 295, 295a, 296, 296a, 297, 297a, 298, 298a, 301, 301a, 302, 302a, 303, 303a, 304, 304a, 305, 305a, 306, 306a, 307, 307a, 308, 308a, 342, 342a, 343, 343a, 344, 344a, 345, 345a, 346, 346a, 347, 347a, 362, 362a, 363, 363a, 364, 364a, 365, 365a, 366, 366a, 367, 367a, 382, 382a, 383, 383a, 384, 384a, 385, 385a, 386, 386a, 387, 387a, 391, 391a, 392, 392a, 393, 393a, 394, 394a, 399, 399a, 400, 400a, 401, 401a, 402, 402a, 403, 403a, 404, 404a, 405, 405a, 406, 406a, 407, 407a, 409, 409a, 410, 410a

* * * * *

(d) * * *

TABLE 4B—SMR CATEGORY 806–816/851–861 MHZ BAND CHANNELS, AVAILABLE AFTER JANUARY 21, 2005, FOR SITE-BASED LICENSING

[160 channels]

Group No.	Channel Nos.
315	315–355–395–435–475
315a	315a–355a–395a–435a–475a
316	316–356–396–436–476
316a	316a–356a–396a–436a–476a
317	317–357–397–437–477

TABLE 4B—SMR CATEGORY 806–816/851–861 MHZ BAND CHANNELS, AVAILABLE AFTER JANUARY 21, 2005, FOR SITE-BASED LICENSING—Continued

[160 channels]

Group No.	Channel Nos.
317a	317a–357a–397a–437a–477a
318	318–358–398–438–478
318a	318a–358a–398a–438a–478a
331	331–371–411–451–491
331a	331a–371a–411a–451a–491a
332	332–372–412–452–492
332a	332a–372a–412a–452a–492a
333	333–373–413–453–493
333a	333a–373a–413a–453a–493a
334	334–374–414–454–494
334a	334a–374a–414a–454a–494a
335	335–375–415–455–495
335a	335a–375a–415a–455a–495a
336	336–376–416–456–496
336a	336a–376a–416a–456a–496a
337	337–377–417–457–497
337a	337a–377a–417a–457a–497a
338	338–378–418–458–498
338a	338a–378a–418a–458a–498a
Single Channels.	431, 431a, 432, 432a, 433, 433a, 434, 434a, 471, 471a, 472, 472a, 473, 473a, 474, 474a, 479, 479a, 480, 480a, 481, 481a, 488, 488a, 489, 489a, 490, 490a, 499, 499a, 500, 500a, 501, 501a, 508, 508a, 509, 509a, 510, 510a

* * * * *

(1) * * *

TABLE 4C—SMR CATEGORY 806–816/851–861 MHZ BAND CHANNELS AVAILABLE FOR SITE-BASED LICENSING IN SOUTHEASTERN U.S. AFTER JANUARY 21, 2005

[22 channels]

	Channel Nos.
Single Channels.	371, 371a, 373, 373a, 374, 374a, 375, 375a, 376, 376a, 377, 377a, 378, 378a, 395, 395a, 396, 396a, 397, 397a, 398, 398a

* * * * *

(2) * * *

TABLE 4D—SMR CATEGORY 806–816/851–861 MHZ BAND CHANNELS AVAILABLE FOR SITE-BASED LICENSING IN ATLANTA, GA AFTER JANUARY 21, 2005

[22 channels]

	Channel Nos.
Single Channels.	373, 373a, 374, 374a, 375, 375a, 376, 376a, 377, 377a, 378, 378a, 395, 395a, 396, 396a, 397, 397a, 398, 398a, 408, 408a

* * * * *

■ 7. Amend § 90.619 by:

■ a. Revising the entries for ''Regions 1, 4, 5, and 6,'' ''Region 3,'' ''Regions 7A and 8,'' and ''Region 7B'' in Table C6 in paragraph (c)(6);

■ b. Revising the entries for ''Region 3'' and ''Regions 7A and 8'' in Table C7 in paragraph (c)(7);

■ c. Revising the entry for ''Regions 7A, 7B, and 8'' in Table C8 in paragraph (c)(8); and

■ d. Revising the entries for ''Regions 7A and 8'' and ''Region 7B'' in Table C9 in paragraph (c)(9).

The revisions read as follows:

§ 90.619 Operations within the U.S./Mexico and U.S./Canada border areas.

* * * * *

(c) * * *

(6) * * *

TABLE C6—PUBLIC SAFETY POOL 806–816/851–861 MHZ BAND CHANNELS IN THE CANADA BORDER REGIONS

Canada border region	Channel Nos.	Total
Regions 1, 4, 5, and 6	231–260a	60 Channels.
*	* * * * *	*
Region 3	231–320a, 501–508a	180 Channels.
Regions 7A and 8	269, 269a, 289, 289a, 311, 311a, 399, 399a, 439, 439a, 270, 270a, 290, 290a, 312, 312a, 400, 400a, 440, 440a, 279, 279a, 299, 299a, 319, 319a, 339, 339a, 359, 359a, 280, 280a, 300, 300a, 320, 320a, 340, 340a, 360, 360a, 309, 309a, 329, 329a, 349, 349a, 369, 369a, 389, 389a, 310, 310a, 330, 330a, 350, 350a, 370, 370a, 390, 390a, 313, 313a, 353, 353a, 393, 393a, 441, 441a, 461, 461a, 314, 314a, 354, 354a, 394, 394a, 448, 448a, 468, 468a, 321, 321a, 341, 341a, 361, 361a, 381, 381a, 419, 419a, 328, 328a, 348, 348a, 368, 368a, 388, 388a, 420, 420a, 351, 351a, 379, 379a, 409, 409a, 429, 429a, 449, 449a, 352, 352a, 380, 380a, 410, 410a, 430, 430a, 450, 450a, 391, 391a, 392, 392a, 401, 401a, 408, 408a, 421, 421a, 428, 428a, 459, 459a, 460, 460a, 469, 469a, 470, 470a.	140 Channels.

TABLE C6—PUBLIC SAFETY POOL 806–816/851–861 MHZ BAND CHANNELS IN THE CANADA BORDER REGIONS—Continued

Canada border region	Channel Nos.	Total
Region 7B	231–260a, 269, 269a, 289, 289a, 311, 311a, 399, 399a, 439, 439a, 270, 270a, 290, 290a, 312, 312a, 400, 400a, 440, 440a, 279, 279a, 299, 299a, 319, 319a, 339, 339a, 359, 359a, 280, 280a, 300, 300a, 320, 320a, 340, 340a, 360, 360a, 309, 309a, 329, 329a, 349, 349a, 369, 369a, 389, 389a, 310, 310a, 330, 330a, 350, 350a, 370, 370a, 390, 390a, 313, 313a, 353, 353a, 393, 393a, 441, 441a, 461, 461a, 314, 314a, 354, 354a, 394, 394a, 448, 448a, 468, 468a, 315, 315a, 355, 355a, 395, 395a, 435, 435a, 475, 475a, 316, 316a, 356, 356a, 396, 396a, 436, 436a, 476, 476a, 317, 317a, 357, 357a, 397, 397a, 437, 437a, 477, 477a, 318, 318a, 358, 358a, 398, 398a, 438, 438a, 478, 478a, 321, 321a, 341, 341a, 361, 361a, 381, 381a, 419, 419a, 328, 328a, 348, 348a, 368, 368a, 388, 388a, 420, 420a, 331, 331a, 371, 371a, 411, 411a, 451, 451a, 491, 491a, 332, 332a, 372, 372a, 412, 412a, 452, 452a, 492, 492a, 333, 333a, 373, 373a, 413, 413a, 453, 453a, 493, 493a, 334, 334a, 374, 374a, 414, 414a, 454, 454a, 494, 494a, 335, 335a, 375, 375a, 415, 415a, 455, 455a, 495, 495a, 336, 336a, 376, 376a, 416, 416a, 456, 456a, 496, 496a, 337, 337a, 377, 377a, 417, 417a, 457, 457a, 497, 497a, 338, 338a, 378, 378a, 418, 418a, 458, 458a, 498, 498a, 351, 351a, 379, 379a, 409, 409a, 429, 429a, 449, 449a, 352, 352a, 380, 380a, 410, 410a, 430, 430a, 450, 450a, 391, 391a, 392, 392a, 401, 401a, 408, 408a, 421, 421a, 428, 428a, 459, 459a, 460, 460a, 469, 469a, 470, 470a, 431, 431a, 432, 432a, 433, 433a, 434, 434a, 471, 471a, 472, 472a, 473, 473a, 474, 474a, 479, 479a, 480, 480a.	340 Channels.

* * * * * (7) * * *

TABLE C7—GENERAL CATEGORY 806–821/851–866 MHZ BAND CHANNELS IN THE CANADA BORDER REGIONS

Canada border region	General category channels where 800 MHz high density cellular systems are prohibited	General category channels where 800 MHz high density cellular systems are permitted
* * * * *	*	*
Region 3	321–500a	509–710.
Regions 7A and 8	231–260a, 511–550.	None.
* * * * *	*	*

* * * * * (8) * * *

TABLE C8—BUSINESS/INDUSTRIAL/LAND TRANSPORTATION POOL 806–816/851–861 MHZ BAND CHANNELS IN THE CANADA BORDER REGIONS

Canada border region	Channel Nos.	Total
* *	* * * *	*
Regions 7A, 7B, and 8	261, 261a, 271, 271a, 281, 281a, 291, 291a, 301, 301a, 262, 262a, 272, 272a, 282, 282a, 292, 292a, 302, 302a, 263, 263a, 273, 273a, 283, 283a, 293, 293a, 303, 303a, 264, 264a, 274, 274a, 284, 284a, 294, 294a, 304, 304a, 265, 265a, 275, 275a, 285, 285a, 295, 295a, 305, 305a, 266, 266a, 276, 276a, 286, 286a, 296, 296a, 306, 306a, 267, 267a, 277, 277a, 287, 287a, 297, 297a, 307, 307a, 268, 268a, 278, 278a, 288, 288a, 298, 298a, 308, 308a, 322, 322a, 362, 362a, 402, 402a, 442, 442a, 482, 482a, 323, 323a, 363, 363a, 403, 403a, 443, 443a, 483, 483a, 324, 324a, 364, 364a, 404, 404a, 444, 444a, 484, 484a, 325, 325a, 365, 365a, 405, 405a, 445, 445a, 485, 485a, 326, 326a, 366, 366a, 406, 406a, 446, 446a, 486, 486a, 327, 327a, 367, 367a, 407, 407a, 447, 447a, 487, 487a, 342, 342a, 382, 382a, 422, 422a, 462, 462a, 502, 502a, 343, 343a, 383, 383a, 423, 423a, 463, 463a, 503, 503a, 344, 344a, 384, 384a, 424, 424a, 464, 464a, 504, 504a, 345, 345a, 385, 385a, 425, 425a, 465, 465a, 505, 505a, 346, 346a, 386, 386a, 426, 426a, 466, 466a, 506, 506a, 347, 347a, 387, 387a, 427, 427a, 467, 467a, 507, 507a.	200 Channels

* * * * * (9) * * *

TABLE C9—SMR CATEGORY 806–816/851–861 MHZ CHANNELS AVAILABLE FOR SITE-BASED LICENSING IN THE CANADA BORDER REGIONS

Canada border region	Channel Nos.	Total
* *	* * * * *	*
Regions 7A and 8	315, 315a, 355, 355a, 395, 395a, 435, 435a, 475, 475a, 316, 316a, 356, 356a, 396, 396a, 436, 436a, 476, 476a, 317, 317a, 357, 357a, 397, 397a, 437, 437a, 477, 477a, 318, 318a, 358, 358a, 398, 398a, 438, 438a, 478, 478a, 331, 331a, 371, 371a, 411, 411a, 451, 451a, 491, 491a, 332, 332a, 372, 372a, 412, 412a, 452, 452a, 492, 492a, 333, 333a, 373, 373a, 413, 413a, 453, 453a, 493, 493a, 334, 334a, 374, 374a, 414, 414a, 454, 454a, 494, 494a, 335, 335a, 375, 375a, 415, 415a, 455, 455a, 495, 495a, 336, 336a, 376, 376a, 416, 416a, 456, 456a, 496, 496a, 337, 337a, 377, 377a, 417, 417a, 457, 457a, 497, 497a, 338, 338a, 378, 378a, 418, 418a, 458, 458a, 498, 498a, 431, 431a, 432, 432a, 433, 433a, 434, 434a, 471, 471a, 472, 472a, 473, 473a, 474, 474a, 479, 479a, 480, 480a, 481, 481a, 488, 488a, 489, 489a, 490, 490a, 499, 499a, 500, 500a, 501, 501a, 508, 508a, 509, 509a, 510, 510a.	160 Channels.
Region 7B	* * *	20 Channels.
	481a, 488a, 489a, 490a, 499a, 500a, 501a, 508a, 509a, 510a	

[FR Doc. 2015–06069 Filed 3–24–15; 8:45 am]
BILLING CODE 6712–01–P

DEPARTMENT OF ENERGY

48 CFR Parts 902, 909, 916, 917, 922, 925, 931, 936, 942, 952, and 970

RIN 1991–AC00

Acquisition Regulation: Technical and Administrative Changes to Department of Energy Acquisition Regulation

AGENCY: Office of Acquisition and Project Management, Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Energy (DOE) is proposing to amend the Department of Energy Acquisition Regulation (DEAR) to make technical and administrative changes to the DEAR, including changes to conform to the Federal Acquisition Regulation (FAR), remove out-of-date coverage, update references, and correct minor errors and omissions. This proposed rule does not alter substantive rights or obligations under current law.

DATES: Written comments on the proposed rulemaking must be received on or before close of business April 24, 2015.

ADDRESSES: You may submit comments, identified by: *Technical and Administrative Changes to Department of Energy Acquisition Regulation* and RIN 1991–AC00, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email to: DEARrulemaking@hq.doe.gov* Include DEAR: Small Business and other Socioeconomic Programs and RIN 1991–AC00 in the subject line of the message.
- *Mail to:* U.S. Department of Energy, Office of Acquisition and Project Management, MA–611, 1000 Independence Avenue SW., Washington, DC 20585. Comments by email are encouraged.

FOR FURTHER INFORMATION CONTACT: Lawrence Butler, U.S. Department of Energy, Office of Acquisition and Project Management, MA–611, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–1945. Email: *lawrence.butler@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. Background
II. Section-by-Section Analysis
III. Procedural Requirements
A. Review Under Executive Order 12866 and 13563
B. Review Under Executive Order 12988
C. Review Under the Regulatory Flexibility Act
D. Review Under the Paperwork Reduction Act
E. Review Under the National Environmental Policy Act
F. Review Under Executive Order 13132
G. Review Under the Unfunded Mandates Reform Act of 1995.
H. Review Under the Treasury and General Government Appropriations Act, 1999
I. Review Under Executive Order 13211
J. Review Under the Treasury and General Government Appropriations Act, 2001
K. Approval by the Office of the Secretary of Energy

I. Background

The DEAR has outdated citations and minor errors of a technical nature. The objective of this proposed rule is to update the outdated citations and correct the errors and omissions in the existing DEAR to conform to the FAR. None of these changes are substantive or of a nature to cause any significant expense for DOE or its contractors.

II. Section-by-Section Analysis

DOE proposes to amend the DEAR as follows:

Part 902—DEFINITIONS OF WORDS AND TERMS

1. Section 902.101, paragraph (2), is revised to change the title of the National Nuclear Security Agency (NNSA) Senior Procurement Executive (SPE).

Part 909—CONTRACTOR QUALIFICATIONS

2. Section 909.403, paragraphs (1) and (2), are revised to change the title of the NNSA SPE.

Part 916—TYPES OF CONTRACTS

3. Section 916.505, paragraph (b)(6)(i), is revised to change the title of the NNSA SPE.

Part 917—SPECIAL CONTRACTING METHODS

4. Section 917.602, paragraph (a), is revised to remove language that is no longer needed in the DEAR.

Part 922—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITION

5. Section 922.804 is no longer needed in the DEAR and is removed.

Part 925—FOREIGN ACQUISITION

6. Section 925.103, paragraph (a), is revised to correct the CFR reference.

7. Section 925.1001, paragraph (b), is revised to change the title of the NNSA SPE.

Part 931—CONTRACT COST PRINCIPLES AND PROCEDURES

8. Section 931.205–18, paragraph (c)(2), is deleted in its entirety and replaced with a new paragraph (c).

Part 936—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

9. Section 936.202–70 is no longer needed in the DEAR and is removed.

Part 942—CONTRACT ADMINISTRATION AND AUDIT SERVICES

10. Section 942.705–3 is revised to update the circular number and remove the paragraph numbering.

Part 952—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

11. Section 952.204–2, paragraph (j), is revised to inform contractors of the format for submitting Foreign Ownership, Control or Influence (FOCI) information. Paragraph (h)(2)(vi), is revised to remove Contractor requirement for submitting in writing information to the head of the cognizant local DOE Security Office concerning each uncleared applicant or uncleared employee who is selected for a position requiring an access authorization.

12. Section 952.204–73, paragraph (a), is revised to inform contractors of the format for submitting FOCI information.

13. Section 952.236–72 is no longer needed in the DEAR and is removed.

14. Section 952.250–70, paragraph (d)(1), is revised to raise the threshold as required by the Energy Policy Act of 2005.

Part 970—DOE MANAGEMENT AND OPERATING CONTRACTS

15. Section 970.5215–3 is revised to update the Order number.

16. Section 970.5223–1 is revised to correct the prescription.

17. Section 970.5244–1, paragraph (f) is revised to reflect threshold increase in 48 CFR 28.102–2. Paragraph (g) is revised to reflect the threshold increase in DOE's class deviation for DEAR 970.5244–1.

18. Section 970.5245–1, Alternate I, paragraph (j)(3), is revised to update the Order number and to add language that clarifies the sentence.

III. Procedural Requirements

A. Review Under Executive Order 12866 and 13563

This regulatory action has been determined not to be a ''significant regulatory action'' under Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (October 4, 1993). Accordingly, this proposed rule is not subject to review under that Executive Order by the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB).

DOE has also reviewed this regulation pursuant to Executive Order 13563, issued on January 18, 2011 (76 FR 3281 (Jan. 21, 2011)). Executive Order 13563 is supplemental to and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, agencies are required by Executive Order 13563 to: (1) Propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

DOE emphasizes as well that Executive Order 13563 requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. In its guidance, the Office of Information and Regulatory Affairs has emphasized that such techniques may include identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes. DOE believes that this final rule is consistent with these principles, including the requirement that, to the extent permitted by law, agencies adopt a regulation only upon a reasoned determination that its benefits justify its costs and, in choosing among alternative regulatory approaches, those approaches maximize net benefits.

B. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (February 7, 1996), imposes on Executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction.

With regard to the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the United States Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or if it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this proposed rule meets the relevant standards of Executive Order 12988.

C. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.)* requires preparation of an initial regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process (68 FR 7990). DOE has made its procedures and policies available on the Office of General Counsel's Web site at *http://www.energy.gov/gc/office-general-counsel.*

This notice of proposed rulemaking is to amend the DEAR to make technical and administrative changes as described in the summary. This rule would not have a significant economic impact on small entities because it imposes no significant burdens. No substantive rights or obligations are altered by the proposed amendment. Consequently, this proposed rule is exempt from the

requirements of the Regulatory Flexibility Act.

D. Review Under the Paperwork Reduction Act

This proposed rule does not impose a collection of information requirement subject to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Existing burdens associated with the collection of certain contractor data under the DEAR have been cleared under OMB control number 1910–4100, with an expiration date of October 31, 2014.

E. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of this proposed rule falls into a class of actions which would not individually or cumulatively have significant impact on the human environment, as determined by DOE's regulations (10 CFR part 1021, subpart D) implementing the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*). Specifically, this proposed rule is categorically excluded from NEPA review because the amendments to the DEAR are strictly procedural (categorical exclusion A6). Therefore, this proposed rule does not require an environmental impact statement or environmental assessment pursuant to NEPA.

F. Review Under Executive Order 13132

Executive Order 13132, 64 FR 43255 (August 4, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and carefully assess the necessity for such actions. The Executive Order requires agencies to have an accountability process to ensure meaningful and timely input by state and local officials in the development of regulatory policies that have federalism implications.

On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations (65 FR 13735). DOE has examined the proposed rule and has determined that it does not preempt State law and does not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. No further action is required by Executive Order 13132.

G. Review Under the Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) generally requires a Federal agency to perform a written assessment of costs and benefits of any rule imposing a Federal mandate with costs to State, local or tribal governments, or to the private sector, of $100 million or more. This rulemaking does not impose a Federal mandate on State, local or tribal governments or on the private sector.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277), requires Federal agencies to issue a Family Policymaking Assessment for any rulemaking or policy that may affect family well-being. This rulemaking will have no impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 13211

Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use, 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to Office of Information and Regulatory Affairs (OIRA), of the Office of Management and Budget (OMB), a Statement of Energy Effects for any significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use. This proposed rule is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

J. Review Under the Treasury and General Government Appropriations Act, 2001

The Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed this proposed rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Approval by the Office of the Secretary of Energy

Issuance of this proposed rule has been approved by the Office of the Secretary of Energy.

List of Subjects in 48 CFR Parts 902, 909, 916, 917, 922, 925, 931, 936, 942, 952 and 970

Government procurement.

Issued in Washington, DC on March 16, 2015.

Patrick M. Ferraro,

Deputy Director, Office of Acquisition and Project Management, Department of Energy.

Joseph Waddell,

Deputy Associate Administrator, Acquisition and Project Management, National Nuclear Security Administration.

For the reasons set out in the preamble, the Department of Energy proposes to amend Chapter 9 of Title 48 of the Code of Federal Regulations as set forth below.

Title 48—Federal Acquisition Regulations System

■ 1. The authority citation for parts 902, 903, 916, 917, 922, 925, 931, 936 and 942 continues to read as follows:

Authority: 42 U.S.C. 7101 *et seq.* and 50 U.S.C. 2401 *et seq.*

PART 902—DEFINITIONS OF WORDS AND TERMS

902.101 [Amended]

■ 2. Section 902.101 is amended in the definition of ''Senior Procurement Executive'', by removing ''Director, Office of Acquisition and Supply Management'' and adding in its place ''Deputy Associate Administrator for Acquisition and Project Management''.

PART 909—CONTRACTOR QUALIFICATIONS

909.403 [Amended]

■ 3. Section 909.403 is amended in paragraphs (1) and (2), by removing ''Director, Office of Acquisition and Supply Management'' and adding in its place ''Deputy Associate Administrator for Acquisition and Project Management''.

PART 916—TYPES OF CONTRACTS

916.505 [Amended]

■ 4. Section 916.505 is amended in paragraph (b)(6)(i), by removing ''Director, Office of Acquisition and Supply Management,'' and adding in its place ''Deputy Associate Administrator for Acquisition and Project Management,''.

PART 917—SPECIAL CONTRACTING METHODS

917.602 [Amended]

■ 5. Section 917.602 is amended in paragraph (a), by removing '', Deputy Secretary or Under Secretary''.

PART 922—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITION

922.804 [Removed and Reserved]

■ 6. Section 922.804 is removed and reserved.

PART 925—FOREIGN ACQUISITION

■ 7. Section 925.103 is amended by removing paragraph (a), and revising paragraph (b)(2)(ii) to read as follows:

925.103 Exceptions.

(b) *Nonavailabilty.*

(2)(i) *Individual determinations.* Contracting officers may make the determination required by 48 CFR 25.103(b)(2)(i), provided such determination is factually supported in writing. If the contract is estimated to exceed $1 million, the Head of the Contracting Activity must approve the determination.

(ii) Proposals to add an article to the list of nonavailable articles at 48 CFR 25.104, with appropriate justifications, must be submitted for approval by the Senior Procurement Executive and submission to the appropriate council.

925.1001 [Amended]

■ 8. Section 925.1001 is amended in paragraph (b), by removing ''Director, Office of Acquisition and Supply Management'' and adding in its place ''Deputy Associate Administrator for Acquisition and Project Management''.

PART 931—CONTRACT COST PRINCIPLES AND PROCEDURES

■ 9. Section 931.205–18 is revised to read as follows:

931.205–18 Independent research and development (IR&D) and bid and proposal (B&P) costs.

(c) In addition to all the other FAR requirements for allowability of IR&D costs, costs for IR&D are allowable under DOE contracts to the extent: they are not otherwise unallowable; and they have potential benefit or relationship to the DOE program. The term ''DOE program'' encompasses the DOE total mission and its objectives. In addition to all the other FAR requirements for allowability of B&P costs, costs for B&P are allowable under DOE contracts to the extent they are not otherwise unallowable.

PART 936—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

936.202–70 [Removed and Reserved]

■ 10. Section 936.202–70 is removed and reserved.

PART 942—CONTRACT ADMINISTRATION AND AUDIT SERVICES

942.705–3 [Amended]

■ 11. Section 942.705–3 is amended by:

■ a. Removing the paragraph numbering ''(a)(2)''; and

■ b. Removing ''A–88'' and adding in its place ''A–21''.

PART 952—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 12. The authority citation for part 952 continues to read as follows:

Authority: 42 U.S.C. 2201; 2282a; 2282b; 2282c; 42 U.S.C. 7101 *et seq.;* 50 U.S.C. 2401 *et seq.*

■ 13. Section 952.204–2 is amended by:

■ a. Revising the section heading;

■ b. Revising the clause heading and clause date; and

■ c. Revising introductory paragraph (h)(2)(vi) and paragraph (j)(1).

The revisions read as follows:

952.204–2 Security requirements.

* * * * *

Security Requirements ([(XXX 20XX)])

* * * * *

(h) * * *

(2) * * *

(vi) The Contractor must maintain a record of information concerning each uncleared applicant or uncleared employee who is selected for a position requiring an access authorization. Upon request only, the following information will be furnished to the head of the cognizant local DOE Security Office:

* * * * *

(j) *Foreign ownership, control, or influence.* (1) The Contractor shall immediately provide the cognizant security office written notice of any change in the extent and nature of foreign ownership, control or influence over the Contractor which would affect any answer to the questions presented in the Standard Form (SF) 328, *Certificate Pertaining to Foreign Interests,* executed prior to award of this contract. The Contractor will submit the Foreign Ownership, Control or Influence (FOCI) information in the format directed by DOE. When completed the Contractor must print and sign one copy of the SF 328 and submit it to the Contracting Officer. In addition, any notice of changes in ownership or control which are required to be reported to the Securities and Exchange Commission, the Federal Trade Commission, or the Department of Justice, shall also be furnished concurrently to the Contracting Officer.

* * * * *

■ 14. Section 952.204–73 is amended by:

■ a. Revising the date of the clause; and

■ b. Revising paragraph (a)(1).

The revisions read as follows:

952.204–73 Facility clearance.

* * * * *

Facility Clearance ([(XXX 20XX)])

* * * * *

(a) *Use of Certificate Pertaining to Foreign Interests, Standard Form 328.* (1) The contract work anticipated by this solicitation will require access to classified information or special nuclear material. Such access will require a Facility Clearance for the Contractor's organization and access authorizations (security clearances) for Contractor personnel working with the classified information or special nuclear material. To obtain a Facility Clearance the Contractor must submit the Standard Form 328, Certificate Pertaining to Foreign Interests, and all required supporting documents to form a complete Foreign Ownership, Control or Influence (FOCI) Package. The Contractor will submit the Foreign Ownership, Control or Influence (FOCI) information in the format directed by DOE. When completed the Contractor must print and sign one copy of the SF 328 and submit it to the Contracting Officer.

* * * * *

952.236–72 [Removed and Reserved]

■ 15. Section 952.236–72 is removed and reserved.

952.250–70 [Amended]

■ 16. Section 952.250–70 is amended by:

■ a. Revising the date of the clause; and

■ b. Removing in paragraph (d)(1), ''$100 million'' and adding in its place ''$500 million''.

The revision reads as follows:

952.250–70 Nuclear hazards indemnity agreement.

* * * * *

Nuclear Hazards Indemnity Agreement ([(XXX 20XX)])

* * * * *

PART 970—DOE MANAGEMENT AND OPERATING CONTRACTS

■ 17. The authority citation for part 970 continues to read as follows:

Authority: 42 U.S.C. 2201; 2282a; 2282b; 2282c; 42 U.S.C. 7101 *et seq.;* 50 U.S.C. 2401 *et seq.*

970.5215–3 [Amended]

■ 18. Section 970.5215–3, paragraphs (c)(1)(i) and (c)(2)(i) are amended by removing ''DOE Order 225.1A'' and adding in its place ''DOE Order 225.1B, or successor version''.

970.5223–1 [Amended]

■ 19. Section 970.5223–1 is amended by removing ''970.2303–3(b)'' in the clause introductory paragraph and adding in its place, ''970.2303–3(a)''.

■ 20. Section 970.5244–1 is amended by:

■ a. Revising the clause date;

■ b. Removing in paragraphs (f)(1) and (f)(2) ''$100,000'' and adding in its place ''$150,000''; and

■ c. Removing in paragraph (g) ''$100,000'' in both occurrences and adding in its place ''$500,000''.

The revision read as follows:

970.5244–1 Contractor purchasing system.

* * * * *

Contractor Purchasing System ([(XXX 20XX)])

* * * * *

■ 21. Section 970.5245–1 is amended by:

■ a. Revising the clause date;

■ b. Revising Alternate I heading and date; and

■ c. Removing in Alternate I paragraph (j)(3),

■ a. ''Major System Acquisition or Major Project'' and adding in its place ''Major System Project'', and

■ b. ''DOE Order 4700.1'' and adding in its place ''DOE Order 413.3B, or successor version''.

The revisions read as follows:

970.5245–1 Property.

* * * * *

Property ([(XXX 20XX)])

* * * * *

Alternate I ([(XXX 20XX)]).

* * * * *

[FR Doc. 2015–06564 Filed 3–24–15; 8:45 am]

BILLING CODE 6450–01–P

Notices

Federal Register

Vol. 80, No. 57

Wednesday, March 25, 2015

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Board for International Food and Agricultural Development; Notice Of Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of the public meeting of the Board for International Food and Agricultural Development (BIFAD). The meeting will be held from 1:00 p.m. to 3:00 p.m. MDT on Thursday, April 9, 2015 and then from 8:30 a.m. to 12:45 p.m. MDT on Friday, April 10, 2015 in the Ballroom A of the Strand Union Building at Montana State University, P.O. Box 174140, Bozeman, Montana.

Beginning on Thursday, April 9th, BIFAD will hear from presenters during three sessions. Starting at 1:00 p.m. MDT, the Tropical Agriculture Research and Higher Education Center (CATIE) will provide an update. Presenters will be Dr. Jose Joaquin Campos, Director General of CATIE, and Dr. I. Miley Gonzalez, Deputy Director General.

The second presentation for the day will start at 1:45 p.m., BIFAD will hear from a panel on *Effective Developments for Enhanced Nutrition in Smallholder Farming.* Presenters will be Montana State University Faculty: Dr. David Sands, Professor, Plant Pathology, Dr. Edward Dratz, Professor, Chemistry & Biochemistry, and Dr. Florence Dunkel, Associate Professor, Entomology.

Rob Bertram, Chief Scientist, USAID Bureau for Food Security will lead the third presentation, providing an update and highlights of the current research priorities for the Presidential *Feed the Future* Initiative. After this presentation BIFAD Chair Deaton will adjourn the public meeting for the day.

Friday, April 10th, the public meeting will resume at 8:30 a.m. MDT in the Strand Union Building. The meeting will be streamed live on the Internet. The link to the global live stream is on BIFAD's home page: *http://www.usaid.gov/bifad.*

Dr. Brady Deaton, BIFAD Chair, will preside over the public business meeting, which will begin promptly at 8:30 a.m. MDT with opening remarks. Dr. Waded Cruzado, BIFAD Board Member and President of Montana State University, will deliver welcoming remarks. At this public meeting, the Board will address old and new business and hear updates from USAID, the university community, and other experts on progress and mechanisms for advancing programming in agricultural research and capacity development. BIFAD Board Member Gebisa Ejeta will present a status report for the human and institutional capacity development (HICD) working group.

Starting at 10:00 a.m., a Dean from MSU will moderate the panel discussion to inform BIFAD and the public of the Tribal Colleges' activities and how it benefits agriculture both domestically and abroad. Presenters for this panel are Dr. Billie Jo Kipp, President, Blackfeet Community College and Dr. David Yarlott, President, Little Big Horn College.

Following this presentation, BIFAD and members of the public are invited to spend 30 minutes walking through the Montana State University (MSU) Global Agriculture poster display.

The final presentation of the morning will focus on *Decision Making to Enhance Food Security and Resilience.* This panel will bring together experts from Montana State University to share their experiences, success stories, and provide discussion on best practices. Presenters for this panel are Dr. Sarah Janzen, Associate Professor, Agricultural Economics, Dr. Selena Ahmed, Associate Professor, Health & Human Development, and Dr. Eric Raile, Assistant Professor, Political Science.

At 12:15 p.m., Chairman Deaton will moderate a half-hour public comment period. At 12:45 p.m. MDT Dr. Brady Deaton, BIFAD Chair, will make closing remarks and adjourn the public meeting.

Those wishing to attend the meeting or obtain additional information about BIFAD should contact Susan Owens, Executive Director and Designated Federal Officer for BIFAD in the Bureau for Food Security at USAID. Interested persons may write to her in care of the U.S. Agency for International Development, Ronald Reagan Building, Bureau for Food Security, 1300 Pennsylvania Avenue NW., Room 2.09–067, Washington, DC 20523–2110 or telephone her at (202) 712–0218.

Susan Owens,

Executive Director and USAID Designated Federal Officer for BIFAD, Bureau for Food Security, U.S. Agency for International Development.

[FR Doc. 2015–06783 Filed 3–24–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

National Institute of Food and Agriculture Service

Notice of Intent for Renewal of a Currently Approved Information Collection

AGENCY: National Institute of Food and Agriculture (NIFA), United States Department of Agriculture (USDA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995 and Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implement the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), this notice announces the National Institute of Food and Agriculture's (NIFA's) intention to request an extension for a currently approved information collection (OMB No. 0524–0026) for Form NIFA–666, ''Organizational Information.''

DATES: Submit comments on or before May 26, 2015.

ADDRESSES: Written comments concerning this notice and requests for copies of the information collection may be submitted by any of the following methods to Robert Martin, Records Officer, Information Policy, Planning and Training Mail: NIFA/USDA; Mail Stop 2216; 1400 Independence Avenue SW., Washington, DC 20250–2299; Hand Delivery/Courier: 800 9th Street SW., Waterfront Centre, Room 4206, Washington, DC 20024; or Email: *rmartin@nifa.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Robert Martin; Records Officer, Information Policy, Planning and Training; Office of Information Technology; USDA/NIFA, Email: *rmartin@nifa.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Organizational Information.

OMB Number: 0524–0026.

Expiration Date of Current Approval: June 1, 2015.

Type of Request: Intent to extend a currently approved information collection for three years.

Abstract: NIFA has primary responsibility for providing linkages between the Federal and State components of a broad-based, national agricultural research, extension, and education system. Focused on national issues, its purpose is to represent the Secretary of Agriculture and carry out the intent of Congress by administering capacity and grant funds appropriated for agricultural research, extension, and education. Before awards can be made, certain information is required from applicants to effectively assess the potential recipient's ability to manage Federal funds.

Need for the Information

Form NIFA–666 ''Organizational Information'': Enables NIFA to determine that applicants recommended for awards will be responsible recipients of Federal funds. The information pertains to organizational management and financial matters of the potential grantee. This form and the documents which the applicant attaches to it provide NIFA with information such as the legal name of grantee, certification that the organization has the legal authority to accept Federal funding, identification and signatures of the key officials of the organization, the organization's practices in regard to compensation rates and benefits of employees, insurance for equipment, subcontracting with other organizations, etc., as well as the financial condition of the organization and certification that the organization is not delinquent on Federal taxes. All of this information is considered by NIFA prior to award to determine the grantee is both managerially and fiscally responsible. This information is submitted to NIFA on a one-time basis and updated accordingly. If sufficient changes occur within the organization, the grantee submits revised information.

Estimate of the Burden: NIFA estimates the number of responses for the Form NIFA–666 will be 150 with an estimated response time of 6.3 hours per form, representing a total annual burden of 945 hours for this form. These estimates are based on a survey of grantees that were approved for grant awards. They were asked to give an estimate of time it took them to complete each form. This estimate was to include such things as: (1) Reviewing the instructions; (2) searching existing data sources; (3) gathering and maintaining the data needed; and (4) actual completion of the forms. The average time it took each respondent was calculated from their responses.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have a practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) 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 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.

Done at Washington, DC, this 16th day of 2015.

Catherine E. Woteki,

Under Secretary, Research, Education, and Economics.

[FR Doc. 2015–06826 Filed 3–24–15; 8:45 am]

BILLING CODE 3410–22–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Solicitation of Applications (NOSA) for Section 514 Farm Labor Housing Loans and Section 516 Farm Labor Housing Grants for Off-Farm Housing for Fiscal Year (FY) 2015

AGENCY: Rural Housing Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Housing Service (RHS) announces the timeframe to submit pre-applications for Section 514 Farm Labor Housing (FLH) loans and Section 516 FLH grants for the construction of new off-farm FLH units and related facilities for domestic farm laborers and for the purchase and substantial rehabilitation of an existing non-FLH property. The intended purpose of these loans and grants is to increase the number of available housing units for domestic farm laborers. This Notice describes the method used to distribute funds, the application process, and submission requirements.

RHS will publish on its Web site, *http://www.rd.usda.gov/programs-services/farm-labor-housing-direct-loans-grants,* the amount of funding available in FY 2015 based on current appropriations.

Of particular note this year, the Agency will assign additional points to pre-applications for projects based in or serving census tracts with poverty rates greater than or equal to 20 percent over the last 30 years. This emphasis will support Rural Development's mission of improving the quality of life for rural Americans and commitment to directing resources to those who most need them.

DATES: The deadline for receipt of all applications in response to this Notice is 5:00 p.m., local time to the appropriate Rural Development State Office on June 23, 2015. Rural Development will not consider any application that is received after the deadline unless the date and time is extended by another Notice published in the **Federal Register**. Applicants intending to mail applications must provide sufficient time to permit delivery on or before the deadline. Acceptance by a post office or private mailer does not constitute delivery. Facsimile (FAX) and postage due applications will not be accepted.

ADDRESSES: Applicants wishing to submit an application in response to this Notice must contact the Rural Development State Office serving the State of the proposed off-FLH project in order to receive further information and copies of the application package. You may find the addresses and contact information for each State Office following this web link, *http://www.rd.usda.gov/contact-us/state-offices.* Rural Development will date and time stamp incoming applications to evidence timely receipt and, upon request, will provide the applicant with a written acknowledgment of receipt.

FOR FURTHER INFORMATION CONTACT: Mirna Reyes-Bible, Finance and Loan Analyst, Multi-Family Housing Preservation and Direct Loan Division, STOP 0781 (Room 1263–S), USDA Rural Development, 1400 Independence Avenue SW., Washington, DC 20250–0781, telephone: (202) 720–1753 (this is not a toll free number.), or via email: *mirna.reyesbible@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

Overview

Federal Agency: Rural Housing Service.

Funding Opportunity Title: NOSA for Section 514 Farm Labor Housing Loans and Section 516 Farm Labor Housing Grants for Off-Farm Housing for Fiscal Year 2015.

Announcement Type: Solicitation of pre-applications from qualified applicants for FY 2015.

Catalog of Federal Domestic Assistance Numbers (CFDA): 10.405 and 10.427.

Due Date for Applications: June 23, 2015.

A. Federal Award Description

Pre-applications will only be accepted through the date and time listed in this Notice. All awards are subject to availability of funding. Individual requests may not exceed $3 million (total loan and grant).

No State may receive more than 30 percent of available FLH funding available in FY 2015. If there are insufficient applications from around the country to exhaust Sections 514/516 funds available, the Agency may then exceed the 30 percent cap per State. Section 516 off-farm FLH grants may not exceed 90 percent of the total development cost (TDC) of the housing as defined in 7 CFR 3560.11.

If leveraged funds are going to be used and are in the form of tax credits, the applicant must include in its pre-application written evidence that a tax credit application has been submitted and accepted by the Housing Finance Agency (HFA). All applications that will receive any leveraged funds must have firm commitments in place within 12 months of the issuance of a ''Notice of Pre-application Review Action,'' Handbook Letter 103 (3560). Applicants without written evidence that a tax credit application has been submitted and accepted by the HFA must certify in writing they will apply for tax credits to the HFA and obtain a firm commitment within 12 months of the issuance of a ''Notice of Pre-application Review Action.''

Rental Assistance (RA) and operating assistance will be available for new construction in FY 2015. Operating assistance is explained at 7 CFR 3560.574 and may be used in lieu of tenant-specific RA in off-FLH projects that serve migrant farm workers as defined in 7 CFR 3560.11, that are financed under Section 514 or Section 516 (h) of the Housing Act of 1949, as amended (42 U.S.C. 1484 and 1486(h) respectively), and otherwise meet the requirements of 7 CFR 3560.574.

B. Eligibility Information

1. Eligibility

Housing Eligibility—Housing that is constructed with FLH loans and/or grants must meet Rural Development's design and construction standards contained in 7 CFR part 1924, subparts A and C. Once constructed, off-farm FLH must be managed in accordance with 7 CFR part 3560. In addition, off-farm FLH must be operated on a non-profit basis and tenancy must be open to all qualified domestic farm laborers, regardless at which farm they work. Section 514(f) (3) of the Housing Act of 1949, as amended (42 U.S.C. 1484(f) (3)) defines domestic farm laborers to include any person regardless of the person's source of employment, who receives a substantial portion of his or her income from the primary production of agricultural or aqua cultural commodities in the unprocessed or processed stage, and also includes the person's family.

Tenant Eligibility—Tenant eligibility is limited to persons who meet the definition of a ''disabled domestic farm laborer,'' or a ''domestic farm laborer,'' or ''retired domestic farm laborer,'' as defined in 7 CFR 3560.11. Farm workers who are admitted to this country on a temporary basis under the Temporary Agricultural Workers (H–2A Visa) program are not eligible to occupy Sections 514/516 off-farm FLH.

Applicant Eligibility—

(a) To be eligible to receive a Section 516 grant for off-farm FLH, the applicant must be a broad-based non-profit organization, including community and faith-based organizations, a non-profit organization of farm workers, a Federally recognized Indian tribe, an agency or political subdivision of a State or local Government, or a public agency (such as a housing authority). The applicant must be able to contribute at least one-tenth of the TDC from non-Rural Development resources which can include leveraged funds.

(b) To be eligible to receive a Section 514 loan for off-farm FLH, the applicant must be a broad-based non-profit organization, including community and faith-based organizations, a non-profit organization of farm workers, a Federally recognized Indian tribe, an agency or political subdivision of a State or local Government, a public agency (such as a housing authority), or a limited partnership which has a non-profit entity as its general partner, and

(i) Be unable to provide the necessary housing from its own resources;

(ii) Except for State or local public agencies and Indian tribes, be unable to obtain similar credit elsewhere at rates that would allow for rents within the payment ability of eligible residents.

(iii) Broad-based non-profit organizations must have a membership that reflects a variety of interests in the area where the housing will be located.

2. Cost Sharing or Matching—Section 516 grants for off-farm FLH may not exceed 90 percent of the TDC as provided in 7 CFR 3560.562(c)(1).

3. Other Requirements—The following requirements apply to loans and grants made in response to this Notice:

(a) 7 CFR part 1901, subpart E, regarding equal opportunity requirements;

(b) For grants only, 2 CFR parts 200 and 400, which establishes the uniform administrative and audit requirements for grants and cooperative agreements to State and local Governments and to non-profit organizations;

(c) 7 CFR part 1901, subpart F, regarding historical and archaeological properties;

(d) 7 CFR part 1940, subpart G, regarding environmental assessments;

(e) 7 CFR part 3560, subpart L, regarding the loan and grant authorities of the off-farm FLH program;

(f) 7 CFR part 1924, subpart A, regarding planning and performing construction and other development;

(g) 7 CFR part 1924, subpart C, regarding the planning and performing of site development work;

(h) For construction financed with a Section 516 grant, the provisions of the Davis-Bacon Act (40 U.S.C. 276(a)–276(a)–5) and implementing regulations published at 29 CFR parts 1, 3, and 5;

(i) All other requirements contained in 7 CFR part 3560, regarding the Sections 514/516 off-farm FLH programs; and

(j) Please note that grant applicants must obtain a Dun and Bradstreet Data Universal Numbering System (DUNS) number and maintain registration in the Central Contractor Registration (CCR) prior to submitting a pre-application pursuant to 2 CFR 25.200(b). In addition, an entity applicant must maintain registration in the CCR database at all times during which it has an active Federal award or an application or plan under construction by the Agency. Similarly, all recipients of Federal financial assistance are required to report information about first-tier sub-awards and executive compensation in accordance with 2 CFR part 170. So long as an entity applicant does not have an exception under 2 CFR 170.110(b), the applicant must have the necessary processes and systems in place to comply with the reporting requirements should the applicant receive funding. See 2 CFR 170.200(b).

C. Application and Submission Information

1. Pre-Application Submission

The application process will be in two phases: The initial pre-application (or proposal) and the submission of a final application. Only those pre-applications

or proposals that are selected for further processing will be invited to submit final applications. In the event that a proposal is selected for further processing and the applicant declines, the next highest ranked unfunded pre-application may be selected for further processing. All pre-applications for Sections 514 and 516 funds must be filed with the appropriate Rural Development State Office and must meet the requirements of this Notice. Incomplete pre-applications will not be reviewed and will be returned to the applicant. No pre-application will be accepted after the deadline unless date and time are extended by another Notice published in the **Federal Register**.

Pre-applications can be submitted either electronically using the FLH Pre-application form found at *http://www.rd.usda.gov/programs-services/farm-labor-housing-direct-loans-grants* or in hard copy *to the appropriate Rural Development Office where the project will be located. Follow the link for the RD Office address for requesting and submitting pre-application* at: *http://www.rurdev.usda.gov/StateofficeAddresses.html*. Applicants are strongly encouraged, but not required, to submit the pre-application electronically. The electronic form contains a button labeled ''Send Form.'' By clicking on the button, the applicant will see an email message window with an attachment that includes the electronic form the applicant filled out as a data file with an .fdf extension. In addition, an auto-reply acknowledgement will be sent to the applicant when the electronic Loan Proposal form is received by the Agency unless the sender has software that will block the receipt of the auto-reply email. The State Office will record pre-applications received electronically by the actual date and time when all attachments are received at the State Office.

Submission of the electronic Section 514 Loan Proposal form *does not* constitute submission of the entire proposal package which requires additional forms and supporting documentation as listed within this Notice. You may use one of the following three options for submitting the entire proposal package comprising of all required forms and documents. On the Loan Proposal form you can indicate the option you will be using to submit each required form and document.

(a) Electronic Media Option. Submit all forms and documents as read-only Adobe Acrobat files on electronic media such as CDs, DVDs or USB drives. For each electronic device submitted, the applicant should include a Table of Contents of all documents and forms on that device. The electronic media should be submitted to the Rural Development State Office listed in this Notice where the property is located. Any forms and documents that are not sent electronically, including the check for credit reports, must be mailed to the Rural Development State Office.

(b) Email Option. On the Loan Proposal form you will be asked for a submission email address. This email address will be used to establish a folder on the U.S. Department of Agriculture (USDA) server with your unique email address. Once the Loan Proposal form is processed, you will receive an additional email notifying you of the email address that you can use to email your forms and documents. *Please Note:* All forms and documents must be emailed from the same submission email address. This will ensure that all forms and documents that you send will be stored in the folder assigned to that email address. Any forms and documents that are not sent in via the email option must be submitted on an electronic media or in hard copy form to the Rural Development State Office.

(c) Hard Copy Submission to the Rural Development State Office. If you are unable to send the proposal package electronically using either of the options listed above, you may send a hard copy of all forms and documents to the Rural Development State Office where the property is located. Hard copy pre-applications received on or before the deadline date will receive the close of business time of the day received as the receipt time. Hard copy pre-applications must be received by the submission deadline and no later than 5:00 p.m., local time, June 23, 2015. Assistance for filing electronic and hard copy pre-applications can be obtained from any Rural Development State Office.

For electronic submissions, there is a time delay between the time it is sent and the time it is received depending on network traffic. As a result, last-minute submissions sent before the deadline date and time could well be received after the deadline date and time because of the increased network traffic. Applicants are reminded that all submissions received after the deadline date and time will be rejected, regardless of when they were sent.

If a pre-application is accepted for further processing, the applicant must submit a complete, final application, acceptable to Rural Development prior to the obligation of Rural Development funds. If the pre-application is not accepted for further processing the applicant will be notified of appeal rights under 7 CFR part 11.

2. Pre-Application Requirements

(a) The pre-application must contain the following:

(1) A summary page listing the following items. This information should be double-spaced between items and not be in narrative form.

(i) Applicant's name.

(ii) Applicant's Taxpayer Identification Number.

(iii) Applicant's address.

(iv) Applicant's telephone number.

(v) Name of applicant's contact person, telephone number, and address.

(vi) Amount of loan and/or grant requested.

(vii) For grants of Federal financial assistance (including loans and grants, cooperative agreements, etc.), the applicant's Dun and Bradstreet Data Universal Numbering System (DUNS) number and registration in the CCR database in accordance with 2 CFR part 25. As required by the Office of Management and Budget (OMB), all grant applicants must provide a DUNS number when applying for Federal grants, on or after October 1, 2003. Organizations can receive a DUNS number at no cost by calling the dedicated toll-free number at (866) 705–5711 or via the internet at: *http://www.dnb.com/*. Additional information concerning this requirement can be obtained on the Grants.gov Web site at *www.grants.gov*. Similarly, applicants may register for the CCR at: *https://www.uscontractorregistration.com/* or by calling (877) 252–2700.

(2) Awards made under this Notice are subject to the provisions contained in an appropriation in FY 2014 that funds FLH.

(3) A narrative verifying the applicant's ability to meet the eligibility requirements stated earlier in this Notice. If an applicant is selected for further processing, Rural Development will require additional documentation as set forth in a Conditional Commitment in order to verify the entity has the legal and financial capability to carry out the obligation of the loan.

(4) Standard Form 424, ''Application for Federal Assistance,'' can be obtained at: *http://www.grants.gov* or from any Rural Development State Office listed in Section VII of this Notice.

(5) For loan pre-applications, current (within 6 months of pre-application date) financial statements with the following paragraph certified by the applicant's designated and legally authorized signer:

''I/we certify the above is a true and accurate reflection of our financial condition as of the date stated herein.

This statement is given for the purpose of inducing the United States of America to make a loan or to enable the United States of America to make a determination of continued eligibility of the applicant for a loan as requested in the loan application of which this statement is a part.''

(6) For loan pre-applications, a check for $24 from applicants made out to the U.S. Department of Agriculture. This will be used to pay for credit reports obtained by Rural Development.

(7) Evidence that the applicant is unable to obtain credit from other sources. Letters from credit institutions which normally provide real estate loans in the area should be obtained and these letters should indicate the rates and terms upon which a loan might be provided. (**Note:** Not required from State or local public agencies or Indian tribes.)

(8) If a FLH grant is desired, a statement concerning the need for a FLH grant. The statement should include preliminary estimates of the rents required with and without a grant.

(9) A statement of the applicant's experience in operating labor housing or other rental housing. If the applicant's experience is limited, additional information should be provided to indicate how the applicant plans to compensate for this limited experience (*i.e.,* obtaining assistance and advice of a management firm, non-profit group, public agency, or other organization which is experienced in rental management and will be available on a continuous basis).

(10) A brief statement explaining the applicant's proposed method of operation and management (*i.e.,* on-site manager, contract for management services, etc.). As stated earlier in this Notice, the housing must be managed in accordance with the program's management regulation, 7 CFR part 3560 and tenancy is limited to ''disabled domestic farm laborers,'' ''domestic farm laborers,'' and ''retired domestic farm laborers,'' as defined in 7 CFR 3560.11.

(11) Applicants must also provide:

(i) A copy of, or an accurate citation to, the special provisions of State law under which they are organized, a copy of the applicant's charter, Articles of Incorporation, and by-laws;

(ii) The names, occupations, and addresses of the applicant's members, directors, and officers; and

(iii) If a member or subsidiary of another organization, the organization's name, address, and nature of business.

(12) A preliminary market survey or market study to identify the supply and demand for farm labor housing in the market area. The market area must be clearly identified and may include only the area from which tenants can reasonably be drawn for the proposed project. Documentation must be provided to justify a need within the intended market area for the housing of ''domestic farm laborers,'' as defined in 7 CFR 3560.11. The documentation must take into account disabled and retired farm workers. The preliminary survey should address or include the following items:

(i) The annual income level of farmworker families in the area and the probable income of the farm workers who will likely occupy the proposed housing;

(ii) A realistic estimate of the number of farm workers who remain in the area where they harvest and the number of farm workers who normally migrate into the area. Information on migratory workers should indicate the average number of months the migrants reside in the area and an indication of what type of family groups are represented by the migrants *(i.e.,* single individuals as opposed to families);

(iii) General information concerning the type of labor intensive crops grown in the area and prospects for continued demand for farm laborers;

(iv) The overall occupancy rate for comparable rental units in the area and the rents charged and customary rental practices for these units (*i.e.,* will they rent to large families, do they require annual leases, etc.);

(v) The number, condition, adequacy, rental rates and ownership of units currently used or available to farm workers;

(vi) A description of the units proposed, including the number, type, size, rental rates, amenities such as carpets and drapes, related facilities such as a laundry room or community room and other facilities providing supportive services in connection with the housing and the needs of the prospective tenants such as a health clinic or day care facility, estimated development timeline, estimated TDC, and applicant contribution; and

(vii) The applicant must also identify all other sources of funds, including the dollar amount, source, and commitment status. (**Note:** A Section 516 grant may not exceed 90 percent of the TDC of the housing.)

(13) The applicant must submit a checklist, certification, and signed affidavit by the project architect or engineer, as applicable, for any energy programs listed in Section IV the applicant intends to participate in.

(14) The following forms are required:

(i) A completed Form RD 1940–20, ''*Request for Environmental Information,''* and a description of anticipated environmental issues or concerns. The form can be found at: *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD1940-20.PDF.*

(ii) A prepared HUD Form 935.2A, ''Affirmative Fair Housing Marketing Plan (AFHM) Multi-Family Housing,'' in accordance with 7 CFR 1901.203(c). The plan will reflect that occupancy is open to all qualified ''domestic farm laborers,'' regardless of which farming operation they work and that they will not discriminate on the basis of race, color, sex, age, disability, marital or familial status or National origin in regard to the occupancy or use of the units. The form can be found at: *http://portal.hud.gov/hudportal/documents/huddoc?id=935-2a.PDF.*

(iii) A proposed operating budget utilizing Form RD 3560–7, ''*Multiple Family Housing Project Budget/Utility Allowance*,'' can be found at: *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD3560-7.PDF.*

(iv) An estimate of development cost utilizing Form RD 1924–13, ''*Estimate and Certificate of Actual Cost,''* can be found at: *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD1924-13.PDF.*

(v) Form RD 3560–30, ''*Certification of no Identity of Interest (IOI),''* can be found at: *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD3560-30.PDF* and Form RD 3560–31, ''*Identity of Interest Disclosure/Qualification Certification,''* can be found at: *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD3560-31.PDF.*

(vi) Form HUD 2530, ''*Previous Participation Certification,''* can be found at: *http://portal.hud.gov/hudportal/documents/huddoc?id=2530.pdf.*

(vii) If requesting RA or Operating Assistance, Form RD 3560–25, ''*Initial Request for Rental Assistance or Operating Assistance,''* can be found at: *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD3560-25.PDF.*

(viii) Form RD 400–4, ''*Assurance Agreement,''* can be found at: *http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/RD400-4.PDF.* Applicants for revitalization, repair, and rehabilitation funding are to apply through the Multifamily Housing Preservation and Revitalization (MPR) Demonstration Program.

(ix) Evidence of compliance with Executive Order 12372. The applicant must send a copy of Form SF–424,

''Application for Federal Assistance'', to the applicant's State clearinghouse for intergovernmental review. If the applicant is located in a State that does not have a clearinghouse, the applicant is not required to submit the form. Applications from Federally recognized Indian tribes are not subject to this requirement.

(15) Evidence of site control, such as an option contract or sales contract. In addition, a map and description of the proposed site, including the availability of water, sewer, and utilities and the proximity to community facilities and services such as shopping, schools, transportation, doctors, dentists, and hospitals.

(16) Preliminary plans and specifications, including plot plans, building layouts, and type of construction and materials. The housing must meet Rural Development's design and construction standards contained in 7 CFR part 1924, subparts A and C and must also meet all applicable Federal, State, and local accessibility standards.

(17) A supportive services plan, which describes services that will be provided on-site or made available to tenants through cooperative agreements with service providers in the community, such as a health clinic or day care facility. Off-site services must be accessible and affordable to farm workers and their families. Letters of intent from service providers are acceptable documentation at the pre-application stage.

(18) A sources and uses statement which shows all sources of funding included in the proposed project. The terms and schedules of all sources included in the project should be included in the sources and uses statement.

(19) A separate one-page information sheet listing each of the ''Pre-Application Scoring Criteria,'' contained in this Notice, followed by a reference to the page numbers of all relevant material and documentation that is contained in the proposal that supports the criteria.

(20) Applicants are encouraged, but not required, to include a checklist of all of the pre-application requirements and to have their pre-application indexed and tabbed to facilitate the review process;

(21) Evidence of compliance with the requirements of the applicable State Housing Preservation Office (SHPO), and/or Tribal Historic Preservation Officer (THPO). A letter from the SHPO and/or THPO where the off-farm labor housing project is located, signed by their designee will serve as evidence of compliance.

D. Pre-Application Review Information

1. *Selection Criteria.* Section 514 FLH loan funds and Section 516 FLH grant funds will be distributed to States based on a national competition, as follows:

(a) Rural Development State Office will accept, review, and score pre-applications in accordance with this Notice. The scoring factors are:

(1) The presence of construction cost savings, including donated land and construction leverage assistance, for the units that will serve program-eligible tenants. The savings will be calculated as a percentage of the Rural Development TDC. The percentage calculation excludes any costs prohibited by Rural Development as loan expenses, such as a developer's fee. Construction cost savings includes, but is not limited to, funds for hard construction costs, and State or Federal funds which are applicable to construction costs. A minimum of 10 percent cost savings is required to earn points; however, if the total percentage of cost savings is less than 10 percent and the proposal includes donated land, two points will be awarded for the donated land. To count as cost savings for purposes of the selection criteria, the applicant must submit written evidence from the third-party funder that an application for those funds has been submitted and accepted points will be awarded in accordance with the following table using rounding to the nearest whole number.

Percentage	Points
75 or more	20
60–74	18
50–59	16
40–49	12
30–39	10
20–29	8
10–19	5
0–9	0

(2) The presence of operational cost savings, such as tax abatements, non-Rural Development tenant subsidies or donated services are calculated on a per-unit cost savings for the sum of the savings. Savings must be available for at least 5 years and documentation must be provided with the application demonstrating the availability of savings for 5 years. To calculate the savings, take the total amount of savings and divide it by the number of units in the project that will benefit from the savings to obtain the per unit cost savings. For non-Rural Development tenant subsidy, if the value changes during the 5 year calculation, the applicant must use the lower of the non-Rural Development tenant subsidy to calculate per unit cost savings. For example, a 10-unit property with 100 percent designated farm labor housing units receiving $20,000 per year non-Rural Development subsidy yields a cost savings of $100,000 ($20,000 × 5 years); resulting to a $10,000 per-unit cost savings ($100,000/10 units).

Use the following table to apply points:

Per-unit cost savings	Points
Above $15,000	50
$10,001–$15,000	35
$7,501–$10,000	20
$5,001–$7,500	15
$3,501–$5,000	10
$2,001–$3,500	5
$1,000–$2,000	2

(3) Percent of units for seasonal, temporary, migrant housing. (10 points for up to and including 50 percent of the units; 20 points for 51 percent or more units used for seasonal, temporary, or migrant housing.)

(4) Additional 10 points will be awarded to projects in persistent poverty counties. A county is considered persistently poor if 20 percent or more of its population was living in poverty over the last 30 years (measured by the 1980, 1990 and 2000 decennial censuses and 2007–2011 American Community Survey 5-year estimates).

(5) Presence of tenant services.

(i) Up to 25 points will be awarded based on the presence of and extent to which a tenant services plan exists that clearly outlines services that will be provided to the residents of the proposed project. These services may include, but are not limited to, transportation related services, on-site English as a Second Language (ESL) classes, move-in funds, emergency assistance funds, homeownership counseling, food pantries, after school tutoring, and computer learning centers.

(ii) Two points will be awarded for each resident service included in the tenant services plan up to a maximum of 10 points. Plans must detail how the services are to be administered, who will administer them, and where they will be administered. All tenant service plans must include letters of intent that clearly state the service that will be provided at the project for the benefit of the residents from any party administering each service, including the applicant.

(6) Energy Initiative Scoring Points (maximum 70 points).

Properties may receive points for energy initiatives in the categories of energy conservation, energy generation, water conservation and green property

management. Depending on the scope of work (SOW), properties may earn ''energy initiative'' points (up to a maximum of 70 points) in either one of two categories: (1) New Construction or (2) Purchase and Rehabilitation of an Existing Non-Farm Labor Housing Building. Projects will be eligible for one category of the two, but not both.

Energy programs including LEED for Homes, Green Communities, etc., will each have an initial checklist indicating prerequisites for participation in its energy program. The applicable energy program checklist will establish whether prerequisites for the energy program's participation will be met. All checklists must be accompanied by a signed affidavit by the project architect or engineer stating that the goals are achievable. In addition, projects that apply for points under the energy generation category must include calculations of savings of energy. Compare property energy usage of three scenarios: (1) Property built to required code of State with no renewables, to (2) property as-designed with commitments to stated energy conservation programs without the use of renewables and (3) property as-designed with commitments to stated energy conservation programs and the use of proposed renewables. Use local average metrics for weather and utility costs and detail savings in kWh and dollars. Provide payback calculations. These calculations must be done by a licensed engineer or credentialed renewable energy provider. Include with application, the provider/engineer's credentials including qualifications, recommendations, and proof of previous work. The checklist, affidavit, calculations and qualifications of engineer/energy provider must be submitted together with the loan application.

Enrollment in EPA Portfolio Manager Program. All projects awarded scoring points for energy initiatives must enroll the project in the EPA Portfolio Manager program to track post-construction energy consumption data. More information about this program may be found at: *http://www.energystar.gov/buildings/facility-owners-and-managers/existing-buildings/use-portfolio-manager*.

(i) Energy Conservation for New Construction or Purchase and Rehabilitation of an Existing Non-Farm Labor Housing Building (maximum 55 points). Projects may be eligible for up to 55 points when the pre-application includes a written certification by the applicant to participate in the following energy efficiency programs.

The points will be allocated as follows:

• Participation in the EPA's Energy Star for Homes V3 program. (20 points) *http://www.energystar.gov/index.cfm?c=bldrs_lenders_raters.pt_bldr*.

OR

• Participation in the Green Communities program by the Enterprise Community Partners. (30 points) *http://www.enterprisecommunity.com/solutions-and-innovation/enterprise-green-communities*.

OR

• Participation in one of the following two programs will be awarded points for certification.

Note: Each program has four levels of certification. State the level of certification that the applicant plans will achieve in their certification:

• LEED for Homes program by the United States Green Building Council (USGBC): *http://www.usgbc.org.*

— Certified Level (30 points), OR
— Silver Level (35 points), OR
— Gold Level (40 points), OR
— Platinum Level (45 points).

Applicant must state the level of certification that the applicant's plans will achieve in their certification in its pre-application.

OR

• Home Innovation's and The National Association of Home Builders (NAHB) ICC 700 National Green Building Standard TM: *http://www.nahb.org/.*

— Green–Bronze Level (30 points), OR
— Silver Level (35 points), OR
— Gold Level (40 points), OR
— Emerald Level (45 points).

Applicant must state the level of certification that the applicant's plans will achieve in their certification in its pre-application.

AND

• Participation in the Department of Energy's Zero Energy Ready program. (8 points) *http://www.energy.gov/eere/buildings/zero-energy-ready-home*.

AND

• Participation in local green/energy efficient building standards. Applicants who participate in a city, county or municipality program, will receive an additional 2 points.

(ii) Energy Conservation for Rehabilitation (maximum 55 points). Pre-applications for the purchase and rehabilitation of non-program MFH and related facilities in rural areas may be eligible to receive 55 points when the pre-application includes a written certification by the applicant to participate in one of the following energy efficiency programs. Again, the certification must be accompanied by a signed affidavit by the project architect or engineer stating that the goals are achievable. Points will be award as follows:

• Participation in the Green Communities program by the Enterprise Community Partners (53 points) *http://www.enterprisecommunity.com/solutions-and-innovation/enterprise-green-communities.* At least 30 percent of the points needed to qualify for the Green Communities program must be earned under the Energy Efficiency section of Green Communities.

AND

• Participation in local green/energy efficient building standards.

Applicants who participate in a city, county or municipality program, will receive an additional 2 points. The applicant should be aware of and look for additional requirements that are sometimes embedded in the third-party program's rating and verification systems. (2 points)

(iii) Energy Generation (maximum 7 points). Pre-applications for new construction or purchase and rehabilitation of non-program multi-family projects which participate in the above mentioned programs and receive at least 20 points in the point allocations above are eligible to earn additional points for installation of on-site renewable energy sources. Energy analysis of preliminary building plans using industry-recognized simulation software must document the projected total energy consumption of all of the building components and building site usage. Projects with an energy analysis of the preliminary or rehabilitation building plans that propose a 10 percent to 100 percent energy generation commitment (where generation is considered to be the total amount of energy needed to be generated on-site to make the building a net-zero consumer of energy) will be awarded points as follows:

• 0 to 9 percent commitment to energy generation receives 0 points;
• (b) 10 to 20 percent commitment to energy generation receives 1 point;
• (c) 21 to 40 percent commitment to energy generation receives 2 points;
• (d) 41 to 60 percent commitment to energy generation receives 3 points;
• (e) 61 to 80 percent commitment to energy generation receives 4 points; and
• (f) 81–100 percent or more commitment to energy generation receives 5 points.

Projects may participate in Power Purchase Agreements or Solar Leases to achieve their on-site renewable energy generation goals provided that the

financial obligations of the lease/purchase agreements are clearly documented and included in the application, and qualifying ratios continue to be achieved.

An additional (2) points will be awarded for off-grid systems, or elements of systems, provided that at least 5 percent of on-site renewable system is off-grid. See *www.dsireusa.org* for State and local specific incentives and regulations of energy initiatives.

(iv) Water Conservation in Irrigation Measures (maximum 3 points). Projects may be awarded 3 points for the use of an engineered recycled water (gray water or storm water) for landscape irrigation covering 50 percent or more of the property's site landscaping needs.

(v) Property Management Credentials (maximum 5 points). Projects may be awarded an additional 5 points if the designated property management company or individuals that will assume maintenance and operations responsibilities upon completion of construction work have a Credential for Green Property Management. Credentialing can be obtained from the National Apartment Association (NAA), National Affordable Housing Management Association, The Institute for Real Estate Management, U.S. Green Building Council's Leadership in Energy and Environmental Design for Operations and Maintenance (LEED OM), or another source with a certifiable credentialing program. Credentialing must be illustrated in the resume(s) of the property management team and included with the pre-application.

The National Office will rank all pre-applications nationwide and distribute funds to States in rank order, within funding and RA limits. When proposals have an equal score, preference will be given first to Indian tribes as defined in § 3560.11 and then local non-profit organizations or public bodies whose principal purposes include low-income housing that meet the conditions of § 3560.55(c) and the following conditions:

- Is exempt from Federal income taxes under section 501(c)(3) or 501(c)(4) of the Internal Revenue code;
- Is not wholly or partially owned or controlled by a for-profit or limited-profit type entity;
- Whose members, or the entity, do not share an identity of interest with a for-profit or limited-profit type entity;
- Is not co-venturing with another entity; and
- The entity or its members will not be receiving any direct or indirect benefits pursuant to Low Income Housing Tax Credits.

If there are two or more applications that have the same score and both cannot be funded, a lottery in accordance with 7 CFR 3560.56(c)(2) will be used to break the tie. If insufficient funds or RA remain for the next ranked proposal, that applicant will be given a chance to modify their pre-application to bring it within remaining funding levels. This will be repeated for each next ranked eligible proposal until an award can be made or the list is exhausted.

Rural Development will notify all applicants whether their applications have been accepted or rejected and provide appeal rights under 7 CFR part 11, as appropriate.

E. Federal Award Administration Information

1. Federal Award Notices

Loan applicants must submit their initial applications by the due date specified in this Notice. Once the applications have been scored and ranked by the National Office, the National Office will advise State Offices of the proposals selected for further processing, State Offices will respond to applicants by letter.

If the application is not accepted for further processing, the applicant will be notified of appeal rights under 7 CFR part 11.

2. Administrative and National Policy

All Farm Labor Housing loans and grants are subject to the restrictive-use provisions contained in 7 CFR 3560.72(a)(2).

3. Reporting

Borrowers must maintain separate financial records for the operation and maintenance of the project and for tenant services. Tenant services will not be funded by Rural Development. Funds allocated to the operation and maintenance of the project may not be used to supplement the cost of tenant services, nor may tenant service funds be used to supplement the project operation and maintenance. Detailed financial reports regarding tenant services will not be required unless specifically requested by Rural Development, and then only to the extent necessary for Rural Development and the borrower to discuss the affordability (and competitiveness) of the service provided to the tenant. The project audit, or verification of accounts on Form RD 3560–10, ''*Borrower Balance Sheet,*'' together with an accompanying Form RD 3560–7, ''*Multiple Family Housing Project Budget Utility Allowance,*'' [showing actual,] must allocate revenue and expense between project operations and the service component.

F. Equal Opportunity and Non-Discrimination Requirements

Borrowers and applicants will comply with the provisions of 7 CFR 3560.2. All housing must meet the accessibility requirements found at 7 CFR 3560.60(d). All applicants must submit or have on file a valid Form RD 400–1, ''*Equal Opportunity Agreement,*'' and Form RD 400–4, ''*Assurance Agreement.*''

The U.S. Department of Agriculture prohibits discrimination against its customers, employees, and applicants for employment on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.)

If you wish to file an employment complaint, you must contact your Agency's EEO Counselor within 45 days of the date of the alleged discriminatory act, event, or in the case of a personnel action. Additional information can be found online at: *http://www.ascr.usda.gov/complaint_filing_file.html.*

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at: *http://www.ascr.usda.gov/complaint_filing_cust.html,* any USDA office, or call (866) 632–9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410, by fax (202) 720–7442 or email at: *program.intake@usda.gov.*

Individuals who are deaf, hard of hearing or have speech disabilities and you wish to file either an EEO or program complaint please contact USDA through the Federal Relay Service at (800) 877–8339 or (800) 845–6136 (in Spanish).

Persons with disabilities, who wish to file a program complaint, please see information above on how to contact us by mail directly or by email. If you require alternative means of

communication for program information (*e.g.,* Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Dated: March 17, 2015.

Tony Hernandez,

Administrator, Housing and Community Facilities Programs.

[FR Doc. 2015–06863 Filed 3–24–15; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

March 19, 2015.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received by April 24, 2015. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Business Service

Title: 7 CFR 1951–R, Rural Development Loan Servicing.

OMB Control Number: 0570–0015.

Summary of Collection: The Rural Development (RD) Loan Servicing was legislated in 1985 under Section 1323 of the Food and Security Act of 1985. This action is needed to implement the provision of Section 407 of the Health and Human Services Act of 1986, which amended Section 1323 of the Food and Security Act of 1985. 7 CFR part 1951, subpart R contains regulations for servicing and liquidating existing loans previously approved and administered by the U.S. Department of Health and Human Services (HHS) under 45 CFR part 1076 and transferred from HHS to the Department of Agriculture. This subpart contains regulations for servicing and liquidating loans made by RD, successor to the Farmers Home Administration under the Intermediary Relending Program to eligible intermediaries and applies to ultimate recipients and other involved parties.

Need and Use of the Information: The Intermediary will provide RD information from, *i.e.* assets and liabilities, income statement and a summary of its lending and guarantee program. Form 1951–4 gathers information about jobs created or saved for the Intermediary Relending Program and Rural Development Loan Fund. The required financial information provided by the Intermediary is vital to RD for the Agency to make sound credit and financial analysis decisions and monitor the program.

Description of Respondents: Not-for-profit institutions; Business or other for-profit.

Number of Respondents: 459.

Frequency of Responses: Reporting: On occasion; Quarterly; Semi-annually; Annually.

Total Burden Hours: 12,421.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2015–06766 Filed 3–24–15; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

U.S. Integrated Ocean Observing System (IOOS®) Advisory Committee

AGENCY: National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of open meeting.

SUMMARY: Notice is hereby given of a meeting of the U.S. Integrated Ocean Observing System (IOOS®) Advisory Committee (Committee) in Washington, DC.

DATES AND TIMES: The meeting will be held on Wednesday, April 29, 2015, from 9:00 a.m. to 5:00 p.m. and on Thursday, April 30, 2015, from 9:00 a.m.–3:00 p.m. These times and the agenda topics described below are subject to change. Refer to the Web page listed below for the most up-to-date meeting agenda.

ADDRESSES: The meeting will be held at the Consortium for Ocean Leadership, 1201 New York Ave. NW., Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Jessica Snowden, Alternate Designated Federal Official, U.S. IOOS Advisory Committee, U.S. IOOS Program, 1100 Wayne Ave., Suite 1225, Silver Spring, MD 20910; Phone 301–427–2453; Fax 301–427–2073; Email *jessica.snowden@noaa.gov* or visit the U.S. IOOS Advisory Committee Web site at *http://www.ioos.noaa.gov/advisorycommittee.*

SUPPLEMENTARY INFORMATION: The Committee was established by the NOAA Administrator as directed by Section 12304 of the Integrated Coastal and Ocean Observation System Act, part of the Omnibus Public Land Management Act of 2009 (Pub. L. 111–11). The Committee advises the NOAA Administrator and the Interagency Ocean Observation Committee (IOOC) on matters related to the responsibilities and authorities set forth in section 12302 of the Integrated Coastal and Ocean Observation System Act of 2009 and other appropriate matters as the Under Secretary refers to the Committee for review and advice.

The Committee will provide advice on:

(a) Administration, operation, management, and maintenance of the System;

(b) expansion and periodic modernization and upgrade of technology components of the System;

(c) identification of end-user communities, their needs for information provided by the System, and the System's effectiveness in dissemination information to end-user communities and to the general public; and

(d) any other purpose identified by the Under Secretary of Commerce for Oceans and Atmosphere or the

Interagency Ocean Observation Committee.

The meeting will be open to public participation with a 15-minute public comment period on April 29, 2015, from 4:30 p.m. to 4:45 p.m. and on April 30, 2015, from 2:30 p.m. to 2:45 p.m. (check agenda on Web site to confirm time.) The Committee expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of three (3) minutes. Written comments should be received by the Designated Federal Official by April 17, 2015 to provide sufficient time for Committee review. Written comments received after April 17, 2015, will be distributed to the Committee, but may not be reviewed prior to the meeting date. Seats will be available on a first-come, first-served basis.

Matters to be Considered: The meeting will focus on new committee priorities, including discussions of ICOOS Act Reauthorization, raising IOOS to a national-level program, and increasing engagement with industry. The agenda is subject to change. The latest version will be posted at *http://www.ioos.gov/advisorycommittee.*

Special Accomodations: These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Jessica Snowden, Alternate Designated Federal Official at 301–427–2453 by April 10, 2015.

Dated: March 10, 2015.

Zdenka S. Willis,

Director, U.S. Integrated Ocean Observing System.

[FR Doc. 2015–06799 Filed 3–24–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD853

Endangered Species; File No. 19288

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Mark Flint, University of Florida, School of Forest Resources and Conservation, 529 Ellsberry Road, Apollo Beach, FL 33572 has applied in due form for a permit to take loggerhead (*Caretta caretta*), Kemp's ridley (*Lepidochelys kempii*), green (*Chelonia mydas*) and hawksbill (*Eretmochelys imbricata*) sea turtles for purposes of scientific research.

DATES: Written, telefaxed, or email comments must be received on or before April 24, 2015.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov*, and then selecting File No. 19288 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov*. Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Amy Hapeman or Howard Goldstein, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The applicant requests a five-year permit to conduct research on sea turtles in Tampa Bay, Florida to determine the distribution and health status of the resident population of sea turtles in the region. Sea turtles would be captured by hand or net and have the following procedures performed before release: Measure, weigh, blood sample, lavage, internal and external biopsy sampling, laparoscopy and associated transport, and ultrasound. Carcasses and parts of dead sea turtles may be collected for necropsy to determine cause of death or contributors to mortality.

Dated: March 20, 2015.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–06868 Filed 3–24–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD809

Advisory Committee to the U.S. Section to the International Commission for the Conservation of Atlantic Tunas; Spring Species Working Group Meeting

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

ACTION: Notice of Advisory Committee meeting.

SUMMARY: The Advisory Committee (Committee) to the U.S. Section to the International Commission for the Conservation of Atlantic Tunas (ICCAT) announces its annual spring meeting on April 8–9, 2015.

DATES: The open sessions of the Committee meeting will be held on April 8, 2015, 8:45 a.m. to 3:15 p.m.; and April 9, 2015, 9 a.m. to 12:15 p.m. Closed sessions will be held on April 8, 2015, 3:30 p.m. to 6 p.m., and on April 9, 2015, 8 a.m. to 9 a.m.

ADDRESSES: The meeting will be held at the Sheraton Hotel, 8777 Georgia Ave., Silver Spring, MD 20910. The phone number is (301) 589–0800.

FOR FURTHER INFORMATION CONTACT: Rachel O'Malley at (301) 427–8373.

SUPPLEMENTARY INFORMATION: The Advisory Committee to the U.S. Section to ICCAT will meet in open session to receive and discuss information on the 2014 ICCAT meeting results and U.S. implementation of ICCAT decisions; NMFS research and monitoring activities; global and domestic initiatives related to ICCAT; the Atlantic Tunas Convention Act-required consultation on any identification of countries that are diminishing the effectiveness of ICCAT; the results of the meetings of the Committee's Species Working Groups; and other matters relating to the international management of ICCAT species. The public will have access to the open sessions of the meeting, but there will be no opportunity for public comment. A copy of the agenda is available from

the Committee's Executive Secretary upon request (see **FOR FURTHER INFORMATION CONTACT**).

The Committee will meet in its Species Working Groups for part of the afternoon of April 8, 2015, and for one hour on the morning of April 9, 2015. These sessions are not open to the public, but the results of the species working group discussions will be reported to the full Advisory Committee during the Committee's open session on April 9, 2015.

Special Accommodations

The meeting location is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Rachel O'Malley at (301) 427–8373 at least 5 days prior to the meeting date.

Dated: March 19, 2015.

Paul Doremus,

Acting Director, Office of International Affairs and Seafood Inspection, National Marine Fisheries Service.

[FR Doc. 2015–06736 Filed 3–24–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Proposed Information Collection; Comment Request; Comprehensive Economic Development Strategy

Correction

In notice document 2015–06194 beginning on page 13835 in the issue of Tuesday, March 17, 2015, make the following correction:

On page 13836, in the second column, in the fifth line, the file date ''3–17–15'' should read ''3–16–15''.

[FR Doc. C1–2015–06194 Filed 3–24–15; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD851

Pacific Fishery Management Council (Pacific Council); Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council and its advisory entities will hold public meetings.

DATES: The Pacific Council and its advisory entities will meet April 10–16, 2015. The Pacific Council meeting will begin on Saturday, April 11, 2015 at 8 a.m., reconvening each day through Thursday, April 16, 2015. All meetings are open to the public, except a closed session will be held at 8 a.m. on Saturday, April 11 to address litigation and personnel matters. The Pacific Council will meet as late as necessary each day to complete its scheduled business.

ADDRESSES: Meetings of the Council and its advisory entities will be held at the Doubletree by Hilton Sonoma, One Doubletree Drive, Rohnert Park, CA 94928; telephone: (707) 584–5466.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220. Instructions for attending the meeting via live stream broadcast are given under **SUPPLEMENTARY INFORMATION**, below.

FOR FURTHER INFORMATION CONTACT: Dr. Donald O. McIsaac, Executive Director; telephone: (503) 820–2280 or (866) 806–7204 toll free; or access the Pacific Council Web site, *http://www.pcouncil.org/council-operations/council-meetings/current-meeting/* for the current meeting location, proposed agenda, and meeting briefing materials.

SUPPLEMENTARY INFORMATION: The April 10–16, 2015 meeting of the Pacific Fishery Management Council will be streamed live on the internet. The live meeting will be broadcast daily starting at 9 a.m. Pacific Time (PT) beginning on Saturday, April 11, 2015 through Thursday, April 16, 2015. The broadcast will end daily at 6 p.m. PT or when business for the day is complete. Only the audio portion, and portions of the presentations displayed on the screen at the Council meeting, will be broadcast. The audio portion is listen-only; you will be unable to speak to the Council via the broadcast. Join the meeting by visiting this link *http://www.gotomeeting.com/online/webinar/join-webinar,* enter the Webinar ID for this meeting, which is 109–418–027 and enter your email address as required. It is recommended that you use a computer headset as GoToMeeting allows you to listen to the meeting using your computer headset and speakers. If you do not have a headset and speakers, you may use your telephone for the audio portion of the meeting by dialing this TOLL number 1–480–297–0021 (not a toll free number); entering the phone audio access code 965–893–632; and then entering your Audio Pin which will be shown to you after joining the webinar. The webinar is broadcast in listen only mode.

The following items are on the Pacific Council agenda, but not necessarily in this order. Agenda items noted as ''(Final Action)'' refer to actions requiring the Council to transmit a proposed fishery management plan, proposed plan amendment, or proposed regulations to the Secretary of Commerce, under Sections 304 or 305 of the Magnuson-Stevens Fishery Conservation and Management Act. Additional detail on agenda items, Council action, and meeting rooms, is described in Agenda Item A.4, Proposed Council Meeting Agenda, and will be in the advance April 2015 briefing materials and posted on the Council Web site *http://www.pcouncil.org/council-operations/council-meetings/current-briefing-book/.*

A. Call to Order
  1. Opening Remarks
  2. Roll Call
  3. Executive Director's Report
  4. Approve Agenda
B. Open Comment Period
  Comments on Non-Agenda Items
C. Habitat
  Current Habitat Issues
D. Salmon Management
  1. Tentative Adoption of 2015 Ocean Salmon Management Measures for Analysis
  2. Methodology Review Preliminary Topic Selection
  3. Clarify Council Direction on 2015 Ocean Salmon Management Measures
  4. Additional Council Direction on 2015 Ocean Salmon Management Measures
  5. Final Action on 2015 Ocean Salmon Management Measures (Final Action)
E. Groundfish Management
  1. National Marine Fisheries Service Report
  2. Trawl Cost Recovery Report (Final Action)
  3. Salmon Endangered Species Act Reconsultation Update
  4. Finalize Methodology Review Council Operating Procedure (COP)
  5. Groundfish Essential Fish Habitat Amendment Scoping, Including Rockfish Conservation Area and Area Adjustments
  6. Final Action on Widow Rockfish Reallocation and Divestiture Issues (Final Action)
  7. Blackgill and Slope Rockfish Reallocation
  8. Inseason Adjustments Including Carryover and Regulatory Amendment to Manage Set-Asides (Final Action)

9. Final Action to Implement 2015 Pacific Whiting Fishery under the U.S.-Canada Pacific Whiting Agreement (Final Action)

F. Administrative Matters
1. Seabird Protection Update
2. Prepare Comments on Proposed Changes to National Standard Guidelines 1, 3, and 7
3. Approval of Council Meeting Minutes
4. Membership Appointments and Council Operating Procedures
5. Future Council Meeting Agenda and Workload Planning

G. Coastal Pelagic Species Management
1. Final Action on Sardine Assessment, Specifications, and Management Measures (Final Action)
2. Finalize Methodology Review Council Operating Procedures

H. Pacific Halibut Management
Final Action on Incidental Landing Restrictions for 2015–2016 Salmon Troll Fishery (Final Action)

I. Enforcement Issues
1. Regulations for Vessel Movement Monitoring

Schedule of Ancillary Meetings

Day 1—Friday, April 10, 2015

Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Model Evaluation Workgroup 8 a.m.
Salmon Advisory Subpanel 8 a.m.
Salmon Technical Team 8 a.m.
Scientific and Statistical Committee 8 a.m.
Habitat Committee 8:30 a.m.

Day 2—Saturday, April 11, 2015

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Coastal Pelagic Species Advisory Subpanel 8 a.m.
Coastal Pelagic Species Management Team 8 a.m.
Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Salmon Advisory Subpanel 8 a.m.
Salmon Technical Team 8 a.m.
Scientific and Statistical Committee 8 a.m.
Enforcement Consultants 3 p.m.
Chair's Reception 6 p.m.

Day 3—Sunday, April 12, 2015

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Coastal Pelagic Species Advisory Subpanel 8 a.m.
Coastal Pelagic Species Management Team 8 a.m.
Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Salmon Advisory Subpanel 8 a.m.
Salmon Technical Team 8 a.m.
Enforcement Consultants Ad hoc
Tribal Policy Group Ad hoc
Tribal and Washington Technical Group Ad hoc

Day 4—Monday, April 13, 2015

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Salmon Advisory Subpanel 8 a.m.
Salmon Technical Team 8 a.m.
Enforcement Consultants Ad hoc
Tribal Policy Group Ad hoc
Tribal and Washington Technical Group Ad hoc

Day 5—Tuesday, April 14, 2015

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Salmon Advisory Subpanel 8 a.m.
Salmon Technical Team 8 a.m.
Enforcement Consultants Ad hoc
Tribal Policy Group Ad hoc
Tribal and Washington Technical Group Ad hoc

Day 6—Wednesday, April 15, 2015

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.
Groundfish Advisory Subpanel 8 a.m.
Groundfish Management Team 8 a.m.
Salmon Technical Team 8 a.m.
Enforcement Consultants Ad hoc
Tribal Policy Group Ad hoc
Tribal and Washington Technical Group Ad hoc

Day 7—Thursday, April 16, 2015

California State Delegation 7 a.m.
Oregon State Delegation 7 a.m.
Washington State Delegation 7 a.m.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal Council action during these meetings. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Carolyn Porter at (503) 820–2280 at least 5 days prior to the meeting date.

Dated: March 20, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–06794 Filed 3–24–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD833

Fisheries of the Gulf of Mexico; Southeast Data, Assessment, and Review (SEDAR); Public Meetings

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

ACTION: Notice of SEDAR 42 assessment process webinars for Gulf of Mexico Red Grouper.

SUMMARY: The SEDAR 42 assessment of Gulf of Mexico Red Grouper will consist of a series of webinars. This notice is for a webinar associated with the Assessment portion of the SEDAR process. See **SUPPLEMENTARY INFORMATION.**

DATES: The assessment webinar for SEDAR 42 will be held on Monday, April 13, 2015, from 1 p.m. to 5 p.m. eastern time.

ADDRESSES: *Meeting address:* The meeting will be held via webinar. The webinar is open to the public. Those interested in participating should contact Julie A. Neer at SEDAR (see **FOR FURTHER INFORMATION CONTACT** below) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; telephone: (843) 571–4366; email: *julie.neer@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in

the Southeast Region. SEDAR is a multi-step process including: (1) Data Workshop; and (2) a series of assessment webinars; and (3) Review Workshop. The product of the Data Workshop is a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses. The product of the Assessment Webinar Process is a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses; and describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. The assessment is independently peer reviewed at the Review Workshop. The product of the Review Workshop is a Summary documenting panel opinions regarding the strengths and weaknesses of the stock assessment and input data. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Assessment Process webinars are as follows:

1. Using datasets and initial assessment analysis recommended from the Data Workshop, panelists will employ assessment models to evaluate stock status, estimate population benchmarks and management criteria, and project future conditions.

2. Panelists will recommend the most appropriate methods and configurations for determining stock status and estimating population parameters.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 10 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: March 20, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–06823 Filed 3–24–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD839

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The South Atlantic Fishery Management Council will hold a meeting of its Snapper Grouper Advisory Panel (AP) in North Charleston, SC. The meeting is open to the public.

DATES: The meeting will be held from 1:30 p.m. until 5 p.m. on Monday, April 13, 2015 and from 9 a.m. until 5 p.m. on Tuesday, April 14, 2015. A workshop on proposed Spawning Special Management Zones will be held in conjunction with the Snapper Grouper AP meeting on Monday, April 13, 2015, beginning at 5:30 p.m.

ADDRESSES:

Meeting address: The meeting will be held at the Hilton Garden Inn, 5265 International Blvd., N. Charleston, SC 29418; telephone: (843) 308–9330.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405; telephone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net*.

SUPPLEMENTARY INFORMATION: The Snapper Grouper Advisory Panel will receive an update on the status of various amendments to the Snapper Grouper Fishery Management Plan (FMP) and other amendments affecting the snapper grouper fishery. AP members will receive overviews and provide recommendations on the following amendments to the Snapper Grouper FMP: Regulatory Amendment 16 with options to modify the current seasonal closure for the commercial black sea bass pot fishery; Amendment 37 addressing management measures for multiple species; Regulatory Amendment 23 addressing measures for golden tilefish; the development of a Joint South Atlantic and Gulf of Mexico Amendment on South Florida Issues (yellowtail snapper, mutton snapper and black grouper); and Amendment 36 to establish Spawning Special Management Zones (SMZs). The AP will provide recommendations as appropriate. The AP will also review the draft System Management Plan for Marine Protected Areas (MPAs), Electronic Technology Plan, and the Joint South Atlantic and Gulf of Mexico Charterboat Electronic Reporting Amendment and provide recommendations as appropriate. The AP will receive updates on blueline tilefish management measures, the Council's Vision Blueprint for the Snapper Grouper Fishery, and address other business as necessary. A workshop to address proposed Spawning Special Management Zones through Amendment 36 to the Snapper Grouper Fishery Management Plan will also be held in conjunction with the AP meeting.

Although non-emergency issues not contained in this agenda may come before these groups for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 3 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

Dated: March 20, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–06824 Filed 3–24–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD850

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Habitat Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday, April 9, 2015 at 9 a.m.

ADDRESSES:

Meeting address: The meeting will be held at the Radisson Airport Hotel, 2081 Post Road, Warwick, RI 02886; telephone: (401) 739–3000; fax: (401) 732–9309.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION: The Habitat committee's goal is to continue development of Omnibus Essential Fish Habitat Amendment 2 and finalize preferred alternative recommendations for the full Council. They will discuss other business as necessary.

Although non-emergency issues not contained in this agenda may come before these groups for discussion, those issues may not be the subject of formal action during this meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: March 20, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–06825 Filed 3–24–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–40–2014]

Subzone 38G—Anderson, South Carolina; Application for Production Authority Kravet Inc.; Comment Period on Submission of New Evidence

On May 20, 2014, an application was submitted by the South Carolina State Ports Authority, grantee of FTZ 38, requesting production authority within Subzone 38G on behalf of Kravet Inc. (Kravet), in Anderson, South Carolina. The proposed activity involves the cutting and tagging of textiles, paper wall coverings and decorative trimmings to be used as commercial samples (79 FR 30078–30079, 5–27–2014).

On March 13, 2015, Kravet made a submission to the FTZ Board that included new evidence in response to the examiner's preliminary recommendation not to approve the application. Public comment is invited on Kravet's new evidence through April 24, 2015. Rebuttal comments may be submitted during the subsequent 15-day period, until May 11, 2015. Submissions shall be addressed to the FTZ Board's Executive Secretary at: Foreign-Trade Zones Board, U.S. Department of Commerce, Room 21013, 1401 Constitution Ave. NW., Washington, DC 20230.

A copy of Kravet's March 13, 2015, submission will be available for public inspection at the address above, and in the ''Reading Room'' section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.*

FOR FURTHER INFORMATION CONTACT: Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: March 18, 2015.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2015–06871 Filed 3–24–15; 8:45 am]

BILLING CODE 3510–DS–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before April 24, 2015.

ADDRESSES: Comments regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden, may be submitted directly to OMB within 30 days of the notice's publication by email at *OIRAsubmissions@omb.eop.gov.* Please identify the comments by OMB Control No. 3038–0072. Please provide the Commission with a copy of all submitted comments at the address listed below. Please refer to OMB Reference No. 3038–0072, found on *http://reginfo.gov.* Comments may also be mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Commodity Futures Trading Commission, 725 17th Street NW., Washington, DC 20503, and to Christopher Cummings, Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581. Comments may also be submitted by any of the following methods:

- *The Agency's Web site, at: http://comments.cftc.gov/.* Follow the instructions for submitting comments through the Web site.
- *Mail:* Christopher Kirkpatrick, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail, above.

• *Federal eRulemaking Portal: http://www.regulations.gov/.* Follow the instructions for submitting comments through the Portal.

Please submit your comments using only one method.

FOR FURTHER INFORMATION CONTACT: Christopher Cummings, Division of Swap Dealer and Intermediary Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581; (202) 418–6700; email: *ccummings@cftc.gov,* and refer to OMB Control No. 3038–0072.

SUPPLEMENTARY INFORMATION:

Title: Registration of Swap Dealers and Major Swap Participants (OMB Control No. 3038–0072). This is a request for extension of a currently approved information collection.

Abstract: Pursuant to Section 731 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (2010) (Dodd-Frank Act), the Commission promulgated regulations setting forth the procedure whereby persons required by the Dodd-Frank Act to register with the Commission as Swap Dealers or Major Swap Participants may do so.

Burden Statement: The Commission estimates that the total annual respondent burden for this collection is 629 hours:

Form 7–R

Respondents/Affected Entities: Swap Dealers and Major Swap Participants.

Estimated number of respondents: 125.

Estimated burden per response: 1 hour.

Estimated total annual burden on respondents: 125 hours.

Frequency of collection: On occasion and annually.

Form 8–R

Respondents/Affected Entities: 5 principals per each of 125 Swap Dealers and Major Swap Participants.

Estimated number of respondents: 625.

Estimated burden per response: 0.8 hour.

Estimated total annual burden on respondents: 500 hours.

Frequency of collection: On occasion.

Form 8–T

Respondents/Affected Entities: 1 principal per each of 20 Swap Dealers and Major Swap Participants.

Estimated number of respondents: 20.

Estimated burden per response: 0.2 hour.

Estimated total annual burden on respondents: 4 hours.

Frequency of collection: On occasion.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: March 20, 2015.

Christopher J. Kirkpatrick,

Secretary of the Commission.

[FR Doc. 2015–06831 Filed 3–24–15; 8:45 am]

BILLING CODE 6351–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Submission for OMB Review, Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS) has submitted a public information collection request (ICR) entitled The Senior Corps Longitudinal Evaluation for review and approval in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13, (44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Anthony Nerino, at (202) 606–3919 or email to *anerino@cns.gov.* Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service, by any of the following two methods within 30 days from the date of publication in the **Federal Register**:

(1) *By fax to:* (202) 395–6974, Attention: Ms. Sharon Mar, OMB Desk Officer for the Corporation for National and Community Service; or

(2) *By email to: smar@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: The OMB is particularly interested in comments which:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of CNCS, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Propose ways to enhance the quality, utility, and clarity of the information to be collected; and

• Propose ways to 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.

Comments

A 60-day Notice requesting public comment was published in the **Federal Register** on October 1, 2014. This comment period ended December 1, 2014. No public comments were received from this Notice.

Description: CNCS is seeking approval the Senior Corps Longitudinal Evaluation which is used by CNCS Program Staff and Senior Corps Grantees to provide evidence-based findings of the effectiveness of National Service. First, the data will be useful to assess the benefits of National Service participation on the volunteers' and caregivers psychosocial outcomes. Second, the data will be useful to CNCS in identifying: (1) Best practices for recruitment and retention of volunteers and caregivers, (2) obstacles to high response rates, and (3) assessments of the psychometric characteristics of the surveys to inform future research with this population.

Type of Review: New.

Agency: Corporation for National and Community Service.

Title: The Senior Corps Longitudinal Study.

OMB Number: TBD.

Agency Number: None.

Affected Public: Newly enrolled Senior Companion and Foster Grandparent Volunteers, and newly enrolled caregivers of clients receiving Senior Companion Program Respite Services, Senior Companion Project Staff and Foster Grandparent Project Staff.

Total Respondents: 5,273.

Frequency: New Caregivers, 2 times—New Volunteers, 3 times—SCP Project Staff, 2 times and FGP Project Staff, 2 times.

Average Time Per Response: New Caregivers, 30 minutes and 20 minutes—New Volunteers, 20 Minutes, 15 Minutes and 20 Minutes—SCP and FGP Project Staff, 90 minutes and 120 minutes.

Estimated Total Burden Hours: 2,785.26 hours.

Respondent category	Number of respondents	Participation time per respondent (minutes)	Burden hours per respondent	Burden hours all respondents
Caregiver Study:				
Baseline	926	30	0.50	463
Follow-up	740	20	0.33	244.2
Volunteer Study:				
Baseline	1,224	20	0.33	403.92
First follow-up	979	15	0.25	244.75
Second follow-up	783	20	0.33	258.39
SCP project staff:				
Caregiver Study [1]: Baseline and follow-up	142	90	1.50	213
Volunteer Study [2]: Baseline and two follow-ups	170	120	2.00	340
FGP project staff:				
Volunteer Study [2]: baseline and two follow-ups	309	120	2.00	618
Total Burden	5,273	435	7.24	2,785.26

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Dated: March 19, 2015.

Mary Hyde,

Deputy Director of Research and Evaluation.

[FR Doc. 2015–06852 Filed 3–24–15; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive Patent License; Premium Manufacturing Group

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Premium Manufacturing Group a revocable, nonassignable, exclusive license to practice in the field of use of a knife and knife components in the United States, the Government-owned inventions described in U.S. Patent No. 7,421,751 entitled ''Folding Knife Having Locking Portion, Clip Portion and Unsharpened Protrusion'', Navy Case No. 097,793 and any continuations, divisionals or re-issues thereof.

DATES: Anyone wishing to object to the granting of this license must file written objections along with supporting evidence, if any, not later than April 9, 2015.

ADDRESSES: Written objections are to be filed with the U.S. Naval Academy, Academic Dean and Provost Office, 589 McNair Road, Stop 10G, Annapolis, MD 21402 (attn: Prof. J. E. Shade).

FOR FURTHER INFORMATION CONTACT: Prof. J. E. Shade, Associate Director of Research and Scholarship for Technology Transfer, Academic Dean and Provost Office, 589 McNair Road, Stop 10G, Annapolis, MD 21402, office: 410–293–2509. Due to U.S. Postal delays, please fax 410–293–2507 and send email to *shade@usna.edu.* Use courier delivery to expedite response.

Authority: 35 U.S.C. 207, 37 CFR part 404.

N. A. Hagerty-Ford,

Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2015–06788 Filed 3–24–15; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Annual Updates to the Income Contingent Repayment (ICR) Plan Formula for 2015—William D. Ford Federal Direct Loan Program

Catalog of Federal Domestic Assistance (CFDA) Number: 84.063.

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice.

SUMMARY: The Secretary announces the annual updates to the ICR plan formula for 2015, as required by 34 CFR 685.209(b)(1)(ii)(A), to give notice to Direct Loan borrowers and the public regarding how monthly ICR payment amounts will be calculated for the 2015–2016 year.

DATES: The adjustments to the income percentage factors for the ICR plan formula contained in this notice are effective from July 1, 2015, to June 30, 2016, for any borrower who enters the ICR plan or has his or her monthly payment amount recalculated under the ICR plan during that period.

FOR FURTHER INFORMATION CONTACT: Ian Foss, U.S. Department of Education, 830 First Street NE., Room 113H2, Washington, DC 20202. Telephone: (202) 377–3681 or by email: *ian.foss@ed.gov.*

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

SUPPLEMENTARY INFORMATION:

Under the William D. Ford Federal Direct Loan (Direct Loan) Program, borrowers may choose to repay their non-defaulted loans (Direct Subsidized Loans, Direct Unsubsidized Loans, Direct PLUS Loans made to graduate or professional students, and Direct Consolidation Loans) under the ICR plan. The ICR plan bases the borrower's repayment amount on the borrower's income, family size, loan amount, and the interest rate applicable to each of the borrower's loans.

A Direct Loan borrower who repays his or her loans under the ICR plan pays the lesser of: (1) The amount that he or she would pay over 12 years with fixed payments multiplied by an income percentage factor or (2) 20 percent of discretionary income.

Each year, to reflect changes in inflation, we adjust the income percentage factor used to calculate a borrower's ICR payment. We use the adjusted income percentage factors to calculate a borrower's monthly ICR payment amount when the borrower initially applies for the ICR plan or when the borrower submits his or her annual income documentation, as required under the ICR plan. This notice contains the adjusted income percentage factors for 2015, examples of how the monthly payment amount in ICR is calculated, and charts showing sample repayment amounts based on the adjusted ICR plan formula. This information is included in the following three attachments:

- *Attachment 1—Income Percentage Factors for 2015*
- *Attachment 2—Examples of the Calculations of Monthly Repayment Amounts*
- *Attachment 3—Charts Showing Sample Repayment Amounts for Single and Married Borrowers*

In Attachment 1, to reflect changes in inflation, we have updated the income percentage factors that were published in the **Federal Register** on April 21, 2014 (79 FR 22107). Specifically, we have revised the table of income percentage factors by changing the dollar amounts of the incomes shown by a percentage equal to the estimated percentage change between the not-seasonally-adjusted Consumer Price Index for all urban consumers for December 2014 and December 2015.

The income percentage factors reflected in Attachment 1 may cause a borrower's payments to be lower than they were in prior years, even if the borrower's income is the same as in the prior year. However, the revised repayment amount more accurately reflects the impact of inflation on the borrower's current ability to repay.

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

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

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

Program Authority: 20 U.S.C. 1087 *et seq.*

Dated: March 19, 2015.

James W. Runcie,

Chief Operating Officer, Federal Student Aid.

Attachment 1—Income Percentage Factors for 2015

INCOME PERCENTAGE FACTORS FOR 2015

Single		Married/head of household	
Income	% Factor	Income	% Factor
$11,150	55.00	$11,150	50.52
15,342	57.79	17,593	56.68
19,741	60.57	20,965	59.56
24,240	66.23	27,408	67.79
28,537	71.89	33,954	75.22
33,954	80.33	42,648	87.61
42,648	88.77	53,487	100.00
53,488	100.00	64,331	100.00
64,331	100.00	80,596	109.40
77,318	111.80	107,695	125.00
99,003	123.50	145,638	140.60
140,221	141.20	203,682	150.00
160,776	150.00	332,833	200.00
286,370	200.00		

Attachment 2—Examples of the Calculations of Monthly Repayment Amounts

General notes about the examples in this attachment:

- We have a calculator that borrowers can use to estimate what their payment amount would be under the ICR plan. The calculator is called the ''Repayment Estimator'' and is available at *StudentAid.gov/repayment-estimator.* This calculator provides a detailed, individualized assessment of a borrower's loans and repayment plan options, including the ICR plan.
- The interest rates used in the examples are for illustration only. The actual interest rates on an individual borrower's Direct Loans depend on the loan type and when the postsecondary institution first disbursed the Direct Loan to the borrower.
- The Poverty Guideline amounts used in the examples are from the 2015 U.S. Department of Health and Human Services (HHS) Poverty Guidelines for the 48 contiguous States and the District of Columbia. Different Poverty Guidelines apply to residents of Alaska and Hawaii. The Poverty Guidelines for 2015 were published in the **Federal Register** on January 22, 2015 (80 FR 3236).
- All of the examples use an income percentage factor corresponding to an adjusted gross income (AGI) in the table in Attachment 1. If your AGI is not listed in the income percentage factors table in Attachment 1, calculate the applicable income percentage by following the instructions under the ''Interpolation'' heading later in this attachment.
- Married borrowers may repay their Direct Loans jointly under the ICR plan. If a married couple elects this option, we add the outstanding balance on the Direct Loans of each borrower and we add together both borrowers' AGIs to determine a joint ICR payment amount. We then prorate the joint payment amount for each borrower based on the proportion of that borrower's debt to the total outstanding balance. We bill each borrower separately.
- For example, if a married couple, John and Sally, has a total outstanding Direct Loan debt of $60,000, of which $40,000 belongs to John and $20,000 to Sally, we would apportion 67 percent of the monthly ICR payment to John and the remaining 33 percent to Sally. To take advantage of a joint ICR payment, married couples need not file taxes jointly; they may file separately and subsequently provide the other spouse's tax information to the borrower's Federal loan servicer.

Calculating the monthly payment amount using a standard amortization and a 12-year repayment period.

The formula to amortize a loan with a standard schedule (in which each payment is the same over the course of the repayment period) is as follows:

$$M = P \times <(I \div 12) \div [1 - \{1 + (I \div 12)\}\wedge - N]>$$

In the formula—

- M is the monthly payment amount;
- P is the outstanding principal balance of the loan at the time the calculation is performed;
- I is the annual interest rate on the loan, expressed as a decimal (for example, for a loan with an interest rate of 6.8 percent, 0.068); and

• N is the total number of months in the repayment period (for example, for a loan with a 12-year repayment period, 144 months).

For example, assume that Billy has a $10,000 Direct Unsubsidized Loan with an interest rate of 6.8 percent.

Step 1: To solve for M, first simplify the numerator of the fraction by which we multiply P, the outstanding principal balance. To do this divide I, the interest rate, as a decimal, by 12. In this example, Billy's interest rate is 6.8 percent. As a decimal, 6.8 percent is 0.068.

• 0.068 ÷ 12 = 0.005667

Step 2: Next, simplify the denominator of the fraction by which we multiply P. To do this divide I, the interest rate, as a decimal, by 12. Then, add one. Next, raise the sum of the two figures to the negative power that corresponds to the length of the repayment period in months. In this example, because we are amortizing a loan to calculate the monthly payment amount under the ICR plan, the applicable figure is 12 years, which is 144 months. Finally, subtract the result from one.

• 0.068 ÷ 12 = 0.005667
• 1 + 0.005667 = 1.005667
• 1.005667 ∧ −144 = 0.44319544
• 1 − 0.44319554 = 0.55680456

Step 3: Next, resolve the fraction by dividing the result from step one by the result from step two.

• 0.005667 ÷ 0.55680456 = 0.01017772

Step 4: Finally, solve for M, the monthly payment amount, by multiplying the outstanding principal balance of the loan by the result of step 3.

• $10,000 × 0.01017772 = $101.78

The remainder of the examples in this attachment will only show the results of the formula.

Example 1. Brenda is single with no dependents and has $15,000 in Direct Subsidized and Unsubsidized Loans. The interest rate on Brenda's loans is 6.80 percent, and she has an AGI of $28,537.

Step 1: Determine the total monthly payment amount based on what Brenda would pay over 12 years using standard amortization. To do this, use the formula that precedes Example 1. In this example, the monthly payment amount would be $152.67.

Step 2: Multiply the result of Step 1 by the income percentage factor shown in the income percentage factors table (see Attachment 1 to this notice) that corresponds to Brenda's AGI. In this example, an AGI of $28,537 corresponds to an income percentage factor of 71.89 percent.

• 0.7189 × $152.66 = $109.75

Step 3: Determine 20 percent of Brenda's discretionary income and divide by 12 (discretionary income is AGI minus the HHS Poverty Guideline amount for a borrower's family size and State of residence). For Brenda, subtract the Poverty Guideline amount for a family of one from her AGI, multiply the result by 20 percent, and then divide by 12:

• $28,537 − $11,770 = $16,767
• $16,767 × 0.20 = $3,353.40
• $3,353.40 ÷ 12 = $279.45

Step 4: Compare the amount from Step 2 with the amount from Step 3. The lower of the two will be the monthly ICR payment amount. In this example, Brenda will be paying the amount calculated under Step 2 ($109.75).

Example 2. Joseph is married to Susan and has no dependents. Joseph has a Direct Loan balance of $10,000, and Susan has a Direct Loan balance of $15,000. The interest rate on all of the loans is 6.80 percent.

Joseph and Susan have a combined AGI of $80,596 and are repaying their loans jointly under the ICR plan (for general information regarding joint ICR payments for married couples, see the fifth and sixth bullets under the heading ''General notes about the examples in this attachment'').

Step 1: Add Joseph's and Susan's Direct Loan balances to determine their combined aggregate loan balance:

• $10,000 + $15,000 = $25,000

Step 2: Determine the combined monthly payment amount for Joseph and Susan based on what both borrowers would pay over 12 years using standard amortization. To do this, use the formula that precedes Example 1. In this example, the combined monthly payment amount would be $254.44.

Step 3: Multiply the result of Step 2 by the income percentage factor shown in the income percentage factors table (see Attachment 1 to this notice) that corresponds to Joseph and Susan's combined AGI. In this example, the combined AGI of $80,596 corresponds to an income percentage factor of 109.40 percent.

• 1.094 × $254.44 = $278.36

Step 4: Determine 20 percent of Joseph and Susan's combined discretionary income (discretionary income is AGI minus the HHS Poverty Guideline amount for a borrower's family size and State of residence). To do this subtract the Poverty Guideline amount for a family of two from the combined AGI, multiply the result by 20 percent, and divide by 12:

• $80,596 − $15,930 = $64,666
• $64,666 × 0.20 = $12,933.20
• $12,933.20 ÷ 12 = $1,077.77

Step 5: Compare the amount from Step 3 with the amount from Step 4. The lower of the two will be Joseph and Susan's joint monthly payment amount. Joseph and Susan will jointly pay the amount calculated under Step 3 ($278.36).

Step 6: Because Joseph and Susan are jointly repaying their Direct Loans under the ICR plan, the monthly payment amount calculated under Step 5 applies to both Joseph and Susan's loans. To determine the amount for which each borrower will be responsible, prorate the amount calculated under Step 4 by each spouse's share of the combined Direct Loan debt. Joseph has a Direct Loan debt of $10,000 and Susan has a Direct Loan Debt of $15,000. For Joseph, the monthly payment amount will be:

• $10,000 ÷ ($10,000 + $15,000) = 40 percent
• 0.40 × $278.36 = $111.34

For Susan, the monthly payment amount will be:

• $15,000 ÷ ($10,000 + $15,000) = 60 percent
• 0.60 × $278.36 = $167.02

Example 3. David is single with no dependents and has $60,000 in Direct Subsidized and Unsubsidized Loans. The interest rate on all of the loans is 6.80 percent, and David's AGI is $33,954.

Step 1: Determine the total monthly payment amount based on what David would pay over 12 years using standard amortization. To do this, use the formula that precedes Example 1. In this example, the monthly payment amount would be $610.66.

Step 2: Multiply the result of Step 1 by the income percentage factor shown in the income percentage factors table (see Attachment 1 to this notice) that corresponds to David's AGI. In this example, an AGI of $33,954 corresponds to an income percentage factor of 80.33 percent.

• 0.8033 × $610.66 = $490.54

Step 3: Determine 20 percent of David's discretionary income and divide by 12 (discretionary income is AGI minus the HHS Poverty Guideline amount for a borrower's family size and State of residence). To do this subtract the Poverty Guideline amount for a family of one from David's AGI, multiply the result by 20 percent, then divide by 12:

• $33,954 − $11,770 = $22,184
• $22,184 × 0.20 = $4,436.80
• $4,436.80 ÷ 12 = $369.73

Step 4: Compare the amount from Step 2 with the amount from Step 3. The lower of the two will be David's monthly payment amount. In this example, David will be paying the amount calculated under Step 3 ($369.73).

Interpolation. If an income is not included on the income percentage factor table, calculate the income percentage factor through linear interpolation. For example, assume that Joan is single with an income of $50,000.

Step 1: Find the closest income listed that is less than Joan's income ($50,000) and the closest income listed that is greater than Joan's income ($50,000).

Step 2: Subtract the lower amount from the higher amount (for this discussion we will call the result the ''income interval''):

• $53,488 − $42,648 = $10,840

Step 3: Determine the difference between the two income percentage factors that correspond to the incomes used in Step 2 (for this discussion, we will call the result the ''income percentage factor interval''):

• 100.00 percent − 88.77 percent = 11.23 percent

Step 4: Subtract from Joan's income the closest income shown on the chart that is less than Joan's income of $50,000:

• $50,000 − $42,648 = $7,352

Step 5: Divide the result of Step 4 by the income interval determined in Step 2:

• $7,352 ÷ $10,840 = 67.82 percent

Step 6: Multiply the result of Step 5 by the income percentage factor interval:

• 11.23 percent × 67.82 percent = 7.62 percent

Step 7: Add the result of Step 6 to the lower of the two income percentage factors used in Step 3 to calculate the income percentage factor interval for $50,000 in income:

- 7.62 percent + 88.77 percent = 96.39 percent (rounded to the nearest hundredth)

The result is the income percentage factor that we will use to calculate Joan's monthly repayment amount under the ICR plan.

Attachment 3—Charts Showing Sample Repayment Amounts for Single and Married Borrowers

SAMPLE FIRST-YEAR MONTHLY REPAYMENT AMOUNTS FOR A SINGLE BORROWER

Income	Family Size = 1									
	Initial debt									
	$10,000	$20,000	$30,000	$40,000	$50,000	$60,000	$70,000	$80,000	$90,000	$100,000
$10,000	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
20,000	63	126	137	137	137	137	137	137	137	137
30,000	78	155	233	304	304	304	304	304	304	304
40,000	89	179	268	358	447	471	471	471	471	471
50,000	100	201	301	401	502	602	637	637	637	637
60,000	102	204	305	407	509	611	712	804	804	804
70,000	110	220	329	439	549	659	769	878	971	971
80,000	117	234	351	469	586	703	820	937	1,054	1,137
90,000	123	246	369	492	614	737	860	983	1,106	1,229
100,000	128	256	384	512	640	768	896	1,024	1,152	1,280

SAMPLE FIRST-YEAR MONTHLY REPAYMENT AMOUNTS FOR A MARRIED OR HEAD-OF-HOUSEHOLD BORROWER

Income	Family Size = 3									
	Initial debt									
	$10,000	$20,000	$30,000	$40,000	$50,000	$60,000	$70,000	$80,000	$90,000	$100,000
$10,000	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
20,000	0	0	0	0	0	0	0	0	0	0
30,000	73	147	165	165	165	165	165	165	165	165
40,000	88	176	263	332	332	332	332	332	332	332
50,000	100	200	301	401	499	499	499	499	499	499
60,000	102	204	305	407	509	611	665	665	665	665
70,000	107	214	321	428	534	641	748	832	832	832
80,000	113	226	339	452	565	678	791	904	999	999
90,000	119	238	357	476	596	715	834	953	1,072	1,165
100,000	125	250	376	501	626	751	877	1,002	1,127	1,252

[FR Doc. 2015–06704 Filed 3–24–15; 8:45 am]
BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Rehabilitation Training: Rehabilitation Long-Term Training Program—Rehabilitation Specialty Areas

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

Overview Information: Rehabilitation Services Administration (RSA)—Rehabilitation Training: Rehabilitation Long-Term Training Program—Rehabilitation Specialty Areas.

Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.129Q and W.

DATES:

Applications Available: March 25, 2015.

Date of Pre-Application Webinar: April 8, 2015.

Deadline for Transmittal of Applications: May 26, 2015.

Deadline for Intergovernmental Review: July 23, 2015.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Rehabilitation Long-Term Training program provides financial assistance for projects that provide—

(1) Basic or advanced training leading to an academic degree in areas of personnel shortages in rehabilitation as identified by the Secretary;

(2) A specified series of courses or program of study leading to the award of a certificate in areas of personnel shortages in rehabilitation as identified by the Secretary; and

(3) Support for medical residents enrolled in residency training programs in the specialty of physical medicine and rehabilitation.

Priority: This priority is from the notice of final priority for this program, published on July 23, 2014 in the **Federal Register** (79 FR 42680).

Absolute Priority: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

Rehabilitation Specialty Areas.

The purpose of the priority is to fund programs leading to a master's degree or certificate in one of two specialty areas: Rehabilitation of Individuals Who are Deaf or Hard of Hearing (84.129Q) and Comprehensive System of Personnel Development (84.129W). The goal of this priority is to increase the skills of scholars in these rehabilitation specialty areas so that, upon successful completion of their master's degree or certificate programs, they are prepared to effectively meet the needs and demands of individuals with disabilities.

Under this priority, applicants must:

(a) Provide data on the current and projected employment needs and

personnel shortages in the specialty area in State VR agencies and other related agencies as defined in 34 CFR 386.4 in their local area, region, and State, and describe how the proposed program will address those employment needs and personnel shortages.

(b) Describe how the proposed program will provide rehabilitation professionals with the skills and knowledge that will help ensure that the individuals with disabilities whom they serve can meet current demands and emerging trends in the labor market, including how:

(1) The curriculum provides a breadth of knowledge, experience, and rigor that will adequately prepare scholars to meet the employment needs and goals of VR consumers and aligns with evidence-based and competency-based practices in the rehabilitation specialty area;

(2) The curriculum prepares scholars to meet all applicable certification standards;

(3) The curriculum addresses new or emerging consumer needs or trends at the national, State, and regional levels in the rehabilitation specialty area;

(4) The curriculum teaches scholars to address the needs of individuals with disabilities who are from diverse cultural backgrounds;

(5) The curriculum trains scholars to assess the assistive technology needs of consumers, identify the most appropriate assistive technology services and devices for assisting consumers to obtain and retain employment, and train consumers to use such technology;

(6) The curriculum teaches scholars to work with employers effectively in today's economy, including by teaching strategies for developing relationships with employers in their State and local areas, identifying employer needs and skill demands, making initial employer contacts, presenting job-ready clients to potential employers, and conducting follow-up with employers; and

(7) The latest technology is incorporated into the methods of instruction (*e.g.,* the use of distance education to reach scholars who live far from the university and the use of technology to acquire labor market information).

(c) Describe their methods to:

(1) Recruit highly capable prospective scholars who have the potential to successfully complete the academic program, all required practicum and internship experiences, and the required service obligation;

(2) Educate potential scholars about the terms and conditions of the service obligation under 34 CFR 386.4, 386.34, and 386.40 through 386.43 so that they will be fully informed before accepting a scholarship;

(3) Maintain a system that ensures that scholars sign a payback agreement and an exit form when they exit the program, regardless of whether they drop out, are removed, or successfully complete the program;

(4) Provide academic support and counseling to scholars throughout the course of the academic program to ensure successful completion;

(5) Ensure that all scholars complete an internship in a State VR agency or a related agency as a requirement for completion of a program leading to a master's degree. The internship must be in a State VR agency unless the VR agency does not directly perform work related to the scholar's course of study or an applicant can provide sufficient justification that it is not feasible for all students receiving scholarships to complete an internship in a State VR agency. In such cases, the applicant may require scholars to complete an internship in a related agency, as defined in 34 CFR 386.4. Circumstances that would constitute sufficient justification may include, but are not limited to, a lack of capacity at the State VR agency to provide adequate supervision of scholars during their internship experience and the physical distance between scholars and the nearest office of the State VR agency (*e.g.,* for scholars enrolled in distance-learning programs or at rural institutions). Applicants should include a written justification in the application or provide it to RSA for review and approval by the appropriate RSA Project Officer no later than 30 days prior to a scholar beginning an internship in a related agency. For applicants proposing a certificate program, the requirement for an internship in a State VR agency or a related agency is waived unless the certificate program has an internship requirement.

(6) Provide career counseling, including informing scholars of professional contacts and networks, job leads, and other necessary resources and information to support scholars in successfully obtaining and retaining qualifying employment;

(7) Maintain regular contact with scholars upon successful program completion to ensure that they have support during their search for qualifying employment as well as support during the initial months of their employment (*e.g.,* by matching scholars with mentors in the field);

(8) Maintain regular communication with scholars after program exit to ensure that their contact information is current and that documentation of employment is accurate and meets the regulatory requirements for qualifying employment; and

(9) Maintain accurate information on, while safeguarding the privacy of, current and former scholars from the time they are enrolled in the program until they successfully meet their service obligation.

(d) Describe a plan for developing and maintaining partnerships with State VR agencies and community-based rehabilitation service providers that includes:

(1) Coordination between the grantee and the State VR agencies and community-based rehabilitation service providers that will promote qualifying employment opportunities for scholars and formalized on-boarding and induction experiences for new hires;

(2) Formal opportunities for scholars to obtain work experiences through internships, practicum agreements, job shadowing, and mentoring opportunities; and

(3) When applicable, a scholar internship assessment tool that is developed to ensure a consistent approach to the evaluation of scholars in a particular program. The tool should reflect the specific responsibilities of the scholar during the internship. The grantee and worksite supervisor are encouraged to work together as they see fit to develop the assessment tool. Supervisors at the internship site will complete the assessment detailing the scholar's strengths and areas for improvement that must be addressed and provide the results of the assessment to the grantee. The grantee should ensure that (i) scholars are provided with a copy of the assessment and all relevant rubrics prior to beginning their internship, (ii) supervisors have sufficient technical support to accurately complete the assessment, and (iii) scholars receive a copy of the results of the assessment within 90 days of the end of their internship.

(e) Describe how scholars will be evaluated throughout the entire program to ensure that they are proficient in meeting the needs and demands of today's consumers and employers, including the steps that will be taken to provide assistance to a scholar who is not meeting academic standards or who is performing poorly in a practicum or internship setting.

(f) Describe how the program will be evaluated. Such a description must include:

(1) How the program will determine its effect over a period of time on filling vacancies in the State VR agency with qualified rehabilitation professionals

capable of providing quality services to consumers;

(2) How input from State VR agencies and community-based rehabilitation service providers will be included in the evaluation;

(3) How feedback from consumers of VR services and employers (including the assessments described in paragraph (d)(3)) will be included in the evaluation;

(4) How data from other sources, such as those from the Department on the State VR program, will be included in the evaluation; and

(5) How the data and results from the evaluation will be used to make necessary adjustments and improvements to the program.

Fourth and Fifth Years of the Project: In deciding whether to continue funding any Rehabilitation Long-Term Training project for the fourth and fifth years, the Secretary will consider the requirements of 34 CFR 75.253(a), and in addition—

(a) The recommendation of the RSA project officer who will monitor the reported annual performance of the grantee's training program and measure progress towards achieving the projections in the grantee's application. This review will consider the number of students actually enrolled in the grantee's training program, the number of students who successfully enter qualifying employment with State vocational rehabilitation (VR) agencies, and the number of students who obtain qualifying employment in related agencies;

(b) The timeliness and effectiveness with which all requirements of the grant award have been or are being met by the grantee, including the submission of annual performance reports and annual RSA scholar payback program reports, and adherence to fiduciary responsibilities related to the budget submitted in the application; and

(c) The quality, relevance, and usefulness of the grantee's training program and activities, and the degree to which the training program and activities and their outcomes have contributed to significantly improving the quality of VR professionals ready for employment with State VR agencies and related agencies, as measured by the percentage of students entering eligible employment under 34 CFR 386.34.

Grantees must also provide assurances that they will abide by all of the administrative and performance reporting requirements associated with the RSA scholar payback program reports and will retain all the documentation, including the scholarship agreement, exit forms, and any other documentation, necessary to ensure students understand their financial responsibilities and liabilities under this program (34 CFR part 386).

Note: While applicants may not hire staff or select trainees based on race or national origin/ethnicity, they may conduct outreach activities to increase the pool of eligible minority candidates. We may disqualify and not consider for funding any applicant that indicates that it will hire or train a certain number or percentage of minority candidates.

Program Authority: 29 U.S.C. 772.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, and 99. (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended in 2 CFR part 3474. (d) The regulations for this program in 34 CFR parts 385 and 386. (e) The notice of final priority published in the **Federal Register** on July 23, 2014 (79 FR 42680).

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply only to institutions of higher education (IHEs).

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $3,450,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2016 from the list of unfunded applicants from this competition.

Estimated Range of Awards: See chart.

Estimated Average Size of Awards: See chart.

Maximum Award: See chart.

Estimated Number of Awards: See chart.

Project Period: See chart.

REHABILITATION TRAINING: REHABILITATION LONG-TERM TRAINING PROGRAM—REHABILITATION SPECIALTY AREAS APPLICATION NOTICE FOR FISCAL YEAR 2015

CFDA No. and name	Applications available	Deadline for transmittal of applications	Estimated range of awards	Estimated average size of awards	Maximum award (budget period of 12 months) [1]	Estimated number of awards	Project period	Contact person
Rehabilitation of Individuals Who are Deaf or Hard of Hearing (84.129Q).	3/25/15	5/26/15	$140,000–$150,000 ...	$145,000	$150,000	3	Up to 60 months ..	Don Bunuan, 202–245–6616, *don.bunuan@ed.gov*, PCP, Room 5046.
Comprehensive System of Personnel Development (84.129W).	.....	.....	$190,000–$200,000 ...	195,000	200,000	15	Up to 60 months ..	Karen Holliday, 202–245–7318, *karen.holliday@ed.gov*, PCP, Room 5090.

[1] We will reject any application under 84.129Q that proposes a budget exceeding $150,000 for a single budget period of 12 months, and we will reject any application under 84.129W that proposes a budget exceeding $200,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register**.

Note: The Department is not bound by any estimates in this notice.

III. Eligibility Information

1. *Eligible Applicants:* States and public or nonprofit agencies and organizations, including Indian tribes and IHEs.

2. *Cost Sharing or Matching:* Cost sharing of at least 10 percent of the total cost of the project is required of grantees under the Rehabilitation Long-Term Training program. The Secretary may

waive part of the non-Federal share of the cost of the project after negotiations if the applicant demonstrates that it does not have sufficient resources to contribute the entire match (34 CFR 386.30).

Note: Under 34 CFR 75.562(c), an indirect cost reimbursement on a training grant is limited to the recipient's actual indirect costs, as determined by its negotiated indirect cost rate agreement, or eight percent of a modified total direct cost base, whichever amount is less. Indirect costs in excess of the limit may not be charged directly, used to satisfy matching or cost-sharing requirements, or charged to another Federal award.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet, from the Education Publications Center (ED Pubs), or from the program office.

To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html*.

To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.129Q or 84.129W.

To obtain a copy from the program office, contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the application narrative to the equivalent of no more than 45 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.

The page limit of 45 pages applies to all of the application narrative section, Part III. We will reject your application if you exceed the page limit for Part III, or if you apply other standards and exceed the equivalent of the page limit.

However, the page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page double-spaced abstract.

If you submit optional materials such as resumes, a bibliography, or letters of support, please limit these materials to a total of no more than 30 pages.

Please note that, if you receive funding under the competition, the abstract will be made available to the public.

3. *Submission Dates and Times:* Applications Available: March 25, 2015. Date of Pre-Application Webinar: Interested parties are invited to participate in a pre-application webinar. The pre-application webinar with staff from the Department will be held on April 8, 2015 at 2:00 p.m., Washington, DC time. The webinar will be recorded. For further information about the pre-application webinar, contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. Deadline for Transmittal of Applications: May 26, 2015.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice. Deadline for Intergovernmental Review: July 23, 2015.

4. *Intergovernmental Review:* This competition is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for

Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Rehabilitation Training: Rehabilitation Long-Term Training—Rehabilitation Specialty Areas competition, CFDA numbers 84.129Q and W, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the Rehabilitation Training: Rehabilitation Long-Term Training Program—Rehabilitation Specialty Areas competition at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.129, not 84.129Q or W).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system;

and

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Karen Holliday, U.S. Department of Education, 400 Maryland Avenue SW., Room 5090, PCP, Washington, DC 20202–2800. FAX: (202) 245–7318.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.129Q or W), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260. You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.129Q or W), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260. The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 and 34 CFR 386.20 and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package

and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

In addition, all Rehabilitation Long-Term Training—Rehabilitation Specialty Areas grantees must submit the following quantitative and qualitative data in an annual performance report:

(a) Program activities that occurred during each fiscal year from October 1 to March 31 and projected program activities to occur from April 1 to September 30. For subsequent reporting years, grantees confirm projections made from the prior year;

(b) Summary of academic support and counseling provided to scholars to ensure successful completion;

(c) Summary of career counseling provided to scholars upon program completion to ensure that they have support during their search for qualifying employment, as well as during the initial months of their employment. This may include, but is not limited to, informing scholars of professional contacts, network opportunities, and job leads, matching scholars with mentors in the field, and connecting scholars to other necessary resources and information;

(d) Summary of partnership and coordination activities with State VR agencies and community-based rehabilitation providers. This may include but is not limited to obtaining input and feedback regarding curricula from State VR agencies and community-based rehabilitation providers; organizing internships, practicum agreements, job shadowing, and mentoring opportunities; and assessing scholars at the work site;

(e) Assistance provided to scholars who may not be meeting academic standards or who are performing poorly in a practicum or internship setting;

(f) Results of the program evaluation, as well as information describing how these results will be used to make necessary adjustments and improvements to the program;

(g) Results from scholar internship, practicum, job shadowing, or mentoring assessments, as well as information describing how those results will be used to ensure that future scholars receive all necessary preparation and training prior to program completion;

(h) Results from scholar evaluations and information describing how these results will be used to ensure that future scholars will be proficient in meeting the needs and demands of today's consumers and employers;

(i) Number of scholars who began an internship during the reporting period;

(j) Number of scholars who completed an internship during the reporting period;

(k) Number of scholars who dropped out or were dismissed from the program during the reporting period;

(l) Number of scholars receiving RSA scholarships during the reporting period;

(m) Number of scholars who graduated from the program during the reporting period;

(n) Number of scholars who obtained qualifying employment during the reporting period;

(o) Number of vacancies filled in the State VR agency with qualified counselors from the program during the reporting period;

(p) A budget and narrative detailing expenditures covering the period of October 1 through March 31 and projected expenditures from April 1 through September 30. The budget narrative must also verify progress towards meeting the 10 percent match requirement. For subsequent reporting years, grantees will confirm projections made from the prior year; and

(q) Other information, as requested by RSA, in order to verify substantial progress and effectively report program impact to Congress and key stakeholders.

4. *Performance Measures:* The Government Performance and Results Act of 1993 (GPRA) directs Federal departments and agencies to improve the effectiveness of programs by engaging in strategic planning, setting outcome-related goals for programs, and measuring program results against those goals.

The goal of RSA's Rehabilitation Training: Rehabilitation Long-Term Training—Rehabilitation Specialty Areas program is to increase the number of qualified VR personnel, including counselors and other professional and paraprofessional staff, working in State VR or related agencies. At least 75 percent of total project funds must be used for direct payment of student scholarships.

Grantees are required to maintain a system that safeguards the privacy of current and former scholars from the time they are enrolled in the program until they successfully meet their service obligation through qualified employment or monetary repayment. This system must ensure that scholars sign a payback agreement and an exit form when they exit the program, regardless of whether they drop out, are removed, or successfully complete the program. Specifically, each grantee is required to maintain the following scholar information:

(a) Current contact information for all students receiving scholarships, including home address, email, and a phone number (home or cell);

(b) A point of contact for each scholar in the event that the grantee is unable to contact the student. This contact must be at least 21 years of age and may be a parent, relative, spouse, partner, sibling, or guardian;

(c) Cumulative financial support granted to scholars;

(d) Scholar debt in years;

(e) Program completion date and reason for exit for each scholar;

(f) Annual documentation from the scholar's employer(s) until the scholar completes the service obligation. This documentation must include the following elements in order to verify qualified employment: Start date of employment to the present date, confirmation of full-time or part-time employment (if the scholar is working part-time the number of hours per week must be included in the documentation), type of employment, and a description of the roles and responsibilities performed on the job. This information is required for each employer if the scholar has worked in more than one setting in order to meet the service obligation.

If the scholar is employed in a related agency, the agency must also provide documentation to validate that there is a relationship with the State VR agency.

This may be a formal or informal contract, cooperative agreement, memorandum of understanding, or related document;

(g) Annual documentation from the scholar's IHE to verify dates of deferral, if applicable. The documentation may be prepared by the scholar's advisor or department chair and must include: Confirmation of enrollment date, estimated graduation date, confirmation that the scholar is enrolled in a full-time course of study, and confirmation of the scholar's intent to fulfill the service obligation upon completion of the program.

Grantees are required to report annually to RSA on the data elements described above using the RSA Grantee Reporting Form, OMB number 1820–0617, an electronic reporting system supported by the RSA Management Information System (RSA MIS). In addition, grantees are required to utilize all forms required by RSA to prepare and process repayment, as well as requests for deferral and exceptions. The RSA Grantee Reporting Form collects specific data, including the number of scholars entering the rehabilitation workforce, the rehabilitation field each scholar enters, and the type of employment setting each scholar chooses (*e.g.,* State VR agency, nonprofit service provider, or professional practice group). This form allows RSA to measure the progress towards achieving the goal of increasing the number of qualified VR personnel working in State VR and related agencies.

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: See chart in the Award Information section in this notice for the name, room number, telephone number, and email address of the contact person for each specialty area of this competition. You can write to the specialty area contact person at the following address: U.S. Department of Education, 400 Maryland Avenue SW., Potomac Center Plaza (PCP), Washington, DC 20202–2600.

If you use a TDD or TTY, call the Federal Relay Service, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact persons listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

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

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

Dated: March 20, 2015.

Sue Swenson,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2015–06880 Filed 3–24–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Catalog of Federal Domestic Assistance (CFDA) Number: 84.328M]

Reopening; Applications for New Awards; Training and Information for Parents of Children With Disabilities—Parent Training and Information Centers

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

SUMMARY: On December 11, 2014, we published in the **Federal Register** (79 FR 73557) a notice inviting applications for the FY 2015 Parent Training and Information Centers competition (NIA). The notice established a deadline date of February 9, 2015, for the transmittal of applications. This notice reopens the competition for five days.

DATES:

Deadline for Transmittal of Applications: March 30, 2015.

Deadline for Intergovernmental Review: May 29, 2015.

SUPPLEMENTARY INFORMATION: A significant number of applications received in response to the NIA were not eligible because the applicants did not follow the formatting or deadline requirements in the NIA. Consequently, we did not receive eligible applications for a number of States. Therefore, we are reopening the competition to allow applicants to submit or resubmit applications that meet the requirements in the NIA, in order to ensure that parents in all States can be served by a Parent Training and Information Center.

Applicants that have already submitted applications under the FY 2015 Parent Training and Information Centers competition are encouraged to review their applications and determine whether they have met all eligibility requirements, including formatting requirements and the deadline for submission, in the NIA and the application package, which is available at *http://www2.ed.gov/programs/oseppic/applicant.html.*

Note that the NIA requires double spacing (no more than three lines per vertical inch) for all text in the application narrative, including titles, headings, footnotes, quotations, reference citations, and captions, as well as all text in charts, tables, figures, graphs, and screen shots.

Applicants may review a recorded Webinar that discusses the application requirements at *http://tadnet.adobeconnect.com/p763v5dg8fm/.*

As stated above, applicants may resubmit applications that may not have met all formatting requirements. Applicants that already submitted timely applications that meet all of the formatting requirements do not have to resubmit their applications. If a new application is not submitted, the Department will use the application that was submitted before the February 9, 2015, 4:30 p.m. EST deadline.

Note: Applications that did not meet the February deadline must be resubmitted to be considered for review.

Note to Applicants: The notice published on December 11, 2014, provides other information that applies

to this competition. Specifically, the priority in that notice, entitled ''Parent Training and Information Centers,'' identifies the requirements for applications submitted in response to this notice, including the eligible entities, the States from which we are accepting applications, and the instructions for submitting applications.

FOR FURTHER INFORMATION CONTACT: Carmen Sanchez, U.S. Department of Education, 400 Maryland Avenue SW., Room 4057, Potomac Center Plaza (PCP), Washington, DC 20202–2600. Telephone: (202) 245–6595.

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

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue SW., room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

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

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

Dated: March 18, 2015.

Sue Swenson,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2015–06744 Filed 3–24–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Ready-To-Learn Television

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice.

Overview Information:

Ready-to-Learn Television.

Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.295A.

DATES: *Applications Available:* March 25, 2015.

Deadline for Notice of Intent to Apply: April 9, 2015.

Date of Pre-Application Webinar: An informational Webinar will be announced on the Ready-to-Learn Television Web site at *http://www2.ed.gov/programs/rtltv/index.html.*

Deadline for Transmittal of Applications: May 26, 2015.

Deadline for Intergovernmental Review: July 23, 2015.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The Ready-to-Learn Television Program (Ready-to-Learn) is designed to: (1) Facilitate school readiness and academic achievement by supporting the development and national distribution of educational television and interactive media programming for preschool and elementary school children and their parents; (2) develop and disseminate educational outreach materials and programs that are designed to deepen and extend the effectiveness of the educational television and interactive media and (3) build social and virtual communities of parents, educators, and children devoted to using the media materials.

Background:

Ready-to-Learn aims to take advantage of common mass media consumer technologies in order to reach children in low-income homes who may be lacking in educationally-rich learning opportunities and make it easier for parents, caregivers, and early learning providers to find trustworthy materials that they can use with the children in their care.

Ready-to-Learn accomplishes this by using Federal dollars to stimulate the creation of educational media content that meets the highest standards of educational quality, while aiming to be just as entertaining as the best commercially produced media programs. Ready-to-Learn is not meant to be a mere subsidy to enable media producers to create educational content that would not otherwise be commercially feasible for them to produce. Rather, Ready-to-Learn seeks to bring educators and media producers together in cooperative working relationships that would not otherwise be possible, while also using the Federal investment to leverage additional contributions in funding, talent, and resources.

To succeed, media producers generally must depart from their typical ways of working and embrace the contributions of educators and other education experts. Experts in subject matter and pedagogy, instructional designers, formative researchers, and other educators will work side by side and on equal footing with creative and media production experts in areas such as storytelling and interactive gameplay in order to merge their contributions into a unified and integrated effort.

As in the 2010 competition, in which Ready-to-Learn supported the development of educational ''transmedia,'' we are again looking to create new, interrelated combinations of television and interactive media in which characters, narrative story lines, and problem-solving are used to connect the various media products. In order to make this work, producers may need to plan how their different products will work together to execute a cohesive strategy, and then build a production model accordingly. Furthermore, producers may need to think carefully about how the eventual distribution of the products will be sequenced and organized to ensure that users will experience them in a manner that reflects this cohesiveness.

Striking the right balance between innovation and access is key. Technologies are constantly changing, and with them come new opportunities for improving young children's learning. Ready-to-Learn seeks to take advantage of the best educational uses of each medium and explore how best to combine both emerging and older media platforms to reach young children and their caregivers. With emerging technologies, it is important, however, to keep in mind what is available to low-income users in their homes or communities and what is accessible to a wide range of users, particularly those with disabilities.

Although the television programming created under Ready-to-Learn has generally been made accessible to users who have hearing or vision loss through captioning and video description, some of the transmedia created to accompany these programs has lacked meaningful

accessibility features for users with disabilities. Products produced by projects funded through this competition must be accessible both for purposes of complying with Section 504 of the Rehabilitation Act and to ensure that the needs of all users, including those with disabilities, are addressed. In meeting the requirement to reach the ''widest possible audience'' set out in section 2431(a)(1)(D) of the Elementary and Secondary Education Act of 1965 (ESEA), applicants are expected to include the accommodations needed to provide accessibility to individuals with disabilities.

Furthermore, distribution has been an issue. In the past, the Department has generally assumed that if Ready-to-Learn grantees created high-quality products, national distribution deals would follow—usually through the existing infrastructure of the public television system. But the range of media available to producers has expanded beyond broadcast or cable television and Web sites to include national video streaming companies, applications for tablets and smartphones, game platforms, social media, and other technologies. Contemporary users also desire the ability to move freely between these platforms.

Therefore, in this competition we are encouraging applicants to consider and plan for distribution much earlier in the life of their proposed projects, and to directly partner with those broadcasters, streamers, game companies, publishers, or others that will be integral to ensure that the media is accessible to all users and will reflect both the creative and educational vision that went into its design.

Historically, Ready-to-Learn has also required grantees to develop and implement outreach programs in culturally diverse local communities. This year, we continue this focus by encouraging applicants to partner with both local and national organizations that promote wider use of the educational media materials in homes, daycare facilities, museums and libraries, and a variety of other informal learning and school-based settings. We therefore encourage the creation of supplemental materials for teachers, parents, and caregivers to use in these settings. We also encourage the development of both local and virtual user communities to share information, model effective practices, and promote dissemination.

Throughout this process, conducting research is essential in at least two ways: First, when formative research is conducted in coordination with the production teams, it can help to ensure that learners are responding appropriately to design elements such as user interfaces, visual cues, programmed feedback, and more. Second, research can be used to determine the effectiveness of the media products in helping young children learn or improve their school readiness. Because of the importance of research to the success of projects, Ready-to-Learn encourages applicants to enlist independent researchers to conduct one or more rigorous effectiveness studies that will meet the What Works Clearinghouse Evidence Standards (as defined in this notice). Such studies should examine the effectiveness of the proposed combination of television and other interactive media to improve science or literacy learning outcomes and to improve school readiness, when used by children in the proposed home or informal learning. Studies should also compare the learning and school readiness outcomes of children using products supported by Ready-to-Learn to the outcomes of children using other similar educational media or non-media-based learning materials.

Statutory Requirements:

As set forth in section 2431 of the ESEA, to be eligible to receive a cooperative agreement under Ready-to-Learn, an applicant must propose to:

(1) Develop, produce, and distribute educational and instructional video programming for preschool and elementary school children and their parents in order to facilitate student academic achievement;

(2) Facilitate the development, directly or through contracts with producers of children and family educational television programming, of educational programming for preschool and elementary school children, and the accompanying support materials and services that promote the effective use of such programming;

(3) Facilitate the development of programming and digital content containing Ready-to-Learn-based children's programming and resources for parents and caregivers that is specially designed for nationwide distribution over public television stations' digital broadcasting channels and the Internet;

(4) Contract with entities (such as public telecommunications entities) so that programs developed under this program are disseminated and distributed to the widest possible audience appropriate to be served by the programming, and through the use of the most appropriate distribution technologies; and

(5) Develop and disseminate education and training materials, including interactive programs and programs adaptable to distance learning technologies, that are designed—

(i) To promote school readiness; and

(ii) To promote the effective use of materials developed under paragraphs (2) and (3) among parents, teachers, Head Start providers, Even Start providers, providers of family literacy services, child care providers, early childhood development personnel, elementary school teachers, public libraries, and after-school program personnel caring for preschool and elementary school children.

Note: As set forth in section 2431(d) of the ESEA, a recipient of a Ready-to-Learn Television cooperative agreement is authorized to use up to five percent of the amount received for the normal and customary expenses of administering the grant.

Priorities: Under this competition, we are particularly interested in applications that address one or both of the following priorities.

Invitational Priorities: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, these priorities are invitational priorities. Under 34 CFR 75.105(c)(1) we do not give an application that meets these invitational priorities a competitive or absolute preference over other applications.

These priorities are:

Invitational Priority 1.

The Secretary invites applications from eligible public telecommunications entities that have a demonstrated track record in high-quality educational television production for preschool or elementary school-aged children and demonstrated success in improving reading, math, or science skills for children ages two through eight. These entities are invited to collaborate, as needed, with early learning educators; professional media producers; national broadcasters, streaming companies, or other mass media distributors; learning game companies; formative researchers; and other relevant organizations to produce and nationally distribute high-quality, age-appropriate educational television and digital media content that focuses on science (including scientific thinking and skill development) or literacy. The media should target children ages two through eight (or subsets), particularly those from low-income families, for use in the home or in informal learning settings for the purposes of improving learning outcomes or school readiness. Applicants are encouraged to use both

television and a variety of accessible digital media to explore new combinations of narrative storytelling and interactive learning, and whenever possible, to make these media available to consumers at no cost.

Invitational Priority 2.

The Secretary invites applications from eligible public telecommunications entities that have a demonstrated track record in high-quality educational television production for preschool or elementary school aged children and demonstrated success in improving reading, math, or science skills for children ages two through eight. These entities are invited to create and nationally distribute new combinations of educational television and accessible interactive media for young children, ages two through eight (or subsets), particularly those from low-income families, that use analytics and embedded assessments, consistent with applicable privacy requirements, in order to (a) create personalized learning experiences that adapt as users progressively demonstrate competency or (b) provide useful and meaningful learning data to parents, caregivers, or educators.

Note: The media produced using Ready-to-Learn funds must comply with 16 CFR 312, the Children's Online Privacy Protection Rule, which protects children under the age of 13 from unfair or deceptive use of personal information. This rule can be found at: *www.ecfr.gov/cgi-bin/text-idx?SID=4939e77c77a1a1a08c1cbf905fc4b409&node=16%3A1.0.1.3.36&rgn=div5.*

Definitions: The following definitions apply to this competition. The definitions of ''logic model,'' ''strong theory,'' and ''What Works Clearinghouse Evidence Standards'' are from 34 CFR 77.1(c). The definition of ''public telecommunications entity'' is from 20 U.S.C. 7801(35), which references 47 U.S.C. 397.

Logic model (also referred to as theory of action) means a well-specified conceptual framework that identifies key components of the proposed process, product, strategy, or practice (*i.e.,* the active ''ingredients'' that are hypothesized to be critical to achieving the relevant outcomes) and describes the relationships among the key components and outcomes, theoretically and operationally.

Note: In developing logic models, applicants may want to use resources such as the Pacific Education Laboratory's Education Logic Model Application (*www.relpacific.mcrel.org/PERR.html* or *http://files.eric.ed.gov/fulltext/ED544779.pdf*) to help design their logic models.

Public telecommunications entity means any enterprise which (a) is a public broadcast station or a noncommercial telecommunications entity; and (b) disseminates public telecommunications services to the public.

Strong theory means a rationale for the proposed process, product, strategy, or practice that includes a logic model.

What Works Clearinghouse Evidence Standards means the standards set forth in the What Works Clearinghouse Procedures and Standards Handbook (Version 3.0, March 2014), which can be found at the following link: *http://ies.ed.gov/ncee/wwc/DocumentSum.aspx?sid=19.*

Program Authority: 20 U.S.C. 6775.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 81, 82, 84, 86, 97, 98, and 99. (b) The OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended in 2 CFR part 3474.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

II. Award Information

Type of Award: Cooperative agreements.

Estimated Available Funds: $25,621,000 for FY 2015.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2016 from the list of unfunded applicants from this competition.

Estimated Range of Awards: $4,000,000–$12,000,000 for the first year of the project. Funding for the second, third, fourth, and fifth years is subject to availability of funds and the approval of continuation awards (see 34 CFR 75.253).

Estimated Average Size of Awards: $8,000,000 for the first year of the project; $40,000,000 over five years.

Estimated Number of Awards: 3.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* To receive a cooperative agreement under this competition, an entity must be a public telecommunications entity (as defined in this notice) that is able to demonstrate:

(A) A capacity to develop and nationally distribute educational and instructional television programming of high quality that is accessible by a large majority of disadvantaged preschool and elementary school children;

(B) A capacity to contract with the producers of children's television programming for the purpose of developing educational television programming of high quality;

(C) A capacity, consistent with the entity's mission and nonprofit nature, to negotiate such contracts in a manner that returns to the entity an appropriate share of any ancillary income from sales of any program-related products; and

(D) A capacity to localize programming and materials to meet specific State and local needs and to provide educational outreach at the local level.

Note: If more than one public telecommunications entity wishes to form a consortium and jointly submit a single application, they must follow the procedures for group applications described in 34 CFR 75.127 through 75.129 of EDGAR.

2. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet, from the Education Publications Center (ED Pubs), or from the program office.

To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html.*

To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this program as follows: CFDA number 84.295A.

To obtain a copy from the program office, contact: Brian Lekander, U.S. Department of Education, 400 Maryland Avenue SW., Room 4C133, Washington,

DC 20202–9830. Telephone: (202) 205–5633 or by email: *readytolearn@ed.gov.* If you use a TDD or a TTY, call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

Notice of Intent to Apply: April 9, 2015.

We will be able to develop a more efficient process for reviewing grant applications if we have a better understanding of the number of public telecommunications entities that intend to apply for funding under this program. Therefore, we strongly encourage each potential applicant to notify the Department by sending a short email message indicating the applicant's intent to submit an application for funding. The email should indicate the invitational priority or priorities to be addressed and the subject matter focus (*e.g.,* science or literacy) of the application. The email should be addressed to *readytolearn@ed.gov.* Applicants may also fill out a brief letter of intent to apply form on the Ready-to-Learn Web site. Applicants that do not provide this email notification or fill out the form may still apply for funding.

Page Limit: The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluation your application. Applicants are strongly encouraged to limit the application narrative (Part III) to the equivalent of no more than 50 pages. Applicants are also strongly encouraged not to include lengthy appendices that contain information that they were unable to include within the page limits for the narrative. Applicants should use the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions.
- Use a font that is either 12 point or larger or no smaller than 10 pitch (characters per inch).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial.

The page limit for the application does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support of the application. However, the page limit does apply to all of the application narrative section of the application.

3. *Submission Dates and Times:*

Applications Available: March 25, 2015.

Deadline for Notice of Intent to Submit an Application: April 9, 2015.

Date of Pre-Application Webinar: The Department intends to hold a Webinar designed to provide technical assistance to those interested in applying for a Ready-to-Learn grant. Detailed information regarding this meeting will be provided on the Ready-to-Learn Web site at *http://www2.ed.gov/programs/rtltv/index.html.*

Deadline for Transmittal of Applications: May 26, 2015.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. Application and Submission Information. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: May 26, 2015.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account,

we have prepared a SAM.gov Tip Sheet, which you can find at: *http://www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.*

Applications for grants under the Ready-to-Learn Television Program, CFDA Number 84.295A, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement and submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the Ready-to-Learn program at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.295, not 84.295A).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *http://www.G5.gov.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the

technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system; and
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Brian Lekander, U.S. Department of Education, 400 Maryland Avenue SW., Room 4C133, Washington, DC 20202. FAX: (202) 205–5631.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.*

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.295A), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.*

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application, by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.295A), 550 12th Street, SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this grant notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for the Ready-to-Learn competition are from the EDGAR general selection criteria in 34 CFR 75.210 and are listed below.

The points assigned to each criterion are indicated in the parentheses next to the criterion. An applicant may earn up to a total of 100 points based on its responses to the selection criteria.

Note: An applicant must provide in the project narrative section of its application information about how its proposed project addresses the selection criteria. In responding to the selection criteria, applicants should keep in mind that peer reviewers may consider only the information provided in the written application when scoring and commenting on the application.

A. *Significance* (10 points)

The Secretary considers the significance of the proposed project. In determining the significance of the proposed project, the Secretary considers the following factors:

(i) The extent to which the proposed project will provide services or otherwise address the needs of students at risk of educational failure.

(ii) The extent to which the proposed project involves the development or demonstration of promising new strategies that build on, or are alternatives to, existing strategies.

B. *Quality of the Project Design* (25 points)

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the proposed project represents an exceptional approach for meeting statutory purposes and requirements.

(ii) The extent to which the proposed project is supported by strong theory (as defined in this notice).

(iii) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(iv) The extent to which the proposed development efforts include adequate quality controls and, as appropriate, repeated testing of products.

Note: In responding to the Quality of the Project Design selection criterion, an applicant should include a detailed description of its proposal to develop media and conduct outreach, as described in section 2431 of the ESEA.

C. *Strategy to Scale* (25 points)

The Secretary considers the applicant's strategy to scale the proposed project. In determining the applicant's capacity to scale the proposed project, the Secretary considers the following factors:

(i) The applicant's capacity (*e.g.,* in terms of qualified personnel, financial resources, or management capacity) to further develop and bring to scale the proposed process, product, strategy, or practice, or to work with others to ensure that the proposed process, product, strategy, or practice can be further developed and brought to scale, based on the findings of the proposed project.

(ii) The likely utility of the products (such as information, materials, processes, or techniques) that will result from the proposed project, including the potential for their being used effectively in a variety of other settings.

D. *Quality of the Management Plan* (20 Points)

The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The qualifications, including relevant training and experience, of key project personnel.

(iii) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project.

E. *Quality of the Project Evaluation* (20 points)

The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(ii) The extent to which the methods of evaluation will provide timely guidance for quality assurance.

(iii) The extent to which the methods of evaluation will, if well-implemented, produce evidence about the project's effectiveness that would meet the What Works Clearinghouse Evidence Standards (as defined in this notice) with reservations.

Note: We encourage applicants to review the following technical assistance resources on evaluation: (1) WWC Procedures and Standards Handbook: *http://ies.ed.gov/ncee/wwc/references/idocviewer/doc.aspx?docid=19&tocid=1;* and (2) IES/NCEE Technical Methods papers: *http://ies.ed.gov/ncee/tech_methods/.* In addition, we invite applicants to view two optional Webinar recordings that was hosted by the Institute of Education Sciences. The first Webinar discussed strategies for designing and executing well-designed quasi-experimental design studies. Applicants interested in viewing this Webinar may find more information at the following Web site: *http://ies.ed.gov/ncee/wwc/news.aspx?sid=23.* We also encourage applicants to review a second Webinar recorded by the IES that focused on more rigorous evaluation designs. This Webinar discusses strategies for designing and executing studies that meet WWC standards without reservations. Applicants interested in reviewing this Webinar may find more information at the following Web site: *http://ies.ed.gov/ncee/wwc/News.aspx?sid=18.*

2. *Review and Selection Process:* Before making awards, we will screen applications submitted in accordance with the requirements in this notice to determine whether applications have met eligibility and other requirements. This screening process may occur at various stages of the process; applicants that are determined to be ineligible will not receive a grant, regardless of peer reviewer scores or comments.

We will use independent peer reviewers with varied backgrounds and professions, such as experts in science or literacy education, early learning, media production and distribution, educational game development, educational technology, community-based outreach, or educational research and evaluation. All reviewers will be thoroughly screened for conflicts of interest to ensure a fair and competitive review process. Peer reviewers will read, prepare a written evaluation, and score the assigned applications, using the selection criteria provided in this notice.

We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

Finally, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* The Department has established four performance measures for the Ready-to-Learn program. These measures constitute the Department's indicators of success for the program. Consequently, we advise an applicant for a grant under this program to give careful consideration to these measures in conceptualizing the approach and evaluation for its proposed project. Each grantee will be required to provide, in its annual performance reports and in its final report, data about its progress in meeting these measures.

The first three are Government Performance and Results Act of 1993

(GPRA) performance measures for the Ready-to-Learn program:

• The percentage of summative experimental or quasi-experimental research studies that demonstrate positive and statistically significant gains in science or literacy skills when Ready-to-Learn transmedia properties are compared to similar non-Ready-to-Learn-funded digital properties or to other more traditional educational materials.

• The number of children who annually use Ready-to-Learn produced educational media products, disaggregated by individual product, as determined by appropriate industry standard metrics or, when available, by tracking tools.

• The percentage of educational ''transmedia products,'' along with necessary supporting materials, that are deemed to be of high quality in promoting learning of science or literacy by an independent panel of expert reviewers.

Note: The Department will convene expert panels annually to review grantee-produced products. Applicants should include in their budgets funds for two individuals each year to spend two days in Washington, DC to attend these panel meetings and to demonstrate the identified products to reviewers.

The fourth performance measure for Ready-to-Learn is a program efficiency measure:

• Dollars leveraged from non-Federal sources per Federal dollar dedicated to core non-outreach and non-research program activities.

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: Whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Brian Lekander, U.S. Department of Education, 400 Maryland Avenue SW., Room 4C133, Washington, DC 20202–5930. Telephone: (202) 205–5633 or by email: *readytolearn@ed.gov.*

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice.

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

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

Dated: March 20, 2015.

Nadya Chinoy Dabby,

Assistant Deputy Secretary for Innovation and Improvement.

[FR Doc. 2015–06791 Filed 3–23–15; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Hanford

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Hanford. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES:

Wednesday, April 8, 2015—12:00 p.m.–8:00 p.m.

Thursday, April 9, 2015—8:30 a.m.–3:00 p.m.

ADDRESSES: Red Lion Hanford House, 802 George Washington Way, Richland, WA 99352.

FOR FURTHER INFORMATION CONTACT: Kristen Skopeck, Federal Coordinator, Department of Energy Richland Operations Office, 825 Jadwin Avenue, P.O. Box 550, A7–75, Richland, WA 99352; Phone: (509) 376–5803; or Email: *kristen.skopeck@rl.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

- Central Plateau Inner Area Cleanup Guidelines
- Hanford Advisory Board Committee Reports
- Tri-Party Agreement Agencies' Updates
- Board Business

Public Participation: The meeting is open to the public. The EM SSAB, Hanford, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Kristen Skopeck at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Kristen Skopeck at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Kristen Skopeck's office at the address or phone number listed above. Minutes will also be available at the following Web site: *http://www.hanford.gov/page.cfm/hab.*

Issued at Washington, DC, on March 18, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–06815 Filed 3–24–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Department of Energy

ACTION: Notice of open meeting.

SUMMARY: This notice announces a combined meeting of the Environmental Monitoring and Remediation Committee and Waste Management Committee of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico (known locally as the Northern New Mexico Citizens' Advisory Board [NNMCAB]). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, April 8, 2015 2:00 p.m.—4:00 p.m.

ADDRESSES: NNMCAB Office, 94 Cities of Gold Road, Santa Fe, NM 87506.

FOR FURTHER INFORMATION CONTACT: Menice Santistevan, Northern New Mexico Citizens' Advisory Board, 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995–0393; Fax (505) 989–1752 or Email: *menice.santistevan@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Purpose of the Environmental Monitoring and Remediation Committee (EM&R): The EM&R Committee provides a citizens' perspective to NNMCAB on current and future environmental remediation activities resulting from historical Los Alamos National Laboratory (LANL) operations and, in particular, issues pertaining to groundwater, surface water and work required under the New Mexico Environment Department Order on Consent. The EM&R Committee will keep abreast of DOE–EM and site programs and plans. The committee will work with the NNMCAB to provide assistance in determining priorities and the best use of limited funds and time. Formal recommendations will be proposed when needed and, after consideration and approval by the full NNMCAB, may be sent to DOE–EM for action.

Purpose of the Waste Management (WM) Committee: The WM Committee reviews policies, practices and procedures, existing and proposed, so as to provide recommendations, advice, suggestions and opinions to the NNMCAB regarding waste management operations at the Los Alamos site.

Tentative Agenda:

- Call to Order and Introductions
- Approval of Agenda
- Approval of Minutes from March 11, 2015
- Old Business
- New Business
- Update from Executive Committee
- Update from DOE
- Presentation by NNMCAB Student Members
- Public Comment Period
- Sub-Committee Breakout Session
- Adjourn

Public Participation: The NNMCAB's Committees welcome the attendance of the public at their combined committee meeting and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Menice Santistevan at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Committees either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Santistevan at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments. This notice is being published less than 15 days prior to the meeting date due to programmatic issues that had to be resolved prior to the meeting date.

Minutes: Minutes will be available by writing or calling Menice Santistevan at the address or phone number listed above. Minutes and other Board documents are on the Internet at: *http://www.nnmcab.energy.gov/.*

Issued at Washington, DC on March 18, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–06811 Filed 3–24–15; 8:45 am]

BILLING CODE 6405–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–99–000.

Applicants: Spring Canyon Energy II LLC, Spring Canyon Energy III LLC, Spring Canyon Interconnection LLC, NRG Yield Operating LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act and Request for Waivers and Expedited Action of Spring Canyon Energy II LLC, et. al.

Filed Date: 3/18/15.

Accession Number: 20150318–5188.

Comments Due: 5 p.m. ET 4/8/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2124–010*; ER15–103–002; ER14–2821–005; ER14–2820–005; ER14–2799–003; ER14–2798–003; ER14–25–007; ER14–2187–005; ER12–645–011; ER12–164–009; ER12–161–010; ER11–4046–010; ER11–4044–011; ER11–3872–012; ER11–2127–006; ER10–2764–010; ER10–2141–011; ER10–2140–011; ER10–2139–011; ER10–2138–011; ER10–2137–011; ER10–2136–008; ER10–2135–008; ER10–2134–008; ER10–2133–011; ER10–2132–010; ER10–2131–011; ER10–2130–010; ER10–2129–008; ER10–2128–010; ER10–2125–011.*

Applicants: Spring Canyon Energy LLC, Judith Gap Energy LLC, Invenergy TN LLC, Wolverine Creek Energy LLC, Grays Harbor Energy LLC, Forward Energy LLC, Grand Ridge Energy LLC, Willow Creek Energy LLC, Sheldon Energy LLC, Hardee Power Partners Limited, Spindle Hill Energy LLC, Invenergy Cannon Falls LLC, Beech Ridge Energy LLC, Grand Ridge Energy II LLC, Grand Ridge Energy III LLC, Grand Ridge Energy IV LLC, Grand Ridge Energy V LLC, Vantage Wind Energy LLC, Stony Creek Energy LLC, Gratiot County Wind LLC, Gratiot County Wind II LLC, Bishop Hill Energy LLC, Bishop Hill Energy III LLC, California Ridge Wind Energy LLC, Prairie Breeze Wind Energy LLC, Grand Ridge Energy Storage LLC, Beech Ridge Energy II LLC, Beech Ridge Energy Storage LLC, Spring Canyon Energy II LLC, Spring Canyon Energy III LLC, Invenergy Nelson LLC.

Description: Notification of Change in Facts of Spring Canyon Energy LLC, et. al..

Filed Date: 3/19/15.

Accession Number: 20150319–5156.
Comments Due: 5 p.m. ET 4/9/15.

Docket Numbers: ER11–2059–006.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Compliance filing per 35: 2015–03–19 LTTR effects to TO withdrawals Compliance Filing to be effective 1/19/2011.
Filed Date: 3/19/15.
Accession Number: 20150319–5044.
Comments Due: 5 p.m. ET 4/9/15.

Docket Numbers: ER12–1308–004.
Applicants: Palouse Wind, LLC.
Description: Supplement to January 28, 2015 Notice of Non-Material Change in Status of Palouse Wind, LLC.
Filed Date: 3/18/15.
Accession Number: 20150318–5183.
Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: ER14–2820–004; *ER14–2821–004.*
Applicants: Spring Canyon Energy II LLC, Spring Canyon Energy III LLC.
Description: Notification of Change in Facts of Spring Canyon Energy II LLC, et. al.
Filed Date: 3/18/15.
Accession Number: 20150318–5195.
Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: ER15–212–001.
Applicants: Southwest Power Pool, Inc.
Description: eTariff filing per 35.19a(b): 2900R1 Kansas Municipal Energy Authority Refund Report to be effective N/A.
Filed Date: 3/19/15.
Accession Number: 20150319–5084.
Comments Due: 5 p.m. ET 4/9/15.

Docket Numbers: ER15–232–001.
Applicants: Southwest Power Pool, Inc.
Description: eTariff filing per 35.19a(b): 2415R3 Kansas Municipal Energy Authority Refund Report to be effective N/A.
Filed Date: 3/19/15.
Accession Number: 20150319–5073.
Comments Due: 5 p.m. ET 4/9/15.

Docket Numbers: ER15–473–000.
Applicants: Southwest Power Pool, Inc.
Description: eTariff filing per 35.19a(b): 1886R3 Westar Energy, Inc. Refund Report to be effective N/A.
Filed Date: 3/19/15.
Accession Number: 20150319–5091.
Comments Due: 5 p.m. ET 4/9/15.

Docket Numbers: ER15–884–001.
Applicants: Midcontinent Independent System Operator, Inc., ITC Midwest LLC.
Description: Tariff Amendment per 35.17(b): 2015–03–19_SA 2728 Amendment MidAmerican-ITCM FSA (H021) to be effective 1/31/2015.
Filed Date: 3/19/15.
Accession Number: 20150319–5045.
Comments Due: 5 p.m. ET 4/9/15.

Docket Numbers: ER15–939–002.
Applicants: Western Massachusetts Electric Company.
Description: Tariff Amendment per 35.17(b): Amendment 2 SUPPLEMENT—HG&E Asset Demarcation Agreement to be effective 1/5/2015.
Filed Date: 3/18/15.
Accession Number: 20150318–5162.
Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: ER15–957–000.
Applicants: AltaGas Ripon Energy Inc.
Description: Supplement to February 2, 2015 AltaGas Ripon Energy Inc. tariff filing.
Filed Date: 3/18/15.
Accession Number: 20150318–5201.
Comments Due: 5 p.m. ET 4/1/15.

Docket Numbers: ER15–1336–000.
Applicants: Alabama Power Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Terrell County Solar LGIA Filing to be effective 3/5/2015.
Filed Date: 3/18/15.
Accession Number: 20150318–5161.
Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: ER15–1337–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): Service Agreement No. 4099; Queue X1–087 (WMPA) to be effective 2/19/2015.
Filed Date: 3/18/15.
Accession Number: 20150318–5172.
Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: ER15–1338–000.
Applicants: Southern California Edison Company.
Description: § 205(d) rate filing per 35.13(a)(2)(iii): GIA and Distribution Service Agmt with Ridgetop Energy and Pacific Crest Power to be effective 3/25/2015.
Filed Date: 3/19/15.
Accession Number: 20150319–5004.
Comments Due: 5 p.m. ET 4/9/15.

Docket Numbers: ER15–1339–000.
Applicants: Virginia Electric and Power Company.
Description: Notice of Cancellation of Rate Schedule Nos. 111, 112, 113, and 115 of Application of Virginia Electric and Power Company.
Filed Date: 3/18/15.
Accession Number: 20150318–5185.
Comments Due: 5 p.m. ET 4/8/15.

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: March 19, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–06827 Filed 3–24–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL15–54–000]

East Texas Electric Cooperative, Inc.; Notice of Filing

Take notice that on March 17, 2015, East Texas Electric Cooperative, Inc. submitted an application of cost-based revenue requirements schedule for reactive power production capability.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the

''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5 p.m. Eastern Time on April 7, 2015.

Dated: March 18, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–06741 Filed 3–24–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12636–002; Project No. 12153–000]

Mohawk Hydro Corporation; Notice of Pre-Filing Activities in Another Docket

Take notice that some pre-filing activities related to the preparation of the license application for the Middle Mohawk Hydroelectric Project (P–12636) were undertaken in docket number P–12153. Documents pertaining to that proceeding are available in the Commission's eLibrary under docket number P–12153.

For further information, please contact Monir Chowdhury at (202) 502–6736.

Dated: March 18, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–06739 Filed 3–24–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–113–000]

Questar Pipeline Company; Notice of Request Under Blanket Authorization

Take notice that on March 10, 2015, Questar Pipeline Company (Questar), 333 South State Street, Salt Lake City, Utah 84111, filed in Docket No. CP15–113–000, a prior notice request pursuant to sections 157.205 and 157.216 of the Commission's regulations under the Natural Gas Act (NGA)and Questar's blanket authorization issued in Docket No. CP82–491–000. Questar seeks authorization to abandon, in-place its Price Dew Point Plant and appurtenant facilities (collectively the Price DPP or Plant) located in Carbon County, Utah, all as more fully set forth in the application which is on file with the Commission and open for public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions concerning this application may be directed to: L. Bradley Burton, General Manager, Federal Regulatory Affairs and FERC Compliance Officer, Questar Pipeline Company, 333 South State Street, P.O. Box 45360, Salt Lake City, Utah 84145–0360. Mr. Burton also may be contacted at (801) 324–2459, (801) 324–5623 (fax) or *brad.burton@questar.com.*

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the NGA (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link. 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.

Dated: March 18, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–06740 Filed 3–24–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1333–000]

Waverly Wind Farm LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Waverly Wind Farm LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability is April 8, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 19, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–06829 Filed 3–24–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–97–000.

Applicants: American Transmission Company LLC, Wisconsin Power and Light Company.

Description: Joint Application for Authority to Acquire Transmission Facilities Under Section 203 of the FPA of American Transmission Company LLC, *et al.*

Filed Date: 3/17/15.

Accession Number: 20150317–5223.

Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: EC15–98–000.

Applicants: Union Power Partners, L.P., Entergy Arkansas, Inc., Entergy Gulf States Louisiana, L.L.C., Entergy Texas, Inc.

Description: Joint Application for Section 203 Authorization of Union Power Partners, L.P., Entergy Arkansas, Inc., Entergy Gulf States Louisiana, L.L.C., and Entergy Texas, Inc.

Filed Date: 3/17/15.

Accession Number: 20150317–5227.

Comments Due: 5 p.m. ET 4/7/15.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG15–67–000.

Applicants: Arbuckle Mountain Wind Farm LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Arbuckle Mountain Wind Farm LLC.

Filed Date: 3/18/15.

Accession Number: 20150318–5129.

Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: EG15–68–000.

Applicants: Waverly Wind Farm LLC.

Description: Notice of Self-Certification of Exempt Wholesale Generator Status of Waverly Wind Farm LLC.

Filed Date: 3/18/15.

Accession Number: 20150318–5130.

Comments Due: 5 p.m. ET 4/8/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–1933–005.

Applicants: Green Mountain Power Corporation.

Description: Non-Material Change-in-Status Report of Green Mountain Power Corporation.

Filed Date: 3/17/15.

Accession Number: 20150317–5228.

Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: ER15–879–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment per 35.17(b): 2446R1 Substitute Municipal Energy Agency of Nebraska NITSA and NOA to be effective 12/1/2014.

Filed Date: 3/17/15.

Accession Number: 20150317–5068.

Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: ER15–902–000.

Applicants: Pacific Summit Energy LLC.

Description: Amendment to January 23, 2015 Pacific Summit Energy LLC tariff filing.

Filed Date: 3/16/15.

Accession Number: 20150316–5256.

Comments Due: 5 p.m. ET 3/30/15.

Docket Numbers: ER15–939–001.

Applicants: Western Massachusetts Electric Company.

Description: Tariff Amendment per 35.17(b): Amendment 2 Revised HG&E Asset Demarcation Agreement to be effective 1/5/2015.

Filed Date: 3/17/15.

Accession Number: 20150317–5162.

Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: ER15–980–001.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Tariff Amendment per 35.17(b): 2015–03–17_SA 2740 ATC–WE FCA Amendment to be effective 4/6/2015.

Filed Date: 3/17/15.

Accession Number: 20150317–5175.

Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: ER15–1308–000.

Applicants: Kingfisher Wind, LLC.

Description: Initial rate filing per 35.12 Kingfisher Wind FERC Electric Tariff Volume No. 1 MBR Tariff to be effective 6/30/2015.

Filed Date: 3/17/15.

Accession Number: 20150317–5157.

Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: ER15–1309–000.

Applicants: Bethpage Energy Center 3, LLC.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 3/18/2015.

Filed Date: 3/17/15.

Accession Number: 20150317–5177.

Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: ER15–1310–000.

Applicants: Calpine Bethlehem, LLC.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 3/18/2015.

Filed Date: 3/17/15.

Accession Number: 20150317–5180.

Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: ER15–1311–000.

Applicants: Calpine Energy Services, L.P.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate to be effective 3/18/2015.

Filed Date: 3/17/15.

Accession Number: 20150317–5185.

Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: ER15–1312–000.
Applicants: Calpine Mid-Atlantic Generation, LLC.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 3/18/2015.
Filed Date: 3/17/15.
Accession Number: 20150317–5188.
Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: ER15–1313–000.
Applicants: Calpine Mid Merit, LLC.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 3/18/2015.
Filed Date: 3/17/15.
Accession Number: 20150317–5189.
Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: ER15–1314–000.
Applicants: Calpine New Jersey Generation, LLC.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 3/18/2015.
Filed Date: 3/17/15.
Accession Number: 20150317–5190.
Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: ER15–1315–000.
Applicants: Calpine Power America—CA, LLC.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 3/18/2015.
Filed Date: 3/17/15.
Accession Number: 20150317–5191.
Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: ER15–1316–000.
Applicants: Calpine Vineland Solar, LLC.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 3/18/2015.
Filed Date: 3/17/15.
Accession Number: 20150317–5192.
Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: ER15–1317–000.
Applicants: CES Marketing IX, LLC.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 3/18/2015.
Filed Date: 3/17/15.
Accession Number: 20150317–5193.
Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: ER15–1318–000.
Applicants: CES Marketing X, LLC.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 3/18/2015.
Filed Date: 3/17/15.
Accession Number: 20150317–5194.
Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: ER15–1319–000.
Applicants: CPN Bethpage 3rd Turbine, Inc.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 3/18/2015.
Filed Date: 3/17/15.
Accession Number: 20150317–5195.
Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: ER15–1320–000.
Applicants: Nissequogue Cogen Partners.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 3/18/2015.
Filed Date: 3/17/15.
Accession Number: 20150317–5196.
Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: ER15–1321–000.
Applicants: Power Contract Financing, L.L.C.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 3/18/2015.
Filed Date: 3/17/15.
Accession Number: 20150317–5197.
Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: ER15–1322–000.
Applicants: TBG Cogen Partners.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 3/18/2015.
Filed Date: 3/17/15.
Accession Number: 20150317–5198.
Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: ER15–1323–000.
Applicants: Westbrook Energy Center, LLC.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 3/18/2015.
Filed Date: 3/17/15.
Accession Number: 20150317–5199.
Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: ER15–1324–000.
Applicants: Zion Energy LLC.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 3/18/2015.
Filed Date: 3/17/15.
Accession Number: 20150317–5200.
Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: ER15–1325–000.
Applicants: PJM Interconnection, L.L.C.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Service Agreement No. 3748; Queue No. W2–061 to be effective 2/24/2015.
Filed Date: 3/17/15.
Accession Number: 20150317–5201.
Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: ER15–1326–000.
Applicants: KIAC Partners.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Market-Based Rate Tariff Revisions to be effective 3/18/2015.
Filed Date: 3/17/15.
Accession Number: 20150317–5202.
Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: ER15–1328–000.
Applicants: Southern California Edison Company.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): GIA and Distribution Service Agmt with SunEdison Utility Solutions to be effective 3/19/2015.
Filed Date: 3/18/15.
Accession Number: 20150318–5086.
Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: ER15–1329–000.
Applicants: PJM Interconnection, L.L.C.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Service Agreement No. 4095; Queue No. X3–087 to be effective 2/19/2015.
Filed Date: 3/18/15.
Accession Number: 20150318–5098.
Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: ER15–1330–000.
Applicants: PJM Interconnection, L.L.C.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Service Agreement No. 3236; Queue No. W4–064 to be effective 3/6/2015.
Filed Date: 3/18/15.
Accession Number: 20150318–5112.
Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: ER15–1331–000.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Withdrawal per 35.15: Notice of Cancellation of Service Agreement No. 3206; Queue No. W4–014 to be effective 3/26/2015.
Filed Date: 3/18/15.
Accession Number: 20150318–5117.
Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: ER15–1332–000.
Applicants: Arbuckle Mountain Wind Farm LLC.
Description: Initial rate filing per 35.12 MBR Application to be effective 5/17/2015.
Filed Date: 3/18/15.
Accession Number: 20150318–5125.
Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: ER15–1333–000.
Applicants: Waverly Wind Farm LLC.
Description: Initial rate filing per 35.12 MBR Application to be effective 5/17/2015.
Filed Date: 3/18/15.
Accession Number: 20150318–5126.
Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: ER15–1334–000.

Applicants: Tucson Electric Power Company.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Large Generator Interconnection Agreement to be effective 2/17/2015.

Filed Date: 3/18/15.

Accession Number: 20150318–5136.

Comments Due: 5 p.m. ET 4/8/15.

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: March 18, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–06692 Filed 3–24–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Idaho National Laboratory

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Idaho National Laboratory. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, April 8, 2015 8:00 a.m.–4:00 p.m.

The opportunity for public comment is at 2:45 p.m.

This time is subject to change; please contact the Federal Coordinator (below) for confirmation of times prior to the meeting.

ADDRESSES: Clarion Hotel, 1399 Bench Road, Pocatello, ID 83201.

FOR FURTHER INFORMATION CONTACT: Robert L. Pence, Federal Coordinator, Department of Energy, Idaho Operations Office, 1955 Fremont Avenue, MS–1203, Idaho Falls, Idaho 83415. Phone (208) 526–6518; Fax (208) 526–8789 or email: *pencerl@id.doe.gov* or visit the Board's Internet home page at: *http://inlcab.energy.gov/.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Topics (agenda topics may change up to the day of the meeting; please contact Robert L. Pence for the most current agenda):

- Welcome and Opening Remarks
- Agency Update Presentations
- Committee Reports:
  - Student Participation in the Idaho National Laboratory Site EM Citizens Advisory Board
  - Land Use Committee
- Public Comment

Public Participation: The EM SSAB, Idaho National Laboratory, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Robert L. Pence at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact Robert L. Pence at the address or telephone number listed above. The request must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Robert L. Pence, Federal Coordinator, at the address and phone number listed above. Minutes will also be available at the following Web site: *http://inlcab.energy.gov/pages/meetings.php.*

Issued at Washington, DC, on March 18, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–06808 Filed 3–24–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Submission for Office of Management and Budget (OMB) review; comment request.

SUMMARY: The Department of Energy (DOE) has submitted an information collection request to the OMB for extension under the provisions of the Paperwork Reduction Act of 1995. The information collection package requests a three-year extension of ''Industrial Relations,'' OMB Control Number 1910–0600. This proposed collection covers major Department contractor Human Resource information necessary for contract management, administration, and cost control.

DATES: Comments regarding this collection must be received on or before April 24, 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, please advise the Desk Officer for the Department of Energy of your intention to make a submission as soon as possible.

ADDRESSES: Written comments should be sent to:

Attention Desk Officer for DOE, Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, New Executive Office Building, Room 10202, 725 17th St. NW., Washington, DC 20503–0009, or by email at *OIRA_submission@omb.eop.gov;* and to

Robert M. Myers, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–1615, 202–287–1584, or by email at *robert.myers@hq.doe.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Robert Myers at the address listed above.

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) OMB No. 1910–0600;

(2) *Information Collection Request Title:* Industrial Relations;

(3) *Type of Request:* Renewal;

(4) *Purpose:* This information is required for management oversight of the Department of Energy's Facilities Management Contractors and to ensure that the programmatic and administrative management requirements of the contracts are managed efficiently and effectively;

(5) *Annual Estimated Number of Respondents:* 329;

(6) *Annual Estimated Number of Total Responses:* 329;

(7) *Annual Estimated Number of Burden Hours:* 8,062;

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $0.

Authority: 42 U.S.C. 7256; 48 CFR 970.0370–1.

Issued in Washington, DC, on March 17, 2015.

Patrick M. Ferraro,

Deputy Director, Office of Acquisition and Project Management.

[FR Doc. 2015–06807 Filed 3–24–15; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–110–000]

Northwest Pipeline, LLC; Notice of Application

Take notice that on March 6, 2015, Northwest Pipeline, LLC (Northwest), 295 Chipeta Way, Salt Lake City, UT 84108, filed an application under section 7(c) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations, requesting authorization to upgrade the delivery meter capacity of its existing Union Meter Station in Union County, Oregon, all as more fully set forth in the application which is on file with the Commission and open for public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, (202) 502–8659.

Any questions regarding the proposed project should be directed to Pam Barnes, Project Manager, Business Development, Northwest Pipeline, LLC, 295 Chipeta Way, Salt Lake City, UT 84108, or by calling (801) 584–6857 (telephone), or (801) 584–7764 (fax), or email at *pam.j.barnes@williams.com.*

Pursuant to section 157.9 of the Commission's regulations, 18 CFR 157.9, within 90 days of this Notice, the Commission's staff will either complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission's staff issuance of the EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to reach a final decision on a request for federal authorization within 90 days of the date of issuance of the Commission staff's EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: April 8, 2015.

Dated: March 18, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–06738 Filed 3–24–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–105–000]

Texas Gas Transmission, LLC; Notice of Application for Certificate of Public Convenience and Necessity

Take notice that on March 4, 2015 Texas Gas Transmission, LLC (Texas Gas), 9 Greenway Plaza, Suite 2800, Houston, Texas 77046, filed in the above referenced docket an application pursuant to section 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's regulations, requesting a certificate of public convenience and necessity authorizing Western Kentucky Lateral Project (Project) in Muhlenberg County, Kentucky. Texas Gas proposes to construct, own, operate, and maintain a new natural gas lateral consisting of approximately 22.5 mile of 24-inch diameter pipe, a meter and regulator station, and appurtenant auxiliary facilities that will provide a design capacity of up to 230,000 dekatherms

per day of firm natural gas transportation capacity, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to J. Kyle Stephens, Vice President of Regulatory Affairs, Texas Gas Transmission, LLC, 9 Greenway Plaza, Houston, Texas 77046; by fax to (713) 479–1846; or by email to *kyle.stephens@bwpmlp.com,* or to Nell Gutierrez, Director of Regulatory Affairs, Texas Gas Transmission, LLC, 9 Greenway Plaza, Houston, Texas 77046; by fax to (713) 479–1745; or by email to *nell.gutierrez@bwpmlp.com*.

Specifically, Texas Gas states that new lateral will extend from its Midland 3 Compressor Station to a proposed interconnection with the Tennessee Valley Authority's (TVA) new combined cycle natural gas-fired electric generation unit at the Paradise Plant. The Project is supported by the binding Precedent Agreement with TVA that provided for the full design capacity of firm transportation service at negotiated rates for a primary term of 20 years. Texas Gas states the total estimated cost of constructing the project is $81,000,000 and that it will have no impact on rates currently charged to Texas Gas' existing customers.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit five copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit original and five copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: April 8, 2015.

Dated: March 18, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–06737 Filed 3–24–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1332–000]

Arbuckle Mountain Wind Farm LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Arbuckle Mountain Wind Farm LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability is April 8, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies

of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 19, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–06828 Filed 3–24–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER15–1308–000]

Kingfisher Wind, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Kingfisher Wind, LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability is April 7, 2015.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov.* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 18, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–06693 Filed 3–24–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9842–006]

Mr. Ray F. Ward; Notice of Scoping Meetings and Environmental Site Review and Soliciting Scoping Comments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Minor New License.

b. *Project No.:* 9842–006.

c. *Date Filed:* August 28, 2014.

d. *Applicant:* Mr. Ray F. Ward.

e. *Name of Project:* Ward Mill Hydroelectric Project.

f. *Location:* On the Watauga River, in the Township of Laurel Creek, Watauga County, North Carolina. The project does not occupy lands of the United States.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Andrew C. Givens, Cardinal Energy Service, Inc., 620 N. West St., Suite 103, Raleigh, North Carolina 27603, (919) 834–0909.

i. *FERC Contact:* Adam Peer, (202) 502–8449 or *adam.peer@ferc.gov.*

j. *Deadline for Filing Scoping Comments:* May 21, 2015.

The Commission strongly encourages electronic filing. Please file additional study requests and requests for cooperating agency status using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* 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–9842–006.

The Commission's Rules of Practice and Procedures require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application is not ready for environmental analysis at this time.

l. The Ward Mill Project consists of the following facilities: (1) A 130-foot-long, 20-foot-high rock and concrete dam; (2) an impoundment with a surface area of 4.6 acres and an estimated gross storage capacity of 16.3 acre-feet; (3) a 14-foot-long, 5-foot-wide, and 7.5-foot-tall penstock made of rock, reinforced concrete and steel; (4) a 60-foot-long, 20-foot-wide powerhouse integrated into the south end of the dam, containing two generating units with a total capacity of 168 kW; (5) a 45-foot-long, 12.48-kilovolt transmission line; and (6) appurtenant facilities. The project is estimated to generate from below 290,000 to over 599,000 kilowatt-hours annually. The dam and existing facilities are owned by the applicant. No new project facilities are proposed.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. *Scoping Process*

The Commission intends to prepare an environmental assessment (EA) on the project in accordance with the National Environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

Scoping Meetings

FERC staff will conduct one agency scoping meeting and one public meeting. The agency scoping meeting will focus on resource agency and non-governmental organization (NGO) concerns, while the public scoping meeting is primarily for public input. All interested individuals, organizations, and agencies are invited to attend one or both of the meetings, and to assist the staff in identifying the scope of the environmental issues that should be analyzed in the EA. The times and locations of these meetings are as follows:

Agency Scoping Meeting

DATE: Tuesday, April 21, 2015.

TIME: 1 p.m. (EDT).

PLACE: Watauga County Center.

ADDRESS: 971 W. King Street, Boone, NC 28607.

Public Scoping Meeting

DATE: Tuesday, April 21, 2015.

TIME: 7 p.m. (EDT).

PLACE: Watauga County Center.

ADDRESS: 971 W. King Street, Boone, NC 28607.

Copies of the Scoping Document (SD1) outlining the subject areas to be addressed in the EA were distributed to the parties on the Commission's mailing list. Copies of the SD1 will be available at the scoping meeting or may be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link (see item m above).

Environmental Site Review

The Applicant and FERC staff will conduct a project Environmental Site Review. The time and location of this meeting is as follows:

PROJECT: Ward Mill Hydroelectric Project.

DATE: Tuesday, April 21, 2015.

TIME: 3:30 p.m. (EDT).

LOCATION: Watauga County Center Parking Lot, 971 W. King Street, Boone, NC 28607.

All interested individuals, organizations, and agencies are invited to attend. All participants should meet at the time and location specified above. All participants are responsible for their own transportation to the site. Anyone with questions about the Environmental Site Review should contact Andrew C. Givens, Cardinal Energy Service, Inc., 620 N. West St., Suite 103, Raleigh, North Carolina 27603, (919) 834–0909 on or before April 14, 2015.

Objectives

At the scoping meetings, the staff will: (1) Summarize the environmental issues tentatively identified for analysis in the EA; (2) solicit from the meeting participants all available information, especially quantifiable data, on the resources at issue; (3) encourage statements from experts and the public on issues that should be analyzed in the EA, including viewpoints in opposition to, or in support of, the staff's preliminary views; (4) determine the resource issues to be addressed in the EA; and (5) identify those issues that require a detailed analysis, as well as those issues that do not require a detailed analysis.

Procedures

The meetings are recorded by a stenographer and become part of the formal record of the Commission proceeding on the project.

Individuals, organizations, and agencies with environmental expertise and concerns are encouraged to attend the meeting and to assist the staff in defining and clarifying the issues to be addressed in the EA.

Dated: March 18, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–06742 Filed 3–24–15; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2015–0059; FRL–9923–76]

Registration Review Proposed Interim Decisions; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's proposed interim registration review decisions on certain pesticides and opens a public comment period on the proposed interim decisions. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, that the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.March 25, 2015

DATES: Comments must be received on or before May 26, 2015.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number for the specific pesticide of interest provided in the table in Unit II., by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For pesticide specific information, contact: The Chemical Review Manager for the pesticide of interest identified in the table in Unit II.

For general information on the registration review program, contact: Richard Dumas, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8015; email address: *dumas.richard@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides.

Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager for the pesticide of interest identified in the table in Unit II.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html*.

II. What action is the Agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's proposed interim registration review decisions for the pesticides shown in the following table, and opens a 60-day public comment period on the proposed interim decisions.

TABLE—REGISTRATION REVIEW PROPOSED INTERIM DECISIONS

Registration review case name and No.	Pesticide Docket ID No.	Chemical review manager, telephone No., email address
Debacarb (2–EEEBC) (Case 4031)	EPA–HQ–OPP–2008–0802	Roy Johnson, 703–347–0492, *johnson.roy@epa.gov*.
Maleic Hydrazide (Case 0381)	EPA–HQ–OPP–2009–0387	Ricardo Jones, 703–347–0493, *jones.ricardo@epa.gov*.
Soap Salts (Case 4083)	EPA–HQ–OPP–2008–0519	Eric Miederhoff, 703–347–8028 *miederhoff.eric@epa.gov*.

Debacarb (2–EEEBC) (Proposed Interim Decision). Debacarb is a fungicide registered for use to control certain diseases in ornamental trees. The fungicide is applied to mature trees by injection through the trunk. EPA has completed a draft ecological risk assessment, including a screening-level listed species assessment. A human health risk assessment is not needed because the method of application limits the possibility for applicator or other human exposure. Direct adverse effects are not expected for birds, reptiles, terrestrial-phase amphibians, mammals, and terrestrial plants. The Agency has made a No Effects (NE) determination for all federally-listed species within these groups and a No Habitat Modification determination for all designated critical habitats associated with these species for the currently registered uses of debacarb. Risks currently cannot be precluded for aquatic receptors and terrestrial invertebrates. At this time, to eliminate uncertainty and reduce potential risks to non-listed aquatic species, the Agency is proposing restrictions on application to trees near waterbodies. To reduce uncertainty and potential risks to insect pollinators, the Agency is proposing that applications to trees be limited to the post-bloom period. This proposed interim decision does not cover the Endocrine Disruptor Screening program (EDSP) component of this registration review case, nor does it provide a complete Endangered Species assessment (ESA) for debacarb. However, pending the outcome of this action, the EPA is planning to issue an interim registration review decision for debacarb.

Maleic Hydrazide (Proposed Interim Decision). The registration review docket for maleic hydrazide (EPA–HQ–OPP–2009–0387) opened in September 2009. Maleic hydrazide is a systemic plant growth regulator registered for use on tobacco, potato, onions, non-bearing citrus, turf, utility and highway rights-of-way, airports, industrial land, lawns, recreational areas, ornamental/shade trees and ornamental plants. Uses include residential use on turf and lawns as a perimeter or spot treatment. EPA published draft human health and ecological risk assessments in July 2014. No human health risks of concern were identified. The Agency also completed an ecological risk assessment. The results of this quantitative risk assessment indicates that the currently labeled rates of maleic hydrazide pose a potential for risk to non-target terrestrial birds and terrestrial invertebrates. In addition, applications may impact sensitive species of semi-aquatic and terrestrial monocotyledonous plants (monocots). The Agency completed a screening-level ESA and made a ''no effects'' determination for the following taxa: Aquatic plants and aquatic freshwater and estuarine/marine organisms. For all other species applications ''may affect'' or are uncertain. Maleic hydrazide has not been evaluated under the EDSP nor has it completed ESA section 7 consultation with the U.S. Fish and Wildlife Service and the National Marine and Fisheries Service (Services). Therefore, the Agency's final registration review decision is dependent upon the result of the evaluation of potential endocrine disruptor risk and consultation with the Services for endangered species. Pending the outcome of this action, the EPA is planning to issue an interim registration review decision for maleic hydrazide.

Soap Salts (Proposed Interim Decision). The registration review docket for soap salts (EPA–HQ–OPP–2008–0519) opened in September 2008. Soap Salts are used as acaricides, herbicides, and insecticides on food and non-food crops in various settings, chiefly residential and agricultural. Ammonium and sodium soap salts are also used as animal repellants. EPA published draft human health and ecological risk assessments in March 2013. EPA conducted a human health risk assessment and did not identify any risks of concern. No human health mitigation is being proposed by the Agency for the soap salts at this time. The Agency also conducted an ecological risk assessment for the current uses of the soap salts. The screening-level risk assessment did find the potential for minor risk to terrestrial plants and aquatic organisms from the use of potassium and ammonium salts. However, the Agency believes there is little actual risk to non-target plants exposed to soap salts due to the rapid degradation of soap salts in surface water runoff, which was not accounted for in the risk assessment model, and the inherent insolubility and low toxicity of the soap salts. Therefore, the Agency has no risk concerns from the terrestrial or aquatic assessments and is

not proposing ecological risk mitigation at this time. The Agency also completed a screening-level endangered and threatened (listed) species assessment for soap salts and identified potential risks to several taxa: Freshwater invertebrates, estuarine/marine invertebrates, and terrestrial plants. However, at this time in registration review, it is premature to make an endangered species effects determination for federally listed species and their designated critical habitats under ESA. Also, the soap salts have not yet been evaluated under the EDSP. Therefore, the Agency's final registration review decision is dependent upon the results of the evaluation of risks to threatened and endangered species and of potential endocrine disruptor risk. Pending the outcome of this action, the EPA is planning to issue an interim registration review decision for the soap salts.

The registration review docket for a pesticide includes earlier documents related to the registration review of the case. For example, the review opened with a Summary Document, containing a Preliminary Work Plan, for public comment. A Final Work Plan was placed in the docket following public comment on the initial docket. The documents in the docket describe EPA's rationales for conducting additional risk assessments, as well as the Agency's subsequent risk findings and consideration of possible risk mitigation measures. A proposed interim registration review decision is supported by the rationales included in those documents. Following public comment on a proposed decision, the Agency will issue interim registration review decisions for products containing the pesticides listed in the table in Unit II.

The registration review program is being conducted under congressionally mandated time frames, and EPA recognizes the need both to make timely decisions and to involve the public. Section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136a(g)) required EPA to establish by regulation procedures for reviewing pesticide registrations, originally with a goal of reviewing each pesticide's registration every 15 years to ensure that a pesticide continues to meet the FIFRA standard for registration. The Agency's final rule to implement this program was issued in August 2006 and became effective in October 2006, and appears at 40 CFR part 155, subpart C. The Pesticide Registration Improvement Act of 2003 (PRIA) was amended and extended in September 2007. FIFRA, as amended by PRIA in 2007, requires EPA to complete registration review decisions by October 1, 2022, for all pesticides registered as of October 1, 2007.

The registration review final rule at 40 CFR 155.58(a) provides for a minimum 60-day public comment period on all proposed interim registration review decisions. This comment period is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the proposed interim decision. All comments should be submitted using the methods in **ADDRESSES,** and must be received by EPA on or before the closing date. These comments will become part of the docket for the pesticides included in the table in Unit II. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

The Agency will carefully consider all comments received by the closing date and will provide a ''Response to Comments Memorandum'' in the docket as appropriate. The final registration review decision will explain the effect that any comments had on the decision.

Background on the registration review program is provided at: *http://www2.epa.gov/pesticide-reevaluation*. Links to earlier documents related to the registration review of these pesticides are provided at: *http://www.epa.gov/oppsrrd1/registration_review/reg_review_status.htm*.

Authority: 7 U.S.C. 136 *et seq.*

Dated: March 17, 2015.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2015–06860 Filed 3–24–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2013–0677; FRL–9924–68]

Receipt of Test Data Under the Toxic Substances Control Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing its receipt of test data submitted pursuant to a test rule issued by EPA under the Toxic Substances Control Act (TSCA). As required by TSCA, this document identifies each chemical substance and/or mixture for which test data have been received; the uses or intended uses of such chemical substance and/or mixture; and describes the nature of the test data received. Each chemical substance and/or mixture related to this announcement is identified in Unit I. under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Kathy Calvo, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8089; email address: *calvo.kathy@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:

I. Chemical Substances and/or Mixtures

Information about the following chemical substances and/or mixtures is provided in Unit IV.: *1,3-Propanediol, 2,2-bis[(nitrooxy)methyl]-, dinitrate (ester)* (78–11–5).

II. Federal Register Publication Requirement

Section 4(d) of TSCA (15 U.S.C. 2603(d)) requires EPA to publish a notice in the **Federal Register** reporting the receipt of test data submitted pursuant to test rules promulgated under TSCA section 4 (15 U.S.C. 2603).

III. Docket Information

A docket, identified by the docket identification (ID) number EPA–HQ–OPPT–2013–0677, has been established for this **Federal Register** document that announces the receipt of data. Upon EPA's completion of its quality assurance review, the test data received will be added to the docket for the TSCA section 4 test rule that required the test data. Use the docket ID number provided in Unit IV. to access the test data in the docket for the related TSCA section 4 test rule.

The docket for this **Federal Register** document and the docket for each related TSCA section 4 test rule is available electronically at *http://www.regulations.gov* or in person at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT

Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

IV. Test Data Received

This unit contains the information required by TSCA section 4(d) for the test data received by EPA.: *1,3-Propanediol, 2,2-bis[(nitrooxy)methyl]-, dinitrate (ester)* (78–11–5)

1. *Chemical Use(s):* Manufacturing demolition explosives and blasting caps.

2. *Applicable Test Rule:* Chemical testing requirements for second group of high production volume chemicals (HPV2), 40 CFR 799.5087.

3. *Test Data Received:* The following listing describes the nature of the test data received. The test data will be added to the docket for the applicable TSCA section 4 test rule and can be found by referencing the docket ID number provided. EPA reviews of test data will be added to the same docket upon completion.

Water Solubility. The docket ID number assigned to this data is EPA–HQ–OPPT–2007–0531.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: March 18, 2015.

Lyn Vedinello,

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

[FR Doc. 2015–06873 Filed 3–24–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's Web site (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 011463–010.

Title: East Coast North America to West Coast South America and Caribbean Cooperative Working Agreement.

Parties: Compania Chilena de Navegacion Interoceanica S.A.; Hamburg-Sudamerikanische Dampfschifffahrts-Gesellschaft KG (HSDG); Compania Sud Americana de Vapores S.A. (CSAV); and Norasia Container Lines Limited.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Connor; 1627 I Street NW.; Suite 1100; Washington, DC 20006.

Synopsis: The Amendment would delete CCNI as a party to the agreement and indicate that HSDG will be operating under the agreement under both its own name and the CCNI brand, which it will be acquiring with other assets of CCNI in the near future. The parties have requested expedited review.

Agreement No.: 011539–018.

Title: HLAG/NYK Space Charter and Sailing Agreement.

Parties: Companhia Libra de Navegacao; Comania Libra de Navegacion Uruguay S.A.; Norasia Container Lines Limited; Hapag-Lloyd AG; Nippon Yusen Kaisha.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Connor, 1627 I Street NW.; Washington, DC 20006.

Synopsis: The Amendment would delete Norasia as a party and make corresponding changes in the vessel provision and space allocation provisions of the Agreement.

Agreement No.: 012297–001.

Title: ECNA/ECSA Vessel Sharing Agreement.

Parties: Hamburg Sud; Alianca Navegacao e Logistica Ltds. e CIA; Norasia Container Lines Limited; Companhia Libra de Navegacao; Compania Libra de Navegacion Uruguay S.A.; Hapag-Lloyd AG; and Nippon Yusen Kaisha.

Filing Party: Wayne Rohde, Esq.; Cozen O'Connor; 1627 I Street NW.; Suite 1100; Washington, DC 20006.

S*ynopsis:* The agreement would delete Norasia as a party to the agreement and revise the vessel provision and space allocation provisions accordingly.

Agreement No.: 012321.

Title: MOL/''K'' Line Space Charter Agreement.

Parties: Mitsui O.S.K. Lines, Ltd. and Kawasaki Kisen Kaisha, Ltd.

Filing Party: Eric. C. Jeffrey, Esq.; Nixon Peabody LLP; 401 9th Street NW., Suite 900; Washington, DC 20004.

Synopsis: The Agreement authorizes the parties to charter space to/from one another for the transportation of vehicles and other Ro/Ro cargo in the trade between the United States and Europe.

Agreement No.: 012322.

Title: TOKO Line/NYK Bulk & Projects Space Charter and Cooperative Working Agreement.

Parties: TOKO Kaiun Kaisha, Ltd. and NYK Bulk & Projects Carriers, Ltd.

Filing Party: Eric. C. Jeffrey, Esq.; Nixon Peabody LLP; 401 9th Street NW.; Suite 900; Washington, DC 20004.

Synopsis: The Agreement authorizes the parties to charter space to/from one another on an as needed/as available basis in the trade from Japan to the United States.

Agreement No.: 012323.

Title: Hoegh/Hyundai Glovis Transatlantic Vessel Sharing Agreement

Parties: Hoegh Autoliners AS and Hyundai Glovis Co. Ltd.

Filing Party: Wayne R. Rohde, Esq.; Cozen O'Connor; 1627 I Street NW.; Suite 1100; Washington, DC 20006.

Synopsis: The Agreement authorizes the parties to share vessels in the trades between the U.S. Atlantic Coast and Mexico, Belgium, France and Germany.

Agreement No.: 201227–001.

Title: Pacific Ports Operational Improvements Agreement.

Parties: Ocean Carrier Equipment Management Association, Inc.; West Coast MTO Agreement; Maersk Line A/S; APL Co. Pte Ltd.; American President Lines, Ltd.; CMA CGM S.A.; Cosco Container Lines Company Limited; Evergreen Line Joint Service Agreement FMC Agreement No. 011982; Hamburg-Sud; Alianca Navegacao e Logistica Ltda.; Hanjin Shipping Co., Ltd.; Hapag-Lloyd AG; Hapag-Lloyd USA; Companhia Libra de Navegacao; Compania Libra de Navegacion Uruguay S.A.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha Line; Kawasaki Kisen Kaisha, Ltd.; APM Terminals Pacific, Ltd.; California United Terminals, Inc.; Eagle Marine Services, Ltd.; International Transportation Service, Inc.; Long Beach Container Terminal, Inc.; Seaside Transportation Service LLC; Trapac, Inc.; Total Terminals LLC; West Basin Container Terminal LLC; Yusen Terminals, Inc.; Pacific Maritime Services, L.L.C.; SSA Terminals, LLC; and SSA Terminal (Long Beach), LLC.

Filing Party: Jeffrey F. Lawrence, Esq.; Cozen O'Connor; 1627 I Street NW.; Suite 1100; Washington, DC 20006.

Synopsis: The Amendment would add Hyundai Merchant Marine Co., Ltd., Zim Integrated Shipping Services and Matson Navigation Company, Inc. as ocean carrier parties to the Agreement and SSA Terminals (Oakland), LLC, SSA Terminals (Seattle), LLC, Sea Star Stevedoring Company, Inc. and Washington United Terminals, Inc. as marine terminal operator parties to the Agreement. The parties have requested expedited review.

By Order of the Federal Maritime Commission.

Dated: March 20, 2015.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2015–06862 Filed 3–24–15; 8:45 am]

BILLING CODE 6730–01–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 April 20, 2015.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *UMB Financial Corporation and Lakes Merger Sub LLC,* both in Kansas City, Missouri; to acquire 100 percent of the voting shares of Marquette Financial Companies, Minneapolis, Minnesota, parent of Meridian Bank, National Association, Phoenix, Arizona, and Meridian Bank Texas, Fort Worth, Texas. Immediately thereafter, Lakes Merger Sub LLC will merge into UMB Financial Corporation.

Board of Governors of the Federal Reserve System, March 20, 2015.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2015–06830 Filed 3–24–15; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0054; Docket 2015–0053; Sequence 3]

Federal Acquisition Regulation; Information Collection; U.S.-Flag Air Carriers Statement

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve a previously approved information collection requirement concerning U.S. Flag Air Carriers Statement.

DATES: Submit comments on or before May 26, 2015.

ADDRESSES: Submit comments identified by Information Collection 9000–0054, U.S. Flag Air Carriers Statement by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 9000–0054. Select the link ''Comment Now'' that corresponds with ''Information Collection ''Information Collection 9000–0054, U.S. Flag Air Carriers Statement''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0054, U.S. Flag Air Carriers Statement'' on your attached document.
- *Fax:* 202–501–4067.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Hada Flowers/IC 9000–0054, U.S. Flag Air Carriers Statement.

Instructions: Please submit comments only and cite Information Collection 9000–0054, U.S. Flag Air Carriers Statement, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis E. Glover, Sr. Procurement Analyst, Contract Policy Division, GSA 202–501–1448 or via email at *curtis.glover@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

Section 5 of the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 1517) (Fly America Act) requires that all Federal agencies and Government contractors and subcontractors at FAR 47.402, use U.S.-flag air carriers for U.S. Government-financed international air transportation of personnel (and their personal effects) or property, to the extent that service by those carriers is available. It requires the Comptroller General of the United States, in the absence of satisfactory proof of the necessity for foreign-flag air transportation, to disallow expenditures from funds, appropriated or otherwise established for the account of the United States, for international air transportation secured aboard a foreign-flag air carrier if a U.S.-flag air carrier is available to provide such services. In the event that the contractor selects a carrier other than a U.S.-flag air carrier for international air transportation during performance of the contract, the contractor shall include per FAR clause 52.247–64 a statement on vouchers involving such transportation. The contracting officer uses the information furnished in the statement to determine whether adequate justification exists for the contractor's use of other than a U.S.-flag air carrier.

B. Annual Reporting Burden

Respondents: 150.
Responses per Respondent: 2.
Annual Responses: 300.
Hours per Response: .25.
Total Burden Hours: 75.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0054, Submission for OMB Review; U.S.-Flag Air Carriers Statement, in all correspondence.

Dated: March 19, 2015.

Edward Loeb,

Acting Director, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2015–06818 Filed 3–24–15; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Decision To Evaluate a Petition To Designate a Class of Employees From the Argonne National Laboratory-West in Scoville, Idaho, To Be Included in the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: NIOSH gives notice of a decision to evaluate a petition to designate a class of employees from the Argonne National Laboratory-West in Scoville, Idaho, to be included in the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, National Institute for Occupational Safety and Health, 1090 Tusculum Avenue, MS C–46, Cincinnati, OH 45226–1938, Telephone 877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV.*

SUPPLEMENTARY INFORMATION:

Authority: 42 CFR 83.9–83.12.

Pursuant to 42 CFR 83.12, the initial proposed definition for the class being evaluated, subject to revision as warranted by the evaluation, is as follows:

Facility: Argonne National Laboratory-West.

Location: Scoville, Idaho.

Job Titles and/or Job Duties: All workers who worked in any location.

Period of Employment: April 10, 1951 through December 31, 1979.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2015–06786 Filed 3–24–15; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 209 and 37 CFR part 404 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301–496–7057; fax: 301–402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

SUPPLEMENTARY INFORMATION: Technology descriptions follow.

Engineered Antibody Domains With Increased FcRn Binding and *in vivo* Half-Life

Description of Technology: Monoclonal antibodies (mAbs) are a fast growing class of new therapeutic molecules. However, their large size remains a significant challenge, preventing them from targeting sterically restricted epitopes and efficiently penetrating into tissues. Smaller antibody fragments and engineered variants are under development to address this challenge, but to date their therapeutic applications have been limited due to rapid clearance and short half-life which greatly decrease their efficacy *in vivo.*

This technology describes two antibody constant domains or binders with increased FcRn binding and *in vivo* half-life. In addition, these binders are small in size (16kDa), very stable, and can be efficiently expressed in *E. coli.* As a result, the binders are particularly well suited as scaffolds for the generation of antibody libraries, from which a desired antigen binders could be developed into therapeutic products with much greater potency compared to existing mAbs. They could also be used as fusion partners to extend the half-life of candidate protein therapeutics.

Potential Commercial Applications

- Antibody scaffolds for library construction, and the generation of therapeutics against various diseases.
- Fusion partners to extend the half-life of candidate protein therapeutics.

Competitive Advantages

- Small (16kD) size for better tissue penetration, and in the case of fusion proteins, reduced steric hindrance for therapeutic activity.
- Superior stability compared to isolated CH2 domains and stability comparable to or higher than that of an isolated Fc fragment.
- Exhibit greatly enhanced FcRn binding abilities, including more potent transcytosis and longer *in vivo* half-life.
- Can be efficiently expressed in *E. coli.*

Development Stage

- Early-stage
- In vitro data available
- In vivo data available (animal)

Inventors: Dimiter Dimitrov and Tianlei Ying (NCI).

Intellectual Property: HHS Reference No. E–136–2014/0—US Provisional Application No. 62/022,810 filed July 10, 2014.

Licensing Contact: Whitney Hastings, Ph.D.; 301–451–7337; *hastingw@mail.nih.gov.*

Collaborative Research Opportunity: The National Cancer Institute is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize Engineered Antibody Domains. For collaboration opportunities, please contact John D. Hewes, Ph.D. at *john.hewes@nih.gov* or 240–276–5515.

CXCR4 Reduction Leads to Enhancement of Engraftment of Hematopoietic Stem Cells

Description of Technology: Methods of enhancing engraftment of donor hematopoietic stem cells (HSCs) by reducing expression or activity of

CXCR4 in HSCs is described. HSC are the only cells in the bone marrow that are both pluripotent and long lived. Bone marrow transplantation (BMT) using HSC is an increasingly common medical therapy for severe hematologic cancers and primary hematologic immunodeficiencies. However, for significant HSC engraftment to occur there must usually be pre-transplant conditioning with either irradiation or chemotherapy or both. The technology described herein shows that it is possible to replace HSC without the need for pre-transplant conditioning regimen. It is known that the chemokine receptor CXCR4 plays a critical role in HSC homing to the bone marrow and in HSC quiescence. The inventors have identified a patient in which one copy of CXCR4 had been deleted in a somatic mutation of an HSC and this cell had clonally repopulated the bone marrow. This led to experiments in mice where the inventors clearly demonstrated in a bone marrow transplantation model, that donor cells with a single copy of the Cxcr4 gene repopulate recipient mice much faster and last much longer than donor cells having two copies of the Cxcr4 gene. This technology which shows that HSCs with one copy of the CXCR4 gene have a durable selective advantage in bone marrow repopulation can solve the problem frequently encountered in gene therapy, *i.e.,* the short-lived nature of gene-corrected cells, by utilizing recently discovered gene editing methods that can be used to delete one copy of CXCR4 gene in gene-corrected cells.

Potential Commercial Applications

- Improvement of engraftment in gene therapy protocols and in HSC transplantation.
- Improved bone marrow transplantation, enhancing the efficiency and durability of donor cell repopulation.

Competitive Advantages

- This technology potentially facilitates HSC transplantation without the need of radiation or chemotherapy conditioning.
- This technology may uniquely overcome a major hurdle limiting all gene therapy applications, namely the failure to correct the gene defect over a long time.

Development Stage

- Early-stage
- In vitro data available
- In vivo data available (animal)

Inventors: Jiliang Gao, Philip M. Murphy, David H. McDermott, Marie Siwicki, Harry L. Malech, and Joy Liu (all of NIAID).

Publication: McDermott DH, et al. Chromothriptic cure of WHIM syndrome. Cell. 2015 Feb 12;160(4):686–99. [PMID 25662009].

Intellectual Property: HHS Reference No. E–173–2014/0—US Patent Application No. 62/026,138 filed July 18, 2014.

Licensing Contact: Sury Vepa, Ph.D., J.D.; 301–435–5020; *vepas@mail.nih.gov*.

Development of GPR124 Wildtype and Knockout Brain Endothelial Reporter Cells

Description of Technology: There is currently no effective way to block beta-catenin signaling specifically in brain endothelial cells. There is neither an effective way to block beta-catenin signaling stimulated by a particular Wnt family member such as WNT7. The reporter cells created by the NIH investigator from GPR124 knockout mice provide a unique and effective tool to screen for drugs that can specifically interfere with the Wnt7/GPR124 signaling pathway. Such drugs have potential for widespread therapeutic application in the treatment of cerebrovascular diseases, the third leading cause of death in the United States, and a variety of neurodegenerative disorders such as Alzheimer's disease, Parkinson disease, amyotrophic lateral sclerosis, multiple sclerosis, and others.

Potential Commercial Applications: Research tools for drug screening.

Competitive Advantages: The reporter cells are ideal for screening for drugs that specifically interfere with the Wnt7/GPR124 signaling pathway as the cells have no inherent low level Gpr124 expression.

Development Stage: Prototype.

Inventor: Brad St. Croix (NCI).

Publication: Posokhova E, et al. GPR124 functions as a WNT7-specific coactivator of canonical beta-catenin signaling. Cell Rep. 2015 Jan 13;10 (2):123–30. [PMID 25558062].

Intellectual Property: HHS Reference No. E–079–2015/0—Research Tool. Patent protection is not being pursued for this technology.

Licensing Contact: Betty B. Tong, Ph.D.; 301–594–6565; *tongb@mail.nih.gov*.

Collaborative Research Opportunity: The National Cancer Institute is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate, or commercialize agents that antagonize or promote Gpr124 function. For collaboration opportunities, please contact John D. Hewes, Ph.D. at *hewesj@mail.nih.gov.*

Dated: March 20, 2015.

Richard U. Rodriguez,

Acting Director, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2015–06845 Filed 3–24–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–15–15IG]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call (404) 639–7570 or send an email to *omb@cdc.gov.* Send written comments to CDC Desk Officer, Office of Management and Budget, Washington, DC or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Public Health Associate Program (PHAP) Alumni Assessment—New —Office for State, Tribal, Local, and Territorial Support (OSTLTS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC) works to protect America from health, safety and security threats, both foreign and in the U.S. CDC strives to fulfill this mission, in part, through a competent and capable public health workforce. One mechanism to developing the public health workforce is through training programs like the Public Health Associate Program (PHAP).

The mission of the Public Health Associate Program (PHAP) is to train and provide experiential learning to early career professionals who contribute to the public health workforce. PHAP targets recent graduates with bachelors or masters degrees who are beginning a career in public health. Each year, a new cohort of up to 200 associates is enrolled in the program.

Associates are CDC employees who complete two-year assignments in a host site (*i.e.,* a state, tribal, local, or

territorial health department or non-profit organization). Host sites design their associates' assignments to meet their agency's unique needs while also providing on-the-job experience that prepare associates for future careers in public health. Associates also receive CDC-based training in core public health concepts and topics to provide the knowledge, skills, and abilities necessary to succeed in their assignments and provide a foundation for a career in public health.

PHAP hosts an initial in-person orientation and annual public health training at CDC and offers long-distance learning opportunities throughout the program. It is the goal of PHAP to have alumni seek employment within the public health system (*i.e.,* federal, state, tribal, local, or territorial health agencies, or non-governmental organizations), focusing on public health or health/healthcare.

When PHAP originated in 2007, the program focused on increasing recruitment and enrollment; to date, there has been limited systematic assessment of the program. As a result, one current program priority is focused on documenting program outcomes to inform refinements to program processes and activities, demonstrate program impact, and inform decision making about future program direction. The purpose of this information collection request is to gain approval to follow alumni career movement and progression following participation in PHAP. The information collection will enable the program to demonstrate evidence of program outcomes, specifically to document how many alumni are retained as members of the public health workforce, where alumni are employed, what topical and functional public health areas alumni support (*e.g.,* chronic disease, infectious disease, assessment, communications, etc.), to what extent alumni support the capabilities of public health agencies at the federal, state, territorial, local, tribal, and non-governmental organizational levels, and to what extent PHAP has influenced alumni career paths (if at all).

Information will be used to answer key program assessment questions, specifically: ''Is PHAP a quality program?'', ''Is PHAP an effective program?'', and ''What is the impact of PHAP?''

CDC will administer the PHAP Alumni Assessment at two different time points (1 year post-graduation, and 3 years post-graduation) to PHAP alumni. Assessment questions will remain consistent at each administration (*i.e.,* 1 year, or 3 years post-PHAP graduation). The language, however, will be updated for each assessment administration to reflect the appropriate time period. It is estimated that there will be no more than 480 respondents (160 respondents annually) over the course of the three year approval period. The estimated time for data collection is 8 minutes per assessment administration. Assessments will be administered electronically; a link to the assessment Web site will be provided in the email invitation. The total annualized estimated burden is 21 hours. There are no costs to respondents except their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
PHAP Alumni	PHAP Alumni Assessment	160	1	8/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–06801 Filed 3–24–15; 8:45 am]

BILLING CODE 4163–18–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; RFA RM14–003: Transformative Research Award.

Date: April 21, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: John L Bowers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4170, MSC 7806, Bethesda, MD 20892, (301) 435–1725, *bowersj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA RM14–003: Transformative Research Award.

Date: April 21, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: John L Bowers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4170, MSC 7806, Bethesda, MD 20892, (301) 435–1725, *bowersj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA RM13–007: New Innovator Award.

Date: April 23–24, 2015.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: 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.*

(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: March 20, 2015.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–06844 Filed 3–24–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces a meeting for the initial review of applications in response to (FOA) DD15–004, Stillbirth Risk Factor Pilot Project Centers for Birth Defects Research and Prevention (CBDRPs).

Time and Date: 11:00 a.m.–6:00 p.m., April 21, 2015 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Stillbirth Risk Factor Pilot Project Centers for Birth Defects Research and Prevention (CBDRPs)'', FOA DD15–004.

Contact Person for More Information: M. Chris Langub, Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F–80, Atlanta, Georgia 30341, Telephone: (770) 488–3585, *EEO6@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. 2015–06850 Filed 3–24–15; 8:45 am]

BILLING CODE 4163–18–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; Pilot Clinical Studies in Nephrology and Urology.

Date: April 7, 2015.

Time: 2:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Ryan G. Morris, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4205, MSC 7814, Bethesda, MD 20892, 301–435–1501, *morrisr@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; Vascular Biology and Hematology AREA.

Date: April 17, 2015.

Time: 2:00 p.m. to 4:30 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: Larry Pinkus, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4132, MSC 7802, Bethesda, MD 20892, (301) 435–1214, *pinkusl@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: March 19, 2015.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–06840 Filed 3–24–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis.

Date: April 21, 2015.

Time: 1:00 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 (Telephone Conference Call).

Contact Person: Sathasiva B. Kandasamy, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–9304, (301) 435–6680, *skandasa@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: March 20, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–06843 Filed 3–24–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Eunice Kennedy Shriver National Institute of Child Health and Human Development Special Emphasis Panel; Long-term health impacts of maternal obesity and gestational diabetes on the offspring: A trans-generational study.

Date: April 8, 2015.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Sathasiva B. Kandasamy, Ph.D., Scientific Review Officer, Scientific Review Branch, Eunice Kennedy Shriver National Institute of Child Health and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892–9304, (301) 435–6680, *skandasa@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: March 19, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–06842 Filed 3–24–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2012–N–0369]

Agency Information Collection Activities; Proposed Collection; Comment Request; Regulations Under the Federal Import Milk Act

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing an opportunity for public comment on our proposed collection of certain information. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies must publish a notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and allow 60 days for public comment in response to the notice. This notice invites comments on the reporting and recordkeeping requirements of our regulations implementing the Federal Import Milk Act (FIMA).

DATES: Submit either electronic or written comments on the collection of information by May 26, 2015.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov.* Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

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: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, we are publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, we invite comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of our functions, including whether the information will have practical utility; (2) the accuracy of our estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Regulations Under the Federal Import Milk Act (FIMA)—21 CFR Part 1210 (OMB Control Number 0910–0212)—Extension

Under FIMA (21 U.S.C. 141–149), milk or cream may be imported into the United States only by the holder of a valid import milk permit (21 U.S.C. 141). Before such permit is issued: (1) All cows from which import milk or cream is produced must be physically examined and found healthy; (2) if the milk or cream is imported raw, all such cows must pass a tuberculin test; (3) the dairy farm and each plant in which the milk or cream is processed or handled must be inspected and found to meet certain sanitary requirements; (4) bacterial counts of the milk at the time of importation must not exceed specified limits; and (5) the temperature of the milk or cream at time of importation must not exceed 50°F (21 U.S.C. 142).

Our regulations in part 1210 (21 CFR part 1210), implement the provisions of FIMA. Sections 1210.11 and 1210.14 require reports on the sanitary conditions of, respectively, dairy farms and plants producing milk and/or cream to be shipped to the United States. Section 1210.12 requires reports on the physical examination of herds, while § 1210.13 requires the reporting of tuberculin testing of the herds. In addition, the regulations in part 1210 require that dairy farmers and plants maintain pasteurization records (§ 1210.15) and that each container of milk or cream imported into the United States bear a tag with the product type, permit number, and shipper's name and address (§ 1210.22). Section 1210.20 requires that an application for a permit to ship or transport milk or cream into the United States be made by the actual shipper. Section 1210.23 allows permits to be granted based on certificates from accredited officials.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section	Form No.	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
1210.11	FDA 1996; Sanitary inspection of dairy farms.	2	200	400	1.5	600
1210.12	FDA 1995; Physical examination of cows.	1	1	1	0.5	0.5
1210.13	FDA 1994; Tuberculin test	1	1	1	0.5	0.5
1210.14	FDA 1997; Sanitary inspections of plants.	2	1	2	2.0	4.0
1210.20	FDA 1993; Application for permit	2	1	2	0.5	1.0
1210.23	FDA 1815; Permits granted on certificates.	2	1	2	0.5	1.0
Total						607

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

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
1210.15	2	1	2	0.05	0.10

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The estimated number of respondents and hours per response are based on our experience with the import milk permit program and the average number of import milk permit holders over the past 3 years. We estimate that two respondents will submit approximately 200 Form FDA 1996 reports annually, for a total of 600 responses. We estimate the reporting burden to be 1.5 hours per response, for a total burden of 607 hours.

The Secretary of Health and Human Services has the discretion to allow Form FDA 1815, a duly certified statement signed by an accredited official of a foreign government, to be submitted in lieu of Forms FDA 1994 and 1995. To date, Form FDA 1815 has been submitted in lieu of these forms. Because we have not received any Forms FDA 1994 and 1995 in the last 3 years, the Agency estimates no more than one will be submitted annually. We estimate the reporting burden for each to be 0.5 hours per response for a total burden reporting burden of 0.5 hours each.

We estimate that two respondents will submit one Form FDA 1997 report annually, for a total of two responses. We estimate the reporting burden to be 2.0 hours per response, for a total burden of 4 hours. We estimate that two respondents will submit one Form FDA 1993 report annually, for a total of two responses. We estimate the reporting burden to be 0.5 hours per response, for a total burden of 1 hour. We estimate that two respondents will submit one Form FDA 1815 report annually, for a total of two responses. We estimate the reporting burden to be 0.5 hours per response, for a total burden of 1 hour.

With regard to records maintenance, we estimate that approximately two recordkeepers will spend 0.05 hours annually maintaining the additional pasteurization records required by § 1210.15, for a total of 0.10 hours annually.

No burden has been estimated for the tagging requirement in § 1210.22 because the information on the tag is either supplied by us (permit number) or is disclosed to third parties as a usual and customary part of the shipper's normal business activities (type of product, shipper's name and address). Under 5 CFR 1320.3(c)(2), the public disclosure of information originally supplied by the Federal Government to the recipient for the purpose of disclosure to the public is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act. Under 5 CFR 1320.3(b)(2)), the time, effort, and financial resources necessary to comply with a collection of information are excluded from the burden estimate if the reporting, recordkeeping, or disclosure activities needed to comply are usual and customary because they would occur in the normal course of business activities.

Dated: March 19, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–06703 Filed 3–24–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Decision To Evaluate a Petition To Designate a Class of Employees From the Hanford Site in Richland, Washington, To Be Included in the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: NIOSH gives notice of a decision to evaluate a petition to designate a class of employees from the Hanford site in Richland, Washington, to be included in the Special Exposure Cohort under the Energy Employees Occupational Illness Compensation Program Act of 2000.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, National Institute for Occupational Safety and Health, 1090 Tusculum Avenue, MS C–46, Cincinnati, OH 45226–1938, Telephone 877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV*.

SUPPLEMENTARY INFORMATION:

Authority: 42 CFR 83.9–83.12.

Pursuant to 42 CFR 83.12, the initial proposed definition for the class being evaluated, subject to revision as warranted by the evaluation, is as follows:

Facility: Hanford site.

Location: Richland, Washington.

Job Titles and/or Job Duties: All employees of Department of Energy contractors and subcontractors (excluding employees of the following Hanford prime contractors during the specified periods: Battelle Memorial Institute, January 1, 1984 through December 31, 1990; Rockwell Hanford Operations, January 1, 1984 through June 28, 1987; Boeing Computer Services Richland, January 1, 1984 through June 28, 1987; UNC Nuclear Industries, January 1, 1984 through June 28, 1987; Westinghouse Hanford Company, January 1, 1984 through December 31, 1990; and Hanford Environmental Health Foundation, January 1, 1984 through December 31, 1990.

Period of Employment: January 1, 1984 through December 31, 1990.

John Howard

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2015–06784 Filed 3–24–15; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10241, CMS–10249, and CMS–10545]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *April 24, 2015.*

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *OR*, Email: *OIRA_submission@omb.eop.gov*.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*
3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Survey of Retail Prices: Payment and Utilization Rates, and Performance Rankings; *Use:* This study is divided into two parts. Part I focuses on the retail community pharmacy consumer prices. It also includes reporting by the states of payment and utilization rates for the 50 most widely prescribed drugs, and comparing state drug payment rates with the national retail survey prices. Part II focuses on the retail community pharmacy ingredient costs. This segment surveys the average acquisition costs of all covered outpatient drugs purchased by retail community pharmacies. The prices will be updated on at least a monthly basis. Subsequent to the publication of the 60-day **Federal Register** notice (79 FR 75816), the burden has been reduced by removing requirements for Part I pending funding decisions. There are no changes to Part II. *Form Number:* CMS–10241 (OMB control number 0938–1041); *Frequency:* Yearly and Occasionally; *Affected Public:* Private sector (Business or other for-profits); *Number of Respondents:* 30,000; *Total Annual Responses:* 30,000; *Total Annual Hours:* 15,000. (For policy questions regarding this collection contact: Lisa Ferrandi at 410–786–5445).

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Administrative Requirements for Section 6071 of the Deficit Reduction Act; *Use:* State Operational Protocols should provide enough information such that: The CMS Project Officer and other federal officials may use it to understand the operation of the demonstration, prepare for potential site visits without needing additional information, or both; the State Project Director can use it as the manual for program implementation; and external stakeholders may use it to understand the operation of the demonstration. The financial information collection is used in our financial statements and shared with the auditors who validate CMS' financial position. The Money Follows the Person Rebalancing Demonstration (MFP) Finders File, MFP Program Participation Data file, and MFP Services File are used by the national evaluation contractor to assess program outcomes while we use the information to monitor program implementation. The MFP Quality of Life data is used by the national evaluation contractor to assess

program outcomes. The evaluation is used to determine how participants' quality of life changes after transitioning to the community. The semi-annual progress report is used by the national evaluation contractor and CMS to monitor program implementation at the grantee level. *Form Number:* CMS–10249 (OMB control number: 0938–1053); *Frequency:* Yearly, quarterly, and semi-annually; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 45; *Total Annual Responses:* 28,590; *Total Annual Hours:* 14,225. (For policy questions regarding this collection contact Michael Smith at 410–786–2267.)

3. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Outcome and Assessment Information Set (OASIS) OASIS–C1/ICD–10; *Use:* Home health agencies (HHAs) are required to collect the outcome and assessment information data set (OASIS) to participate in the Medicare program. We are requesting a new OMB control number for the proposed revised OASIS item set, referred to hereafter as OASIS–C1/ICD–10. The current version of the OASIS–C1/ICD–9 data set was approved by OMB on October 7, 2014 (0938–0760), and will be in use until the implementation of the ICD–10 coding system which is currently scheduled for October 1, 2015. Subsequent to the 60-day **Federal Register** notice (80 FR 1419), there was a minor typographical correction made to the data set. *Form Number:* CMS–10545 (OMB control number: 0938–NEW); *Frequency:* Occasionally; *Affected Public:* Private Sector (Business or other for-profit and Not-for-profit institutions); *Number of Respondents:* 12,014; *Total Annual Responses:* 17,268,890; *Total Annual Hours:* 15,320,253. (For policy questions regarding this collection contact Cheryl Wiseman at 410–786–1175).

Dated: March 17, 2015.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2015–06884 Filed 3–20–15; 5:15 pm]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–0001]

Ninth Annual Drug Information Association/Food and Drug Administration Statistics Forum—2015; Public Conference

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public conference.

SUMMARY: The Food and Drug Administration (FDA), in cosponsorship with the Drug Information Association (DIA), is announcing a public conference entitled ''Ninth Annual DIA/FDA Statistics Forum—2015''. The purpose of the conference is to discuss relevant statistical issues associated with the development and review of therapeutic drugs and biologics. A primary focus for this meeting will be to establish an ongoing dialogue regarding FDA's ''Critical Path'' initiative—emphasizing the regulatory and statistical challenges associated with innovative approaches to the design and analysis of clinical trial data and measuring the progress being made in designing and implementing innovative solutions.

DATES: The public conference will be held from April 20, 2015, to April 22, 2015, from 8:30 a.m. to 5 p.m. each day.

ADDRESSES: The public conference will be held at the Marriott Bethesda North Hotel and Conference Center, 5701 Marinelli Rd., North Bethesda, MD 20852, 301–822–9200.

FOR FURTHER INFORMATION CONTACT: Ellen Diegel, Drug Information Association, 800 Enterprise Rd., Horsham, PA 19044, 215–442–6100, *Ellen.Diegel@diahome.org;* or Stephen Wilson, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 21, Rm. 3630, Silver Spring, MD 20993–0002, 301–796–0579, *Stephen.Wilson@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

This annual FDA/DIA statistics forum will be a unique, open, international forum for statisticians and clinicians from industry, academia, contract research organizations, and Government Agencies. Meeting participants will learn, discuss, and collaborate on the current and emerging statistical methodologies and quantitative approaches used by sponsors to provide evidence for the approval of new therapies.

The goals of the program are to:

- Explore and implement innovative statistical solutions to issues associated with the regulatory review of therapeutic drugs and biologics.
- Describe the application of statistical methodologies and thinking to the development of new therapeutic biologics and drugs.
- Assess the impact of regulations and guidance on statistical practice.
- Discuss ideas for improving the communication between industry statisticians and FDA reviewers.

A description of the planned activities of the working groups can be found at *http://www.diahome.org/en-US/Meetings-and-Training/Find-Meetings-and-Training/Meeting-Details.aspx?ProductID=3630578&EventType=Meeting.*

II. Registration and Accommodations

A. Registration

To register, please submit the registration form online at *http://www.diahome.org/en-US/Meetings-and-Training/Find-Meetings-and-Training/Meeting-Details.aspx?ProductID=3630578&EventType=Meeting.* (FDA has verified this Web site address but is not responsible for changes to the Web site after this document publishes in the **Federal Register**.) Seats are limited, and conference space will be filled in the order in which registrations are received. On-site registration will be available to the extent that space is available on the day of the conference. The costs of registration for different categories of attendees are as follows:

Category	Cost
Industry Representatives	$1,440
Charitable Nonprofit/Academic (Full time)	720
Government (Full time)	430
Tutorial Fees	405

All registrants will be required to pay the applicable fee, with the exception of a limited number of speakers/organizers who will have a complimentary registration. (Government and nonprofit attendees and exhibitors will need an invitation code to register at the discounted rate. An invitation code can be obtained by sending an email to *Ellen.Diegel@diahome.org.*) Registration fees cover the costs of facilities, materials, and food functions.

B. Accommodations

Attendees are responsible for their own accommodations. Reservations may be made online via the conference hotel reservation page at *https://www.tphousing.com/ph2/*

startres.aspx?EICode=3132&Attcode=72.

The Marriott Bethesda North Hotel and Conference Center has a limited number of rooms available at the discounted rate of $199 per night until April 3, 2015, or until the block is filled. To receive this rate, attendees are asked to make reservations using the link to the hotel reservation page or by calling 855–355–0302 or 212–532–1660. If calling, please select the first option for ''Hotel Reservations'' and inform the phone agent that you are making a reservation for ''Event #15008''.

If you need special accommodations because of disability, please contact *Ellen.Diegel@diahome.org* at least 7 days before the meeting.

Dated: March 19, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–06702 Filed 3–24–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; 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 Neurological Disorders and Stroke Special Emphasis Panel; Epilepsy Clinical Trial Review.

Date: April 22, 2015.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: William C. Benzing, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS/Neuroscience Center, 6001 Executive Boulevard, Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–0660, *benzingw@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: March 19, 2015.

Carolyn Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–06841 Filed 3–24–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Using Longitudinal Data to Characterize the Natural History of Fragile X Syndrome to Improve Services and Outcomes, DD15–003, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 10:00 a.m.–6:00 p.m., April 14, 2015 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters for Discussion: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Using Longitudinal Data to Characterize the Natural History of Fragile X Syndrome to Improve Services and Outcomes, DD15–003, initial review.''

Contact Person for More Information: M. Chris Langub, Ph.D., Scientific Review Officer, CDC, 4770 Buford Highway NE., Mailstop F–80, Atlanta, Georgia 30341, Telephone: (770) 488–3585, *EEO6@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. 2015–06849 Filed 3–24–15; 8:45 am]

BILLING CODE 4163–18–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; Loan Repayment Program (LRP).

Date: April 20–24, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892, (Virtual Meeting).

Contact Person: Maryam Feili-Hariri, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 5601 Fishers Lane, Rockville, MD 20852, 240–669–5026, *haririmf@niaid.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases, Special Emphasis Panel; NIAID Investigator Initiated Program Project Applications (P01).

Date: April 20, 2015.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Room 3F100, 5601 Fishers Lane, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Jane K. Battles, Ph.D., Scientific Review Officer, Scientific Review Program DEA/NIAID/NIH/DHHS, 5601 Fishers Lane, Rockville, MD 20852, 240–669–5029, *battlesja@mail.nih.gov.*

Name of Committee: National Institute of Allergy and Infectious Diseases, Special Emphasis Panel; NIAID Peer Review Meeting.

Date: April 23, 2015.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Betty Poon, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities,

Room # 3E72 National Institutes of Health/ NIAID, 5601 Fishers Lane, MSC 9823, Rockville, MD 20892, 240–669–5024, *poonb@mail.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: March 19, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–06699 Filed 3–24–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (NINR)

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on December 30, 2014 page 43609 and allowed 60-days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institute of Nursing Research, National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: NIH Desk Officer.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments or request more information on the proposed project contact: Dr. Rebecca Hawes, Division of Science Policy and Public Liaison, NINR, NIH, Democracy One, 6701 Democracy Blvd., Suite 710, Bethesda, MD 20892, by phone at (301) 594–0791 or email your request, including your address to: *hawesr@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Proposed Collection: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery, 0925–0653, Extension, National Institute of Nursing Research, National Institutes of Health (NIH).

Need and Use of Information Collection: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 1,025.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondent	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
Focus Groups	Adults	150	1	90/60	225
Individual In-Depth Interviews	Adults	75	1	1	75
Individual Brief Interviews	Adults	200	1	15/60	50
Customer Satisfaction Surveys	Adults	200	1	15/60	50
Small Group Discussions	Adults	100	1	90/60	150
Conferences and Training Pre- and Post-Surveys	Adults	500	1	30/60	250
Web site Usability Testing	Adults	100	1	90/60	150
Pilot Testing Surveys	Adults	150	1	30/60	75

Dated: March 16, 2015.

Rebecca Hawes,

Project Clearance Liaison, NINR, NIH.

[FR Doc. 2015–06773 Filed 3–24–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0020]

Agency Information Collection Activities: Petition for Amerasian, Widow(er), or Special Immigrant, Form I–360; Revision of a Currently Approved Collection

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection notice was previously published in the **Federal Register** on October 22, 2014, at 79 FR 63158, allowing for a 60-day public comment period. USCIS received 5 comment submissions in connection with the 60-day notice.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until April 24, 2015. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov*. Comments may also be submitted via fax at (202) 395–5806. All submissions received must include the agency name and the OMB Control Number 1615–0020.

You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: If you need a copy of the information collection instrument with instructions, or additional information, please visit the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2007–0024 in the search box. We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Laura Dawkins, Chief, 20 Massachusetts Avenue NW., Washington, DC 20529–2140, Telephone number 202–272–8377.

Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS Web site at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

Written comments and suggestions from the public and affected agencies 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 Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition for Amerasian, Widow(er), or Special Immigrant.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–360; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. This information collection is used by several prospective classes of aliens who intend to establish their eligibility to immigrate to the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Form I–360 is 19,429 and the estimated hour burden per response is 3.1 hours for Iraqi and Afghan petitioners, and 2.35 hours for religious workers, and 2.1 hours for all other classifications.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 44,693 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $2,380,053.

Dated: March 19, 2015.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2015–06853 Filed 3–24–15; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2014–1074]

Imposition of Conditions of Entry for Certain Vessels Arriving to the United States From Yemen—Additional Ports

AGENCY: Coast Guard, DHS.

ACTION: Notice.

SUMMARY: Conditions of entry are imposed on vessels arriving in U.S. waters from foreign ports that do not maintain effective anti-terrorism measures. In 2012, the Coast Guard announced the imposition of conditions of entry on vessels arriving from all ports in Yemen, except for the Ash Shihr Terminal, the Port of Hodeidah, and the Balhalf LNG Terminal. Today, the Coast Guard announces that conditions of entry will be imposed on vessels arriving from the Ash Shihr Terminal and the Port of Hodeidah. The 2012 exception remains in place for vessels arriving from the Balhalf LNG Terminal.

DATES: The policy announced in this notice will become effective April 8, 2015.

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Michael Brown, International Port Security Evaluation Division, United States Coast Guard, telephone 202–372–1081. For information about viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826, or toll free 1–800–647–5527.

SUPPLEMENTARY INFORMATION:

Discussion

The authority for this notice is 5 U.S.C. 552(a), 46 U.S.C. 70110, and DHS Delegation No. 0170.1, para. II (97.f). As delegated, section 70110 authorizes the Coast Guard to impose conditions of entry on vessels arriving in U.S. waters from ports that the Coast Guard has not found to maintain effective anti-terrorism measures.

In 2012,[1] the Coast Guard determined that all but three ports in the Republic of Yemen were not maintaining effective anti-terrorism measures, that Yemen presented significant risk of introducing instruments of terror into international maritime commerce, and that Yemen possessed significant deficiencies in its legal regime, designated authority oversight, access control, and cargo control. Therefore, the Coast Guard announced the imposition of conditions of entry on vessels arriving from any Yemeni port except the Ash Shihr Terminal, the Port of Hodeidah, or the Balhalf LNG Terminal.

The Coast Guard no longer finds that the Ash Shihr Terminal and the Port of Hodeidah are maintaining effective anti-terrorism measures. Therefore the Coast Guard is removing the exception for those ports. Vessels arriving from the Balhalf LNG Terminal will continue to be excepted from the conditions of entry outlined in this notice.

Beginning April 8, 2015, the conditions of entry shown in Table 1 will apply to any vessel that visited a non-excepted Yemeni port in its last five port calls.

TABLE 2—CONDITIONS OF ENTRY FOR VESSELS VISITING YEMENI PORTS

No.	Each vessel must:
1	Implement measures per the vessel's security plan equivalent to Security Level 2 while in a port in the Republic of Yemen. As defined in the ISPS Code and incorporated herein, ''Security Level 2'' refers to the ''level for which appropriate additional protective security measures shall be maintained for a period of time as a result of heightened risk of a security incident.''
2	Ensure that each access point to the vessel is guarded and that the guards have total visibility of the exterior (both landside and waterside) of the vessel while the vessel is in ports in Yemen.
3	Guards may be provided by the vessel's crew; however, additional crewmembers should be placed on the vessel if necessary to ensure that limits on maximum hours of work are not exceeded and/or minimum hours of rest are met, or provided by outside security forces approved by the vessel's master and Company Security Officer. As defined in the ISPS Code and incorporated herein, ''Company Security Officer'' refers to the ''person designated by the Company for ensuring that a ship security assessment is carried out; that a ship security plan is developed, submitted for approval, and thereafter implemented and maintained and for liaison with port facility security officers and the ship security officer.''
4	Attempt to execute a Declaration of Security while in a port in Yemen;
5	Log all security actions in the vessel's security records; and
6	Report actions taken to the cognizant Coast Guard Captain of the Port (COTP) prior to arrival into U.S. waters.
7	In addition, based on the findings of the Coast Guard boarding or examination, the vessel may be required to ensure that each access point to the vessel is guarded by armed, private security guards and that they have total visibility of the exterior (both landside and waterside) of the vessel while in U.S. ports. The number and position of the guards has to be acceptable to the cognizant COTP prior to the vessel's arrival.

The following countries currently do not maintain effective anti-terrorism measures and are therefore subject to conditions of entry: Cambodia, Cameroon, Comoros, Cote d'Ivoire, Cuba, Equatorial Guinea, Guinea-Bissau, Iran, Liberia, Madagascar, Nigeria, Sao Tome and Principe, Syria, Timor-Leste, Venezuela, and Yemen. This list is also available in a policy notice available at *https://homeport.uscg.mil* under the Maritime Security tab; International Port Security Program (ISPS Code); Port Security Advisory link.

Dated: March 17, 2015.

Charles D. Michel,

Vice Admiral, USCG, Deputy Commandant for Operations.

[FR Doc. 2015–06866 Filed 3–24–15; 8:45 am]

BILLING CODE 9110–04–P

[1] 77 FR 53901 (Sep. 4, 2012).

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2015–0006; OMB Control Number 1625–0034]

Collection of Information Under Review by Office of Management and Budget

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding the Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting approval of an extension of a currently approved collection: 1625–0034, Ships' Stores Certification for Hazardous Materials Aboard Ships. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: Comments must reach the Coast Guard and OIRA on or before April 24, 2015.

ADDRESSES: You may submit comments identified by Coast Guard docket number [USCG–2015–0006] to the Docket Management Facility (DMF) at the U.S. Department of Transportation (DOT) and/or to OIRA. To avoid duplicate submissions, please use only one of the following means:

(1) *Online:* (a) To Coast Guard docket at *http://www.regulations.gov.* (b) To OIRA by email via: *OIRA-submission@omb.eop.gov* .

(2) *Mail:* (a) DMF (M–30), DOT, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. (b) To OIRA, 725 17th Street NW.,

Washington, DC 20503, attention Desk Officer for the Coast Guard.

(3) *Hand Delivery:* To DMF address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(4) *Fax:* (a) To DMF, 202–493–2251. (b) To OIRA at 202–395–6566. To ensure your comments are received in a timely manner, mark the fax, attention Desk Officer for the Coast Guard.

The DMF maintains the public docket for this Notice. Comments and material received from the public, as well as documents mentioned in this Notice as being available in the docket, will become part of the docket and will be available for inspection or copying at room W12–140 on the West Building Ground Floor, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find the docket on the Internet at *http://www.regulations.gov.*

Copies of the ICRs are available through the docket on the Internet at *http://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–612), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE., STOP 7710, Washington DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Anthony Smith, Office of Information Management, telephone 202–475–3532 or fax 202–372–8405, for questions on these documents. Contact Ms. Cheryl Collins, Program Manager, Docket Operations, 202–366–9826, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This Notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICRs referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, [USCG 2015–0006], and must be received by April 24, 2015. We will post all comments received, without change, to *http://www.regulations.gov.* They will include any personal information you provide. We have an agreement with DOT to use their DMF. Please see the ''Privacy Act'' paragraph below.

Submitting Comments

If you submit a comment, please include the docket number [USCG–2015–0006]; indicate the specific section of the document to which each comment applies, providing a reason for each comment. You may submit your comments and material online (via *http://www.regulations.gov*), by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the DMF. We recommend you include your name, mailing address, an email address, or other contact information in the body of your document so that we can contact you if we have questions regarding your submission.

You may submit comments and material by electronic means, mail, fax, or delivery to the DMF at the address under **ADDRESSES**, but please submit them by only one means. To submit your comment online, go to *http://www.regulations.gov,* and type ''USCG–2015–0006'' in the ''Search'' box. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and will address them accordingly.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this Notice as being available in the docket, go to *http://www.regulations.gov,* click on the ''read comments'' box, which will then become highlighted in blue. In the ''Search'' box insert ''USCG–2015–0006'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. You may also visit the DMF in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

OIRA posts its decisions on ICRs online at *http://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Numbers: 1625–0034.

Privacy Act

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

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (80 FR 6735, February 6, 2015) required by 44 U.S.C. 3506(c)(2). That Notice elicited no comments.

Information Collection Request

1. *Title:* Ships' Stores Certification for Hazardous Materials Aboard Ships.

OMB Control Number: 1625–0034.

Type of Request: Extension of a currently approved collection.

Respondents: Owners and operators of ships, suppliers and manufacturers of hazardous materials used on ships.

Abstract: The information is needed to ensure that personnel aboard ships are made aware of the proper usage and stowage instructions for certain hazardous materials. Provisions are made for waivers of products in special DOT hazard classes.

Forms: None.

Burden Estimate: The estimated burden remains 8 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Dated: March 18, 2015.

Thomas P. Michelli,

U.S. Coast Guard, Chief Information Officer, Acting.

[FR Doc. 2015–06872 Filed 3–24–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5835–N–04]

60-Day Notice of Proposed Information Collection: Single Family Mortgage Insurance on Hawaiian Homelands

AGENCY: Office of the Assistant Secretary for Housing- Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: Comments Due Date: May 26, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Graham B. Mayfield, Office of Home Mortgage Insurance Division, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Single Family Mortgage Insurance on Hawaiian Homelands.

OMB Approval Number: 2502–0358.

Type of Request: Extension.

Form Number: None.

Description of the need for the information and proposed use: FHA insures mortgages on single-family dwellings under provisions of the National Housing Act (12 U.S.C. 1709). The Housing and Urban Rural Recovery Act (HURRA), Public Law 98–181, amended the National Housing Act to add Section 247 (12 U.S.C. 1715z–12) to permit FHA to insure mortgages for properties located on Hawaiian Homelands. Under this program, the mortgagor must be a native Hawaiian. Section 247 requires that that the Department of Hawaiian Homelands (DHHL) of the State of Hawaii (a) will be a co-mortgagor; (b) guarantees or reimburses the Secretary for any mortgage insurance claim paid in connection with a property on Hawaiian homelands; or (c) offers other security acceptable to the Secretary.

In accordance with 24 CFR 203.43i, the collection of information is verification that a loan applicant is a native Hawaiian and that the applicant holds a lease on land in a Hawaiian Homelands area. A borrower must obtain verification of eligibility from DHHL and submit it to the lender. A borrower cannot obtain a loan under these provisions without proof of status as a native Hawaiian. United States citizens living in Hawaii are not eligible for this leasehold program unless they are native Hawaiians. The eligibility document is required to obtain benefits.

In accordance with 24 CFR 203.439(c), lenders must report monthly to HUD and the DHHL on delinquent borrowers and provide documentation to HUD to support that the loss mitigation requirements of 24 CFR 203.604 have been met. To assist the DHHL in identifying delinquent loans, lenders report monthly. A delinquent mortgage that is reported timely would allow DHHL to intervene and prevent foreclosure.

Respondents: Individual or household.

Estimated Number of Respondents: 160.

Estimated Number of Responses: 315.

Frequency of Response: On occasion.

Average Hours per Response: .26.

Total Estimated Burdens: 59.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: March 19, 2015.

Laura M. Marin,

Associate General Deputy Assistant Secretary for Housing-Associate Deputy Federal Housing Commissioner.

[FR Doc. 2015–06865 Filed 3–24–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5835–N–02]

60-Day Notice of Proposed Information Collection: Single Family Premium Collection Subsystem-Periodic (SFPCS)

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* May 26, 2015.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Natalia Yee, Director Single Family Insurance Operations Division, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Natalia Yee at *Natalia.Yee@hud.gov,* telephone 202–402–3506. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from *Mrs. Yee.*

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Single Family Premium Collection Subsystem-Periodic (SFPCS–P).

OMB Approval Number: 2502–0536.

Type of Request: Extension.

Form Number: None.

Description of the need for the information and proposed use: The Single Family Premium Collection Subsystem-Periodic (SFPCS–P) allows the lenders to remit the Periodic Mortgagee Insurance using funds obtained from the mortgagor during the collection of the monthly mortgage payment. The SFPCS–P strengthens HUD's ability to manage and process periodic single-family mortgage insurance premium collections and corrections to submitted data. It also improves date integrity for the Single Family Mortgage Insurance Program. Therefore, the FHA approved lenders use the automated Clearing House (ACH) application for all transmissions with SFPCS–P. The authority for this collection of information is specified in 24 CFR 203.264 AND 24 CFR 203.269. In general, the lenders use the ACH application to remit the periodic premium payments through SFPCS–P for the required FHA insured cases and to comply with the Credit Reform Act.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 1,536.

Estimated Number of Responses: 18,432.

Frequency of Response: 12.

Average Hours per Response: .15.

Total Estimated Burdens: 2,765.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: March 19, 2015.

Laura M. Marin,

Associate General Deputy Assistant Secretary for Housing-Associate Deputy Federal Housing Commissioner.

[FR Doc. 2015–06874 Filed 3–24–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5835–N–03]

60-Day Notice of Proposed Information Collection: Home Equity Conversion Mortgage (HECM) Counseling Standardization and Roster

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice-Renewal of Current HECM Standardization and Roster.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date: May 26, 2015.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: John R. Olmstead, Office of Housing Counseling, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Colette Pollard at *Colette.Pollard@hud.gov* or telephone 202–402–3400. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Home Equity Conversation Mortgage (HECM) Standardization and Roster.

OMB Approval Number: 2502–0586.

Type of Request: Extension.

Form Number: HUD 92904.

Description of the need for the information and proposed use: Extension of currently approved collection to maintain current HUD approved HECM counselor roster in FHA Connection. Counseling is required for all borrowers seeking to obtain an HUD insured Home Equity Conversion Mortgage.

Respondents: Individuals or households.

Estimated Number of Respondents: 205.

Estimated Number of Responses: 605.

Frequency of Response: On occasion.

Average Hours per Response: 1.4.

Total Estimated Burdens: 851.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: March 19, 2015.

Laura M. Marin,

Associate General Deputy Assistant Secretary for Housing-Associate Deputy Federal Housing Commissioner.

[FR Doc. 2015–06870 Filed 3–24–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–BSD–COMM–16657; PPWOBSADC0, PPMVSCS1Y.Y00000]

Proposed Information Collection; National Park Service Concessions

AGENCY: National Park Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (National Park Service, NPS) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act of 1995 and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the general public and other Federal agencies to take this opportunity to comment on this IC. This IC is scheduled to expire on November 30, 2016. We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: To ensure that we are able to consider your comments on this IC, we must receive them by May 26, 2015.

ADDRESSES: Send your comments on the IC to Madonna L. Baucum, Information Collection Clearance Officer, National Park Service, 1849 C Street, NW. (2601), Washington, DC 20240) (mail); or *madonna_baucum@nps.gov* (email). Please include ''1024–0029'' in the subject line of your comments. You can view the currently approved collection at *www.reginfo.gov.*

FOR FURTHER INFORMATION CONTACT: To request additional information about this IC, contact Brian P. Borda, Chief, Commercial Services Program, National Park Service, 1201 I Street NW., Washington, DC 20005 (mail), (202) 513–7156 (phone), or *brian_borda@nps.gov* (email) .

SUPPLEMENTARY INFORMATION:

I. Abstract. Private businesses under contract to the National Park Service manage food, lodging, tours, whitewater rafting, boating, and many other recreational activities and amenities in more than 100 national parks. These services gross more than $1 billion every year and provide jobs for more than 25,000 people during peak season.

The regulations at 36 CFR part 51 primarily implement Title IV of the National Parks Omnibus Management Act of 1998 (Pub. L. 105–391) which provides legislative authority, policies, and requirements for the solicitation, award, and administration of NPS concession contracts. Following are the information collection requirements associated with soliciting, awarding, and administering NPS concessions.

(1) Proposals.

(2) Amendments.

(3) Appeals.

(4) Request to Construct a Capital Improvement.

(5) Construction Report.

(6) Application to Sell or Transfer Concession Operation.

(7) Annual Financial Statements.

(8) Recordkeeping.

The only revision we are proposing to the currently approved collection is the addition of a Schedule R to NPS Form 10–356 and data collection fields to NPS Form 10–356a. Some concessioner contracts have an approved rate add-on to cover a portion of the cost of NPS-provided utilities when those utility costs are in excess of industry norms. Concessioners choose how to account for the approved rate add-on in their annual financial report on forms 10–356 or 10–356A according to best industry accounting practices. However, the currently approved forms do not include any schedules or collection areas that show the amount of revenue collected in excess of approved rates or the cost of utilities provided by the National Park Service to the concessioner. This information is necessary to ensure that visitors are only charged the approved rate add-on amount and to ensure that we have a comprehensive view of the concessioner's financial situation as it relates to the regulations at 36 CFR part 51. The proposed forms will collect the approved add-on amount, the amount collected, and the actual costs of NPS-provided utilities.

II. Data

OMB Control Number: 1024–0029.

Title: National Park Service Concessions, 36 CFR 51.

Service Form Numbers: 10–356, 10–356A.

Type of Request: Revision of a currently approved collection.

Description of Respondents: Individuals, businesses, and nonprofit organizations.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion for proposals, amendments, and appeals; annually for financial reports; and ongoing for recordkeeping.

Activity	Number of respondents	Number of annual responses	Completion time per response (hours)	Total annual burden hours *	Estimated nonhour burden cost
Proposals:					
Large Concessions	30	30	240	7,200	$240,000
Small Concessions	60	60	80	4,800	180,000
Appeal	1	1	1	1	0
Appeal	1	1	.5	1	0
Request to Construct Capital Improvement:					

Activity	Number of respondents	Number of annual responses	Completion time per response (hours)	Total annual burden hours *	Estimated nonhour burden cost
Large Projects	31	31	16	496	0
Small Projects	89	89	8	712	0
Construction Report:					
Large Projects	31	31	56	1,736	0
Small Projects	89	89	24	2,136	0
Application to Sell/Transfer Concession Operation	20	20	80	1,600	5,000
Annual Financial Statements:					
Form 10–356	150	150	16.2	2,430	0
Form 10–356A	350	350	4.2	1,470	0
Recordkeeping:					
Large Concessions	150	150	800	119,925	0
Small Concessions	350	350	50	17,500	0
TOTALS	1,352	1,352		160,007	425,000

* Rounded.

III. Comments

We invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and
- Ways to minimize the burden of the collection of information on respondents.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this IC. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: March 19, 2015.

Madonna L. Baucum,

Information Collection Clearance Officer, National Park Service.

[FR Doc. 2015–06803 Filed 3–24–15; 8:45 am]

BILLING CODE 4310–EH–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NER–GETT–1767: PPMPSPD1Z.YM0000: PPNEGETTS1]

Gettysburg National Military Park Advisory Commission Meeting Schedule for 2015

AGENCY: National Park Service, Interior.

ACTION: Notice of meetings.

SUMMARY: This notice announces a schedule of upcoming meetings for the Gettysburg National Military Park Advisory Commission.

DATES: The meetings are scheduled for April 16, 2015, and September 17, 2015. All scheduled meetings will begin at 7:00 p.m. and will end by 9:00 p.m.

ADDRESSES: All scheduled meetings will be held at the Gettysburg National Military Museum/Visitor Center, 1195 Baltimore Pike, Gettysburg PA 17325, in the Ford Education Center.

FOR FURTHER INFORMATION CONTACT: Jo Sanders, Secretary to the Superintendent, Gettysburg National Military Park, 1195 Baltimore Pike, Suite 100, Gettysburg, PA 17325, by telephone at (717) 338–4403.

SUPPLEMENTARY INFORMATION: The scheduled meetings are open to the public. The meeting agenda consists of an operational update on park activities, including interpretation and education programs, maintenance projects, resource management programs, planning projects, administrative updates, plans for the 2016 Centennial of the National Park Service, other park projects and a citizen's open forum. Any member of the public may file with the Commission a written statement concerning any issues relating to Gettysburg National Military Park.

Before including your address, telephone number, email address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. The statement should be addressed to Gettysburg National Military Park, Attn: Advisory Commission, 1195 Baltimore Pike, Suite 100, Gettysburg, PA 17325.

Dated: March 18, 2015.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2015–06793 Filed 3–24–15; 8:45 am]

BILLING CODE 4310–EE–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–PWRO–KALA–17793; PPPWKALA00] [PPMPSPD1Z.YM0000]

Notice of April 21, 2015, Meeting for Kalaupapa National Historical Park Advisory Commission

AGENCY: National Park Service, Interior.

ACTION: Meeting notice.

SUMMARY: As required by the Federal Advisory Committee Act (5 U.S.C. Appendix 1–16), the National Park Service is giving notice of the April 21, 2015, meeting of the Kalaupapa National Historical Park Advisory Commission.

DATES: The public meeting of the Kalaupapa National Historical Park Advisory Commission will be held on Tuesday, April 21, 2015, at 9:45 a.m. (HAWAII STANDARD TIME).

ADDRESSES: The meeting will be held at Paschoal Hall, Kalaupapa National

Historical Park, Kalaupapa, Hawaii 96742.

Agenda: The Commission meeting will consist of the following:

1. Approval of Agenda
2. Approval of February 1, 2013, Minutes
3. Superintendent's Report
4. Draft General Management Plan and Environmental Impact Statement Presentation
5. Memorial Update
6. Public Comments

FOR FURTHER INFORMATION CONTACT: Further information concerning this meeting may be obtained from the Designated Federal Official Rosa Key, Acting Superintendent, Kalaupapa National Historical Park, P.O. Box 2222, Kalaupapa, Hawaii 96742, telephone (808) 567–6802, ext. 1100.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the Acting Superintendent at least seven days prior to the meeting. Before including your address, telephone 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 may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: March 18, 2015.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2015–06792 Filed 3–24–15; 8:45 am]

BILLING CODE 4310–EE–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[156A2100DD.AADD001000.A0E501010 .999900]

Indian Education Study Group

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Tribal consultation meetings.

SUMMARY: The Bureau of Indian Education (BIE) will be conducting consultation meetings to obtain oral and written comments on the restructuring of the BIE. The consultation meetings are a continuation of tribal consultations conducted by the Department of the Interior and the Department of Education in 2014.

DATES: See the **SUPPLEMENTARY INFORMATION** section of this document for dates of tribal consultation sessions. We will consider all comments received by May 15, 2015, 5 p.m., Eastern Daylight Time.

ADDRESSES: See the **SUPPLEMENTARY INFORMATION** section of this document for the locations of these tribal consultation sessions. Submit comments by mail or hand-deliver written comments to: Jacquelyn Cheek, Special Assistant to the Director, Bureau of Indian Education, 1849 C Street NW., Mailstop 4657–MIB, Washington, DC 20240; facsimile: (202) 208–3112; or email to: *IAEDTC-CMTS@bia.gov.*

FOR FURTHER INFORMATION CONTACT: Jacquelyn Cheek, Special Assistant to the Director, Bureau of Indian Education, telephone: (202) 208–6983.

SUPPLEMENTARY INFORMATION: Tribal consultation sessions on the BIE Restructuring will be held on the following dates and at the following locations:

Date	Time	Location
Wednesday, April 22	8:00 a.m.–5:00 p.m. (Central Time).	Ramkota Inn, 2111 N. Lacrosse Street, Rapid City, SD.
Friday, April 24	8:00 a.m.–5:00 p.m. (Eastern Time).	United South and Eastern Tribes Headquarters, 711 Stewarts Ferry Pike, Nashville, TN.
Monday, April 27	8:00 a.m.–5:00 p.m. (Mountain Time).	Navajo Department of Transportation, #16 Old Coalmine Road, Window Rock, AZ.
Wednesday, April 29	8:00 a.m.–5:00 p.m. (Mountain Time)	Webinar: Go to *https://dcma100.webex.com/dcma100/k2/j.php?MTID=t3ece866d3bf09b04cc1ecd2b63ba7b27.* Call-in number: 1–877–937–9783. Participant Code: 4504177.

Consultation information for this set of consultations will be available on the BIE Web site at *http://bie.edu/cs/groups/webteam/documents/document/idc1-029478.pdf.*

As required by 25 U.S.C. 2011(b), the purpose of consultation is to provide Indian tribes, school boards, parents, Indian organizations and other interested parties with an opportunity to comment on the implementation plan developed following the submittal of the American Indian Study Group's Blueprint for Reform and the Secretarial Order 3334. The consultation will cover issues raised during the previous consultation meetings and are being considered by the BIE on Indian education programs.

Dated: March 19, 2015.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2015–06814 Filed 3–20–15; 4:15 pm]

BILLING CODE 4310–6W–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2014–N046; FXES11120400000–156–FF04EF2000]

Endangered and Threatened Wildlife and Plants; Receipt of Application for Incidental Take Permit Transfer and Renewal; Availability of Low-Effect Habitat Conservation Plan and Associated Documents; Polk County, FL

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comment/information.

SUMMARY: We, the Fish and Wildlife Service (Service), announce the availability of an incidental take permit

(ITP) transfer and renewal application and a Habitat Conservation Plan (HCP). Solterra Resort Community Development District (CDD) and AK Oakmont LLC (co-applicants) request transfer and renewal of ITP TE098035–1 under the Endangered Species Act of 1973, as amended (Act). The co-applicants anticipate taking about 18.59 acres of feeding, breeding, and sheltering habitat used by the sand skink (*Neoseps reynoldsi*) and blue-tailed mole skink (*Eumeces egregius lividus*) (skinks) incidental to land preparation and construction in Polk County, Florida. The applicants' HCP describes proposed minimization measures and mitigation measures to address the effects of development on the covered species.

DATES: We must receive your written comments on the ITP application and HCP on or before April 24, 2015.

ADDRESSES: See the **SUPPLEMENTARY INFORMATION** section for information on how to submit your comments on the ITP application and HCP. You may obtain a copy of the ITP application and HCP by writing the South Florida Ecological Services Office, Attn: Permit number TE098035–1, U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, FL 32960–3559. In addition, we will make the ITP application and HCP available for public inspection by appointment during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Al Begazo, South Florida Ecological Services Office (see **ADDRESSES**); telephone: 772–469–4234.

SUPPLEMENTARY INFORMATION:

Submitting Comments

If you wish to comment on the ITP application or HCP, you may submit comments by any one of the following methods:

Email: alfredo_begazo@fws.gov. Use ''Attn: Permit number TE098035–1'' as your message subject line.

Fax: Al Begazo, 772–469–4234, Attn.: Permit number ''TE098035–1.''

U.S. mail: Al Begazo, South Florida Ecological Services Field Office, Attn: Permit number ''TE098035–1,'' U.S. Fish and Wildlife Service, 1339 20th Street, Vero Beach, FL 32960–3559.

In-person drop-off: You may drop off comments or request information during regular business hours at the above office address.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can request in your comments that your personal identifying information be withheld from public review, we cannot guarantee that we will be able to do so.

Applicants' Proposed Project

We received an application from the co-applicants for an incidental take permit, along with a proposed habitat conservation plan. The co-applicants request a transfer and 15-year renewal of an ITP under section 10(a)(1)(B) of the Act (16 U.S.C. 1531 *et seq.*). If we approve the application, the co-applicants anticipate taking a total of approximately 18.59 acres of skink breeding, feeding, and sheltering habitat, incidental to land preparation and construction in Sections 9, 10, and 15, Township 26 South, Range 23 East, Polk County, Florida. The co-applicants currently have a specific site plan that includes the construction of one or more residences, buildings, roads, green areas, structures, and parking areas, and installation of associated utilities. The co-applicants propose to transfer and renew this project without changes, and have complied with all the mitigation requirements set forth in the initial review and permitting of the project.

The co-applicants propose to minimize impacts to skinks by preserving a total of 71.14 acres of suitable skink habitat on site. The preservation parcel has been put under a conservation easement granted to Polk County and will be managed in perpetuity. The Service listed the sand skink and the blue-tailed mole skink as threatened in 1987 (November 6, 1987; 52 FR 42658, effective December 7, 1987).

Our Preliminary Determination

The Service has made a preliminary determination that the co-applicants' project, including the mitigation measures, will individually and cumulatively have a minor or negligible effect on the species covered in the HCP. Therefore, issuance of the ITP is a ''low-effect'' action and qualifies as a categorical exclusion under the National Environmental Policy Act (NEPA) (40 CFR 1506.6), as provided by the Department of the Interior Manual (516 DM 2 Appendix 1 and 516 DM 6 Appendix 1). We base our preliminary determination that issuance of the ITP qualifies as a low-effect action on the following three criteria: (1) Implementation of the project would result in minor or negligible effects on federally listed, proposed, and candidate species and their habitats; (2) Implementation of the project would result in minor or negligible effects on other environmental values or resources; and (3) Impacts of the project, considered together with the impacts of other past, present, and reasonably foreseeable similarly situated projects, would not result, over time, in cumulative effects to environmental values or resources that would be considered significant. This preliminary determination may be revised based on our review of public comments that we receive in response to this notice.

Next Steps

The Service will evaluate the HCP and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Act. The Service will also evaluate whether issuance of the section 10(a)(1)(B) ITP complies with section 7 of the Act by conducting an intra-Service section 7 consultation. The results of this consultation, in combination with the above findings, will be used in the final analysis to determine whether or not to transfer and renew the ITP. If it is determined that the requirements of the Act are met, the ITP will be transferred and renewed.

Authority: We provide this notice under Section 10 of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and NEPA regulations (40 CFR 1506.6).

Robert (Bob) Progulske,

Everglades Program Supervisor, South Florida Ecological Services Office.

[FR Doc. 2015–06787 Filed 3–24–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

[GX15GC009PLSG00]

Agency Information Collection Activity; National Cooperative Geologic Mapping Program (EDMAP and STATEMAP)

AGENCY: United States Geological Survey (USGS), Interior.

ACTION: Notice of a revision of a currently approved collection (1028–0088).

SUMMARY: We (the U.S. Geological Survey) will ask the Office of Management and Budget (OMB) to approve the information collection (IC) described below. As required by the Paperwork Reduction Act (PRA) of 1995, and as part of our continuing efforts to reduce paperwork and respondent burden, we invite the

general public and other Federal agencies to take this opportunity to comment on this IC. This collection is scheduled to expire on October 31, 2015.

DATES: To ensure that your comments are considered, we must receive them on or before May 26, 2015.

ADDRESSES: You may submit comments on this information collection to the Information Collection Clearance Officer, U.S. Geological Survey, 12201 Sunrise Valley Drive MS 807, Reston, VA 20192 (mail); (703) 648–7197 (fax); or *gs-info_collections@usgs.gov* (email). Please reference 'Information Collection 1028–0088, National Cooperative Geologic Mapping Program (NCGMP—EDMAP and STATEMAP)' in all correspondence.

FOR FURTHER INFORMATION CONTACT: Douglas A. Howard, Associate Program Coordinator NCGMP (STATEMAP and EDMAP), USGS Geological Survey, 12201 Sunrise Valley Drive, MS 908, 20192 (mail); at 703–648–6978 (telephone); or *dahoward@usgs.gov* (email).

SUPPLEMENTARY INFORMATION:

I. Abstract

EDMAP is the educational component of the NCGMP that is intended to train the next generation of geologic mappers. The primary objective of the STATEMAP component of the NCGMP is to establish the geologic framework of areas that are vital to the welfare of individual States.

The NCGMP EDMAP program allocates funds to colleges and universities in the United States and Puerto Rico through an annual competitive cooperative agreement process. Every federal dollar that is awarded is matched with university funds. Geology professors, who are skilled in geologic mapping, request EDMAP funding to support undergraduate and graduate students at their college or university in a one-year mentored geologic mapping project that focuses on a specific geographic area. Only State Geological Surveys are eligible to apply to the STATEMAP component of the National Cooperative Geologic Mapping Program pursuant to the National Geologic Mapping Act (Pub. L. 106–148). Since many State Geological Surveys are organized under a State university system, such universities may submit a proposal on behalf of the State Geological Survey.

Each fall, the program announcements are posted to the Grants.gov Web site and respondents are required to submit applications (comprising of Standard Form 424, 424A, 424B, Proposal Summary Sheet, the Proposal, and Budget Sheets. Additionally, EDMAP proposal must include a Negotiated Rate Agreement, and a Support letter from a State Geologist or USGS Project Chief).

Since 1996, more than $5 million from the NCGMP has supported geologic mapping efforts of more than 1,000 students working with more than 244 professors at 148 universities in 44 states, the District of Columbia, and Puerto Rico. Funds for graduate projects are limited to $17,500 and undergraduate project funds limited to $10,000. These funds are used to cover field expenses and student salaries, but not faculty salaries or tuition. The authority for both programs is listed in the National Geologic Mapping Act (Pub. L. 106–148).

We will protect information from respondents considered proprietary under the Freedom of Information Act (5 U.S.C. 552) and its implementing regulations (43 CFR part 2), and under regulations at 30 CFR 250.197, ''Data and information to be made available to the public or for limited inspection.'' Responses are voluntary. No questions of a ''sensitive'' nature are asked.

II. Data

OMB Control Number: 1028–0088.

Form Number: NA.

Title: National Cooperative Geologic Mapping Program (NCGMP–EDMAP and STATEMAP).

Type of Request: Renewal without change.

Affected Public: University or College faculty and State Geological Surveys.

Respondent's Obligation: None. Participation is voluntary, though necessary to receive funding.

Frequency of Collections: Annually.

Estimated Total Number of Annual Responses: Approximately 50 University or College faculty and approximately 45 State Geological Survey responses.

Estimated Time per Response: 36 hours.

Estimated Annual Burden Hours: 5,220 hours total. We expect to receive approximately 50 applications for EDMAP and 45 applications for STATEMAP each year which takes each applicant approximately 36 hours to complete, totaling 3,420 hours. This includes the time for project conception and development, proposal writing and reviewing, and submitting a project narrative through Grants.gov. We expect to issue 45 EDMAP and 45 STATEMAP grants per year. The grant recipients are also required to submit a final technical report which takes each grant recipient approximately 20 hours to complete, totaling 1,800 hours.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden: There are no ''non-hour cost'' burdens associated with this IC.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number and current expiration date.

III. Request for Comments

We are soliciting comments as to: (a) Whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, usefulness, and clarity of the information to be collected; and (d) how to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Please note that the comments submitted in response to this notice are a matter of public record. Before including your personal mailing address, phone number, email address, or other personal identifiable information in your comment, you should be aware that your entire comment including your personal identifiable information, may be made publically available at any time. While you can ask us in your comment to withhold your personally identifiable information from public view, we cannot guarantee that we will be able to do so.

Douglas A. Howard,

Associate Program Coordinator, National Cooperative Geologic Mapping Program.

[FR Doc. 2015–06822 Filed 3–24–15; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–17820; PPWOCRADN0–PCU00RP14.R50000]

Native American Graves Protection and Repatriation Review Committee: Meeting

AGENCY: National Park Service, Interior.

ACTION: Meeting Notice.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Committee Act, (5 U.S.C. Appendix 1–16), of a meeting of the Native American

Graves Protection and Repatriation Review Committee (Review Committee). The Review Committee will meet on April 13, 2015, from 2 p.m. until approximately 5 p.m. (Eastern) via teleconference. All meetings will be open to the public.

DATES: The Review Committee will meet on April 13, 2015, from 2 p.m. to 5 p.m. Register before April 10, 2015, to be provided the telephone access number for the meeting.

ADDRESSES: A registration link can be found at *http://www.nps.gov/nagpra*.

FOR FURTHER INFORMATION CONTACT: Melanie O'Brien, Designated Federal Officer, Native American Graves Protection and Repatriation Review Committee, National NAGPRA Program (2253), National Park Service, 1849 C Street NW., Washington, DC 20240, or via email *nagpra_dfo@nps.gov*.

SUPPLEMENTARY INFORMATION: The Review Committee was established in section 8 of the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), 25 U.S.C. 3006. The Review Committee will meet via teleconference on April 13, 2015, for the sole purpose of finalizing the Review Committee's Dispute Procedures. This meeting will be open to the public. Those who desire to attend the meeting should register through a link found at *http://www.nps.gov/nagpra*, before April 10, 2015, to be provided the telephone access number for the meeting. A transcript and minutes of the meeting will also appear on the Web site.

General Information

Information about NAGPRA, the Review Committee, and Review Committee meetings is available on the National NAGPRA Program Web site at *http://www.nps.gov/nagpra*. For the Review Committee's meeting procedures, click on ''Review Committee,'' then click on ''Procedures.'' Meeting minutes may be accessed by going to the Web site, then clicking on ''Review Committee,'' and then clicking on ''Meeting Minutes.'' Approximately fourteen weeks after each Review Committee meeting, the meeting transcript is posted on the National NAGPRA Program Web site.

Review Committee members are appointed by the Secretary of the Interior. The Review Committee is responsible for monitoring the NAGPRA inventory and identification process; reviewing and making findings related to the identity or cultural affiliation of cultural items, or the return of such items; facilitating the resolution of disputes; compiling an inventory of culturally unidentifiable human remains that are in the possession or control of each Federal agency and museum, and recommending specific actions for developing a process for disposition of such human remains; consulting with Indian tribes and Native Hawaiian organizations and museums on matters affecting such tribes or organizations lying within the scope of work of the Review Committee; consulting with the Secretary of the Interior on the development of regulations to carry out NAGPRA; and making recommendations regarding future care of repatriated cultural items. The Review Committee's work is carried out during the course of meetings that are open to the public.

Before including your address, telephone 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 may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: March 18, 2015.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2015–06798 Filed 3–24–15; 8:45 am]

BILLING CODE 4310–EE–P

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Waste Management, Inc. and Deffenbaugh Disposal, Inc.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement have been filed with the United States District Court for the District of Columbia in *United States of America* v. *Waste Management, Inc. and Deffenbaugh Disposal, Inc.,* Civil Action No. 1:15–cv–00366. On March 13, 2015, the United States filed a Complaint alleging that Waste Management, Inc.'s proposed acquisition of Deffenbaugh Disposal, Inc. would violate Section 7 of the Clayton Act, 15 U.S.C. 18. The proposed Final Judgment, filed the same time as the Complaint, requires Waste Management, Inc. to divest small container commercial waste collection routes it acquired from Deffenbaugh Disposal, Inc. as follows: Five specified routes in Springdale, Arkansas; two specified routes in the Van Buren/Fort Smith, Arkansas area; and four specified routes in Topeka, Kansas. Waste Management must also adhere to other requirements.

Copies of the Complaint, Stipulation, proposed Final Judgment and Competitive Impact Statement are available for inspection at the Department of Justice, Antitrust Division, Antitrust Documents Group, 450 Fifth Street NW., Suite 1010, Washington, DC 20530 (telephone: 202–514–2481), on the Department of Justice's Web site at *http://www.usdoj.gov/atr,* and at the Office of the Clerk of the United States District Court for the District of Columbia. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Public comment is invited within 60 days of the date of this notice. Such comments, including the name of the submitter, and responses thereto, will be posted on the Department of Justice, Antitrust Division's internet Web site, filed with the Court and, under certain circumstances, published in the **Federal Register**. Comments should be directed to James J. Tierney, Chief, Networks and Technology Enforcement Section, Antitrust Division, Department of Justice, 450 Fifth Street NW., Washington, DC 20530, (telephone: 202–307–6200).

Patricia A. Brink,

Director of Civil Enforcement.

United States District Court for the District of Columbia United States of America, Plaintiff, v. Waste Management, Inc. and Deffenbaugh Disposal, Inc., Defendants.

Civil Action No.: 1:15–cv–00366
Description: Antitrust
Date Stamp: 3/13/2015

Complaint

The United States of America, acting under the direction of the Attorney General of the United States, brings this civil action to enjoin the proposed acquisition by Defendant Waste Management, Inc. (''WMI'') of Defendant Deffenbaugh Disposal, Inc. (''DDI''). The United States alleges as follows:

I. Introduction

1. Pursuant to the Agreement and Plan of Merger dated September 17, 2014, WMI proposes to acquire all of the outstanding securities of DDI. WMI and DDI compete to provide small container commercial waste collection service in certain geographic areas in the United

States. They are two of only a few significant providers of small container commercial waste collection service in and around Springdale, Arkansas; Van Buren/Fort Smith, Arkansas; and Topeka, Kansas.

2. WMI and DDI have competed aggressively against one another for customers in these three areas, which has resulted in lower prices for small container commercial waste collection service. Unless the transaction is enjoined, consumers of small container commercial waste collection services in these areas likely will pay higher prices and receive lower quality service as a consequence of eliminating the vigorous competition between WMI and DDI. Accordingly, WMI's acquisition of DDI likely would substantially lessen competition in the provision of small container commercial waste collection service in and around Springdale, Arkansas, Van Buren/Fort Smith, Arkansas, and Topeka, Kansas, in violation of Section 7 of the Clayton Act, 15 U.S.C. 18.

II. Jurisdiction, Venue, and Interstate Commerce

3. This action is filed by the United States under Section 15 of the Clayton Act, 15 U.S.C. 25, as amended, to prevent and restrain the violation by Defendants of Section 7 of the Clayton Act, 15, U.S.C. 18.

4. The Court has subject matter jurisdiction over this action pursuant to Section 15 of the Clayton Act, 15 U.S.C. 25, and 28 U.S.C. 1331, 1337(a), and 1345. In their small container commercial waste collection businesses, WMI and DDI makes sales and purchases in interstate commerce, ship waste in the flow of interstate commerce, and engage in activities substantially affecting interstate commerce.

5. Defendant WMI transacts business in the District of Columbia, and WMI and DDI have consented to venue and personal jurisdiction in the District of Columbia. Venue is therefore proper in this District under Section 12 of the Clayton Act, 15, U.S.C. 22, and 28 U.S.C. 1391(c).

III. The Defendants and the Transaction

6. WMI is a Delaware corporation headquartered in Houston, Texas. WMI is the largest waste hauling and disposal company in the United States providing collection, transfer, recycling, and disposal services throughout the nation. For fiscal year 2014, WMI reported revenues of approximately $14 billion.

7. DDI is a Delaware corporation headquartered in Kansas City, Kansas. DDI provides waste collection, transfer, recycling and disposal services in Kansas, Missouri, Arkansas, Nebraska, and Iowa. DDI's revenues for 2013 were approximately $180 million.

8. On September 17, 2014, WMI and DDI entered into an Agreement and Plan of Merger by which WMI proposes to acquire all of the outstanding securities of DDI for approximately $405 million.

IV. Trade and Commerce

A. Relevant Service Market: Small Container Commercial Waste Collection

9. Waste collection firms, also referred to as ''haulers,'' collect municipal solid waste (''MSW'') from residential, commercial, and industrial establishments and transport the waste to a disposal site, such as a transfer station, landfill, or incinerator, for processing and disposal. Commercial customers typically contract directly with private waste collection firms, such as WMI and DDI, for the collection of MWS generated by their businesses. MSW generated by residential customers, on the other hand, often is collected either by local governments or by private waste collection firms pursuant to contracts, or franchises granted by, municipal authorities.

10. Small container commercial waste collection service is the business of collecting MSW from commercial and industrial accounts, usually in dumpsters (*i.e.,* a small container with one to ten cubic yards of storage capacity), and transporting such waste to a disposal site by use of a front- or rear-end load truck. Typical small container commercial waste collection customers include office and apartment buildings and retail establishments (*e.g.,* stores and restaurants). Small container commercial waste collection does not include other types of waste collection services, such as residential collection service or the collection of roll-off containers.

11. Small container commercial waste collection service differs in many important respects from residential waste collection or other types of collection services. An individual commercial customer typically generates substantially more MSW than a residential customer. To handle this high volume of MSW efficiently, commercial customers are provided with small containers, also called dumpsters, for storing the waste. Commercial accounts are organized into routes, and the MSW generated by these accounts is collected and transported in front-end load (''FEL'') trucks uniquely well-suited for commercial waste collection. Less frequently, haulers may use more maneuverable, but less efficient, rear-end load (''REL'') trucks, especially in those areas in which a collection route includes narrow alleyways or streets which are difficult to navigate with FEL trucks. Because FEL trucks are unable to navigate narrow passageways easily they cannot efficiently collect the waste located in them.

12. On a typical small container commercial waste collection route, an operator drives a FEL truck to the customer's container, engages a mechanism that grasps and lifts the container over the front of the truck, and empties the container into the truck's storage section where the waste is compacted and stored. The operator continues along the route, collecting MSW from each of the commercial accounts, until the vehicle is full. The operator then drives the truck to a disposal facility, such as a transfer station, landfill or incinerator, and empties the content of the truck. Depending on the number of locations and the amount of waste collected on that route, the operator may make one or more trips to the disposal facility during the servicing of the route.

13. In contrast to a small container commercial waste collection route, a residential waste collection route is significantly more labor-intensive. The customer's MSW is stored in much smaller containers (*e.g.,* garbage bags or trash cans) and, instead of FEL trucks, waste collection firms routinely use REL trucks or side-load trucks manned by larger crews (usually, two- or three-person teams). On residential routes, crews generally hand-load the customer's MSW, typically by tossing garbage bags and emptying trash cans into the vehicle's storage section. Because of the differences in the collection processes, residential customers and commercial customers usually are organized into separate routes.

14. Other types of collection activities, such as the use of roll-off containers (typically used for construction debris) and the collection of liquid or hazardous waste, also are rarely combined with small container commercial waste collection. This is due to differences in the hauling equipment required, the volume of waste collected, health and safety concerns, government regulations, and the ultimate disposal option used.

15. The differences in the types and volume of MSW collected and in the equipment used in collection services distinguish small container commercial waste collection from all other types of waste collection activities. Absent competition from other small container

commercial waste collection firms, a small container commercial waste collection service provider profitably could increase its charges without losing significant sales or revenues to firms engaged in the provision of other types of waste collection services. Thus, small container commercial waste collection is a line of commerce, or relevant service, for purposes of analyzing the effects of the acquisition under Section 7 of the Clayton Act, 15 U.S.C. 18.

B. Relevant Geographic Markets

16. Small container commercial waste collection service is generally provided in highly localized areas because a firm must have sufficient density (*i.e.,* a large number of commercial accounts that are reasonably close together) in its small container commercial waste collection operations to operate efficiently and profitably. If a hauler has to drive significant distances between customers, it earns less money for the time the truck is operating.

17. Accounts must also be near an operator's base of operations. Firms with operations concentrated in a distant area cannot effectively compete against firms whose routes and customers are locally based. It is economically impractical for a small container commercial waste collection firm to service areas from a distant base, which requires that the FEL truck travel long distances just to arrive at its route. Local waste collection firms have significant cost advantages over other more-distant firms, and can profitably increase their charges to local customers without losing significant sales to firms outside the area. Waste collection firms, therefore, generally operate from garages and related facilities within each of the local areas they serve.

18. In each of the following areas a small container commercial waste collection firm could profitably increase prices to local customers without losing significant sales to more distant competitors: Springdale, Arkansas Area; Van Buren/Fort Smith, Arkansas Area; and Topeka, Kansas Area. Accordingly, each of these areas is a section of the country, or relevant geographic market, for the purposes of analyzing the competitive effects of the acquisition under Section 7 of the Clayton Act, 15 U.S.C. 18.

C. Anticompetitive Effects of the Proposed Acquisition

19. Defendants WMI and DDI directly compete in small container commercial waste collection service in each of the relevant geographic markets defined in paragraph 18. The acquisition of DDI by WMI would remove a significant competitor in small container commercial waste collection in these already highly concentrated and difficult-to-enter markets.

20. In the Springdale, Arkansas Area, the market for small container commercial waste collection services is highly concentrated and would become substantially more concentrated as a result of the proposed transaction. By the parties own estimates, WMI has approximately 48% of the market and DDI has approximately 18% of the market. The remaining 36% is split between only two other competitors. Thus, in the Springdale, Arkansas Area, the proposed acquisition would reduce from four to three the number of competitors in the collection of small container commercial waste.

21. In the Van Buren/Fort Smith, Arkansas Area, the market for small container commercial waste collection services is highly concentrated and would become substantially more concentrated as a result of the proposed transaction. By the defendants' own estimates, WMI has approximately 33% of the market and DDI has approximately 33% of the market. The remaining 34% belongs to a third competitor. Thus, in the Van Buren/Fort Smith, Arkansas Area, the proposed acquisition would reduce from three to two the number of competitors in the collection of small container commercial waste.

22. In addition, in both the Springdale, Arkansas Area and the Van Buren/Fort Smith, Arkansas Area, DDI is often the low-price leader, and customers in these areas frequently switch between the existing competitors in order to take advantage of lower prices. In both of these areas, WMI and DDI are also among the few small container commercial waste firms that can reliably service larger accounts.

23. In the Topeka, Kansas Area, the market for small container commercial waste collection services is highly concentrated and would become substantially more concentrated as a result of the proposed transaction. By the defendants' own estimates, WMI has approximately 35% of the market and DDI has approximately 32% of the market. The remaining 33% belongs to a third competitor. Thus, in the Topeka, Kansas Area, the proposed acquisition would reduce from three to two the number of competitors in the collection of small container commercial waste. And for many of the larger small container commercial waste customers in the Topeka, Kansas Area, WMI and DDI are currently the only two options. These customers would be left with only one option as a result of the acquisition.

24. In each of these markets, the resulting significant increase in concentration, loss of competition, and absence of any reasonable prospect of significant new entry likely will result in higher prices and lower quality service for the collection of small container commercial waste.

D. Entry Into Small Container Commercial Waste Collection

25. Significant new entry into small container commercial waste collection is difficult and time-consuming, including in the Springdale, Arkansas Area; the Van Buren/Fort Smith, Arkansas Area; and the Topeka, Kansas Area.

26. In order to obtain a comparable operating efficiency, a new firm must achieve route densities similar to those of firms already competing in the market. However, the incumbent's ability to engage in price discrimination and to enter into long-term contracts with collection customers is often effective in preventing new entrants from winning a large enough base of customers to achieve efficient routes in sufficient time to constrain the post-acquisition firm from significantly raising prices.

27. Incumbent firms also frequently use three- to five-year contracts, which may automatically renew or contain large liquidated damages provisions for contract termination. Such contracts make it more difficult for a customer to switch to a new firm in order to obtain lower prices for its collection service.

28. By making it more difficult for new firms to obtain customers, these practices increase the cost and time required by an entrant to form an efficient route, reducing the likelihood that an entrant ultimately will be successful.

V. Violations Alleged

29. The proposed acquisition likely would lessen competition substantially for small container commercial waste collection services in the Springdale, Arkansas Area; the Van Buren/Fort Smith, Arkansas Area; and the Topeka, Kansas Area, in violation of Section 7 of the Clayton Act, 15 U.S.C. 18.

30. Unless enjoined, the proposed acquisition likely would have the following anticompetitive effects relating to small container commercial waste collection services in the Springdale, Arkansas Area; the Van Buren/Fort Smith, Arkansas Area; and the Topeka, Kansas Area, among others:

(a) Actual and potential competition between WMI and DDI would be eliminated;

(b) competition generally would be substantially lessened; and

(c) prices would increase and the quality of service would decrease.

VI. Requested Relief

31. Plaintiff requests that this Court:

(a) adjudge and decree that WMI's acquisition of DDI would be unlawful and violate Section 7 of the Clayton Act, 15 U.S.C. 18;

(b) permanently enjoin and restrain defendants and all persons acting on their behalf from consummating the proposed acquisition of DDI by WMI, or from entering into or carrying out any other contract, agreement, plan or understanding, the effect of which would be to combine WMI with DDI;

(c) award the United States the cost for this action; and

(d) award the United States such other and further relief as the Court deems just and proper.

FOR PLAINTIFF UNITED STATES OF AMERICA:

_____/s/_____
WILLIAM J. BAER (DC BAR #324723),
Assistant Attorney General for Antitrust.

_____/s/_____
RENATA B. HESSE (DC BAR #466107),
Deputy Assistant Attorney General.

_____/s/_____
PATRICIA A. BRINK,
Director of Civil Enforcement.

_____/s/_____
JAMES J. TIERNEY (DC Bar # 434610),
Chief, NETWORKS AND TECHNOLOGY SECTION.

_____/s/_____
AARON D. HOAG Dated: March 13, 2015,
Assistant Chief, NETWORKS AND TECHNOLOGY SECTION.

_____/s/_____
IAN D. HOFFMAN
DANIELLE G. HAUCK
ANURAG MAHESHWARY (DC BAR #490535)
Dated: March 13, 2015.

United States District Court for the District of Columbia

United States of America,
Plaintiff,
v.
Waste Management, Inc.
and
Deffenbaugh Disposal, Inc.,
Defendants.

Civil Action No.: 1:15-cv-00366
Description: Antitrust
Date Stamp: 3/13/2015

Competitive Impact Statement

Plaintiff United States of America (''United States''), pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (''APPA'' or ''Tunney Act''), 15 U.S.C. § 16(b)-(h), files this Competitive Impact Statement relating to the Final Judgment submitted for entry in this civil antitrust proceeding.

I. Nature and Purpose of the Proceeding

Pursuant to an Agreement and Plan of Merger dated September 17, 2014, Waste Management, Inc. (''WMI'') proposes to acquire all of the outstanding shares of common stock of Deffenbaugh Disposal, Inc. (''DDI'') in a transaction valued at approximately $405 million.

The United States filed a civil antitrust Complaint on March 13, 2015, seeking to enjoin the proposed acquisition. The Complaint alleges that the proposed acquisition likely would substantially lessen competition for small container commercial waste collection service in the area of Topeka, Kansas, and in two areas in Northwestern Arkansas—Van Buren/Fort Smith, and Springdale—in violation of Section 7 of the Clayton Act. This loss of competition would result in consumers paying higher prices and receiving inferior services for small container commercial waste collection service in those areas.

At the same time the Complaint was filed, the United States also filed a Hold Separate Stipulation and Order and proposed Final Judgment, which are designed to eliminate the anticompetitive effects of the acquisition. Under the proposed Final Judgment, which is explained more fully below, defendants are required to divest specified small container commercial waste collection assets. Under the terms of the Hold Separate Stipulation and Order, WMI and DDI are required to take certain steps to ensure that the assets to be divested will be preserved and held separate from other assets and businesses.

The United States and the defendants have stipulated that the proposed Final Judgment may be entered after compliance with the APPA. Entry of the proposed Final Judgment would terminate this action, except that the Court would retain jurisdiction to construe, modify, or enforce the provisions of the Final Judgment and to punish violations thereof.

II. Description of the Events Giving Rise to the Alleged Violations

A. The Defendants

WMI is a Delaware corporation with its headquarters in Houston, Texas. WMI provides collection, transfer, recycling, and disposal services throughout the United States. In 2014, WMI had estimated total revenue of $14 billion.

DDI is a Delaware corporation, with its headquarters in Kansas City, Kansas. DDI offers collection, transfer, recycling, and disposal services in Kansas, Missouri, Arkansas, Nebraska, and Iowa. In 2013 DDI had estimated total revenue of approximately $180 million.

B. The Competitive Effects of the Transaction on Small Container Commercial Waste Collection in Topeka, Kansas, and Van Buren/Fort Smith and Springdale, Arkansas

Municipal solid waste (''MSW) is solid, putrescible waste generated by households and commercial establishments. Waste collection firms, or haulers, contract to collect MSW from residential and commercial customers and transport the waste to private and public MSW disposal facilities (*e.g.,* transfer stations and landfills), which, for a fee, process and legally dispose of the waste. Small container commercial waste collection is one component of MSW collection, which also includes residential and other waste collection. WMI and DDI compete in the collection of small container commercial waste.

Small container commercial waste collection service is the collection of MSW from commercial businesses (*e.g.,* office and apartment buildings) and retail establishments (*e.g.,* stores and restaurants) for shipment to, and disposal at, an approved disposal facility. Because of the type and volume of waste generated by commercial accounts and the frequency of service required, haulers organize commercial accounts into routes, and generally use specialized equipment to store, collect, and transport MSW from these accounts to approved MSW disposal sites. This equipment (*e.g.,* one to ten-cubic-yard containers for MSW storage, and front-end load vehicles commonly used for collection and transportation of MSW) is uniquely well-suited for providing small container commercial waste collection service. Providers of other types of waste collection services (*e.g.,* residential and roll-off services) are not good substitutes for small container commercial waste collection firms. In these types of waste collection efforts, firms use different waste storage equipment (*e.g.,* garbage cans or semi-

stationary roll-off containers) and different vehicles (*e.g.,* rear-load, side-load, or roll-off trucks), which, for a variety of reasons, cannot be conveniently or efficiently used to store, collect, or transport MSW generated by commercial accounts and, hence, are rarely used on small container commercial waste collection routes. In the event of a small but significant increase in price for small container commercial waste collection services, customers would not switch to any other alternative. Thus, the Complaint alleges that the provision of small container commercial waste collection services constitutes a line of commerce, or relevant service, for purposes of analyzing the effects of the transaction.

The Complaint alleges that the provision of small container commercial waste collection service takes place in compact, highly-localized geographic markets. It is expensive to transport MSW long distances between collection customers or to disposal sites. To minimize transportation costs and maximize the scale, density, and efficiency of their MSW collection operations, small container commercial waste collection firms concentrate their customers and collection routes in small areas. Firms with operations concentrated in a distant area cannot effectively compete against firms whose routes and customers are locally based. Distance may significantly limit a remote firm's ability to provide commercial waste collection service as frequently or conveniently as that offered by local firms with nearby routes. Also, local small container commercial waste firms have significant cost advantages over other firms, and can profitably increase their charges to local small container commercial waste collection customers without losing significant sales to firms outside the area.

Applying this analysis, the Complaint alleges that in the Topeka, Kansas Area, the Van Buren/Fort Smith, Arkansas Area, and the Springdale, Arkansas Area, a local small container commercial waste collection monopolist could profitably increase charges to local customers without losing significant sales to more distant competitors. Accordingly, the Topeka Area, and the Van Buren/Fort Smith and Springdale Areas of Northwest Arkansas, are sections of the country or relevant geographic markets for the purpose of assessing the competitive effects of a combination of WMI and DDI in the provision of small container commercial waste collection services.

There are significant entry barriers to small container commercial waste collection. A new entrant must achieve a minimum efficient scale and operating efficiencies comparable to those of existing firms in order to provide a significant competitive constraint on the prices charged by market incumbents. In order to obtain comparable operating efficiencies, a new firm must achieve route density similar to existing firms. However, an incumbent's ability to price discriminate and to enter into long-term contracts with existing small container commercial waste customers can leave too few customers available to the entrant to create an efficient route in a sufficiently confined geographic area. An incumbent firm can selectively and temporarily charge an unbeatably low price to specified customers targeted by new entrants. Because of these factors, a new entrant may find it difficult to compete by offering its services at pre-entry price levels comparable to the incumbent and may find an increase in the cost and time required to form an efficient route, thereby limiting a new entrant's ability to build an efficient route and reducing the likelihood that the entrant will ultimately succeed.

The need for route density and the ability of existing firms to price discriminate raise significant barriers to entry by new firms, which likely will be forced to compete at lower than pre-entry price levels. Based on the prior experience of the Department of Justice, Antitrust Division, such barriers have made entry and expansion difficult by new or smaller-sized competitors in small container commercial waste collection markets.

In the Topeka, Kansas and the Van Buren/Fort Smith, Arkansas Areas, the proposed acquisition would reduce from three to two the number of significant competitors in the collection of small container commercial waste. Moreover, in Topeka, for many of the largest small container commercial waste customers WMI and DDI are currently the only two options. These customers would be left with only one option as a result of the acquisition.

In the Springdale, Arkansas Area, the proposed acquisition would reduce the number of competitors in the collection of small container commercial waste from four to three. Moreover, in both areas in Arkansas, DDI is often the low-price leader, and customers in these areas frequently switch between existing competitors in order to take advantage of lower prices. In addition, in both of the areas in Arkansas, WMI and DDI are among the few small container commercial waste firms that can reliably service larger accounts.

In all three markets, according to the defendants' estimates, after the acquisition the combined WMI–DDI entity would service between 64 and 67% of each market.

The complaint alleges that the combination of WMI and DDI in those areas would remove a significant competitor for small container commercial waste service. In each of these markets, the resulting increase in concentration, loss of competition, and absence of any reasonable prospect of new entry by smaller competitors likely will result in higher prices and reduced quality of small container commercial waste service.

III. Explanation of the Proposed Final Judgment

The divestiture requirements of the proposed Final Judgment will eliminate the anticompetitive effects of the acquisition in small container commercial waste collection service in the Topeka, Kansas Area, the Van Buren/Fort Smith, Arkansas Area, and the Springdale, Arkansas Area. The proposed Final Judgment will remove small container commercial waste collection assets from the merged firm's control and place them in the hands of one or more independent firms that are capable of preserving the competition that otherwise would have been lost as a result of the acquisition.

The proposed Final Judgment requires defendants, within ninety days after the filing of the Complaint, or five days after notice of the entry of the Final Judgment by the Court, whichever is later, to divest: Small container commercial waste collection assets (routes, trucks, containers, garages and offices, leasehold rights, permits, and intangible assets such as customer lists and contracts) in the Topeka, Kansas Area, the Van Buren/Fort Smith, Arkansas Area, and the Springdale, Arkansas Area. To eliminate the anticompetitive effects of the acquisition in the market for small container commercial waste in the Topeka Area, defendants must divest DDI's small container commercial waste routes T501, T502, T503, and T504, and, at the acquirer's option, DDI's Topeka small container commercial waste collection facility. In the Van Buren/Fort Smith Area, defendants must divest DDI's small container commercial waste routes V501 and V502, and, at the acquirer's option, assign or offer to sublease DDI's Van Buren small container commercial waste collection facility. In the Springdale Area, defendants must divest DDI's small container commercial waste routes B501, B502, B503, B504, and B505, and, at the acquirer's option, must lease to the acquirer for up to 10 years (length at the election of the acquirer)

DDI's Bethel Heights small container commercial waste collection facility, or WMI's Springdale small container commercial waste collection facility.

In addition, in the Springdale market, the proposed Final Judgment requires WMI to enter into a disposal agreement providing the acquirer with the right to dispose of MSW at its Eco Vista landfill in Springdale, Arkansas. The disposal agreement must be for a period of no less than three years from the date of the divestiture, with the acquirer(s) of the divestiture assets having the option of seven one-year renewals, under reasonable terms. The disposal agreement shall also provide the acquirer access to gates, side houses, and disposal areas under terms and conditions that are no less favorable than provided to WMI's own vehicles. WMI and the acquirer shall negotiate the price for disposal rights and access to the Eco Visa landfill subject to approval of the United States. This provision is intended to prevent WMI from using its acquisition of DDI and DDI's nearby transfer station as a means to prevent the acquirer of DDI's divested routes from establishing itself in the Springdale market due to an inability to find an economically viable location to dispose of MSW collected in this market.

The proposed Final Judgment provides that sale of the divestiture assets may be made to one or more acquirers, so long as the Topeka, Kansas Area, the Van Buren/Fort Smith, Arkansas Area and the Springdale, Arkansas Area disposal assets are divested to a single acquirer for each area. This provision is intended to ensure the continued operation of an efficient competitor whose participation in each market will closely replicate the competition existing prior to the acquisition.

The assets must be divested to purchasers approved by the United States and in such a way as to satisfy the United States that they can and will be operated by the purchaser as part of a viable, ongoing business or businesses that can compete effectively in each relevant market. Defendants must take all reasonable steps necessary to accomplish the divestitures quickly and shall cooperate with prospective purchasers.

In the event that defendants do not accomplish the divestitures within the period prescribed in the proposed Final Judgment, the proposed Final Judgment provides that the Court will appoint a trustee selected by the United States to effect the divestitures. If a trustee is appointed, the proposed Final Judgment provides that defendants will pay all costs and expenses of the trustee. The trustee's commission will be structured so as to provide an incentive for the trustee based on the price obtained and the speed with which the divestitures are accomplished. After the trustee's appointment becomes effective, the trustee will file monthly reports with the Court and the United States, setting forth the trustee's efforts to accomplish the divestitures. At the end of six months, if the divestitures have not been accomplished, the trustee and the United States will make recommendations to the Court, which shall enter such orders as appropriate in order to carry out the purpose of the trust, including extending the trust or the term of the trustee's appointment.

IV. Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any private antitrust damage action. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the proposed Final Judgment has no *prima facie* effect in any subsequent private lawsuit that may be brought against defendants.

V. Procedures Available for Modification of the Proposed Final Judgment

The United States and defendants have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the APPA, provided that the United States has not withdrawn its consent. The APPA conditions entry upon the Court's determination that the proposed Final Judgment is in the public interest.

The APPA provides a period of at least sixty days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wishes to comment should do so within sixty days of the date of publication of this Competitive Impact Statement in the **Federal Register**, or the last date of publication in a newspaper of the summary of this Competitive Impact Statement, whichever is later. All comments received during this period will be considered by the United States Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to the Court's entry of judgment. The comments and the response of the United States will be filed with the Court. In addition, comments will be posted on the U.S. Department of Justice, Antitrust Division's internet Web site, and, under certain circumstances, published in the **Federal Register**. Written comments should be submitted to: James J. Tierney, Chief, Networks and Technology Enforcement Section, Antitrust Division, United States Department of Justice, 450 Fifth Street, NW., Suite 7700, Washington, DC 20530.

The proposed Final Judgment provides that the Court retains jurisdiction over this action and the parties may apply to the Court for any order necessary or appropriate for the modification, interpretation, or enforcement of the Final Judgment.

VI. Alternatives to the Proposed Final Judgment

The United States considered, as an alternative to the proposed Final Judgment, a full trial on the merits against Defendants. The United States could have continued the litigation and sought preliminary and permanent injunctions preventing WMI's acquisition of DDI. The United States is satisfied, however, that the divestiture of the assets described in the proposed Final Judgment will preserve competition for small container commercial waste collection service in the Topeka, Kansas Area, the Van Buren/Fort Smith, Arkansas Area, and the Springdale, Arkansas Area. Thus, the proposed Final Judgment would achieve all or substantially all of the relief the United States would have obtained through litigation, but avoids the time, expense, and uncertainty of a full trial on the merits of the Complaint.

VII. Standard of Review Under the APPA for the Proposed Final Judgment

The Clayton Act, as amended by the APPA, requires that proposed consent judgments in antitrust cases brought by the United States be subject to a sixty-day comment period, after which the court shall determine whether entry of the proposed Final Judgment ''is in the public interest.'' 15 U.S.C. 16(e)(1). In making that determination, the court, in accordance with the statute as amended in 2004, is required to consider:

(A) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration of relief sought, anticipated effects of alternative remedies actually considered, whether its terms are ambiguous, and any other competitive

considerations bearing upon the adequacy of such judgment that the court deems necessary to a determination of whether the consent judgment is in the public interest; and

(B) the impact of entry of such judgment upon competition in the relevant market or markets, upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. 16(e)(1)(A) & (B). In considering these statutory factors, the court's inquiry is necessarily a limited one as the government is entitled to ''broad discretion to settle with the defendant within the reaches of the public interest.'' *United States* v. *Microsoft Corp.,* 56 F.3d 1448, 1461 (D.C. Cir. 1995); *see generally United States* v. *SBC Commc'ns, Inc.,* 489 F. Supp. 2d 1 (D.D.C. 2007) (assessing public interest standard under the Tunney Act); *United States v, U.S. Airways Group, Inc.,* No. 13–cv–1236 (CKK), 2014–1 Trade Cas. (CCH) ¶ 78, 748, 2014 U.S. Dist. LEXIS 57801, at *7 (D.D.C. Apr. 25, 2014) (noting the court has broad discretion of the adequacy of the relief at issue); *United States* v. *InBev N.V./S.A.,* No. 08–1965 (JR), 2009–2 Trade Cas. (CCH) ¶ 76,736, 2009 U.S. Dist. LEXIS 84787, at *3, (D.D.C. Aug. 11, 2009) (noting that the court's review of a consent judgment is limited and only inquires ''into whether the government's determination that the proposed remedies will cure the antitrust violations alleged in the complaint was reasonable, and whether the mechanism to enforce the final judgment are clear and manageable.'').[1]

As the United States Court of Appeals for the District of Columbia Circuit has held, under the APPA a court considers, among other things, the relationship between the remedy secured and the specific allegations set forth in the government's complaint, whether the decree is sufficiently clear, whether enforcement mechanisms are sufficient, and whether the decree may positively harm third parties. *See Microsoft,* 56 F.3d at 1458–62. With respect to the adequacy of the relief secured by the decree, a court may not ''engage in an unrestricted evaluation of what relief would best serve the public.'' *United States* v. *BNS, Inc.,* 858 F.2d 456, 462 (9th Cir. 1988) (citing *United States* v. *Bechtel Corp.,* 648 F.2d 660, 666 (9th Cir. 1981)); *see also Microsoft,* 56 F.3d at 1460–62; *United States* v. *Alcoa, Inc.,* 152 F. Supp. 2d 37, 40 (D.D.C. 2001); *InBev,* 2009 U.S. Dist. LEXIS 84787, at *3. Courts have held that:

> [t]he balancing of competing social and political interests affected by a proposed antitrust consent decree must be left, in the first instance, to the discretion of the Attorney General. The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is the one that will best serve society, but whether the settlement is ''*within the reaches of the public interest.*'' More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent decree.

Bechtel, 648 F.2d at 666 (emphasis added) (citations omitted).[2] In determining whether a proposed settlement is in the public interest, a district court ''must accord deference to the government's predictions about the efficacy of its remedies, and may not require that the remedies perfectly match the alleged violations.'' *SBC Commc'ns,* 489 F. Supp. 2d at 17; *see also Microsoft,* 56 F.3d at 1461 (noting the need for courts to be ''deferential to the government's predictions as to the effect of the proposed remedies''); *United States* v. *Archer-Daniels-Midland Co.,* 272 F. Supp. 2d 1, 6 (D.D.C. 2003) (noting that the court should grant due respect to the United States's prediction as to the effect of proposed remedies, its perception of the market structure, and its views of the nature of the case).

Courts have greater flexibility in approving proposed consent decrees than in crafting their own decrees following a finding of liability in a litigated matter. ''[A] proposed decree must be approved even if it falls short of the remedy the court would impose on its own, as long as it falls within the range of acceptability or is 'within the reaches of public interest.''' *United States* v. *Am. Tel. & Tel. Co.,* 552 F. Supp. 131, 151 (D.D.C. 1982) (citations omitted) (quoting *United States* v. *Gillette Co.,* 406 F. Supp. 713, 716 (D. Mass. 1975)), *aff'd sub nom. Maryland* v. *United States,* 460 U.S. 1001 (1983); *see also U.S. Airways,* 2014 U.S. Dist. LEXIS 57801, at *8 (noting that room must be made for the government to grant concessions in the negotiation process for settlements (citing *Microsoft,* 56 F.3d at 1461); *United States* v. *Alcan Aluminum Ltd.,* 605 F. Supp. 619, 622 (W.D. Ky. 1985) (approving the consent decree even though the court would have imposed a greater remedy). To meet this standard, the United States ''need only provide a factual basis for concluding that the settlements are reasonably adequate remedies for the alleged harms.'' *SBC Commc'ns,* 489 F. Supp. 2d at 17.

Moreover, the court's role under the APPA is limited to reviewing the remedy in relationship to the violations that the United States has alleged in its Complaint, and does not authorize the court to ''construct [its] own hypothetical case and then evaluate the decree against that case.'' *Microsoft,* 56 F.3d at 1459; *see also U.S. Airways,* 2014 U.S. Dist. LEXIS 57801, at *9 (noting that the court must simply determine whether there is a factual foundation for the government's decisions such that its conclusions regarding the proposed settlements are reasonable; *InBev,* 2009 U.S. Dist. LEXIS 84787, at *20 (''the 'public interest' is not to be measured by comparing the violations alleged in the complaint against those the court believes could have, or even should have, been alleged''). Because the ''court's authority to review the decree depends entirely on the government's exercising its prosecutorial discretion by bringing a case in the first place,'' it follows that ''the court is only authorized to review the decree itself,'' and not to ''effectively redraft the complaint'' to inquire into other matters that the United States did not pursue. *Microsoft,* 56 F.3d at 1459–60. As this Court recently confirmed in *SBC Communications,* courts ''cannot look beyond the complaint in making the public interest determination unless the complaint is drafted so narrowly as to make a mockery of judicial power.'' *SBC Commc'ns,* 489 F. Supp. 2d at 15.

In its 2004 amendments, Congress made clear its intent to preserve the practical benefits of utilizing consent decrees in antitrust enforcement, adding the unambiguous instruction that ''[n]othing in this section shall be construed to require the court to conduct an evidentiary hearing or to require the court to permit anyone to intervene.'' 15 U.S.C. 16(e)(2); *see also U.S. Airways,* 2014 U.S. Dist. LEXIS 57801, at *9 (indicating that a court is not required to hold an evidentiary

[1] The 2004 amendments substituted ''shall'' for ''may'' in directing relevant factors for a court to consider and amended the list of factors to focus on competitive considerations and to address potentially ambiguous judgment terms. *Compare* 15 U.S.C. 16(e) (2004) *with* 15 U.S.C. 16(e)(1) (2006); *see also SBC Commc'ns,* 489 F. Supp. 2d at 11 (concluding that the 2004 amendments ''effected minimal changes'' to Tunney Act review).

[2] *Cf. BNS,* 858 F.2d at 464 (holding that the court's ''ultimate authority under the [APPA] is limited to approving or disapproving the consent decree''); *United States* v. *Gillette Co.,* 406 F. Supp. 713, 716 (D. Mass. 1975) (noting that, in this way, the court is constrained to ''look at the overall picture not hypercritically, nor with a microscope, but with an artist's reducing glass''). *See generally Microsoft,* 56 F.3d at 1461 (discussing whether ''the remedies [obtained in the decree are] so inconsonant with the allegations charged as to fall outside of the 'reaches of the public interest''').

hearing or to permit intervenors as part of its review under the Tunney Act). The language wrote into the statute what Congress intended when it enacted the Tunney Act in 1974, as Senator Tunney explained: ''[t]he court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process.'' 119 Cong. Rec. 24,598 (1973) (statement of Sen. Tunney). Rather, the procedure for the public interest determination is left to the discretion of the court, with the recognition that the court's ''scope of review remains sharply proscribed by precedent and the nature of Tunney Act proceedings.'' *SBC Commc'ns,* 489 F. Supp. 2d at 11.[3] A court can make its public interest determination based on the competitive impact statement and response to public comments alone. *U.S. Airways,* 2014 U.S. Dist. LEXIS 57801, at *9.

VIII. Determinative Documents

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment.

Dated: March 13, 2015.

Respectfully submitted,

_____/s/_____

Ian D. Hoffman,
U.S. Department of Justice, Antitrust Division, Networks and Technology Enforcement Section, 450 Fifth Street NW., Suite 7644, Washington, DC 20530, (202) 598–2456, ian.hoffman@usdoj.gov.

United States District Court for the District of Columbia

United States of America,
Plaintiff,
v.
Waste Management, Inc.
and
Deffenbaugh Disposal, Inc.,
Defendants.

Civil Action No.: 1:15–cv–00366
Description: Antitrust
Date Stamp: 3/13/2015

Proposed Final Judgment

Whereas, Plaintiff, United States of America, filed its Complaint on March 13, 2015, the United States and defendants, Waste Management, Inc., and Deffenbaugh Disposal, Inc., by their respective attorneys, have consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law, and without this Final Judgment constituting any evidence against or admission by any party regarding any issue of fact or law;

And whereas, defendants agree to be bound by the provisions of this Final Judgment pending its approval by the Court;

And whereas, the essence of this Final Judgment is the prompt and certain divestiture of certain rights or assets by the defendants to assure that competition is not substantially lessened;

And whereas, the United States requires defendants to make certain divestitures for the purpose of remedying the loss of competition alleged in the Complaint;

And whereas, defendants have represented to the United States that the divestitures required below can and will be made and that defendants will later raise no claim of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained below;

Now therefore, before any testimony is taken, without trial or adjudication of any issue of fact or law, and upon consent of the parties, it is *ordered, adjudged and decreed:*

I. Jurisdiction

This Court has jurisdiction over the subject matter of and each of the parties to this action. The Complaint states a claim upon which relief may be granted against defendants under Section 7 of the Clayton Act, as amended (15 U.S.C. 18).

II. Definitions

As used in this Final Judgment:

A. ''Acquirer'' or ''Acquirers'' means the entity or entities to whom defendants divest the Divestiture Assets.

B. ''WMI'' means defendant Waste Management, Inc., a Delaware corporation with its headquarters in Houston, Texas, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

C. ''DDI'' means defendant Deffenbaugh Disposal, Inc., a Delaware corporation with its headquarters in Kansas City, Kansas, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

D. ''Disposal Agreement'' means an agreement between WMI and the Acquirer(s) of the Springdale Arkansas Area Divestiture Assets allowing the Acquirer(s) to dispose of MSW at WMI's Eco Vista Landfill located at 2210 Waste Management Drive, Springdale, Arkansas.

E. ''Divestiture Assets'' means the small container commercial waste collection routes and other assets listed below:

1. Springdale, Arkansas Area

a. DDI's small container commercial waste collection routes B501, B502, B503, B504, and B505;

b. At the election of the Acquirer, a lease of up to 10 years (length at the election of the Acquirer) to either WMI's small container commercial waste facility located at 1041 Arbor Acres Rd., Springdale Arkansas 72762, or to DDI's small container commercial waste facility located at 848 Highway 264 E, Bethel Heights, Arkansas 72764; and

c. At the election of the Acquirer(s), a Disposal Agreement.

2. Van Buren/Fort Smith, Arkansas Area

a. DDI's small container commercial waste collection routes V501 and V502; and

b. At the election of the Acquirer, the assignment or sublease of DDI's current lease at the small container commercial waste facility located at 2598 S. 4th St., Van Buren, Arkansas 72956.

3. Topeka, Kansas Area

a. DDI's small container commercial waste collection routes T501, T502, T503, and T504; and

b. At the election of the Acquirer, DDI's small container commercial waste facility located at 711 NE Highway 24, Topeka, Kansas 66608.

F. ''MSW'' means municipal solid waste, a term of art used to describe solid putrescible waste generated by households and commercial establishments. Municipal solid waste does not include special handling waste (*e.g.,* waste from manufacturing processes, regulated medical waste, sewage and sludge), hazardous waste, or waste generated by construction or demolition sites.

G. ''Route'' means a group of customers receiving regularly scheduled small container commercial waste collection service and all tangible and intangible assets relating to the route, as of January 28, 2015, (except for *de minimis* changes, such as customers lost

[3] *See United States* v. *Enova Corp.,* 107 F. Supp. 2d 10, 17 (D.D.C. 2000) (noting that the ''Tunney Act expressly allows the court to make its public interest determination on the basis of the competitive impact statement and response to comments alone''); *United States* v. *Mid-Am. Dairymen, Inc.,* No. 73–CV–681–W–1, 1977–1 Trade Cas. (CCH) ¶ 61,508, at 71,980, *22 (W.D. Mo. 1977) (''Absent a showing of corrupt failure of the government to discharge its duty, the Court, in making its public interest finding, should . . . carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances.''); S. Rep. No. 93–298, at 6 (1973) (''Where the public interest can be meaningfully evaluated simply on the basis of briefs and oral arguments, that is the approach that should be utilized.'').

and gained in the ordinary course of business), including, but not limited to, capital equipment, trucks and other vehicles (those assigned to routes and a pro-rata share of spare vehicles); containers (at the customer location and a pro-rata share of spares); supplies (pro-rata share); customer lists, records, and credit records; customer and other contracts; leasehold interests; permits/licenses (to the extent transferable), and accounts receivable. The customers for each route as of January 28, 2015, are on file with the Department of Justice, Antitrust Division.

H. ''Small container commercial waste collection'' means the business of collecting MSW from commercial and industrial accounts, usually in metal bins (*i.e.,* a small container with one to ten cubic yards of storage capacity), and transporting or ''hauling'' such waste to a disposal site by use of a front- or rear-end loader truck.

III. Applicability

A. This Final Judgment applies to WMI and DDI, as defined above, and all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

B. If, prior to complying with Sections IV and V of this Final Judgment, defendants sell or otherwise dispose of all or substantially all of their assets or of lesser business units that include the Divestiture Assets, they shall require the purchaser to be bound by the provisions of this Final Judgment. Defendants need not obtain such an agreement from the Acquirers of the assets divested pursuant to this Final Judgment.

IV. Divestitures

A. Defendants are ordered and directed, within 90 calendar days after the filing of the Complaint in this matter, or five (5) calendar days after notice of the entry of this Final Judgment by the Court, whichever is later, to divest the Divestiture Assets in a manner consistent with this Final Judgment to an Acquirer or Acquirers acceptable to the United States, in its sole discretion. The United States, in its sole discretion, may agree to one or more extensions of this time period not to exceed 60 calendar days in total, and shall notify the Court in such circumstances. Defendants agree to use their best efforts to divest the Divestiture Assets as expeditiously as possible.

B. At the election of the Acquirer, WMI and the Acquirer of the Springdale, Arkansas, Area Divesture Assets shall enter into a Disposal Agreement allowing the Acquirer to dispose of MSW at WMI's Eco Vista Landfill located at 2210 Waste Management Drive, Springdale, Arkansas. The Disposal Agreement shall run for a period of no less than 3 years from the date of the divestiture, with the Acquirer of the Springdale, Arkansas, Divestiture Assets having the option of seven 1-year renewals, under terms that are reasonable and nondiscriminatory. The Disposal Agreement shall require that WMI provide access to the Acquirer to gates, side houses, and disposal areas under terms and conditions (except with respect to rates) that are no less favorable than provided to WMI's own vehicles. WMI shall perform all duties and comply with all the terms of the Disposal Agreement. Any amendments, modifications, extensions or early termination of any Disposal Agreement may only be entered into with the approval of the United States.

C. In accomplishing the divestiture ordered by this Final Judgment, defendants promptly shall make known, by usual and customary means, the availability of the Divestiture Assets. Defendants shall inform any person making an inquiry regarding a possible purchase of the Divestiture Assets that they are being divested pursuant to this Final Judgment and provide that person with a copy of this Final Judgment. Defendants shall offer to furnish to all prospective Acquirers, subject to customary confidentiality assurances, all information and documents relating to the Divestiture Assets customarily provided in a due diligence process except such information or documents subject to the attorney-client privilege or work-product doctrine. Defendants shall make available such information to the United States at the same time that such information is made available to any other person.

D. Defendants shall provide the Acquirer(s) and the United States information relating to the personnel involved in the operation and management of the Divestiture Assets to enable the Acquirer(s) to make offers of employment. Defendants will not interfere with any negotiations by the Acquirer(s) to employ any defendant employee whose primary responsibility is the operation or management of the Divestiture Assets.

E. Defendants shall permit prospective Acquirers of the Divestiture Assets to have reasonable access to personnel and to make inspections of the physical facilities of the Divestiture Assets; access to any and all environmental, zoning, and other permit documents and information; and access to any and all financial, operational, or other documents and information customarily provided as part of a due diligence process.

F. Defendants shall warrant to the Acquirer(s) that each asset will be operational on the date of sale.

G. Defendants shall not take any action that will impede in any way the permitting, operation, or divestiture of the Divestiture Assets.

H. Defendants shall warrant to the Acquirer(s) that there are no material defects in the environmental, zoning or other permits pertaining to the operation of each asset, and that following the sale of the Divestiture Assets, defendants will not undertake, directly or indirectly, any challenges to the environmental, zoning, or other permits relating to the operation of the Divestiture Assets.

I. Unless the United States otherwise consents in writing, the divestiture pursuant to Section IV, or by Divestiture Trustee appointed pursuant to Section V, of this Final Judgment, shall include the entire Divestiture Assets, and shall be accomplished in such a way as to satisfy the United States, in its sole discretion, that the Divestiture Assets can and will be used by the Acquirer(s) as part of a viable, ongoing small container commercial waste collection business in each of the geographic areas identified in Section II.E. Divestiture of the Divestiture Assets may be made to one or more Acquirers (except that the Divestiture Assets serving any single geographic area identified in Section II.E must be sold to the same Acquirer, and) provided that in each instance it is demonstrated to the sole satisfaction of the United States that the Divestiture Assets will remain viable and the divestiture of such assets will remedy the competitive harm alleged in the Complaint. The divestitures, whether pursuant to Section IV or Section V of this Final Judgment,

(1) shall be made to an Acquirer(s) that, in the United States' sole judgment, has the intent and capability (including the necessary managerial, operational, technical and financial capability) of competing effectively in the small container commercial waste business; and

(2) shall be accomplished so as to satisfy the United States, in its sole discretion, that none of the terms of any agreement between an Acquirer(s) and defendants give defendants the ability unreasonably to raise the Acquirer's costs, to lower the Acquirer's efficiency, or otherwise to interfere in the ability of the Acquirer(s) to compete effectively.

V. Appointment of Divestiture Trustee

A. If defendants have not divested the Divestiture Assets within the time period specified in Section IV(A),

defendants shall notify the United States of that fact in writing. Upon application of the United States, the Court shall appoint a Divestiture Trustee selected by the United States and approved by the Court to effect the divestiture of the Divestiture Assets.

B. After the appointment of a Divestiture Trustee becomes effective, only the Divestiture Trustee shall have the right to sell the Divestiture Assets. The Divestiture Trustee shall have the power and authority to accomplish the divestiture to an Acquirer(s) acceptable to the United States at such price and on such terms as are then obtainable upon reasonable effort by the Divestiture Trustee, subject to the provisions of Sections IV, V, and VI of this Final Judgment, and shall have such other powers as this Court deems appropriate. Subject to Section V(D) of this Final Judgment, the Divestiture Trustee may hire at the cost and expense of defendants any investment bankers, attorneys, or other agents, who shall be solely accountable to the Divestiture Trustee, reasonably necessary in the Divestiture Trustee's judgment to assist in the divestiture. Any such investment bankers, attorneys, or other agents shall serve on such terms and conditions as the United States approves including confidentiality requirements and conflict of interest certifications.

C. Defendants shall not object to a sale by the Divestiture Trustee on any ground other than the Divestiture Trustee's malfeasance. Any such objections by defendants must be conveyed in writing to the United States and the Divestiture Trustee within ten (10) calendar days after the Divestiture Trustee has provided the notice required under Section VI.

D. The Divestiture Trustee shall serve at the cost and expense of defendants pursuant to a written agreement, on such terms and conditions as the United States approves including confidentiality requirements and conflict of interest certifications. The Divestiture Trustee shall account for all monies derived from the sale of the assets sold by the Divestiture Trustee and all costs and expenses so incurred. After approval by the Court of the Divestiture Trustee's accounting, including fees for its services yet unpaid and those of any professionals and agents retained by the Divestiture Trustee, all remaining money shall be paid to defendants and the trust shall then be terminated. The compensation of the Divestiture Trustee and any professionals and agents retained by the Divestiture Trustee shall be reasonable in light of the value of the Divestiture Assets and based on a fee arrangement providing the Divestiture Trustee with an incentive based on the price and terms of the divestiture and the speed with which it is accomplished, but timeliness is paramount. If the Divestiture Trustee and defendants are unable to reach agreement on the Divestiture Trustee's or any agents' or consultants' compensation or other terms and conditions of engagement within 14 calendar days of appointment of the Divestiture Trustee, the United States may, in its sole discretion, take appropriate action, including making a recommendation to the Court. The Divestiture Trustee shall, within three (3) business days of hiring any other professionals or agents, provide written notice of such hiring and the rate of compensation to [defendants] and the United States.

E. Defendants shall use their best efforts to assist the Divestiture Trustee in accomplishing the required divestiture. The Divestiture Trustee and any consultants, accountants, attorneys, and other agents retained by the Divestiture Trustee shall have full and complete access to the personnel, books, records, and facilities of the business to be divested, and defendants shall develop financial and other information relevant to such business as the Divestiture Trustee may reasonably request, subject to reasonable protection for trade secret or other confidential research, development, or commercial information or any applicable privileges. Defendants shall take no action to interfere with or to impede the Divestiture Trustee's accomplishment of the divestiture.

F. After its appointment, the Divestiture Trustee shall file monthly reports with the United States and, as appropriate, the Court setting forth the Divestiture Trustee's efforts to accomplish the divestiture ordered under this Final Judgment. To the extent such reports contain information that the Divestiture Trustee deems confidential, such reports shall not be filed in the public docket of the Court. Such reports shall include the name, address, and telephone number of each person who, during the preceding month, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any interest in the Divestiture Assets, and shall describe in detail each contact with any such person. The Divestiture Trustee shall maintain full records of all efforts made to divest the Divestiture Assets.

G. If the Divestiture Trustee has not accomplished the divestiture ordered under this Final Judgment within six months after its appointment, the Divestiture Trustee shall promptly file with the Court a report setting forth (1) the Divestiture Trustee's efforts to accomplish the required divestiture, (2) the reasons, in the Divestiture Trustee's judgment, why the required divestiture has not been accomplished, and (3) the Divestiture Trustee's recommendations. To the extent such reports contains information that the Divestiture Trustee deems confidential, such reports shall not be filed in the public docket of the Court. The Divestiture Trustee shall at the same time furnish such report to the United States which shall have the right to make additional recommendations consistent with the purpose of the trust. The Court thereafter shall enter such orders as it shall deem appropriate to carry out the purpose of the Final Judgment, which may, if necessary, include extending the trust and the term of the Divestiture Trustee's appointment by a period requested by the United States.

H. If the United States determines that the Divestiture Trustee has ceased to act or failed to act diligently or in a reasonably cost-effective manner, it may recommend the Court appoint a substitute Divestiture Trustee.

VI. Notice of Proposed Divestiture

A. Within two (2) business days following execution of a definitive divestiture agreement, defendants or the Divestiture Trustee, whichever is then responsible for effecting the divestiture required herein, shall notify the United States of any proposed divestiture required by Section IV or V of this Final Judgment. If the Divestiture Trustee is responsible, it shall similarly notify defendants. The notice shall set forth the details of the proposed divestiture and list the name, address, and telephone number of each person not previously identified who offered or expressed an interest in or desire to acquire any ownership interest in the Divestiture Assets, together with full details of the same.

B. Within fifteen (15) calendar days of receipt by the United States of such notice, the United States may request from defendants, the proposed Acquirer(s), any other third party, or the Divestiture Trustee, if applicable, additional information concerning the proposed divestiture, the proposed Acquirer(s), and any other potential Acquirer. Defendants and the Divestiture Trustee shall furnish any additional information requested within fifteen (15) calendar days of the receipt of the request, unless the parties shall otherwise agree.

C. Within thirty (30) calendar days after receipt of the notice or within twenty (20) calendar days after the United States has been provided the additional information requested from defendants, the proposed Acquirer(s), any third party, and the Divestiture Trustee, whichever is later, the United States shall provide written notice to defendants and the Divestiture Trustee, if there is one, stating whether or not it objects to the proposed divestiture. If the United States provides written notice that it does not object, the divestiture may be consummated, subject only to defendants' limited right to object to the sale under Section V(C) of this Final Judgment. Absent written notice that the United States does not object to the proposed Acquirer(s) or upon objection by the United States, a divestiture proposed under Section IV or Section V shall not be consummated. Upon objection by defendants under Section V(C), a divestiture proposed under Section V shall not be consummated unless approved by the Court.

VII. Financing

Defendants shall not finance all or any part of any purchase made pursuant to Section IV or V of this Final Judgment.

VIII. Hold Separate

Until the divestiture required by this Final Judgment has been accomplished, defendants shall take all steps necessary to comply with the Hold Separate Stipulation and Order entered by this Court. Defendants shall take no action that would jeopardize the divestiture ordered by this Court.

IX. Affidavits

A. Within twenty (20) calendar days of the filing of the Complaint in this matter, and every thirty (30) calendar days thereafter until the divestiture has been completed under Section IV or V, defendants shall deliver to the United States an affidavit as to the fact and manner of its compliance with Section IV or V of this Final Judgment. Each such affidavit shall include the name, address, and telephone number of each person who, during the preceding thirty (30) calendar days, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any interest in the Divestiture Assets, and shall describe in detail each contact with any such person during that period. Each such affidavit shall also include a description of the efforts defendants have taken to solicit buyers for the Divestiture Assets, and to provide required information to prospective Acquirers, including the limitations, if any, on such information. Assuming the information set forth in the affidavit is true and complete, any objection by the United States to information provided by defendants, including limitation on information, shall be made within fourteen (14) calendar days of receipt of such affidavit.

B. Within twenty (20) calendar days of the filing of the Complaint in this matter, defendants shall deliver to the United States an affidavit that describes in reasonable detail all actions defendants have taken and all steps defendants have implemented on an ongoing basis to comply with Section VIII of this Final Judgment. Defendants shall deliver to the United States an affidavit describing any changes to the efforts and actions outlined in defendants' earlier affidavits filed pursuant to this section within fifteen (15) calendar days after the change is implemented.

C. Defendants shall keep all records of all efforts made to preserve and divest the Divestiture Assets until one year after such divestiture has been completed.

X. Compliance Inspection

A. For the purposes of determining or securing compliance with this Final Judgment, or of any related orders such as any Hold Separate Stipulation and Order, or of determining whether the Final Judgment should be modified or vacated, and subject to any legally recognized privilege, from time to time authorized representatives of the United States Department of Justice, including consultants and other persons retained by the United States, shall, upon written request of an authorized representative of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendants, be permitted:

(1) access during defendants' office hours to inspect and copy, or at the option of the United States, to require defendants to provide hard copy or electronic copies of, all books, ledgers, accounts, records, data, and documents in the possession, custody, or control of defendants, relating to any matters contained in this Final Judgment; and

(2) to interview, either informally or on the record, defendants' officers, employees, or agents, who may have their individual counsel present, regarding such matters. The interviews shall be subject to the reasonable convenience of the interviewee and without restraint or interference by defendants.

B. Upon the written request of an authorized representative of the Assistant Attorney General in charge of the Antitrust Division, defendants shall submit written reports or response to written interrogatories, under oath if requested, relating to any of the matters contained in this Final Judgment as may be requested.

C. No information or documents obtained by the means provided in this section shall be divulged by the United States to any person other than an authorized representative of the executive branch of the United States, except in the course of legal proceedings to which the United States is a party (including grand jury proceedings), or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

D. If at the time information or documents are furnished by defendants to the United States, defendants represent and identify in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(1)(g) of the Federal Rules of Civil Procedure, and defendants mark each pertinent page of such material, ''Subject to claim of protection under Rule 26(c)(1)(g) of the Federal Rules of Civil Procedure,'' then the United States shall give defendants ten (10) calendar days notice prior to divulging such material in any legal proceeding (other than a grand jury proceeding).

XI. No Reacquisition

Defendants may not reacquire any part of the Divestiture Assets during the term of this Final Judgment.

XII. Retention of Jurisdiction

This Court retains jurisdiction to enable any party to this Final Judgment to apply to this Court at any time for further orders and directions as may be necessary or appropriate to carry out or construe this Final Judgment, to modify any of its provisions, to enforce compliance, and to punish violations of its provisions.

XIII. Expiration of Final Judgment

Unless this Court grants an extension, this Final Judgment shall expire ten years from the date of its entry.

XIV. Public Interest Determination

Entry of this Final Judgment is in the public interest. The parties have complied with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, including making copies available to the public of this Final Judgment, the Competitive Impact Statement, and any comments thereon

and the United States' responses to comments. Based upon the record before the Court, which includes the Competitive Impact Statement and any comments and response to comments filed with the Court, entry of this Final Judgment is in the public interest.

Date: _____

Court approval subject to procedures of Antitrust Procedures and Penalties Act, 15 U.S.C. 16

_____

United States District Judge

[FR Doc. 2015–06810 Filed 3–24–15; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Amendment to Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On March 19, 2015, the Department of Justice lodged with the United States District Court for the Southern District of Ohio a proposed cash-out agreement in the lawsuit entitled *United States* v. *The Atlas Lederer Company, et al.* Civil Action No. 3:91–cv–309. The proposed agreement, if approved, will amend a Consent Decree entered by the Court in 1998 (''Original Decree'').

Under the Original Decree, the Settling Generator Defendants have cleaned up the United Scrap Lead Superfund Site (''Site'') in Troy, Ohio, and reimbursed the United States Environmental Protection Agency (''EPA'') for a portion of its response costs. Now, under the proposed cash-out agreement, the Settling Generator Defendants will resolve their remaining obligations under the Original Decree by (1) paying a cash-out amount of $158,564, (2) dismissing, with prejudice, their challenge to EPA's oversight bills under the Disputes clause of the Original Decree, and (3) waiving their right to share proceeds generated from the sale of the Site. In exchange, the United States shall excuse Settling Defendants from their obligations to (1) pay any additional oversight costs in the future, (2) conduct any studies reasonably necessary to support EPA's periodic review of the remedy in accordance with 42 U.S.C. 9621(c), and (3) use best efforts to obtain access to the Site from third parties. Apart from these proposed modifications, all other terms of the Original Decree remain unchanged and binding upon the parties.

The publication of this notice opens a period for public comment on the proposed cash-out agreement. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *The Atlas Lederer Company, et al.,* D.J. Ref. No. 90–11–3–279B. 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, D.C. 20044–7611.

During the public comment period, the proposed consent decree amendment may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will also provide a paper copy of the proposed consent decree amendment upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $4.75 (19 pages at 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. 2015–06761 Filed 3–24–15; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 6, 2015.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 6, 2015.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC, this 11th day of March 2015.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

20 TAA PETITIONS INSTITUTED BETWEEN 2/23/15 AND 3/6/15

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
85846	U.S. Steel Tubular Products, Inc. (Company)	Hughes Springs, TX	02/23/15	02/20/15
85847	Wabash Technologies, Inc. (Company)	Huntington, IN	02/23/15	02/20/15
85848	Thomasville Furniture (Workers)	Lenoir, NC	02/23/15	02/23/15
85849	Zemco Industries, Inc. d/b/a/ Tyson Foods, Inc. (Workers).	Buffalo, NY	02/24/15	02/17/15
85850	Teleflex, Inc. (State/One-Stop)	Menlo Park, CA	02/24/15	02/23/15
85851	Bose Corporation (State/One-Stop)	Blythewood, SC	02/25/15	02/24/15

20 TAA PETITIONS INSTITUTED BETWEEN 2/23/15 AND 3/6/15—Continued

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
85852	Saint Gobain (State/One-Stop)	Fort Smith, AR	02/25/15	02/24/15
85853	Hewlett Packard Co. (State/One-Stop)	Palo Alto, CA	02/25/15	02/24/15
85854	Magnetation (Company)	Grand Rapids, MN	02/25/15	02/24/15
85855	Browns Plating Service, Inc. (Company)	Paducah, KY	02/27/15	02/25/15
85856	Norwich Pharma—Alrogen Co. (State/One-Stop)	Norwich, NY	02/27/15	02/13/15
85857	Service Steel Inc. (State/One-Stop)	Portland, OR	02/27/15	02/25/15
85858	Nuance Communications, Inc. (State/One-Stop)	Burlington, MA	02/27/15	02/26/15
85859	Pfizer (State/One-Stop)	Rouses Point, NY	03/02/15	02/27/15
85860	Coherent Inc. (Company)	Santa Clara, CA	03/03/15	03/02/15
85861	Smead (State/One-Stop)	Cedar City, UT	03/03/15	03/02/15
85862	Apex Tool Group (Company)	Springdale, AR	03/04/15	03/03/15
85863	Tejas Manufacturing Co. (Company)	San Angelo, TX	03/03/15	02/27/15
85864	Derwich Industries, Inc. (State/One-Stop)	Grayling, MI	03/06/15	03/06/15
85865	Harland Clarke (State/One-Stop)	San Antonio, TX	03/06/15	03/04/15

[FR Doc. 2015–06835 Filed 3–24–15; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Wage and Hour Division

Proposed Revision and Extension of the Approval of Information Collection Requirements

AGENCY: Wage and Hour Division, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. 44 U.S.C. 3506(c)(2)(A). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Wage and Hour Division is soliciting comments concerning its proposal to extend Office of Management and Budget (OMB) approval of the Information Collections: Application for a Farm Labor Contractor or Farm Labor Contractor Employee Certificate of Registration; Motor Vehicle Safety for Transportation of Migrant and Seasonal Agricultural Workers. Further, the Department is soliciting comments concerning its proposal to make revisions to the forms WH–514, WH–514a, WH–515, and WH–530. A copy of the proposed information collection request can be obtained by contacting the office listed below in the **FOR FURTHER INFORMATION CONTACT** section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before May 26, 2015.

ADDRESSES: You may submit comments, identified by Control Number 1235–0016, by either one of the following methods:

Email: WHDPRAComments@dol.gov.

Mail, Hand Delivery, Courier: Regulatory Analysis Branch, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW., Washington, DC 20210.

Instructions: Please submit one copy of your comments by only one method. All submissions received must include the agency name and Control Number identified above for this information collection. Because we continue to experience delays in receiving mail in the Washington, DC area, commenters are strongly encouraged to transmit their comments electronically via email or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for Office of Management and Budget approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Mary Ziegler, Director, Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–0406 (this is not a toll-free number). Copies of this notice may be obtained in alternative formats (Large Print, Braille, Audio Tape or Disc), upon request, by calling (202) 693–0023 (not a toll-free number). TTY/TDD callers may dial toll-free (877) 889–5627 to obtain information or request materials in alternative formats.

SUPPLEMENTARY INFORMATION:

I. *Background:* The Migrant and Seasonal Agricultural Worker Protection Act (MSPA) provides that no person shall engage in any farm labor contracting activity for any money or valuable consideration paid or promised to be paid, unless such person has a certificate of registration from the Secretary of Labor specifying which farm labor contracting activities such person is authorized to perform. *See* 29 U.S.C. 1802(7), 1811(a); 29 CFR 500.1(c), 500.20(i), 500.40. The MSPA also provides that a Farm Labor Contractor (FLC) shall not hire, employ, or use any individual to perform farm labor contracting activities unless such individual has a certificate of registration as a FLC or a certificate of registration as a Farm Labor Contractor Employee (FLCE) of the FLC that authorizes the activity for which such individual is hired, employed or used. 29 U.S.C. 1811(b); 29 CFR 500.1(c). Form WH–530 is an application used to obtain a Farm Labor Contractor License. This information collection is currently approved for use through August 31, 2015.

The Migrant and Seasonal Agricultural Worker Protection Act (MSPA) section 401 (29 U.S.C. 1841) requires, subject to certain exceptions, all Farm Labor Contractors (FLCs), Agricultural Employers (AGERs), and Agricultural Associations (AGASs) to ensure that any vehicle they use or cause to be used to transport or drive any migrant or seasonal agricultural worker conforms to safety and health standards prescribed by the Secretary of Labor under the MSPA and with other applicable Federal and State safety standards. These MSPA safety standards address the vehicle, driver, and insurance. The Wage and Hour Division

(WHD) has created Forms WH–514, WH–514a, and WH–515, which allow FLC applicants to verify to the WHD that the vehicles used to transport migrant/seasonal agricultural workers meet the MSPA vehicle safety standards and that anyone who drives such workers meets the Act's minimum physical requirements. The WHD uses the information in deciding whether to authorize the FLC/FLCE applicant to transport/drive any migrant/seasonal agricultural worker(s) or to cause such transportation. Form WH–514 is used to verify that any vehicle used or caused to be used to transport any migrant/seasonal agricultural worker(s) meets the Department of Transportation (DOT) safety standards. When the adopted DOT rules do not apply, FLC applicants seeking authorization to transport any migrant/seasonal agricultural workers use Form WH–514a to verify that the vehicles meet the DOL safety standards and, upon the vehicle meeting the required safety standards, the form is completed. Form WH–515 is a doctor's certificate used to document that a motor vehicle driver or operator meets the minimum DOT physical requirements that the DOL has adopted. This information collection is currently approved for use through August 31, 2015. As part of this renewal, the Department proposes to make revisions to the Forms WH–514, WH–514a, WH–515, and WH–530.

II. *Review Focus:* The DOL is particularly interested in comments that:

* Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
* Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
* Enhance the quality, utility, and clarity of the information to be collected; and
* Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

III. *Current Actions:* The DOL seeks to extend the information collection requests for the Application for a Farm Labor Contractor or Farm Labor Contractor Employee Certificate of Registration; Motor Vehicle Safety for Transportation of Migrant and Seasonal Agricultural Workers and the Doctor's Certification (minimum physical requirements to drive a vehicle). Additionally, DOL seeks the approval of the revisions of the subject information collection requirements in the Farm Labor Contractor/Farm Labor Contractor Employee Application (WH–530), revisions to the Vehicle Mechanical Inspection Reports for Transportation Subject to Department of Labor Safety Requirements (WH–514a form), revisions to the Vehicle Mechanical Inspection Report for Transportation Subject to Department of Transportation Requirements (WH–514 form), and revisions to the Doctor's Certificate, (WH–515 form).

Type of Review: Revision and Extension.

Agency: Wage and Hour Division.

Titles: Application for a Farm Labor Contractor or a Farm Labor Contractor Employee Certificate of Registration; Vehicle Mechanical Inspection Report for Transportation Subject to Department of Transportation Requirements; Vehicle Mechanical Inspection Report for Transportation Subject to Department of Labor Safety Standards; MSPA Doctor's Certificate.

OMB Control Number: 1235–0016.

Agency Numbers: Forms WH–514, WH–514a, WH–515, WH–530.

Affected Public: Businesses or other for-profits, Farms.

Respondents: 23,196.

Total Annual responses: 23,196.

Estimated Total Burden Hours: 9,334.

Estimated Time per Response: 5 minutes for the vehicle mechanical inspection reports (WH–514 or WH–514a) and 20 minutes for the MSPA Doctor's Certification (WH–515) and 30 minutes for the Farm Labor Contractor Application (WH–530).

Frequency: On Occasion, but no more often than annual.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $447,354.

Dated: March 18, 2015.

Mary Ziegler,

Director, Division of Regulations, Legislation and Interpretation.

[FR Doc. 2015–06758 Filed 3–24–15; 8:45 am]

BILLING CODE 4510–27–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–85,640]

Covidien LP, North American Shared Services Group, Mansfield, Massachusetts; Notice of Negative Determination Regarding Application for Reconsideration

By application dated December 11, 2014, a separated worker requested administrative reconsideration of the Department of Labor's negative determination regarding eligibility to apply for worker adjustment assistance, applicable to workers and former workers of Covidien LP, North American Shared Services Group, Mansfield, Massachusetts (Subject Firm). The denial notice was signed on November 25, 2014, and the Notice of Determination was published in the **Federal Register** on December 10, 2014 (79 FR 73338).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a mis-interpretation of facts or of the law justified reconsideration of the decision.

The initial investigation revealed that the subject firm does not produce an article within the meaning of Section 222(a) or Section 222(b) of the Act. Rather, the investigation revealed that the workers' firm supplied services related to administrative support and customer services. In order to be considered eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974, the worker group seeking certification (or on whose behalf certification is being sought) must work for a ''firm'' or appropriate subdivision that produces an article. The definition of a firm includes an individual proprietorship, partnership, joint venture, association, corporation (including a development corporation), business trust, cooperative, trustee in bankruptcy, and receiver under decree of any court.

In the request for reconsideration, the petitioner stated that the workers of the subject firm should be eligible for TAA because the subject firm shifted to a foreign country the supply of like or

directly competitive services with those provided by the workers of the subject firm.

The petitioner did not supply facts not previously considered; nor provide additional documentation indicating that there was either (1) a mistake in the determination of facts not previously considered or (2) a misinterpretation of facts or of the law justifying reconsideration of the initial determination. Based on these findings, the Department determines that 29 CFR 90.18(c) has not been met.

Conclusion

After careful review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed in Washington, DC, this 12th day of March, 2015.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2015–06833 Filed 3–24–15; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–82,478]

Brayton International, a Subsidiary of Steelcase, Inc., Including On-Site Leased Workers From Manpower Group, Experis, Bradley Personnel Inc., Graham Personnel Services, Aerotek, Workforce Unlimited, Experis, and Impact Business Group High Point, North Carolina; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on March 11, 2013, applicable to workers of Brayton International, a subsidiary of Steelcase, Inc., including on-site leased workers from The Manpower Group/Experis, High Point, North Carolina. The Department's Notice of Determination was published in the **Federal Register** on March 8, 2013 (Volume 78 FR 15051).

At the request of a company official, the Department reviewed the certification for workers of the subject firm. The workers were engaged in activities related to the production of office furniture.

The company reports that workers leased from Bradley Personnel Inc., Graham Personnel Services, Aerotek, Workforce Unlimited, Experis, and imPact Business Group were employed on-site at the High Point, North Carolina location of Brayton International. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this certification to include leased workers from Bradley Personnel Inc., Graham Personnel Services, Aerotek, Workforce Unlimited, Experis, and imPact Business Group working on-site at the High Point, North Carolina location of Brayton International.

The amended notice applicable to TA–W–82,478 is hereby issued as follows:

All workers of Brayton International, a subsidiary of Steelcase, Inc., including on-site leased workers from Manpower Group, Experis, Bradley Personnel Inc., Graham Personnel Services, Aerotek, Workforce Unlimited, Experis, and imPact Business Group, High Point, North Carolina, who became totally or partially separated from employment on or after February 15, 2012 through March 11, 2015, and all workers in the group threatened with total or partial separation from employment on the date of certification through March 11, 2015, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 10th day of March, 2015.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2015–06838 Filed 3–24–15; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–85,556]

Honeywell, Aerospace Division; Including On-Site Leased Workers From OptiScan, Tempe, Arizona; Notice of Affirmative Determination Regarding Application for Reconsideration

By application dated January 28, 2015, a worker requested administrative reconsideration of the negative determination regarding workers' eligibility to apply for worker adjustment assistance applicable to workers and former workers of Honeywell, Aerospace Division, including on-site leased workers from OptiScan, Tempe, Arizona (Honeywell). The determination was issued on December 9, 2014 and the Department of Labor's Notice of Determination was published in the **Federal Register** on December 30, 2014 (79 FR 78496).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The initial investigation resulted in a negative determination based on the findings that with respect to Section 222(a) and Section 222(b) of the Act, Criterion (1) had not been met because a significant number or proportion of the workers in such workers' firm had not become totally or partially separated, nor were they threatened to become totally or partially separated.

The request for reconsideration asserts that the subject worker group was defined too broadly and therefore failed to capture the worker separations and trade impact experienced by the specific workers of OptiScan who were employed on-site at Honeywell, Aerospace Division, Tempe, Arizona; that numerous firms which supplied the subject firm with on-site leased workers were erroneously combined together for the purpose of reaching a determination as a single firm, yet they were not all in support of the manufacturing process at the subject firm; that the employment decline criterion was met for the OptiScan workers employed on-site at Honeywell, Aerospace Division, Tempe, Arizona; and that the data management services they supplied in support of the engineering group were shifted to a foreign country.

The Department has carefully reviewed the request for reconsideration and the existing record, and has determined that the Department will conduct further investigation to determine if the workers meet the eligibility requirements of the Trade Act of 1974, as amended.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify

reconsideration of the U.S. Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 10th day of March, 2015.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2015–06832 Filed 3–24–15; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–82,531]

Apex Tool Group, LLC, A Subsidiary of Bain Capital, North American Hand Tools Operations, Including On-Site Leased Workers From 1st Employment Staffing, TEC Staffing Services and Kelly Staffing Services, Springdale, Arkansas; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on April 8, 2013, applicable to workers of Apex Tool Group, LLC, a subsidiary of Bain Capital, North American Hand Tools Operations, including on-site leased workers from TEC Staffing Services and Kelly Staffing Services, Springdale, Arkansas. The Department of Labor published the Notice of Determination in the **Federal Register** on May 15, 2013 (78 FR 28636).

At the request of the company official, the Department reviewed the certification for workers of the subject firm. The workers were engaged in activities related to the production of tool set kits and horseshoes.

The company reports that workers leased from 1st Employment Staffing were on-site at the Springdale, Arkansas location of Apex Tool Group, LLC. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers leased from 1st Employment Staffing working on-site at the Springdale, Arkansas location of Apex Tool Group, LLC.

The amended notice applicable to TA–W–82,531 is hereby issued as follows:

All workers of Apex Tool Group, LLC, a subsidiary Of Bain Capital, North American Hand Tools Operations, including on-site leased workers from 1st Employment Staffing, TEC Staffing Services and Kelly Staffing Services, Springdale, Arkansas, who became totally or partially separated from employment on or after March 6, 2012 through April 8, 2015, and all workers in the group threatened with total or partial separation from employment on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 10th day of March, 2015.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2015–06837 Filed 3–24–15; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–85,236]

Stanley Furniture Young America, Including On-Site Leased Workers From Workforce Unlimited and Guardsmark LLC, Robbinsville, North Carolina; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (''Act''), 19 U.S.C. 2273, the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on May 15, 2014, applicable to workers of Stanley Furniture Young America, including on-site leased workers from Workforce Unlimited, Robbinsville, North Carolina. The Department of Labor published the Notice of Determination in the **Federal Register** on June 4, 2014 (79 FR 32330).

At the request of a company official, the Department reviewed the certification for workers of the subject firm. The workers were engaged in activities related to the production of non-upholstered children's bedroom furniture.

The company reports that workers leased from Guardsmark LLC were on-site at the Robbinsville, North Carolina location of Stanley Furniture Young America. The Department has determined that these workers were sufficiently under the control of the subject firm to be considered leased workers.

Based on these findings, the Department is amending this certification to include workers leased from Guardsmark LLC working on-site at the Robbinsville, North Carolina location of Stanley Furniture Young America.

The amended notice applicable to TA–W–85,236 is hereby issued as follows:

All workers of Guardsmark LLC and Workforce Unlimited, reporting to Stanley Furniture Young America, Robbinsville, North Carolina who became totally or partially separated from employment on or after April 11, 2013 through May 15, 2016, and all workers in the group threatened with total or partial separation from employment on the date of certification through two years from the date of certification, are eligible to apply for adjustment assistance under Chapter 2 of Title II of the Trade Act of 1974, as amended.

Signed in Washington, DC, this 10th day of March, 2015.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2015–06834 Filed 3–24–15; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) number and alternative trade adjustment assistance (ATAA) by (TA–W) number issued during the period of February 23, 2015 through March 6, 2015.

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(a) of the Act must be met.

I. Section (a)(2)(A) all of the following must be satisfied:

A. a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. the sales or production, or both, of such firm or subdivision have decreased absolutely; and

C. increased imports of articles like or directly competitive with articles produced by such firm or subdivision

have contributed importantly to such workers' separation or threat of separation and to the decline in sales or production of such firm or subdivision; or

II. Section (a)(2)(B) both of the following must be satisfied:

A. a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated;

B. there has been a shift in production by such workers' firm or subdivision to a foreign country of articles like or directly competitive with articles which are produced by such firm or subdivision; and

C. One of the following must be satisfied:

1. the country to which the workers' firm has shifted production of the articles is a party to a free trade agreement with the United States;

2. the country to which the workers' firm has shifted production of the articles to a beneficiary country under the Andean Trade Preference Act, African Growth and Opportunity Act, or the Caribbean Basin Economic Recovery Act; or

3. there has been or is likely to be an increase in imports of articles that are like or directly competitive with articles which are or were produced by such firm or subdivision.

Also, in order for an affirmative determination to be made for secondarily affected workers of a firm and a certification issued regarding eligibility to apply for worker adjustment assistance, each of the group eligibility requirements of Section 222(b) of the Act must be met.

(1) significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) the workers' firm (or subdivision) is a supplier or downstream producer to a firm (or subdivision) that employed a group of workers who received a certification of eligibility to apply for trade adjustment assistance benefits and such supply or production is related to the article that was the basis for such certification; and

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied for the firm (or subdivision) described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; or

(B) a loss or business by the workers' firm with the firm (or subdivision) described in paragraph (2) contributed importantly to the workers' separation or threat of separation.

In order for the Division of Trade Adjustment Assistance to issue a certification of eligibility to apply for Alternative Trade Adjustment Assistance (ATAA) for older workers, the group eligibility requirements of Section 246(a)(3)(A)(ii) of the Trade Act must be met.

1. Whether a significant number of workers in the workers' firm are 50 years of age or older.

2. Whether the workers in the workers' firm possess skills that are not easily transferable.

3. The competitive conditions within the workers' industry (*i.e.,* conditions within the industry are adverse).

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

None.

Affirmative Determinations for Worker Adjustment Assistance And Alternative Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (increased imports) and Section 246(a)(3)(A)(ii) of the Trade Act have been met.

85,684, Heritage Home Group, Belding, Mississippi. December 2, 2013.

85,695, ME Global (dba ME Elecmetal), Duluth, Minnesota. December 4, 2013.

85,725, Lexis Nexis, Miamisburg, Ohio. December 15, 2013.

85,726, Hewlett-Packard Co., Houston, Texas. December 15, 2013.

85,759, International Automotive Components Canton, LLC., Canton, Ohio. January 9, 2014.

85,770, PACAL LLC, La Crosse, Wisconsin. January 16, 2015.

85,778, Yokohama Tire Manufacturing VA, LLC., Salem, Virginia. January 21, 2014.

85,780, LSI Corporation, San Jose, California. March 14, 2015.

85,780A, Leased Workers from Pro Unlimited, San Jose, California. January 21, 2014.

85,780B, LSI Corporation, Colorado Springs, Colorado, March 14, 2015.

85,780C, LSI Corporation, Fort Collins, Colorado, March 14, 2015.

85,780D, LSI Corporation, Longmont, Colorado, March 14, 2015.

85,780E, LSI Corporation, Norcross, Georgia, March 14, 2015.

85,780F, LSI Corporation, Wichita, Kansas, March 14, 2015.

85,780G, LSI Corporation, Mendota Heights, Minnesota, March 14, 2015.

85,780H, LSI Corporation, Allentown, Pennsylvania, March 14, 2015.

85,780I, LSI Corporation, Austin, Texas, March 14, 2015.

85,786, Boomerang Tube, LLC., Liberty, Texas. January 22, 2014.

85,787, Pacer Technology, Rancho Cucamonga, California. January 22, 2014.

85,789, Mastercraft Furniture, Inc., Stayton, Oregon. January 23, 2014.

85,795, Maverick Tube Corporation, Blytheville, Arkansas. January 27, 2014.

85,800, COM DEV USA, LLC., El Segundo, California. January 28, 2014.

85,803, Hemlock Semiconductor LLC, Clarksville, Tennessee. April 16, 2015.

85,805, XO Group, Inc., Redding, California. February 2, 2014.

85,809, Pfizer—Pearl River, Pearl River, New York. April 9, 2015.

85,819, Carwild Corporation, New London, Connecticut. February 5, 2014.

85,820, Kyees Aluminum, La Mirada, California. February 3, 2014.

85,847, Wabash Technologies, Inc., Huntington, Indiana. February 20, 2014.

Negative Determinations for Alternative Trade Adjustment Assistance

In the following cases, it has been determined that the requirements of 246(a)(3)(A)(ii) have not been met for the

None.

Negative Determinations for Worker Adjustment Assistance and Alternative Trade Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for worker adjustment assistance have not been met for the reasons specified.

Because the workers of the firm are not eligible to apply for TAA, the workers cannot be certified eligible for ATAA.

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

85,721, Workers of IBM Corporation, San Antonio, Texas.

85,731, Sun Life Financial (U.S.) Services Company, Inc., Wellesley Hills, Massachusetts.
85,765, Vencore Services and Solutions, Inc., San Diego, California.
85,771, Eastman Kodak Company, Rochester, New York.
85,791, MWI Veterinary Supply Co., Warsaw, North Carolina.
85,804, Convergys Corporation, Jacksonville, Texas.

Determinations Terminating Investigations of Petitions for Worker Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's Web site, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

85,802, Philippine Airlines, Burlingame, California.

I hereby certify that the aforementioned determinations were issued during the period of February 23, 2015 through March 6, 2015. These determinations are available on the Department's Web site *www.tradeact/taa/taa_search_form.cfm* under the searchable listing of determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 17th day of March 2014.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2015–06836 Filed 3–24–15; 8:45 am]

BILLING CODE 4510–FN–P

EXECUTIVE OFFICE OF THE PRESIDENT

Office of National Drug Control Policy

Designation of County as High Intensity Drug Trafficking Area

AGENCY: Office of National Drug Control Policy.

ACTION: Notice of HIDTA designation.

SUMMARY: The Director of the Office of National Drug Control Policy designated 1 additional county as a High Intensity Drug Trafficking Area (HIDTA) pursuant to *21 U.S.C. 1706.* The new county is New Castle County, Delaware as part of the Philadelphia/Camden HIDTA.

FOR FURTHER INFORMATION CONTACT: Questions regarding this notice should be directed to Michael K. Gottlieb, National HIDTA Program Director, Office of National Drug Control Policy, Executive Office of the President, Washington, DC 20503; (202) 395–4868.

Submitted: March 19, 2015.

Dated: January 5, 2015.

Daniel Rader,

Deputy General Counsel.

[FR Doc. 2015–06771 Filed 3–24–15; 8:45 a.m.]

BILLING CODE 3280–F5–P

NEIGHBORHOOD REINVESTMENT CORPORATION

Regular Board of Directors Meeting; Sunshine Act

TIME AND DATE: 2:00 p.m., Monday, March 30, 2015.

PLACE: NeighborWorks America—Gramlich Boardroom, 999 North Capitol Street NE., Washington, DC 20002.

STATUS: Open (with the exception of Executive Session).

CONTACT PERSON: Jeffrey Bryson, General Counsel/Secretary, (202) 760–4101; *jbryson@nw.org.*

AGENDA:

I. CALL TO ORDER
II. Approval of Minutes
III. Executive Session: Report from CEO
IV. Executive Session: Compensation Review
V. Audio Visual Contract Decision
VI. Sustainable Homeownership Evaluation
VII. Restart Training IT Project Development
VIII. Financial Report
IX. Management Updates
X. Adjournment

Jeffrey T. Bryson,

EVP & General Counsel/Corporate Secretary.

[FR Doc. 2015–06901 Filed 3–23–15; 11:15 am]

BILLING CODE 7570–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–255–LA–2; ASLBP No. 15–939–04–LA–BD01]

Entergy Nuclear Operations, Inc.; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission, *see* 37 FR 28,710 (Dec. 29, 1972), and the Commission's regulations, *see, e.g.,* 10 CFR 2.104, 2.105, 2.300, 2.309, 2.313, 2.318, 2.321, notice is hereby given that an Atomic Safety and Licensing Board (Board) is being established to preside over the following proceeding:

Entergy Nuclear Operations, Inc. (Palisades Nuclear Plant)

This proceeding involves an application by Entergy Nuclear Operations, Inc. (Entergy) for a license amendment for Palisades Nuclear Plant, located in Van Buren County, Michigan. In response to a notice filed in the **Federal Register**, *see* 80 FR 520, 523 (Jan. 6, 2015), a Petition to Intervene was filed on March 9, 2015 by Beyond Nuclear; Don't Waste Michigan; Michigan Safe Energy Future—Shoreline Chapter; and the Nuclear Energy Information Service.

The Board is comprised of the following administrative judges:

Ronald M. Spritzer, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001
Dr. Gary S. Arnold, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001
Dr. Thomas J. Hirons, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001

All correspondence, documents, and other materials shall be filed in accordance with the NRC E-Filing rule. *See* 10 CFR 2.302.

Dated: March 19, 2015, Rockville, Maryland.

E. Roy Hawkens,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 2015–06877 Filed 3–24–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–456 and 50–457; NRC–2013–0169]

Exelon Generation Company, LLC; Braidwood Station, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft supplemental generic environmental impact statement; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing for public comment a draft plant-specific supplement to NUREG–1437, ''Generic Environmental Impact Statement [GEIS] for License Renewal of Nuclear Plants Regarding Braidwood Station, Units 1 and 2, Supplement 55,'' regarding the renewal of operating licenses NPF–72 and NPF–77 for an additional 20 years of operation for Braidwood Station (Braidwood), Units 1 and 2. Braidwood

is located in Will County, Illinois. Possible alternatives to the proposed action include no action and reasonable alternative energy sources. The NRC staff plans to hold two public meetings during the public comment period to present an overview of the draft plant-specific supplement to the GEIS and to accept public comments on the document.

DATES: Submit comments by May 12, 2015. Comments received after this date will be considered, if it is practical to do so, but the NRC staff is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any 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–2013–0169. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- Mail comments to: Cindy Bladey, Office of Administration, Mail Stop: OWFN–12–H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

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

FOR FURTHER INFORMATION CONTACT: Tam Tran, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3617; email: *Tam.Tran@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2013–0169 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–2013–0169.
- NRC's Agencywide Documents Access and Management System (ADAMS): You may access 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 draft plant-specific supplement to NUREG–1437, ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants Regarding Braidwood Station, Units 1 and 2, Supplement 55,'' is available in ADAMS under Accession No. ML15062A428.
- 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–2013–0169 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. Discussion

The NRC is issuing for public comment draft plant-specific Supplement 55 to the GEIS for license renewal of nuclear plants, NUREG–1437, regarding the renewal of operating licenses NPF–72 and NPF–77 for an additional 20 years of operation for Braidwood. Supplement 55 to the GEIS includes the preliminary analysis that evaluates the environmental impacts of the proposed action and alternatives to the proposed action. The NRC's preliminary recommendation is that the adverse environmental impacts of license renewal for Braidwood are not great enough to deny the option of license renewal for energy-planning decisionmakers.

III. Public Meetings

The NRC staff will hold public meetings prior to the close of the public comment period to present an overview of the draft plant-specific supplement to the GEIS and to accept public comment on the document. Two meetings will be held at the Godley Park District, 500 S. Kankakee Street, Godley, Illinois 60407, on Tuesday, April 21, 2015. The first session will convene at 2:00 p.m. and will continue until 4:00 p.m., as necessary. The second session will convene at 7:00 p.m. and will continue until 9:00 p.m., as necessary. The meetings will be transcribed and will include: (1) A presentation of the contents of the draft plant-specific supplement to the GEIS; and (2) the opportunity for interested government agencies, organizations, and individuals to provide comments on the draft report. Additionally, the NRC staff will host informal discussions one hour prior to the start of each session at the same location. No comments on the draft supplement to the GEIS will be accepted during the informal discussions. To be considered in the final supplement to the GEIS, comments must be provided either at the transcribed public meeting or submitted in writing by the comment deadline identified in the **DATES** section of this notice. Persons may pre-register to attend or present oral comments at the meeting by contacting Mr. Tam Tran, the NRC project manager, at 1–800–368–5642, extension 3617, or by email at *Tam.Tran@nrc.gov* no later than Tuesday, April 14, 2015. Members of the public may also register to provide oral comments within 15 minutes of the start of each session. Individual oral comments may be limited by the time available, depending on the number of persons who register. If special equipment or accommodations are needed to attend or present information at the public meeting, the need should be brought to Mr. Tran's attention no later than Tuesday, April 14, 2015, in order to provide the NRC staff with adequate notice to determine whether the request can be accommodated. Additional details regarding the meeting will be posted at least 10 days prior to the public meeting on the NRC's Public Meeting Schedule Web site at *http://www.nrc.gov/public-involve/public-meetings/index.cfm.*

Dated at Rockville, Maryland, this 18th day of March, 2015.

For the Nuclear Regulatory Commission.

Brian Wittick,

Chief, Projects Branch 2, Division of Licenses Renewal, Office of Nuclear Reactor Regulation.

[FR Doc. 2015–06878 Filed 3–24–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Seeking Qualified Candidates for the Advisory Committee on Reactor Safeguards

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for resumes.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) seeks qualified candidates for the Advisory Committee on Reactor Safeguards (ACRS).

DATES: Resumes will be accepted until June 23, 2015.

ADDRESSES: Submit resumes to Ms. Kendra Freeland, ACRS, Mail Stop T2E26, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or email *Kendra.Freeland@nrc.gov.*

SUPPLEMENTARY INFORMATION: The ACRS is a part-time advisory group, which is statutorily mandated by the Atomic Energy Act of 1954, as amended. ACRS provides independent expert advice on matters related to the safety of existing and proposed nuclear power plants and on the adequacy of proposed reactor safety standards. Of primary importance are the safety issues associated with the operation of 99 commercial nuclear power plants in the United States and regulatory initiatives, including risk-informed and performance-based regulation, license renewal, power uprates, and the use of mixed oxide and high burnup fuels. An increased emphasis is being given to safety issues associated with new reactor designs and technologies, including passive system reliability and thermal hydraulic phenomena, use of digital instrumentation and control, international codes and standards used in multinational design certifications, materials, and structural engineering, nuclear analysis and reactor core performance, and nuclear materials and radiation protection. In addition, the ACRS may be requested to provide advice on radiation protection, radioactive waste management, and earth sciences in the agency's licensing reviews for fuel fabrication and enrichment facilities, and for waste disposal facilities. The ACRS also has some involvement in security matters related to the integration of safety and security of commercial reactors.

See the NRC Web site at *http://www.nrc.gov/aboutnrc/regulatory/advisory/acrs.html* for additional information about the ACRS. Criteria used to evaluate candidates include education and experience, demonstrated skills in nuclear reactor safety matters, the ability to solve complex technical problems, and the ability to work collegially on a board, panel, or committee. The Commission, in selecting its Committee members, also considers the need for specific expertise to accomplish the work expected to be before the ACRS. ACRS Committee members are appointed for four-year terms with no term limits. The Commission looks to fill two vacancies as a result of this request. For this position, a candidate must have at least 20 years of broad experience and a distinguished record of achievement in one or more areas of nuclear science and technology or related engineering disciplines.

Candidates with pertinent graduate level experience will be given additional consideration. Consistent with the requirements of the Federal Advisory Committee Act, the Commission seeks candidates with diverse backgrounds, so that the membership on the Committee is fairly balanced in terms of the points of view represented and functions to be performed by the Committee. Candidates will undergo a thorough security background check to obtain the security clearance that is mandatory for all ACRS members. The security background check will involve the completion and submission of paperwork to the NRC. Candidates for ACRS appointments may be involved in or have financial interests related to NRC-regulated aspects of the nuclear industry. However, because conflict-of-interest considerations may restrict the participation of a candidate in ACRS activities, the degree and nature of any such restriction on an individual's activities as a member will be considered in the selection process.

Each qualified candidate's financial interests must be reconciled with applicable Federal and NRC rules and regulations prior to final appointment. This might require divestiture of securities or discontinuance of certain contracts or grants. Information regarding these restrictions will be provided upon request. As a part of the Stop Trading on Congressional Knowledge Act of 2012, which bans insider trading by members of Congress, their staff, and other high-level federal employees, candidates for appointments will be required to disclose additional financial transactions.

A resume describing the educational and professional background of the candidate, including any special accomplishments, publications, and professional references should be provided. Candidates should provide their current address, telephone number, and email address. All candidates will receive careful consideration. Appointment will be made without regard to factors such as race, color, religion, national origin, sex, age, or disabilities. Candidates must be citizens of the United States and be able to devote approximately 100 days per year to Committee business, but may not be compensated for more than 130 calendar days. Resumes will be accepted until June 23, 2015.

Dated at Rockville, Maryland, this 18th day of March, 2015.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2015–06875 Filed 3–24–15; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74535; File No. SR–NYSEMKT–2015–18]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 900.3NY(w) and Rule 980NY(d)(1) to Delete the PNP Plus Designation for Electronic Complex Orders From Its Rules

March 19, 2015.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that on March 12, 2015, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 900.3NY(w) (Orders Defined) and Rule 980NY(d)(1) (Complex Order Trading) to delete the PNP Plus designation for Electronic Complex Orders from its rules. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 900.3NY(w) and Rule 980NY(d)(1) to delete the PNP Plus designation for Electronic Complex Orders from its rules.

PNP Plus Orders

The PNP Plus order type was designed to provide ATP Holders with additional processing capability in order to control the circumstances under which their Electronic Complex Orders are executed. However, due to little demand for PNP Plus orders, the Exchange proposes to discontinue functionality supporting the order type.

Pursuant to Rule 900.3NY(w), an Electronic Complex Order designated as PNP Plus (''PNP Plus'') is automatically re-priced by the Exchange at an MPV greater (less than) the contra-side Complex BBO (as defined in Rule 900.2NY(7)) for any or all of the order that remains unexecuted and would otherwise lock or cross the Complex BBO should it be displayed in the Consolidated Book. The re-priced PNP Plus is then posted in the Consolidated Book. The Electronic Complex Order designated as PNP Plus continues to be re-priced at an MPV greater (less than) than the Complex BBO and re-posted in the Consolidated Book, with each change in the Complex BBO, until such time as the Complex BBO has moved to a price where the original limit price of the order no longer locks or crosses the Complex BBO, at which time the Electronic Complex Order designated as PNP Plus will revert to its original limit price. PNP Plus orders are ranked in the Consolidated Book pursuant to Rule 980NY(b) and assigned a new price time priority as of the time of each re-posting.

Given the lack of demand for PNP Plus orders, the Exchange proposes to decommission the order type and delete the definition of PNP Plus from Rule 900.3NY(w). The Exchange proposes to hold Rule 900.3NY(w) as Reserved. Similarly, the Exchange proposes to delete the reference to ''Limit Orders designated as PNP Plus'' from Rule 980NY(d)(1) regarding the types of allowable Electronic Complex Orders. As proposed Rule 980NY(d)(1) would state that ''Electronic Complex Order must be designated as Limit Orders.''

The Exchange believes the proposed change would assist with the maintenance of fair and orderly markets because it would reduce the complexity of order types available to market participants and would help clarify the nature of order types available for trading on the Exchange.

Implementation

The Exchange will announce the implementation date of this change through a Trader Update.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[4] in general, and furthers the objectives of Section 6(b)(5),[5] 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. Specifically, the Exchange believes that by eliminating a little-used order type the proposal would assist with the maintenance of fair and orderly markets because it would reduce the complexity of order types available to market participants, thereby adding transparency and clarity to the Exchange's rules, and would help clarify the nature of order types available for trading on the Exchange. The Exchange further believes that deleting an order type rarely used by investors also removes impediments to and perfects the mechanism of a free and open market by ensuring that members, regulators and the public can more easily navigate the Exchange's rulebook and better understand the order types available for trading on the Exchange. Moreover, the Exchange believes that the elimination of the PNP Plus order type would simplify order processing and reduce the burden on system capacity, which the Exchange believes is consistent with promoting just and equitable principles of trade as well as protecting investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that the proposed rule change would relieve a burden on competition by eliminating an order type and streamlining the Exchange's rules. In doing so, the proposed rule change would also serve to promote regulatory clarity and consistency, thereby reducing burdens on the marketplace and facilitating investor protection.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[6] and Rule 19b–4(f)(6) thereunder.[7] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78s(b)(3)(A)(iii).

[7] 17 CFR 240.19b–4(f)(6).

of the Act and Rule 19b–4(f)(6) thereunder.[8]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) of the Act[9] to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2015–18 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–NYSEMKT–2015–18. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the NYSE's principal office and on its Internet Web site at *www.nyse.com.* All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2015–18 and should be submitted on or before April 15, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Brent J. Fields,

Secretary.

[FR Doc. 2015–06713 Filed 3–24–15; 8:45 am]

BILLING CODE 8011–01–P

[8] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[9] 15 U.S.C. 78s(b)(2)(B).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74533; File No. SR–Phlx–2015–023]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Updating to Certain Phlx Rules

March 19, 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 March 12, 2015, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rules 50 entitled ''Failure to Pay Dues, Fees and Other Charges;'' 53, entitled ''Liability for Dues Until Transfer or Military Service;'' 99 entitled ''Back-Up Trading Arrangements;'' and 443 entitled ''Employees.'' The Exchange proposes to delete Rules 51 entitled ''Enforcement of Capital Funding Fees;'' 54 entitled ''Service Fee;'' 55 entitled ''Claims by Formed or Deceased Members;'' and 442 entitled ''Communications.''

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to update certain Phlx rules related to the payment of fees to harmonize the Exchange's Rulebook text and modernize Exchange rules. The Exchange proposes to amend rule text, make minor technical amendments to certain rules and to delete other rules. Each proposed rule change is discussed in greater detail below.

Amendment to Certain Exchange Rules

The Exchange proposes to amend Rule 50, entitled ''Failure to Pay Dues, Fees and Other Charges.'' The Exchange proposes to conform Rule 50(a) to NASDAQ Stock Market LLC (''Nasdaq'') Rule 9553 and NASDAQ OMX BX, Inc. (''BX'') Rule 9553(a). The Exchange is proposing to adopt rule text similar to Nasdaq Rule 9553 and BX Rule 9553 in place of the current rule text in Rule 50(a), (d) and (f). The Exchange is also proposing to modify the headers to match those of Nasdaq Rule 9553 and BX Rule 9553. The word ''termination'' in the Phlx rule is replaced with the word ''cancellation or bar.'' The Exchange's amendments are not substantive in nature. The amendments

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

seek to align these rules with Nasdaq rules.

The Exchange proposes to amend Rule 53, entitled ''Liability for Dues Until Transfer or Military Service'' to delete the current rule text and adopt the language in Nasdaq IM–1002 and BX IM–1002–2. This rule allows associated persons to be placed on inactive status, thereby preserving their registration, while serving in the Armed Forces of the United States.[3] The current rule describes the liability for dues of a member that is active in the military or naval service. The current rule notes that the member's liability continues unless the permit is transferred or the Board of Directors waives dues and assessments. The proposed rule text permits a member serving in the military to retain eligibility to receive transaction related compensation, provided they do not perform the duties of a registered person while inactive. The inactive military member would not be subject to fees or be required to complete Regulatory or Firm Elements requirements. The rule provides similar relief for sole proprietorships that are active in the Armed Forces. Finally, the rule affords relief to persons currently not registered with a member or member organization and subsequently is active in the Armed Forces within two years after the date a person ceases to be registered with a member or member organization with respect to registration requirements provided notice is given within a specified time.[4] If a person placed upon inactive status while serving in the Armed Forces of the United States ceases to be registered with a member or member organization, Phlx will defer the lapse of registration requirements during the pendency of his or her active service in the Armed Forces of the United States.

Nasdaq based its adoption of the rule on a National Association of Securities Dealers (hereinafter ''FINRA'') rule. FINRA tolled the two-year licensing expiration provisions under its rule for a person previously registered with a member who commences active military duty within two years after he or she has ceased to be registered with the member, and also tolled the expiration provisions for a person placed upon ''inactive'' status, who, while serving in the Armed Forces of the United States, ceases to be registered with a member.[5]

NASD's Rule IM–1000–2 relieves active duty professionals from continuing education requirements. With respect to the Firm Element requirement of continuing education, FINRA provides that only persons who have ''direct contact with customers'' in the conduct of securities activities are subject to the Firm Element requirement.[6] active duty professionals are excluded from the Firm Element requirement because they do not have contact with customers. FINRA's rule expressly states that active duty professionals are not required to complete either of the Regulatory or Firm Elements of the continuing education requirements during the pendency of such inactive status.[7] The proposed rule change will harmonize the Phlx rule with the Nasdaq and BX rules as well as FINRA's rule.

The Exchange proposes to amend Rule 99, entitled ''Back-Up Trading Arrangements,'' to make technical conforming amendments to the rule text. This rule change is not substantive in nature; rather, the rule text amendments seek to conform the word usage within the text of this rule.

The Exchange proposes to amend Rule 443, entitled ''Employees'' by renaming the rule ''Trading Floor Admittance'' and making minor rule amendments to clarify the rule text. Rule 443 states, '' [n]o employee of a member or member organization shall be admitted to the floor unless he is registered with and approved by the Exchange, which may in its discretion require the payment of a fee with respect to each employee so approved, and may at any time in its discretion withdraw any approval so given.'' The Exchange proposes to reference Options Regulation 5 regarding non-member visitors within this rule to add clarity to admittance to the options trading floor for non-members. The other amendments to this rule are technical in nature. There are no substantive changes proposed to current Phlx Rule 443.

Deleted Rules

The Exchange proposes to delete Rule 51 entitled ''Enforcement of Capital Funding Fees.'' This rule is no longer applicable today. This rule permits the Exchange to take certain specified measures if an owner of a membership fails to pay (or have paid on its behalf) any capital funding fee imposed by the Exchange when due. The rule specifies what enforcement action may be taken against an owner for failure to pay any capital funding fee imposed by the Exchange. The rule delineates the remedies that shall be taken by the Board if the capital funding fee is not paid and allows for a variety of remedies ranging from the imposition of a late fee to reversion and sale by the Exchange of the equitable title to a membership. The remedies are set forth in such a way as to apply the less onerous remedies (*i.e.,* like fees) first and the more serious remedies (*i.e.,* suspension of right to trade or lease and reversion of membership) only after the Exchange has not received payment within 90 days after the date of the original invoice (or such longer period for which a lease agreement is in effect as a result of the election by a lessee to continue paying the capital funding fee). By allowing this graduated scale of remedies, the owners are put on notice as to what remedies will be imposed if payment is not received in a timely manner, with the more serious remedies being applied after a longer period of time. In addition, the rule delineates the Board's responsibilities and authority for handling instances in which an owner fails to pay the capital funding fee when due.[8]

The rule was designed to protect innocent lessees from being unexpectedly dispossessed from their memberships and trading rights in the event of a nonpayment by their lessors. This was important in the days when Phlx had seats, prior to demutualization; there are no longer any seats, owners or lessors. Today permits are issued to members and member organizations. Permits provide trading rights[9] today and the Exchange collects fees via direct debit.[10] This rule is

[3] *See* Nasdaq IM–1002 and BX IM–1002–2.

[4] Phlx must be properly notified of the person's period of active military service within 90 days following his or her completion of active service or upon his or her re-registration with a member or member organization, whichever occurs first. The deferral will terminate 90 days following the person's completion of active service in the Armed Forces of the United States. Accordingly, if such person does not re-register with a member or member organization within 90 days following his or her completion of active service in the Armed Forces of the United States, the amount of time in which the person must become re-registered with a member or member organization without being subject to the qualification examination requirements shall consist of the standard two-year period provided in Phlx Rules 611, 613, and 3228 reduced by the period of time between the person's Phlx is properly notified of the person's period of active military service within 90 days following his or her completion of active service or upon his or her re-registration with a member or member organization, whichever occurs first. The deferral will terminate 90 days following the person's completion of active service in the Armed Forces of the United States.

[5] *See* Securities Exchange Act Release No. 53182 (January 26, 2006), 71 FR 5391 (February 1, 2006) (SR–NASD–2005–135).

[6] *See* FINRA Rule 1250(b)(1).

[7] *Id.*

[8] *See* Securities and Exchange Commission 44872 (September 28, 2001), 66 FR 51084 (October 5, 2001) (SR–Phlx–99–52).

[9] *See* Rule 908.

[10] *See* Rule 909.

outdated and the Exchange proposes to remove it from the Rulebook.

The Exchange also proposes to delete Rule 54 entitled ''Service Fee'' because the rule is outdated. The rule provides, ''[m]embers and member organizations who are not also members of a subsidiary of the Exchange but who use or benefit from the facilities or services of such subsidiary, may be required by the Board of Directors to pay fees or charges to the Exchange for such use or benefit; provided, however, that such fees or charges may be imposed only if they are similar in structure and rate to those imposed by such subsidiary on its own members using or benefiting from the same facilities or services.'' The Exchange does not have any active subsidiaries today.[11] This rule is therefore not applicable and should be deleted from the Rulebook. The Exchange also proposes to remove the reference to Rule 54 from Rule 3202, entitled ''Application of Other rules of the Exchange.'' Rule 3202 adopts certain rules into the equity rules. The Exchange proposes to remove the reference to Rule 54 from Rule 3202 as well.

The Exchange proposes to delete Rule 55, entitled ''Claims by Formed or Deceased Members.'' This rule states, ''[w]hen a member is in debt to another member the death of the creditor member shall not affect the rights of such creditor or member, his organization or estate in respect of such debt.'' As noted above, the Exchange issues permits today for access to trading on the Exchange. At the time, prior to demutualization, when the Exchange issued seats, those seats could be leased. This is no longer the case. Members are not indebted to other members in the same manner today. This rule is no longer applicable and should be removed from the Rulebook. The Exchange also proposes to remove the reference to Rule 55 from Rule 3202, entitled ''Application of Other Rules of the Exchange.'' Rule 3202 adopts certain rules into the equity rules. The Exchange proposes to remove the reference to Rule 55 from Rule 3202 as well.

The Exchange proposes to delete Rule 442, entitled ''Communications.'' This rule provides that ''[c]ommunications shall not be read to the Exchange nor posted on the bulletin board without the consent of the Secretary.'' This rule is outdated. Today, the Exchange uses electronic means such as email, electronic alerts and its Web site to issue communications. There is no longer a bulletin board on the Exchange's trading floor as there was when the rule was enacted. The Exchange proposes removing this outdated rule from the Rulebook.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[12] in general, and furthers the objectives of Section 6(b)(5) of the Act[13] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange believes that these proposed rule changes will harmonize the text of its rules and modernize the Phlx Rulebook. The Exchange is updating certain rules in order to ensure consistency in the rule text. The Exchange is proposing to delete other rules because they are outdated.

The proposed rule change to Rule 53 seeks to harmonize this rule with Nasdaq and BX Rules. The proposed new rules addresses not only fees, which are addressed by the current rule, but also registration, compensation, Regulatory and Firm Element requirements, sole proprietor members and formerly registered persons. The proposed rule states that a registered person placed on inactive status shall not be included within the scope of fees, whereas the Phlx rule indicates a member serving in the military in active status is liable for dues to the Exchange. The Exchange desires to conform the treatment of members serving in the military to that of other exchanges. The NASDAQ, BX and NASD rules provide inactive members serving in the military with a reprieve from certain obligations registration and other requirements.[14] The Exchange desires to adopt a similar treatment of these members, which it believes will foster cooperation and coordination with persons engaged in facilitating transactions in securities.

The remaining rule amendment proposals either modernize the rule text and add clarity or delete outdated rule text. The Exchange believes that these proposals will benefit members and member organizations by bringing additional clarity to the Rulebook.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposed amendments seek to harmonize the Rulebook by conforming the text of certain rules throughout the rule and also deleting certain unnecessary rules. These rule amendments do not place an undue burden on competition but rather bring clarity to the Rulebook.

The proposed amendments to Rule 53 will provide members with a rule similar to rules on Nasdaq and BX. The Exchange's amendment will conform the treatment of members serving in the military to that of other exchanges. The Exchange believes that adopting the Nasdaq and BX rules will provide members and member organizations with processes similar to other self-regulatory organizations and therefore does not create an undue burden on either intra-market or inter-market competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[15] and subparagraph (f)(6) of Rule 19b–4 thereunder.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection

[11] Phlx's only subsidiary is the Stock Clearing Corporation of Philadelphia. This subsidiary is inactive.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *See* Nasdaq IM–1002, BX IM–1002–2 and NASD IM–1002–2.

[15] 15 U.S.C. 78s(b)(3)(a)(ii).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2015–023 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–Phlx–2015–023. 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 20549–1090, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2015–023, and should be submitted on or before April 15, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Brent J. Fields,

Secretary.

[FR Doc. 2015–06711 Filed 3–24–15; 8:45 am]

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[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74534; File No. SR–NYSEArca–2015–01]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change Amending NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 Relating to Listing of Investment Company Units Based on Municipal Bond Indexes

March 19, 2015.

On January 16, 2015, NYSE Arca, Inc. filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend NYSE Arca Equities Rule 5.2(j)(3), Commentary .02 relating to the listing of Investment Company Units based on fixed income securities indexes. The proposed rule change was published for comment in the **Federal Register** on February 4, 2015.[3] The Commission has received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act[4] provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The Commission is extending this 45-day time period. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[5] designates May 5, 2015, as the date by which the Commission shall either approve or disapprove or institute proceedings to determine whether to disapprove the proposed rule change (File Number SR–NYSEArca-2015–01).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Brent J. Fields,

Secretary.

[FR Doc. 2015–06712 Filed 3–24–15; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 74175 (Jan. 29, 2015), 80 FR 6150.

[4] 15 U.S.C. 78s(b)(2).

[5] *Id.*

[6] 17 CFR 200.30–3(a)(31).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74538; File No. SR–MIAX–2015–22]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by Miami International Securities Exchange LLC To Amend Its Fee Schedule

March 19, 2015.

Pursuant to the provisions of 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 March 12, 2015, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing,* at MIAX'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, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed

any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutor Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to make several changes to the Member and non-Member testing and certification fees. Specifically, the Exchange proposes to: (i) Change the Member and non-Member Application Programming Interface (''API'') Testing and Certification Fees from a one-time fee to a per API and per test fee; (ii) increase the API Testing and Certification Fees for non-Members by $200; (ii) [sic] change the Member Network Testing and Certification fee from a one-time per firm fee to a per connection and per test fee; (iii) [sic] change the non-Member Network Testing and Certification fee from a one-time per connection fee to a per connection and per test fee; (iv) [sic] increase the non-Member Network Testing and Certification Fee by $200; and (v) [sic] modify the name of the Network Testing and Certification Fee.

API Testing and Certification Fees

An API makes it possible for Member and non-Member software to communicate with Exchange software applications, and is subject to Member and non-Member testing with, and certification by, the Exchange. API testing and certification includes testing all available order types, new order entry, order management, order throughput and mass order cancellation, and also includes testing of all available quote types, quote throughput, quote management and cancellation, risk management settings and triggers, and confirmation of quotes within the Exchange's trading engines.

The Exchange currently assesses a one-time API Testing and Certification Fee to Members and non-Members. Electronic Exchange Members (''EEMs'') [3] are assessed a one-time API Testing and Certification Fee of $1,000. Market Makers [4] are assessed a one-time API Testing and Certification Fee of $2,500. Non-Members are assessed a one-time API Testing and Certification Fee of $1,000. The fee represents the costs incurred by the Exchange as it works with each Member or non-Member while testing and certifying that the Member's software systems communicate properly with the Exchange.

The Exchange proposes to modify the API Testing and Certification Fees from a one-time fee to a per API and per test fee in order to compensate for the additional costs associated with testing and certifying Members and non-Members multiple times for multiple connections. Member and Non-Member API Testing and Certification Fees will be assessed initially per API and each time API testing and certification is required due to a change to existing API either initiated by the Member/non-Member, or in response to a new or modified API offered but not mandated by the Exchange. API Testing and Certification Fees will not be assessed in situations where the Exchange requires API testing and certification due to a change mandated by the Exchange. The Exchange believes that it is reasonable not to charge Testing and Certification Fees in such situations because it involves an Exchange mandated testing and certification.

The Member API Testing and Certification Fees will remain unchanged from the current $1,000 for EEMs and $2,500 for Market Makers.

The Exchange proposes to increase the non-Member API Testing and Certification Fees from $1,000 to $1,200 for Third Party Vendors,[5] Service Bureaus,[6] and other non-Members. It has been MIAX's experience that Member testing takes less time than non-Member testing because Members have more experience testing these systems with the Exchange; generally fewer questions and issues arise during the testing and certification process. Also, because third party vendors and Service Bureaus are redistributing data and reselling services to other Members and market participants the number and types of scenarios that need to be tested are more numerous and complex than those tested and certified for a single Member. Therefore, the Exchange believes that it is reasonable to charge non-Members more for API testing and certification than Members.

The Exchange notes that these changes will result in an increase to the API Testing and Certification Fees charged to Members and non-Members for those Members and non-Members that need testing and certification beyond the initial one. For example, Market Maker (''MM1'') conducts API testing and certification initially upon connection to the Exchange, and then two more times during the year each time it upgrades its software. Currently, MM1 would be assessed $2,500 in API Testing and Certification Fees for the three testing and certifications that were conducted by Exchange staff. As proposed, MM1 would be assessed $7,500 in API Testing and Certification Fees for the three testing and certifications that were conducted by Exchange staff. Example 2, a Third Party Vendor (''V1'') conducts API testing and certification initially upon connection to the Exchange for (2) API, and then two more times during the year each time it upgrades its software. Currently, V1 would be assessed $2,000 in API Testing and Certification Fees for the four testing and certifications that were conducted by Exchange staff. As proposed, V1 would be assessed $4,800 in API Testing and Certification Fees for the four testing and certifications that were conducted by Exchange staff. The proposed fee changes more closely represent the costs incurred by the Exchange as it works with each Member or non-Member while testing and certifying that the Member's or non-Member's software systems communicate properly with the Exchange.

Network Testing and Certification Fees

Network Testing and Certification Fees are charged to recoup installation and support costs incurred by the Exchange as it works with each Member and non-Member to make sure there are appropriate electronic connections with the Exchange's system. The Exchange currently assesses Members a one-time Network Testing and Certification Fee of $1,000 per Member firm for a one gigabit connection, and $4,000 per Member firm for a ten gigabit connection. Members are currently not charged a Network Testing and Certification Fee for any additional connections and tests. The Exchange currently assesses non-Members a one-

[3] The term ''Electronic Exchange Member'' means the holder of a Trading Permit who is not a Market Maker. Electronic Exchange Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

[4] The term ''Market Makers'' refers to ''Lead Market Makers'', ''Primary Lead Market Makers'' and ''Registered Market Makers'' collectively. *See* Exchange Rule 100.

[5] Third Party Vendors are subscribers of MIAX's market and other data feeds, which they in turn use for redistribution purposes. Third party vendors do not provide connectivity and therefore are not subject to Network testing and certification. *See* Fee Schedule note 20.

[6] A Service Bureau is a technology provider that offers and supplies technology and technology services to a trading firm that does not have its own proprietary system. The technology and technology services supplied by Service Bureaus include both software applications and connectivity, thus Service Bureaus are subject to both API testing and certification and network testing and certification. *See* Fee Schedule note 21.

time Network Testing and Certification Fee of $1,000 per Non-Member for a one gigabit connection, and $4,000 per Non-Member for a ten gigabit connection. In contrast to Members, non-Members are charged a Network Testing and Certification Fee for each additional connection, but not additional tests.

The Exchange proposes to modify the Member Network Testing and Certification Fee from a one-time fee per firm to a per connection and per test fee in order to compensate for the additional costs associated with testing and certifying Members multiple times. The Exchange also proposes to modify the non-Member Network Testing and Certification Fee from a one-time fee per connection to a per connection and per test fee. Member and non-Member Network Testing and Certification Fees will be assessed initially per connection, and each time testing and certification is required due to a change to existing network connectivity, either initiated by the Member/non-Member or in response to new or modified network connectivity offered but not mandated by the Exchange.[7] Network Connectivity Testing and Certification Fees will not be assessed in situations where the Exchange requires network connectivity testing and certification due to a change or changes mandated by the Exchange. As stated above, the Exchange believes that it is reasonable not to charge Testing and Certification Fees in such situations because it involves an Exchange mandated testing and certification.

Member Network Testing and Certification Fees will remain unchanged from the current $1,000 per 1 gigabit connection and $4,000 per 10 gigabit connection.

The Exchange proposes to increase the non-Member Network Testing and Certification Fees from $1,000 to $1,200 per 1 gigabit connection, and from $4,000 to $4,200 per 10 gigabit connection. It has been MIAX's experience that Member testing takes less time than non-Member testing because Members have more experience testing these systems with the Exchange; generally fewer questions and issues arise during the testing and certification process. Also, because third party vendors and Service Bureaus are redistributing data and reselling services to other Members and market participants the number and types of scenarios that need to be tested are more numerous and complex than those tested and certified for a single Member. Therefore, the Exchange believes that it is reasonable to charge non-Members more for network testing and certification than Members.

The Exchange notes that these changes will result in an increase to the Network Testing and Certification Fees charged to Members and non-Members for those Members and non-Members that need testing and certification beyond the initial one. For example, MM1 conducts network testing and certification for a one gigabit connection initially upon connection to the Exchange, and then two more times during the year each time it upgrades its hardware. Currently, MM1 would be assessed $1,000 in Network Testing and Certification Fees for the three testing and certifications that were conducted by Exchange staff. As proposed, MM1 would be assessed $3,000 in Network Testing and Certification Fees for the three testing and certifications that were conducted by Exchange staff. Example 2, MM2 conducts networking and testing for (3) one gigabit connections, and then two more times during the year each time it upgrades its hardware. Currently, MM2 would be assessed $1,000 in Network Testing and Certification Fees for the five testing and certifications that were conducted by Exchange staff. As proposed, MM1 would be assessed $5,000 in Network Testing and Certification Fees for the five testing and certifications that were conducted by Exchange staff. Example 3, V1 conducts networking and testing for (3) one gigabit connections, and then two more times during the year each time it upgrades its software. Currently, V1 would be assessed $3,000 in Network Testing and Certification Fees for the five testing and certifications that were conducted by Exchange staff. As proposed, V1 would be assessed $6,000 in Network Testing and Certification Fees for the five testing and certifications that were conducted by Exchange staff. The proposed fee changes more closely represent the costs incurred by the Exchange as it works with each Member or non-Member while testing and certifying that the Member's or non-Member's connections are appropriate for the Exchange's system.

Finally, the Exchange proposes to modify the name of Network Testing and Certification Fee to Network Connectivity Testing and Certification Fee, and the title of the column in the chart from ''Member Network Connectivity Testing and Certification'' to ''Type of Member''. The Exchange believes that the new title more clearly describes the type of service that is being provided in exchange for the fee.

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act[8] in general, and furthers the objectives of Section 6(b)(4) of the Act[9] in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members.

The Exchange believes that the proposed changes of Member and non-Member API Testing and Certification Fees are reasonable, equitable and not unfairly discriminatory. The Exchange believes that the proposed fees are a reasonable allocation of its costs and expenses among its Members and other persons using its facilities since it is recovering the costs associated with providing such infrastructure testing and certification services, and with offering access through the network connections and access and services through API, responding to customer requests, configuring MIAX systems, programming API user specifications and administering the various services connectivity services. Access to the Exchange is provided on fair and non-discriminatory terms. The Exchange believes the proposed fees are equitable and not unfairly discriminatory because the new fee levels result in a more reasonable and equitable allocation of fees amongst non-Members and Members for similar services.

The Exchange believes that the proposed changes of Member Network Testing and Certification Fees are reasonable, equitable and not unfairly discriminatory. The Exchange believes that the proposed fees are a reasonable allocation of its costs and expenses among its Members and other persons using its facilities since it is recovering the costs associated with providing such infrastructure testing and certification services, and with offering access through the network connections and access and services through Ports, responding to customer requests, configuring MIAX systems, programming user specifications and administering the various connectivity services. Access to the Exchange is provided on fair and non-discriminatory terms. The Exchange believes the proposed fees are equitable and not unfairly discriminatory because the new

[7] For example, the Exchange could determine to make available a higher Gigabit connection, not currently offered by the Exchange, such as a 15 Gigabit connection. A Member or non-Member with a relatively high level of interaction with the Exchange's system may wish to establish such a connection, whereas a Member or non-Member with a relatively lower level of interaction with the Exchange's system may not have a need for such connectivity and would therefore elect not to engage in such a connection.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4).

fee levels result in a more reasonable and equitable allocation of fees amongst non-Members and Members for similar services.

The Exchange believes that Testing and Certification Fees and Network Connectivity Testing and Certification Fees should only be assessed when a Member or non-Member initiates a change to its system that requires testing and certification. The Exchange believes that it is reasonable not to charge Testing and Certification Fees and Network Connectivity Testing and Certification Fees in situations where the Exchange initiates a change to its own system that requires testing and certification. The proposed changes to the Fee Schedule are intended, among other things, to eliminate the potential burden of unexpected costs to users of the Exchange's system when testing and certification is required due to an Exchange-initiated system change.

The Exchange believes that the proposed fees are an equitable allocation of its costs and expenses among its Members and other persons using its facilities. The higher fee charged to non-Members reflects the greater amount of technological, financial and human resources devoted to testing and certification of non-Members. It has been the Exchange's experience that Members have more experience testing these systems with the Exchange; generally fewer questions and issues arise during the testing and certification process. In addition, non-Members will be charged a higher Network Testing and Certification Fee because each connection will be used by different customers of a non-Member such as a Service Bureau or Extranet Provider, and each such customer must be individually tested and certified. The complexity, number and various types of scenarios involved in non-Member testing and certification require the Exchange to expend more resources in testing and certifying non-Member API and network connectivity requirements than those tested and certified for a single Member. Therefore, the higher fee applicable to non-Members is not unfairly discriminatory and is an equitable allocation of reasonable fees and other charges among Exchange Members and others using its facilities.

Finally, the Exchange believes that the proposed change to modify the name of the Network Testing and Certification Fee to Network Connectivity Testing and Certification Fee is reasonable in that the new title more clearly describes the type of service that is provided by the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposal is reasonably designed to increase the fee charged for testing and certification in a manner to recoup the costs associated with multiple tests and certifications by both Members and non-Members. The Exchange believes that the proposal should reduce the disparity of testing and certification fees between Members and non-Members in a manner that promotes competition amongst these participants for these types of services. The higher fees charged to non-Members for testing and certification reflects the greater amount of technological, financial and human resources devoted to testing and certification of non-Members. It has been the Exchange's experience that Members have more experience testing these systems with the Exchange; generally fewer questions and issues arise during the testing and certification process. In addition, non-Members will be charged a higher Network Testing and Certification Fee because each connection will be used by different customers of a non-Member such as a Service Bureau or Extranet Provider, and each such customer must be individually tested and certified. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and to attract order flow.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[10] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

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–MIAX–2015–22 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–MIAX–2015–22. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2015–22 and should be submitted on or before April 15, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Brent J. Fields,

Secretary.

[FR Doc. 2015–06716 Filed 3–24–15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74541; File No. SR–NYSEARCA–2015–16]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Its Rules Governing the Short Term Option Series Program To Extend Current $0.50 Strike Price Intervals in Non-Index Options to Short Term Options With Strike Prices Less Than $100

March 19, 2015.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 12, 2015, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its rules governing the Short Term Option Series program to extend current $0.50 strike price intervals in non-index options to Short Term Options with strike prices less than $100. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its rules governing the Short Term Option Series program (''STOS Program'') to introduce finer strike price intervals for certain short term options. In particular, the Exchange proposes to amend Commentary .07(e) to Rule 6.4 to extend current $0.50 strike price intervals in non-index options to short term options with strike prices less than $100 instead of the current $75. This proposed change is intended to eliminate gapped strikes between $75 and $100 that result from conflicting strike price parameters under the STOS and $2.50 Strike Price Programs as described in more detail below. The Exchange believes that the proposed rule change would increase market efficiency as it would align the Exchange's rules with recently approved changes to the rules governing short term options series programs of other options exchanges,[4] which would enable the Exchange to compete equally and fairly with other options exchanges in satisfying strong customer demand to have the ability to execute hedging and trading strategies in finer strike price intervals.

Pursuant to Commentary .07(b) to Rule 6.4, the Exchange may list short term options in up to fifty option classes, in addition to option classes that are selected by other securities exchanges that employ a similar program under their respective rules.[5] For each of these option classes, the Exchange may list five short term option expiration dates at any given time, not counting monthly or quarterly expirations.[6] Specifically, on any Thursday or Friday that is a business day, the Exchange currently may list short term options that expire at the close of business on each of the next five Fridays that are business days and are not Fridays in which monthly or quarterly options expire.[7] These short term option series may be listed in strike price intervals of $0.50, $1, or $2.50, with the finer strike price intervals being offered for lower priced securities,[8] and for options that trade in dollar increments in the related monthly expiration.[9] More specifically, per current Commentary .07(e) to Rule 6.4, the strike price interval for STOS may be $0.50 or greater for option classes that both trade in $1 strike price intervals and are in the STOS Program. If the class does not trade in $1 strike price intervals, the Exchange may list STOS in $0.50 intervals for strike prices less than $75; in $1 intervals for strike prices that are between $75 and $150; and in $2.50 intervals for strike prices greater than $150.10.[10]

The Exchange also operates a $2.50 Strike Price Program that permits the Exchange to select up to sixty options classes on individual stocks to trade in $2.50 strike price intervals, in addition to option classes selected by other securities exchanges that employ a similar program under their respective rules.[11] Monthly expiration options in classes admitted to the $2.50 Strike Price Program trade in $2.50 intervals where the strike price is (1) greater than $25 but less than $50; or (2) between $50 and $100 if the strikes are no more than $10 from the closing price of the underlying stock in its primary market on the preceding day.[12] In certain instances, these strike price parameters conflict with strike prices allowed for short term options as dollar strikes between $75 and $100 otherwise allowed under the STOS Program may

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities and Exchange Act Release No. 73999 (January 6, 2015), 80 FR 1599 [sic] (January 12, 2015) (SR–ISE–2014–52) (order granting approval of proposed rule change regarding short term option series program). Following approval of filing by the International Securities Exchange, LLC, several other option exchanges submitted ''copycat'' filings for immediate effectiveness. *See, e.g.,* Securities and Exchange Act Release Nos. 74016 (January 8, 2015), 80 FR 1976 (January 14, 2015) (SR–BOX–2015–01); 74144 (January 27, 2015), 80 FR 5602 (February 2, 2015) (SR–CBOE–2015–09 [sic]); 74145 (January 27, 2015), 80 FR 5600 (February 2, 2015) (SR–Phlx–2015–09); 74146 (January 27, 2015), 80 FR 5595 (February 2, 2015) (SR–NASDAQ–2015–005); 74147 (January 27, 2015), 80 FR 5604 (February 2, 2015) (SR–BX–2015–006).

[5] The Exchange notes that the number of option classes that may participate in the STOS Program is aggregated between equity options and index options and is not apportioned between equity options and index options. For STOS Program rules regarding index options, *see* Rule 5.19; Rule 5.10(b)(24).

[6] *See* Commentary .07(a) to Rule 6.4.

[7] *Id.*

[8] *See* Commentary .07(e) to Rule 6.4.

[9] *See* Commentary .04 to Rule 6.4 (allows the Exchange to designate up to 150 options classes on individual stocks to be traded in $1 strike price intervals where the strike price is between $50 and $1).

[10] *See* Commentary .07(e) to Rule 6.4.

[11] *See* Commentary .03 to Rule 6.4.

[12] *Id.* The term ''primary market'' is defined in Rule 6.1(7) [sic] as the principal market in which an underlying security is traded.

be within $0.50 of strikes listed pursuant to the $2.50 Strike Price Program.

To remedy this conflict, the Exchange proposes to extend the $0.50 strike price intervals, currently allowed for short term options with strike prices less than $75, to short term options with strike prices less than $100. With this proposed change, short term options in non-index option classes would trade in: (1) $0.50 or greater intervals for strike prices less than $100, or for option classes that trade in one dollar increments in the related monthly expiration option; (2) $1 or greater intervals for strike prices that are between $100 and $150; and (3) $2.50 or greater intervals for strike prices above $150.[13] The Exchange believes that this proposed change would eliminate gapped strikes between $75 and $100. The Exchange also believes that the proposed rule change would provide the investing public and other markets with additional opportunities to hedge their investments, thus allowing these investors to better manage their risk exposure. In addition, as noted above, the Exchange believes the proposed rule change would harmonize the Exchange's rules with recently approved rules on competing options exchanges, which consistency across markets would benefit investors.[14]

With regard to the impact of this proposal on system capacity, the Exchange has analyzed its capacity and represents that it and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange believes that its OTP Firms and OTP Holders would not have a capacity issue as a result of this proposal. The Exchange also represents that it does not believe this expansion would cause fragmentation of liquidity.

2. Statutory Basis

The Exchange believes that the proposed change is consistent with Section 6(b) of the Act,[15] in general, and furthers the objectives of Section 6(b)(5),[16] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed change would result in a continuing benefit to investors by giving them more flexibility to closely tailor their investment and hedging decisions, thus allowing them to better manage their risk exposure. Under the Exchange's current rules, during the month prior to expiration, the Exchange is permitted to list related monthly option contracts in the narrower strike price intervals available for short term option series.[17] After transitioning to short term strike price intervals, however, monthly options that trade in $2.50 intervals between $50 and $100 under the $2.50 Strike Price Program, trade with dollar strikes between $75 and $150. Due [sic] the overlap of $1 and $2.50 intervals, the Exchange cannot list certain dollar strikes between $75 and $100 that conflict with the prior $2.50 strikes. For example, if the Exchange initially listed monthly options on ABC with $75, $77.50, and $80 strikes, the Exchange could list the $76 and $79 strikes when these monthly options transition to short term intervals. The Exchange would not be permitted to list the $77 and $78 strikes, however, as these are $0.50 away from the $77.50 strike already listed on the Exchange. This creates gapped strikes between $75 and $100, where investors are not able to trade otherwise allowable dollar strikes on the Exchange.

Similarly, these conflicting strike price parameters create issues for investors who want to roll their positions from monthly to weekly expirations. In the example above, for instance, an investor that purchased a monthly ABC option with a $77.50 strike price would not be able to roll that position into a later short term expiration with the same strike price as that strike is unavailable under current STOS Program rules. Thus, the Exchange believes that permitting $0.50 intervals for short term options up to $100 would remedy both of these issues as strikes allowed under the $2.50 Strike Price Program would not conflict with the finer $0.50 strike price interval. The STOS Program has been well-received by market participants and the Exchange believes that introducing finer strike price intervals for short term options with strike prices between $75 and $100, and thereby eliminating the gapped strikes described above, would benefit these market participants by giving them more flexibility to closely tailor their investment and hedging decisions.

With regard to the impact of this proposal on system capacity, the Exchange has analyzed its capacity and represents that it and the OPRA have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange believes that its OTP Firms and OTP Holders would not have a capacity issue as a result of this proposal. The Exchange also represents that it does not believe this expansion would cause fragmentation of liquidity.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that this proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that the proposed rule change would result in additional investment options and opportunities to achieve the investment objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. In addition, as noted above, the Exchange believes the proposed rule change is pro-competitive and would allow the Exchange to compete more effectively with other options exchanges that have already adopted changes to their short term option series programs that are substantially identical to the changes proposed by this filing.[18]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [19] and Rule 19b–4(f)(6) thereunder.[20]

[13] *See* proposed Commentary .07(e) to Rule 6.4.

[14] *See supra* n. 4.

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] *See* Commentary .07(e) to Rule 6.4 (regarding Related Non-Short Term option series).

[18] *See supra* n. 4.

[19] 15 U.S.C. 78s(b)(3)(A).

[20] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange stated that waiver of this requirement will enable the Exchange to, as soon as possible, have the ability to compete with option exchanges that have incorporated the proposed rule change to their short term option series programs. For this reason, the Commission believes that the proposed rule change presents no novel issues and that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission designates the proposed rule change to be operative upon filing.[21]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEARCA–2015–16 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number *SR–NYSEARCA–2015–16.* This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEARCA–2015–16 and should be submitted on or before April 15, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Brent J. Fields,

Secretary.

[FR Doc. 2015–06718 Filed 3–24–15; 8:45 am]

BILLING CODE 8011–01–P

[21] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74544; File No. SR–NYSEArca–2015–19]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the LBMA Gold Price as a Replacement for the London Gold Fix for Certain Gold Related Exchange Traded Products

March 19, 2015.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 17, 2015, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to (1) to reflect a change to the value used by the SPDR® Gold Trust, which is currently listed on the Exchange under NYSE Arca Equities Rule 5.2(j)(5); iShares Gold Trust, ETFS Gold Trust, ETFS Precious Metals Basket Trust, ETFS Asian Gold Trust and Merk Gold Trust, each of which is currently listed on the Exchange under NYSE Arca Equities Rule 8.201, with respect to calculation of the net asset value of shares of each trust; and (2) to reflect a change to the underlying benchmark for ProShares Ultra Gold and ProShares UltraShort Gold, each of which is currently listed on the Exchange under NYSE Arca Equities Rule 8.200. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Exchange listing rules applicable to nine exchange-traded products, all of which reference the ''London Gold Fix'', as described further below. The exchange-traded products are listed and traded pursuant to NYSE Arca Equities Rule 5.2(j)(5) for the Equity Gold Shares; NYSE Arca Equities Rules 8.201, for Commodity-Based Trust Shares, and NYSE Arca Equities Rule 8.200, for Trust Issued Receipts. The proposed change would replace references to the

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

''London Gold Fix'', as described below. The London Gold Fix is a gold-price mechanism that has been in existence since 1919 and that will be discontinued T [sic] the close of business on March 19, 2015.[4]

Revised Procedures for the Gold Price

On November 8, 2014, the London Bullion Market Association (''LBMA'') announced that ICE Benchmark Administration (''IBA'')[5] has been selected to be the third-party administrator for the ''LBMA Gold Price'', which will replace the current London Gold Fix. IBA, an independent specialist benchmark administrator, will provide the auction platform and methodology as well as the overall administration and governance for the LBMA Gold Price benchmark.

On February 19, 2015, the Intercontinental Exchange (''ICE'') announced that the new LBMA Gold Price will be launched on March 20, 2015. As the administrator for the LBMA Gold Price benchmark and the operator of the ''IBA Gold Auction'', IBA will transition from the current London Gold Fix procedures to a physically settled, electronic and tradeable auction, with the ability to settle trades in U.S. Dollars (''USD''), euros or British Pounds. Within the process, aggregated gold bids and offers will be updated in real-time with the imbalance calculated and the price updated at regular intervals (expected to be at least every 45 seconds). IBA will use ICE's front-end system— *WebICE*— as the technology platform that will allow direct participants, as well as sponsored clients of direct participants, to manage their orders in the auction in real time via their desktops.[6]

Participants in the auction will include direct participants and sponsored clients of direct participants. Direct participants may enter orders on their own behalf or on behalf of clients. Sponsored clients also may manage their own positions utilizing their own trading screens; however, a sponsored client's orders would be backed by the sponsoring direct participant. WebICE allows sponsored clients to participate in the auction process with the same information and order management capabilities as direct participants.

At the opening of each auction, the auction chairman (''Chairman'') will announce an opening price (in USD) based on the current market conditions and begin auction rounds, with an expected duration of at least every 45 seconds each. During each auction round, participants may enter the volume they wish to buy or sell at that price, and such orders will be part of the price formation. All orders will be routed through direct participants but only direct participants will share the final imbalance. Aggregate bid and offer volume will be shown live on WebICE, providing a level playing field for all participants. At the end of each auction round, the total net volume will be calculated. If this 'imbalance' is larger than the imbalance tolerance (currently set at 20,000 oz) then the Chairman will choose a new price[7] (based on the current market conditions, and the direction and magnitude of the imbalance in the round) and begin a new auction round. If the imbalance is less than the tolerance, then the auction is complete with all volume tradeable at that price. The price will then be set in USD and also converted into in euros and British Pounds. Auctions will continue to be run at 10:30 and 15:00 (London time).

During the auction, the price at the start of each round, and the volumes at the end of each round will be available through major market data vendors. As soon as the auction finishes, the final prices and volumes will be available through major market data vendors. IBA will also publish transparency reports, detailing the prices, volumes and times for each round of the auction. These transparency reports will be available through major market data vendors and IBA when the auction finishes. The process can also be observed real-time through a WebICE screen. The auction mechanism will provide a complete audit trail.

The number of direct participants initially expected to participate in the auction process is not yet confirmed, but is expected to equal or exceed the number of market participants currently determining the London Gold Fix.

Regulation of the LBMA Gold Price

As of April 1, 2015, the LBMA Gold Price will be regulated by the Financial Conduct Authority (''FCA'') in the United Kingdom (''UK'').[8] IBA is already authorized as a regulated benchmark administrator by the FCA. Under the UK benchmark regulation,[9] the governance structure for a regulated benchmark must include an Oversight Committee, made up of market participants, industry bodies, direct participant representatives,

[4] As described in the registration statement under the Securities Act of 1933 (15 U.S.C. 77a) (''1933 Act'') for the SPDR® Gold Trust (formerly known as the streetTRACKS Gold Trust) (*see infra,* note 13), twice daily during London trading hours there is a fix (''London Gold Fix'') which provides reference gold prices for that day's trading. Many long-term contracts will be priced on the basis of either the morning (AM) or afternoon (PM) London Gold Fix, and market participants will usually refer to one or the other of these prices when looking for a basis for valuations. The London Gold Fix is the most widely used benchmark for daily gold prices and is quoted by various financial information sources. Membership in the London fix is traditionally limited to banks that are bullion dealers and members of the LBMA. The chairmanship rotates annually among the four member firms. The fix takes place by telephone and the four member firms no longer meet face-to-face as was previously the case. There is a morning session at 10:30 a.m. London time and an afternoon session at 3:00 p.m. London time. The current members of the gold fixing are Bank of Nova Scotia—ScotiaMocatta, Barclays Bank plc, HSBC Bank USA, N.A., and Société Générale. Any other market participant wishing to participate in the trading on the fix is required to do so through one of the four gold fixing members. Orders are placed either with one of the four fixing members or with another bullion dealer who will then be in contact with a fixing member during the fixing. The fixing members net-off all orders when communicating their net interest at the fixing. The fix begins with the fixing chairman suggesting an opening price, reflecting the market price prevailing at the opening of the fix. This is relayed by the fixing members to their dealing rooms which have direct communication with all interested parties. Any market participant may enter the fixing process at any time, or adjust or withdraw his order. The gold price is adjusted up or down until all the buy and sell orders are matched, at which time the price is declared fixed. All fixing orders are transacted on the basis of this fixed price, which is instantly relayed to the market through various media.

[5] IBA is a London-based company that was created specifically to administer systemically important benchmarks. Formed in 2013, IBA is part of the Intercontinental Exchange (ICE).

[6] The WebICE platform provides real-time order management as well as separation of direct participant and sponsored client orders, live credit limit controls, audit history, advanced Excel integration and automated deal notifications.

[7] The Chairman will have significant experience in the gold markets and will be employed by IBA.

[8] The conduct of financial institutions is overseen by the FCA, which was formed from the former Financial Services Authority and is separate from the Bank of England. The LBMA Gold Price will be regulated under the FCA's Market Conduct (MAR) Sourcebook (MAR 8.3).

[9] On June 12, 2014, the UK Chancellor of the Exchequer announced steps to raise standards of conduct in the financial system with a joint review by the UK Treasury, the Bank of England and the FCA into the way wholesale financial markets operate. According to this announcement, the ''Fair and Effective Markets Review'', led by Bank of England Deputy Governor for Markets and Banking, has been tasked with investigating those wholesale markets, both regulated and unregulated, where most of the recent concerns about misconduct have arisen: Fixed-income, currency and commodity markets, including associated derivatives and benchmarks. It will make recommendations on: principles to govern the operation of fair and effective markets, focusing on fixed income, currency and commodities; reforms to ensure standards of behavior are in accordance with those principles; tools to strengthen the oversight of market conduct; whether the regulatory perimeter for wholesale financial markets should be extended, and to what extent international action is required; and additional reforms in relation to benchmarks, in order to strengthen market infrastructure. *See http://www.bankofengland.co.uk/markets/Documents/femraug2014.pdf.* On September 25, 2014, the Fair and Effective Markets Review announced its proposal that the gold fixing process may become regulated under UK benchmark regulation, effective from April 2015.

infrastructure providers and the administrator (*i.e.,* IBA). [10] Through the Oversight Committee, the LBMA will continue to have significant involvement in the oversight of the auction process, including, among other matters, changes to the methodology and accreditation of direct participants.[11]

The price discovery process for the LBMA Gold Price will be subject to surveillance by IBA. IBA is compliant with the UK benchmark regulation (MAR 8.3), regulated by the FCA, and has been formally assessed against the IOSCO Principles for Financial Benchmarks (the ''IOSCO Principles'').[12] In order to meet the IOSCO Principles, the price discovery used for the LBMA Gold Price benchmark will be auditable and transparent.

Exchange-Listed Gold-Based Products

The Exchange lists and trades shares of exchange traded products that reference the London Gold Fix benchmark for one or more purposes. The Exchange lists and trades shares of (1) the SPDR® Gold Trust,[13] which is currently listed on the Exchange under NYSE Arca Equities Rule 5.2(j)(5); (2) iShares Gold Trust,[14] ETFS Gold Trust,[15] ETFS Precious Metals Basket Trust,[16] ETFS Asian Gold Trust,[17] and Merk Gold Trust,[18] each of which is currently listed on the Exchange under NYSE Arca Equities Rule 8.201 (together with the SPDR Gold Trust, the ''Gold Trusts''). In addition, the Exchange lists and trades shares of the Ultra Gold ProShares and UltraShort Gold ProShares [19] (together, the ''Gold Funds''), each of which is currently listed on the Exchange under NYSE Arca Equities Rule 8.200.

With respect to the Gold Trusts, the net asset value of shares of the respective trusts is based on the London Gold Fix, as described in the applicable rule filings relating to listing and trading of shares of each of the Gold Trusts and in the registration statement under the 1933 Act relating to each such trust.[20] After March 19, 2015, the London Gold Fix will no longer exist and it is, therefore, necessary for the Gold Trusts to change the benchmark price that each such trust uses for purposes of calculating the net asset value of such trust's shares. The sponsors of the Gold Trusts have indicated that, as of March 20, 2015, they intend to use the LBMA Gold Price for purposes of determining the net asset value of shares of the Gold Trusts. Accordingly, the Exchange proposes to change the benchmark price used by the Gold Trusts for calculation of the net asset value of shares of each of such trust.

With respect to the Gold Funds, the existing ''Underlying Benchmark'' for each such fund is the U.S. dollar price of gold bullion as measured by the London Gold Fix.[21] The Gold Funds,

[10] The Oversight Committee is a key decision making forum, with market representation that includes participants, users and infrastructure providers. The Oversight Committee's responsibilities include review of methodology and process relating to the LBMA Gold Price; implementation of a Code of Conduct applicable to participants; expansion of membership; and surveillance oversight, among other functions. The Oversight Committee's structure and responsibilities is described in the Oversight Committee Terms of Reference, available on the IBA Web site.

[11] The LBMA will continue to provide guidance with respect to the LBMA Gold Price through the Oversight Committee, which will facilitate communication among representatives of all market participants to ensure the process continues to fulfil the needs of the market. The Oversight Committee is responsible for decisions that affect the evolution of the process based on changes in the market and regulatory environments.

[12] The IOSCO Principles are designed to enhance the integrity, the reliability and the oversight of benchmarks by establishing guidelines for benchmark administrators and other relevant bodies in the following areas: Governance: To protect the integrity of the benchmark determination process and to address conflicts of interest; Benchmark quality: to promote the quality and integrity of benchmark determinations through the application of design factors; Quality of the methodology: to promote the quality and integrity of methodologies by setting out minimum information that should be addressed within a methodology. These principles also call for credible transition policies in case a benchmark may cease to exist due to market structure change. Accountability mechanisms: to establish complaints processes, documentation requirements and audit reviews. The IOSCO Principles provide a framework of standards that might be met in different ways, depending on the specificities of each benchmark. In addition to a set of high level principles, the framework offers a subset of more detailed principles for benchmarks having specific risks arising from their reliance on submissions and/or their ownership structure. For further information concerning the IOSCO Principles, see *http://www.iosco.org/library/pubdocs/pdf/IOSCOPD415.pdf.*

[13] *See* Securities Exchange Act Release Nos. 50603 (October 28, 2004), 69 FR 64614 (November 5, 2004) (SR–NYSE–2004–22) (order approving listing of shares of the streetTRACKS Gold Trust (now known as the SPDR® Gold Trust) on the New York Stock Exchange); *See* Securities Exchange Act Release Nos. 51245 (February 23, 2005), 70 FR 10731 (March 4, 2005) (SR–PCX–2004–117) (order approving trading on the Exchange of shares of the streetTRACKS Gold Trust pursuant to unlisted trading privileges); 56224 (August 8, 2007), 72 FR 45850 (August 15, 2007) (SR–NYSEArca–2007–76) (order approving listing on the Exchange of shares of the streetTRACKS Gold Trust).

[14] *See* Securities Exchange Act Release No. 63398 (November 30, 2010), 75 FR 76056 (December 7, 2010) (SR–NYSEArca–2010–105) (notice of filing and immediate effectiveness of proposed rule change relating to calculation of net asset value by the iShares Gold Trust (formerly the iShares COMEX Gold Trust)). *See also* Securities Exchange Act Release No. 56041 (July 11, 2007), 72 FR 39114 (July 17, 2007) (SR–NYSEArca-2007–43) (order approving listing on the Exchange of iShares COMEX Gold Trust). 51058 (January 19, 2005), 70 FR 3749 (January 26, 2005) (SR–Amex–2004–38) (order approving listing of iShares COMEX Gold Trust on the American Stock Exchange LLC).

[15] *See* Securities Exchange Act Release No. 59895 (May 8, 2009), 74 FR 22993 (May 15, 2009) (SR–NYSEArca–2009–40) (notice of filing and order granting accelerated approval of proposed rule change relating to the listing and trading of shares of the ETFS Gold Trust).

[16] *See* Securities Exchange Act Release No. 62402 (June 29, 2010), 75 FR 39292 (July 8, 2010) (SR–NYSEArca–2010–56) (notice of filing of proposed rule change to list and trade shares of the ETFS Precious Metals Basket Trust); 62692 (August 11, 2010), 75 FR 50789 (August 17, 2010) (order approving proposed rule change to list and trade shares of the ETFS Precious Metals Basket Trust).

[17] *See* Securities Exchange Act Release No. 63267 (November 8, 2010), 75 FR 69494 (November 12, 2010) (notice of filing of proposed rule change to list and trade shares of the ETFS Asian Gold Trust); 63464 (December 8, 2010), 75 FR 77926 (December 14, 2010) (SR–NYSEArca–2010–95) (order granting accelerated approval of a proposed rule change to list and trade shares of the ETFS Asian Gold Trust).

[18] *See* Securities Exchange Act Release No. 71038 (December 11, 2013), 78 FR 76367 (December 17, 2013) (notice of filing of proposed rule change to list and trade shares of the Merk Gold Trust) 71378 (January 23, 2014), 79 FR 4786 (January 29, 2014) (SR–NYSEArca–2013–137) (order approving proposed rule change to list and trade shares of the Merk Gold Trust).

[19] *See* Securities Exchange Act Release Nos. 58457 (September 3, 2008), (73 FR 52711 (September 10, 2008) (SR–NYSEArca–2008–91) (notice of filing and order granting accelerated approval of proposed rule change regarding listing and trading of shares of 14 funds of the Commodities and Currency Trust, now ProShares Trust II); 58162 (July 15, 2008), 73 FR 42391 (July 21, 2008) (SR–NYSEArca–2008–73) (notice of filing and immediate effectiveness of proposed rule change relating to trading of shares of 14 funds of the Commodities and Currency Trust pursuant to unlisted trading privileges). *See also* Securities Exchange Act Release Nos. 58161 (July 15, 2008), 73 FR 42380 (July 21, 2008) (SR–Amex–2008–39) (order approving listing and trading on the American Stock Exchange LLC of shares of 14 funds of the Commodities and Currency Trust); 57932 (June 5, 2008), 73 FR 33467 (June 12, 2008) (notice of proposed rule change regarding listing and trading of shares of 14 funds of the Commodities and Currency Trust).

[20] *See supra,* notes 13–19 [sic]. *See also* the registration statement on Form S–3 under the 1933 Act for the SPDR® Gold Trust dated April 26, 2012 (No. 333–180974); registration statement on Form S–3 under the 1933 Act for the iShares Gold Trust, dated May 10, 2014 (No. 333–199257); Post-Effective Amendment No. 2 on Form S–3 under the 1933 Act for the ETFS Precious Metals Basket Trust, filed with the Commission on November 25, 2014 (No. 333–195675); Registration Statement on Form S–3 ASR under the 1933 Act for the ETFS Gold Trust, filed with the Commission on April 11, 2014 (No. 333–195204); Registration Statement on Form S–1 under the 1933 Act for the ETFS Asian Gold Trust, filed with the Commission on May 12, 2014 (No. 333–195868); and Amendment No. 6 on Form S–1 under the 1933 Act for the Merk Gold Trust, dated May 13, 2014 (No. 333–180868).

[21] ProShares Ultra Gold seeks daily investment results, before fees and expenses, that correspond to twice (200%) the daily performance of the Underlying Benchmark. ProShares UltraShort Gold seeks daily investment results, before fees and expenses that correspond to twice the inverse (-200%) of the daily performance of the Underlying Benchmark. *See* Securities Exchange Act Release No. 58161 (July 15, 2008), 73 FR 42380 (July 21, 2008) (SR-Amex-2008–39) (order approving listing

therefore, similarly need to change the Underlying Benchmark for each such fund. The sponsor of the Gold Funds represents that it intends to change the Underlying Benchmark for the Gold Funds to the LBMA Gold Price as of March 20, 2015. Accordingly, the Exchange proposes to reflect a change in the Underlying Benchmark applicable to the Gold Funds.

The LBMA Gold Price benchmark is widely expected to be viewed as a full and fair representation of all market interest at the conclusion of the auction. IBA's electronic auction methodology is similar to the non-electronic process previously used to establish the London Gold Fix where the London Gold Fix process adjusted the gold price up or down until all the buy and sell orders are matched (within the imbalance threshold), at which time the price was declared fixed. Nevertheless, the LBMA Gold Price has several advantages over the previous London Gold Fix. IBA's auction process will be fully transparent in real time to direct participants and sponsored clients and, at the close of each auction, to the general public. The auction process also will be fully auditable since an audit trail exists for every change made in the process. Moreover, the audit trail and active surveillance of the auction process by IBA, as well as FCA's oversight of IBA, will deter manipulative and abusive conduct in establishing each day's LBMA Gold Price.

The Exchange believes the new LBMA Gold Price benchmark will serve as an appropriate replacement to the London Gold Fix for purposes of determining the net asset value of shares of the Gold Trusts or as the Underlying Benchmark applicable to the Gold Funds because of the transparency of the auction process, the anticipated participation of an increased number of market participants compared to the London Gold Fix, and the auditability of the gold pricing mechanism.

In connection with this proposed rule change, (1) the sponsors of the Gold Trusts will each issue a press release informing the public of the date a trust will first use the LBMA Gold Price to value the gold held by a trust; (2) the sponsor of the Gold Funds will issue a press release informing the public of the date the Gold Funds will first use the LBMA Gold Price as the basis for their respective Underlying Benchmark; (3) the sponsors will each file the applicable press release with the Commission by means of Form 8–K, which will be available on the applicable Gold Trust's or Gold Fund's Web site; and (4) the sponsors will each file an amendment to the applicable registration statement relating to the proposed change.[22]

The sponsors for the Gold Trusts and the Gold Funds represent that there is no change to the investment objective of the applicable Gold Trust or the Gold Funds from that described in the applicable proposed rule change.[23] The Gold Trusts and the Gold Funds will comply with all initial and continued listing requirements with respect to NYSE Arca Equities Rule 5.2(j)(5), 8.201 or 8.200, respectively.

Except for the changes noted above, all other facts presented and representations made in the proposed rule changes referenced above remain unchanged.

All terms referenced but not defined herein are defined in the applicable proposed rule change referenced above.[24]

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5)[25] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, 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 new LBMA Gold Price benchmark will be based on an auction that is electronic and auditable and is produced from tradeable volumes. The Exchange believes the new LBMA Gold Price benchmark will serve as an appropriate replacement to the London Gold Fix for purposes of determining the net asset value of shares of the Gold Trusts or as the Underlying Benchmark applicable to the Gold Funds because of the transparency and auditability of the auction process, and the prospective participation of an increased number of market participants compared to the London Gold Fix. In addition, the LBMA Gold Price and the transparency reports showing the prices, timings and total volumes for each round will be available electronically instantly after the conclusion of the auction, as described above.

The proposed change will permit the Gold Trusts and Gold Funds to continue to function as gold-based exchange-traded products by utilizing a new gold benchmark to replace the London Gold Fix, which is not expected to be available after March 19, 2015, and that will provide a sound and reasonable basis for calculation of net asset value or will provide a suitable Underlying Benchmark, as applicable. Such price will be widely disseminated by one or more major market data vendors and/or exchanges. Prior to or following the effectiveness of this proposed rule change, (1) the sponsors of the Gold Trusts will each issue a press release informing the public of the date a trust will first use the LBMA Gold Price to value the gold held by a trust; (2) the sponsor of the Gold Funds will issue a press release informing the public of the date the Gold Funds will first use the LBMA Gold Price as the basis for their respective Underlying Benchmark; (3) the sponsors of the Gold Trusts and Gold Funds will each file the applicable press release with the Commission by means of Form 8–K, which will be available on the applicable Gold Trust's or Gold Fund's Web site; and (4) the sponsors of the Gold Trusts and Gold Funds will each file an amendment to the applicable registration statement under the 1933 Act relating to the proposed change. Such press releases and registration statement amendments will protect investors and the public interest by providing notification to investors of the new gold price benchmark prior to the use of the LBMA Gold Price by the Gold Trusts and Gold Funds. The sponsors for the Gold Trusts and Gold Funds represent that there is no change to the investment objective of the applicable trust or the Gold Funds from that described in the applicable proposed rule change. The Gold Trusts and Gold Funds will comply with all initial and continued listing requirements relating to NYSE Arca Equities Rules 5.2(j)(5), 8.201 or 8.200, respectively. Except for the changes noted above, all other facts presented and representations made in proposed

and trading of shares of fourteen funds of the Commodities and Currency Trust); Securities Exchange Act Release No. 58457 (September 3, 2008) (73 FR 52711) (September 10, 2008) (SR–NYSEArca–2008–91) (notice of filing and order granting accelerated approval of proposed rule change regarding listing and trading of shares of 14 funds of ProShares Trust II). *See also,* registration statement for ProShares Trust II on Form S–3 under the 1933 Act, filed with the Commission on October 28, 2014 (No. 333–199641).

[22] The sponsors for the Gold Trusts and the Gold Funds represent that they will manage the Gold Trusts and the Gold Funds in the manner described in the applicable proposed rule change (*see supra,* notes 13–19), and will not implement the changes described herein until the instant proposed rule change is operative.

[23] *See supra,* notes 13–19.

[24] *See supra,* notes 13–19.

[25] 15 U.S.C. 78f(b)(5).

rule changes referenced above remain unchanged.

The proposed rule change is designed to perfect the mechanism of a free and open market price discovery process and, in general, to protect investors and the public interest in that the gold auction will be transparent, auditable, and operated by a regulated benchmark administrator (IBA). The audit trail records every change made in the process and IBA has regulatory obligations to run surveillance on the activity in the process to deter and identify manipulative and abusive conduct in establishing each day's LBMA Gold Price. The new LBMA Gold Price, as administered by IBA, is designed to be a benchmark that meets the needs of the market and regulators (including the IOSCO Principles [26]). The Gold Trusts and Gold Funds will continue to be listed and traded on the Exchange pursuant to the initial and continued listing criteria relating to NYSE Arca Equities Rules 5.2(j)(5), 8.201 and 8.200, respectively. Except for the changes noted above, all other facts presented and representations made in proposed rule changes referenced above remain unchanged.[27]

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 proposed change will permit the Gold Trusts and Gold Funds to continue to function as gold-based exchange-traded products by utilizing a new gold price benchmark to replace the London Gold Fix, which will not be available after March 19, 2015, and that will provide a sound and reasonable basis for calculation of net asset value or will provide a suitable Underlying Benchmark, as applicable.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [28] and Rule 19b–4(f)(6) thereunder.[29]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange states that the proposed change will provide additional transparency to gold pricing compared to the previous London Gold Fix for several reasons. The Exchange represents that IBA's auction process will be fully transparent in real time to direct participants and sponsored clients and, at the close of each auction, to the general public. The Exchange represents that IBA's auction process will be fully auditable because an audit trail exists of every change that is made during the auction. Moreover, the Exchange states that there will be active surveillance of the activity in the auction process by IBA. The Exchange represents that the number of gold participants that initially are expected to participate in the auction process equals or exceeds the number of market participants currently determining the London Gold Fix, and will contribute to the integrity and reliability of the pricing process.

The Commission believes that waiver of the operative delay is consistent with the protection of investors and the public interest. Waiver of the operative delay will allow the Gold Trusts and the Gold Funds, whose shares are actively traded, to use the LBMA Gold Price as the basis for calculating the NAV or as an Underlying Benchmark, as applicable, by March 20, 2015, thereby facilitating the transition to the new price mechanism without disruption in trading. Therefore, the Commission designates the proposed rule change to be operative upon filing.[30]

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [31] of the Act to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2015–19 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–NYSEArca–2015–19. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only

[26] *See supra,* note 12.

[27] *See supra,* notes 13–19.

[28] 15 U.S.C. 78s(b)(3)(A).

[29] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[30] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[31] 15 U.S.C. 78s(b)(2)(B).

information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca-2015–19 and should be submitted on or before April 15, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[32]

Brent J. Fields,

Secretary.

[FR Doc. 2015–06719 Filed 3–24–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74537; File No. SR–OCC–2015–04]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Approving Proposed Rule Change, as Modified by Amendment 1 Thereto, To Expand the Officers Who May Declare That a Clearing Member Is Summarily Suspended

March 19, 2015.

On January 23, 2015, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change SR–OCC–2015–04 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder.[2] The proposed rule change was published for comment in the **Federal Register** on February 11, 2015.[3] The Commission did not receive any comments on the proposed rule change. This order approves the proposed rule change, as modified by Amendment 1.

I. Description

OCC is amending its Rules to permit OCC to expand the officers who may declare that a clearing member is summarily suspended from OCC. Currently, OCC Rule 1102 provides that only OCC's Board of Directors (''Board'') and its Executive Chairman may summarily suspend a clearing member. OCC believes that, given the time sensitive nature of managing a clearing member default, it is prudent risk management to expand the number of officers with the authority to summarily suspend a clearing member so that OCC may begin its default management process and, in turn, take protective action as soon as possible.

Pursuant to OCC Rule 1102, OCC's Board and Executive Chairman have the authority to summarily suspend a clearing member. As set forth in Interpretation and Policy .01 of Rule 1102, such action constitutes a ''default'' with respect to the clearing member. OCC's ability to timely and effectively begin its clearing member default management process serves a key role in protecting OCC, non-defaulting clearing members and the public from potential consequential damage(s) that may be caused by the default of a clearing member. In order to provide OCC with the necessary tools to manage a clearing member default, Chapter XI of OCC's Rules provides OCC with the authority to take certain protective action(s) once a clearing member has been summarily suspended (and declared to be in default).[4] While OCC believes that the authority provided to it in Chapter XI of its Rules is sufficiently robust to manage a clearing member default, OCC may not exercise such authority unless and until a clearing member has been summarily suspended by either the Board or the Executive Chairman.

In order to provide greater assurance that OCC will be able to timely and effectively manage a clearing member default, pursuant to its proposal as approved, OCC is amending Rule 1102 to expand the list of officers who may summarily suspend a clearing member to include OCC's President or a designee of the Executive Chairman[5] or President of the rank of Senior Vice President or higher (each a ''Designed Officer'').[6] OCC believes that the change will provide it with additional operational flexibility because more individuals will be able to timely summarily suspend a clearing member and thereby allow OCC to exercise its authority to manage a clearing member default. OCC's clearing member default management process is designed to protect OCC, non-defaulting clearing members and the public from the defaulting clearing member without materially impacting financial markets.[7] By providing additional officers with the authority to summarily suspend a clearing member, and thereby allow OCC to begin its default management processes, there will be greater assurance that OCC will timely take action(s) necessary to protect itself, non-defaulting clearing members, and the public from a defaulting clearing member. OCC also is amending Rule 1102 to require notification to the Board as soon as practicable should a Designated Officer summarily suspend a clearing member.[8] The addition of such a requirement will ensure that the Board is timely informed of such suspensions.

Furthermore, pursuant to this rule change as approved, OCC is making conforming amendments consistent with the above to Article VI, Section 25 of its By-Laws and OCC Rule 707, which concern the summary suspension of clearing members that participate in OCC's cross-margining programs. Specifically, Article VI, Section of OCC's By-Laws and OCC Rule 707 will explicitly state that the Board of Directors or a Designated Officer may summarily suspend a clearing member based on a cross-margining related default.

Except for the changes described above, no other changes are proposed to OCC's suspension or default management processes as set forth in the Rules, including a clearing member's right to appeal a summary suspension in accordance with OCC Rule 1110.

II. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act[9] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization.

The Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act, which requires, among other things, that the rules of a clearing agency are designed to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[10] By expanding the list of officers with the authority to summarily suspend a clearing member, OCC will be better able to ensure that has the ability to timely begin the clearing member default management processes. In turn, timely beginning the

[32] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 74212 (February 5, 2015), 80 FR 7668 (February 11, 2015) (SR–OCC–2015–04).

[4] For example, OCC Rule 1106(a) provides OCC with significant flexibility with respect actions it may take in order to close out a defaulting clearing member's open long positions.

[5] OCC filed Amendment No. 1 in order to correct an inadvertent grammatical error. Specifically, a comma after the word ''Executive Chairman'' was removed because it caused the description of the proposed rule change to not be consistent with the text of the proposed rule change.

[6] OCC's proposal is similar to the summary suspension process employed by the National Securities Clearing Corporation (''NSCC''). *See* NSCC Rule 46, Section 3.

[7] A description of OCC's default management process is located at: *http://www.theocc.com/risk-management/default-rules/>*

[8] OCC staff will notify the Board within two hours of the summary suspension.

[9] 15 U.S.C. 78s(b)(2)(C).

[10] 15 U.S.C. 78q–1(b)(3)(F).

default management process will further the safeguarding of securities and funds which are in the custody or control of OCC, or for which it is responsible.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act[11] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[12] that the proposed rule change (SR–OCC–2015–04), as modified by Amendment 1, be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Brent J. Fields,

Secretary.

[FR Doc. 2015–06715 Filed 3–24–15; 8:45 am]

BILLING CODE 8011–01–P

[11] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] 15 U.S.C. 78s(b)(2).

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74536; File No. SR–OCC–2015–007]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing of Proposed Rule Change To Enhance the Measurement Used To Establish Minimum Capital Requirements for Banks Approved To Issue Letters of Credit

March 19, 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 March 6, 2015, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

OCC proposes to amend its By-Laws and Rules in order to enhance the measurement used to establish minimum capital requirements for banks approved to issue letters of credit that may be deposited by clearing members as a form of margin asset.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to enhance the measurement used by OCC to establish minimum capital requirements for banks approved to issue letters of credit that may be deposited by clearing members as a form of margin asset. Currently, OCC Rule 604 Interpretation and Policy .01 requires U.S. banks to have $100,000,000 or more in shareholders' equity, and non-U.S. banks to have $200,000,000 or more in shareholders' equity, in order to be approved as an issuer of letters of credit that may deposited by clearing members to meet their margin obligation(s) at OCC. The purpose of these minimum capital requirements is to ensure that issuers of letters of credit whose letters of credit are deposited at OCC as a margin asset by clearing members have the ability to honor a demand for payment by OCC under such letters of credit should a need to do so arise, such as in the case of a clearing member default.

The financial requirements set forth in OCC Rule 604 Interpretation and Policy .01 concerning issuers of letters of credit have been in place for some time.[3] In the years since OCC adopted OCC Rule 604 Interpretation and Policy .01, bank financial reporting standards have evolved and now place a greater emphasis on Tier 1 Capital as opposed shareholders' equity.[4] In fact, Tier 1 Capital is the primary component of a bank's total regulatory capital.[5] Tier 1 Capital is a more conservative measure of a bank's financial health as it ignores subordinated debt, intermediate-term preferred stock, cumulative and long-term preferred stock and a portion of a bank's allowance for loan and lease losses. In light of the more universal acceptance of Tier 1 Capital for bank financial reporting standards, OCC is now proposing to amend OCC Rule 604 Interpretation and Policy .01 to substitute Tier 1 Capital for shareholders' equity.

OCC believes that by measuring a bank's financial health based on Tier 1 Capital, instead of shareholders' equity, OCC will reduce its credit risk to banks issuing letters of credit deposited by clearing members as a form of margin asset. As stated above, Tier 1 Capital is a more conservative measure of a bank's financial health. Therefore, after implementation of the proposed rule change, should OCC need to demand payment on a letter of credit deposited by a clearing member as a margin asset, such as in the case of a clearing member default, it is less likely that the bank issuing such letter of credit would not perform upon its payment commitment because the bank would be required to hold a greater amount of capital in order to be an OCC letter of credit bank. In turn, credit risk presented to OCC as a result of accepting letters of credit as a form of margin asset is reduced.[6]

In order to effect the proposed rule change, and in addition to amending OCC Rule 604 Interpretation and Policy .01 as described above, OCC is proposing to add a paragraph ''c'' to Interpretation and Policy .01 of OCC Rule 604 in order to adopt a definition for Tier 1 Capital that leverages the definition of Tier 1 Capital employed by a bank's regulatory agency. OCC believes that such a definition is appropriate given that OCC accepts letters of credit from banks regulated by different regulatory authorities.[7] In addition, and for the reasons stated

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities and Exchange Act Release No. 19422 (January 12, 1983), SR–OCC–1982–08 [sic].

[4] Tier 1 Capital is the measure used by the Basel Committee on Banking Supervision to measure the financial health of a bank. The goal of the Basel Committee on Banking Supervision is to strengthen the regulation, supervision and risk management of the banking sector. The Basel Committee on Banking Supervision's most recent set of reform measures, Basel III, is located at: *http://www.bis.org/publ/bcbs189.pdf.*

[5] *See https://www.kansascityfed.org/Publicat/BasicsforBankDirectors/BasicsforBankDirectors.pdf.*>

[6] OCC does not anticipate that the proposed rule change would impact any of the banks already approved to issue letters of credit that may be deposited by clearing members as a form of margin since all such banks maintain amounts of Tier 1 Capital that exceed, as applicable, $100 million for U.S. banks or $200 million for Non-U.S. banks.

[7] *See* OCC Rule 604(c). For example, OCC accepts letters of credit issued by banks regulated by The Federal Reserve Board, The Office of the Comptroller of the Currency, The Australian Prudential Regulation Authority and The German Federal Financial Supervisory Authority.

above, OCC is proposing to make a conforming change to OCC Rule 604 Interpretation and Policy .04 so that any one bank may not issue letters of credit for an individual clearing member exceeding 15% of the bank's Tier 1 Capital (instead of shareholders' equity).

2. Statutory Basis

OCC believes that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act[8] because it will help ensure the safeguarding of securities and funds which are in the custody and control of OCC, or for which it is responsible. OCC believes that the proposed rule change would help ensure the safeguarding of securities and funds which are in the custody and control of OCC, or for which OCC is responsible, because banks approved to issue letters of credit that may be deposited by clearing members as a form of margin asset at OCC will be subject to a more conservative capital requirement thereby increasing the likelihood that the bank will have the ability to honor a demand for payment made by OCC. For the same reason, OCC believes that the adoption of a more conservative capital requirement for banks approved to issue letters of credit that may be deposited by clearing members as a form of margin asset is consistent with the requirement of SEC Rule 17Ad-22(d)(3), which requires OCC hold assets in a manner that minimizes risk of loss or delay in access to them.[9] The proposed rule change is not inconsistent with any rules of OCC, including any other rules proposed to be amended.

(B) Clearing Agency's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.[10] Changes to the rules of a clearing agency may have an impact on the participants in a clearing agency and the markets that the clearing agency serves. This proposed rule change enhances the measurement used to establish capital requirements for banks that want to be, or are, approved to issue letters of credit that clearing members may deposit as a margin asset at OCC. The proposed modifications would not unfairly inhibit access to OCC's services or disadvantage or favor any particular user in relationship to another user because each user will continue to be able to use the same set of approved letter of credit banks if it wishes to deposit a letter of credit as a form of margin asset. In addition, OCC permits a wide variety of other assets to be deposit by clearing members to meet their margin requirements at OCC.[11] The proposed modifications would not disadvantage or favor any particular bank wishing to become an approved letter of credit bank, or already an approved letter of credit bank, as those wishing to become letter of credit banks will have the same capital requirement applied to them, and those currently approved as letter of credit banks already meet the enhanced capital measurement.

For the foregoing reasons, OCC believes that the proposed rule change is in the public interest, would be consistent with the requirements of the Act applicable to clearing agencies and would not impose a burden on competition.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments on the proposed rule change were not and are not intended to be solicited with respect to the proposed rule change and none have been 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 self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–OCC–2015–007 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–OCC–2015–007. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of OCC and on OCC's Web site at *http://www.theocc.com/components/docs/legal/rules_and_bylaws/sr_occ_15_007.pdf.* 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–OCC–2015–007 and should be submitted on or before April 15, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Brent J. Fields,

Secretary.

[FR Doc. 2015–06714 Filed 3–24–15; 8:45 am]

BILLING CODE 8011–01–P

[8] 15 U.S.C. 78q-1(b)(3)(F).

[9] 17 CFR 240.17Ad-22(d)(3).

[10] 15 U.S.C. 78q-1(b)(3)(I).

[11] *See* OCC Rule 604.

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74540; File No. SR–NYSEMKT–2015–16]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Its Rules Governing the Short Term Option Series Program To Extend Current $0.50 Strike Price Intervals in Non-Index Options to Short Term Options With Strike Prices Less Than $100

March 19, 2015.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on March 12, 2015, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend its rules governing the Short Term Option Series program to extend current $0.50 strike price intervals in non-index options to Short Term Options with strike prices less than $100. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its rules governing the Short Term Option Series program (''STOS Program'') to introduce finer strike price intervals for certain short term options. In particular, the Exchange proposes to amend Commentary .10(d) to Rule 903 to extend current $0.50 strike price intervals in non-index options to short term options with strike prices less than $100 instead of the current $75. This proposed change is intended to eliminate gapped strikes between $75 and $100 that result from conflicting strike price parameters under the STOS and $2.50 Strike Price Programs as described in more detail below. The Exchange believes that the proposed rule change would increase market efficiency as it would align the Exchange's rules with recently approved changes to the rules governing short term options series programs of other options exchanges,[4] which would enable the Exchange to compete equally and fairly with other options exchanges in satisfying strong customer demand to have the ability to execute hedging and trading strategies in finer strike price intervals.

Pursuant to Commentary .10(a) to Rule 903, the Exchange may list short term options in up to fifty option classes, in addition to option classes that are selected by other securities exchanges that employ a similar program under their respective rules.[5] For each of these option classes, the Exchange may list five short term option expiration dates at any given time, not counting monthly or quarterly expirations.[6] Specifically, on any Thursday or Friday that is a business day, the Exchange currently may list short term options that expire at the close of business on each of the next five Fridays that are business days and are not Fridays in which monthly or quarterly options expire.[7] These short term option series may be listed in strike price intervals of $0.50, $1, or $2.50, with the finer strike price intervals being offered for lower priced securities [8], and for options that trade in dollar increments in the related monthly expiration.[9] More specifically, per current Commentary .10(d) to Rule 903, the strike price interval for STOS may be $0.50 or greater for option classes that both trade in $1 strike price intervals and are in the STOS Program. If the class does not trade in $1 strike price intervals, the Exchange may list STOS in $0.50 intervals for strike prices less than $75; in $1 intervals for strike prices that are between $75 and $150; and in $2.50 intervals for strike prices greater than $150.[10]

The Exchange also operates a $2.50 Strike Price Program that permits the Exchange to select up to sixty options classes on individual stocks to trade in $2.50 strike price intervals, in addition to option classes selected by other securities exchanges that employ a similar program under their respective rules.[11] Monthly expiration options in classes admitted to the $2.50 Strike Price Program trade in $2.50 intervals where the strike price is (1) greater than $25 but less than $50; or (2) between $50 and $100 if the strikes are no more than $10 from the closing price of the underlying stock in its primary market on the preceding day.[12] In certain instances, these strike price parameters conflict with strike prices allowed for short term options as dollar strikes between $75 and $100 otherwise allowed under the STOS Program may be within $0.50 of strikes listed pursuant to the $2.50 Strike Price Program.

To remedy this conflict, the Exchange proposes to extend the $0.50 strike price intervals, currently allowed for short term options with strike prices less than $75, to short term options with strike

[4] *See* Securities and Exchange Act Release No. 73999 (January 6, 2015), 80 FR 1599 [sic] (January 12, 2015) (SR–ISE–2014–52) (order granting approval of proposed rule change regarding short term option series program). Following approval of filing by the International Securities Exchange, LLC, several other option exchanges submitted ''copycat'' filings for immediate effectiveness. *See, e.g.,* Securities and Exchange Act Release Nos. 74016 (January 8, 2015), 80 FR 1976 (January 14, 2015) (SR–BOX–2015–01); 74144 (January 27, 2015), 80 FR 5602 (February 2, 2015) (SR–CBOE–2015–09 [sic]); 74145 (January 27, 2015), 80 FR 5600 (February 2, 2015) (SR–Phlx–2015–09); 74146 (January 27, 2015), 80 FR 5595 (February 2, 2015) (SR–NASDAQ–2015–005); 74147 (January 27, 2015), 80 FR 5604 (February 2, 2015) (SR–BX–2015–006).

[5] The Exchange notes that the number of option classes that may participate in the STOS Program is aggregated between equity options and index options and is not apportioned between equity options and index options. For STOS Program rules regarding index options, *see* Rule 903C; Rule 900C(b)(27).

[6] *See* Rule 903(h).

[7] *Id.*

[8] *See* Commentary .10(d) to Rule 903.

[9] *See* Commentary .06 to Rule 903 (allows the Exchange to designate up to 150 options classes on individual stocks to be traded in $1 strike price intervals where the strike price is between $50 and $1).

[10] *See* Commentary .10(d) to Rule 903.

[11] *See* Commentary .07(a) to Rule 903.

[12] *Id.* The term ''primary market'' is defined in Rule 900.2NY(62) as the principal market in which an underlying security is traded.

prices less than $100. With this proposed change, short term options in non-index option classes would trade in: (1) $0.50 or greater intervals for strike prices less than $100, or for option classes that trade in one dollar increments in the related monthly expiration option; (2) $1 or greater intervals for strike prices that are between $100 and $150; and (3) $2.50 or greater intervals for strike prices above $150.[13] The Exchange believes that this proposed change would eliminate gapped strikes between $75 and $100. The Exchange also believes that the proposed rule change would provide the investing public and other markets with additional opportunities to hedge their investments, thus allowing these investors to better manage their risk exposure. In addition, as noted above, the Exchange believes the proposed rule change would harmonize the Exchange's rules with recently approved rules on competing options exchanges, which consistency across markets would benefit investors.[14]

With regard to the impact of this proposal on system capacity, the Exchange has analyzed its capacity and represents that it and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange believes that its ATP Holders would not have a capacity issue as a result of this proposal. The Exchange also represents that it does not believe this expansion would cause fragmentation of liquidity.

2. Statutory Basis

The Exchange believes that the proposed change is consistent with Section 6(b) of the Act,[15] in general, and furthers the objectives of Section 6(b)(5),[16] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed change would result in a continuing benefit to investors by giving them more flexibility to closely tailor their investment and hedging decisions, thus allowing them to better manage their risk exposure. Under the Exchange's current rules, during the month prior to expiration, the Exchange is permitted to list related monthly option contracts in the narrower strike price intervals available for short term option series.[17] After transitioning to short term strike price intervals, however, monthly options that trade in $2.50 intervals between $50 and $100 under the $2.50 Strike Price Program, trade with dollar strikes between $75 and $150. Due [sic] the overlap of $1 and $2.50 intervals, the Exchange cannot list certain dollar strikes between $75 and $100 that conflict with the prior $2.50 strikes. For example, if the Exchange initially listed monthly options on ABC with $75, $77.50, and $80 strikes, the Exchange could list the $76 and $79 strikes when these monthly options transition to short term intervals. The Exchange would not be permitted to list the $77 and $78 strikes, however, as these are $0.50 away from the $77.50 strike already listed on the Exchange. This creates gapped strikes between $75 and $100, where investors are not able to trade otherwise allowable dollar strikes on the Exchange.

Similarly, these conflicting strike price parameters create issues for investors who want to roll their positions from monthly to weekly expirations. In the example above, for instance, an investor that purchased a monthly ABC option with a $77.50 strike price would not be able to roll that position into a later short term expiration with the same strike price as that strike is unavailable under current STOS Program rules. Thus, the Exchange believes that permitting $0.50 intervals for short term options up to $100 would remedy both of these issues as strikes allowed under the $2.50 Strike Price Program would not conflict with the finer $0.50 strike price interval. The STOS Program has been well-received by market participants and the Exchange believes that introducing finer strike price intervals for short term options with strike prices between $75 and $100, and thereby eliminating the gapped strikes described above, would benefit these market participants by giving them more flexibility to closely tailor their investment and hedging decisions.

With regard to the impact of this proposal on system capacity, the Exchange has analyzed its capacity and represents that it and the OPRA have the necessary systems capacity to handle any potential additional traffic associated with this proposed rule change. The Exchange believes that its ATP Holders would not have a capacity issue as a result of this proposal. The Exchange also represents that it does not believe this expansion would cause fragmentation of liquidity.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that this proposed rule change would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that the proposed rule change would result in additional investment options and opportunities to achieve the investment objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general. In addition, as noted above, the Exchange believes the proposed rule change is pro-competitive and would allow the Exchange to compete more effectively with other options exchanges that have already adopted changes to their short term option series programs that are substantially identical to the changes proposed by this filing.[18]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[19] and Rule 19b–4(f)(6) thereunder.[20]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange stated that waiver of this requirement will enable the Exchange to, as soon as possible, have the ability to compete with option exchanges that have incorporated the

[13] *See* proposed Commentary .10(d) to Rule 903.

[14] *See supra* n. 4.

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] *See* Commentary .10(d) to Rule 903 (regarding Related Non-Short Term option series).

[18] *See supra* n. 4.

[19] 15 U.S.C. 78s(b)(3)(A).

[20] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

proposed rule change to their short term option series programs. For this reason, the Commission believes that the proposed rule change presents no novel issues and that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission designates the proposed rule change to be operative upon filing.[21]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2015–16 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2015–16. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2015–16 and should be submitted on or before April 15, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Brent J. Fields,

Secretary.

[FR Doc. 2015–06717 Filed 3–24–15; 8:45 am]

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[21] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74531; File No. SR–Phlx–2015–25]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Pricing Schedule's Preface and Sections I, II and IV

March 19, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 11, 2015, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to modify the Phlx Pricing Schedule (''Pricing Schedule''). Specifically, the Exchange proposes to amend: (1) The Preface to the Pricing Schedule to include a reference to a Non-Customer; (2) amend the Customer[3] Simple Order Fee for Removing Liquidity in Section I, entitled ''Rebates and Fees for Adding and Removing Liquidity in SPY'' as well as certain PIXL[4] executions in options overlying SPY;[5] (3) amend a Firm[6] fee in Section II, entitled ''Multiply Listed Options Fees,''[7] as well as certain pricing applicable to Specialists[8] and Market Makers;[9] (4) amend PIXL pricing in Section IV, Part A entitled ''PIXL Pricing,'' and FLEX pricing in Section IV, Part B, entitled ''FLEX Transaction Fees'' of the Pricing Schedule.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Customer'' applies to any transaction that is identified by a member or member organization for clearing in the Customer range at The Options Clearing Corporation (''OCC'') which is not for the account of broker or dealer or for the account of a ''professional'' (as that term is defined in Rule 1000(b)(14)).

[4] PIXL℠ is the Exchange's price improvement mechanism known as Price Improvement XL or PIXL. *See* Rule 1080(n).

[5] Options overlying Standard and Poor's Depositary Receipts/SPDRs (''SPY'') are based on the SPDR exchange-traded fund, which is designed to track the performance of the S&P 500 Index.

[6] The term ''Firm'' applies to any transaction that is identified by a member or member organization for clearing in the Firm range at OCC.

[7] This includes options overlying equities, exchange traded funds (''ETFs''), exchange traded notes (''ETNs'') and indexes which are Multiply Listed.

[8] A Specialist is an Exchange member who is registered as an options specialist pursuant to Rule 1020(a).

[9] A ''Market Maker'' includes Registered Options Traders (Rule 1014(b)(i) and (ii)), which includes Streaming Quote Traders (*see* Rule 1014(b)(ii)(A)) and Remote Streaming Quote Traders (*see* Rule 1014(b)(ii)(B)). Directed Participants are also market makers.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this filing is to modify the Pricing Schedule to specifically amend the Preface, Section I, entitled ''Rebates and Fees for Adding and Removing Liquidity in SPY,'' Section II, entitled ''Multiply Listed Options Fees,'' and Section IV, Part A, entitled ''PIXL Pricing'' and Part B entitled ''FLEX Transaction Fees.'' The Exchange proposes various amendments to the Pricing Schedule as described below.

Preface

The Exchange proposes to amend the Preface of the Pricing Schedule to add a defined term, ''Non-Customer.'' The Exchange proposes to state that a Non-Customer refers to transactions for the accounts of Specialists, Market Makers, Firms, Professionals,[10] Broker-Dealers [11] and JBOs.[12] The Exchange believes that adding this reference to the Preface will assist members and member organizations to better understand references to the term ''Non-Customer'' in the Pricing Schedule when pricing is applied to market participants other than a Customer.

Section I Rebates and Fees for Adding and Removing Liquidity in SPY

The Exchange is proposing to amend the Customer Simple Order Fees for Removing Liquidity in Section I applicable to transactions overlying SPY. The Exchange currently assesses Customers a $0.43 per contract Fee for Removing Liquidity in SPY Simple Orders and Specialists, Market Makers, Firms, Broker-Dealers and Professionals are assessed a $0.49 per contract Fee for Removing Liquidity in SPY Simple Orders. The Exchange is proposing to increase the Customer Fee for Removing Liquidity in SPY Simple Orders from $0.43 to $0.44 per contract. Despite the increased fee, Customers will continue to be assessed a lower Fee for Removing Liquidity in SPY Simple Orders as compared to other market participants.

The Exchange also proposes to amend PIXL fees in SPY in Section I of the Pricing Schedule. Today, when a PIXL Order is contra to other than the Initiating Order,[13] the PIXL Order will be assessed $0.00 per contract, unless the order is a Customer, in which case the Customer will receive a rebate of $0.38 per contract. All other contra parties to the PIXL Order, other than the Initiating Order, will be assessed a Fee for Removing Liquidity of $0.38 per contract or will receive the Rebate for Adding Liquidity.[14] The Exchange is proposing to increase the amount that all other contra parties to the PIXL Order, other than the Initiating Order, will be assessed to remove liquidity from $0.38 to $0.42 per contract. These contra parties will continue to be entitled to receive the Rebate for Adding Liquidity, as is the case today. Despite, the increase [the Exchange] believes that its current SPY PIXL fees remain competitive.

For clarity, the Exchange is also proposing to add the word ''Non-Customer'' to the Pricing Schedule in Section I, when describing all other contra parties for purposes of the PIXL Order fees.

Section II—Multiply Listed Options

The Exchange proposes to continue provide a reduction to the Firm Options Transaction fee in Penny Pilot Options [15] and Non-Penny Pilot Options for electronic Simple Orders in Apple Inc. (''AAPL''), Bank of America Corporation (''BAC''), iShares MSCI Emerging Markets ETF (''EEM''), Facebook, Inc. (''FB''), iShares China Large-Cap ETF (''FXI''), iShares Russell 2000 ETF (''IWM''), PowerShares QQQ Trust (''QQQ''), Twitter, Inc. (''TWTR''), iPath S&P 500 VIX Short-Term Futures ETF (''VXX'') and Financial Select Sector SPDR Fund (''XLF''). The current fee of $0.27 per contract, which is discounted as compared to the Options Transaction Fee in Section II, will be increased to $0.34 per contract. This proposed fee is lower than the $0.48 per contract fee Firm electronic Penny Pilot Options Transaction Charge in Section II of the Pricing Schedule.[16] Despite the increase in this fee, the Exchange believes that Firms will continue to be incentivized to transact volume in these aforementioned symbols as the fee continues to be discounted.

Currently, Specialists and Market Makers are subject to a ''Monthly Market Maker Cap'' of $500,000 for: (i) Electronic and floor Option Transaction Charges; and (ii) Qualified Contingent Cross or ''QCC'' Transaction Fees.[17] The trading activity of separate Specialist and Market Maker member organizations are aggregated in calculating the Monthly Market Maker Cap if there is Common Ownership [18] between the member organizations. All dividend, merger, short stock interest, reversal and conversion, jelly roll and box spread strategy executions [19] are excluded from the Monthly Market Maker Cap. Today, Specialists or Market Makers that (i) are on the contra-side of an electronically-delivered and executed Customer order, excluding responses to a PIXL auction; and (ii) have reached the Monthly Market Maker Cap are currently assessed fees per contract as follows: $0.05 per contract Fee for Adding Liquidity in Penny Pilot Options; $0.17 per contract Fee for Removing Liquidity in Penny Pilot Options; $0.17 per contract in Non-Penny Pilot Options; and $0.17 per contract in a non-Complex electronic auction, including the Quote Exhaust auction and, for purposes of this fee, the opening process. A Complex electronic auction includes, but is not limited to, the Complex Order Live Auction

[10] The term ''professional'' means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Rule 1000(b)(14).

[11] The term ''Broker-Dealer'' applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category.

[12] The term ''Joint Back Office'' or ''JBO'' applies to any transaction that is identified by a member or member organization for clearing in the Firm range at OCC and is identified with an origin code as a JBO. A JBO will be priced the same as a Broker-Dealer. A JBO participant is a member, member organization or non-member organization that maintains a JBO arrangement with a clearing broker-dealer (''JBO Broker'') subject to the requirements of Regulation T Section 220.7 of the Federal Reserve System as further discussed at Exchange Rule 703.

[13] A member may electronically submit for execution an order it represents as agent on behalf of a public customer, broker-dealer, or any other entity (''PIXL Order'') against principal interest or against any other order (except as provided in Rule 1080(n)(i)(E)) it represents as agent (''Initiating Order'') provided it submits the PIXL order for electronic execution into the PIXL Auction (''Auction'') pursuant to Rule 1080. *See* Exchange Rule 1080(n). Non-Initiating Order interest could be a PIXL Auction Responder or a resting order or quote that was on the Phlx book prior to the auction.

[14] The Exchange offers Specialists and Maker Makers a $0.20 per contract Simple Order Rebate for Adding Liquidity in SPY.

[15] The Penny Pilot was established in January 2007 and was last extended to June 30, 2015. *See* Securities and Exchange Release No. 73688 (November 25, 2014), 79 FR 71484 (December 2, 2014) (SR–Phlx–2014–77).

[16] *See* Section II of the Pricing Schedule. AAPL, BAC, EEM, FB, FXI, IWM, QQQ, TWTR, VXX and XLF are currently Penny Pilot Options (together ''certain Penny Options''). The $0.34 per contract pricing proposed herein is symbol specific and will continue to apply to these symbols whether or not they are deleted from or added from the Penny Pilot Options Program.

[17] QCC Orders are defined in Exchange Rule 1080(o) and Floor QCC Orders are defined in 1064(e)).

[18] Common Ownership shall mean members or member organizations under 75% common ownership or control.

[19] *See* descriptions of these strategies in Section II of the Pricing Schedule.

(''COLA'').[20] Transactions which execute against an order for which the Exchange broadcast an order exposure alert are subject to this fee.

The Exchange proposes to increase the $0.17 per contract Fee for Removing Liquidity in Penny Pilot Options to $0.18 per contract; the $0.17 per contract in Non-Penny Pilot Options to $0.18 per contract; and the $0.17 per contract in a non-Complex electronic auction to $0.18 per contract, provided a Specialist or Market Maker is on the contra-side of an electronically-delivered and executed Customer order and has reached the Monthly Market Maker Cap. Despite these increases, the Exchange believes that Specialists and Market Makers will continue to be encouraged to transact orders on the market because the fees are still discounted.[21]

Section IV, Part A—PIXL Pricing

PIXL pricing for Initiating Orders is located in subsection IV, Part A, entitled ''Other Transaction Fees'' of the Pricing Schedule. Today, the Initiating Order Fee is $0.07 per contract. If the member or member organization qualifies for the Tier 4 or 5 Customer Rebate in Section B of the Pricing Schedule, the member or member organization will be assessed $0.05 per contract for Simple PIXL Orders and $0.03 per contract for Complex PIXL Orders. Any member or member organization under Common Ownership with another member or member organization that qualifies for a Customer Rebate Tier 4 or 5 discount in Section B of the Pricing Schedule will receive the PIXL Initiating Order discount. The Initiating Order Fee for Professional, Firm, Broker-Dealer, Specialist and Market Maker orders that are contra to a Customer PIXL Order is reduced to $0.00 if the Customer PIXL Order is greater than 399 contracts. Today, for PIXL Order Executions in Section II, Multiply Listed Options, when a PIXL Order is contra to a PIXL Auction Responder, a Customer PIXL Order will be assessed $0.00 per contract, other market participants will be assessed $0.30 per contract in Penny Pilot Options or $0.38 per contract in Non-Penny Pilot Options. A Responder will be assessed $0.30 per contract in Penny Pilot Options or $0.38 per contract in Non-Penny Pilot Options, unless the Responder is a Customer, in which case the fee will be $0.00 per contract.

The Exchange is proposing to amend fees when a PIXL Order is contra to a PIXL Auction Responder for Multiply Listed Options. A Customer PIXL Order will continue to be assessed $0.00 per contract and other market participants will continue to be assessed $0.30 per contract in Penny Pilot Options or $0.38 per contract in Non-Penny Pilot Options in Multiply Listed Options. The Exchange proposes to continue to assess a Responder that is a Specialist or Market Maker a $0.30 per contract fee in Penny Pilot Options and an increased $0.40 per contract (today this fee is $0.38 per contract) fee in Non-Penny Pilot Options. Other Non-Customer Responders (Professionals, Firms and Broker-Dealers) will be assessed an increased fee in Penny Pilot Options of $0.48 per contract and an increased fee of $0.70 per contract in Non-Penny Pilot Options.[22] A Responder that is a Customer will continue to be assessed $0.00 per contract in Penny and Non-Penny Pilot Options. Despite the increases in certain PIXL fees, the Exchange believes that its fee remain competitive.

The Exchange is also proposing to capitalize certain terms for consistency within the text of the Pricing Schedule and utilize the term ''Non-Customer''.

Section IV, Part B—FLEX Transaction Fees

The Exchange proposes to amend its FLEX Multiply Listed Options pricing in Section IV, Part B, entitled ''FLEX Transaction Fees'' of the Pricing Schedule. Customers will continue to be assessed no fee for transacting FLEX Options.[23] Today, all other market participants, Professionals, Specialists, Market Makers, Broker-Dealers and Firms, or ''Non-Customers,'' are assessed a fee of $0.15 per contract when transacting FLEX Options.[24] The Exchange is proposing to increase this fee from $0.15 to $0.25 contract. The Exchange will continue to apply the Monthly Firm Fee Cap,[25] Monthly Market Maker Cap, and the Options Surcharge in PHLX/KBW Bank Index (''BKX''), options on the one-tenth value of the Nasdaq 100 Index traded under the symbol MNX (''MNX'') and options on the Nasdaq 100 Index traded under the symbol NDX (''NDX'') described in Section II.[26] No other fees described in Section II apply to Section IV, B of the Pricing Schedule. The Exchange will continue to waive FLEX transaction fees for a Firm executing facilitation orders pursuant to Exchange Rule 1064 when such members are trading in their own proprietary account. The pricing in Section III, entitled ''Singly Listed Options'' will continue to apply to FLEX Singly Listed Options, as is the case today.[27]

2. Statutory Basis

The Exchange believes that its proposal to amend the Pricing Schedule is consistent with Section 6(b) of the Act[28] in general, and furthers the objectives of Section 6(b)(4) and (b)(5) of the Act[29] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which Phlx operates or controls, and is not designed to permit unfair discrimination between market participants to whom the Exchange's fees and rebates are applicable.

Preface

The Exchange's proposal to amend the Preface of the Pricing Schedule to add a defined term, ''Non-Customer'' is reasonable because it makes clear what is meant by the term ''Non-Customer,'' which refers to transactions for the accounts of Specialists, Market Makers, Firms, Professionals, Broker-Dealers and JBOs.

The Exchange's proposal to amend the Preface of the Pricing Schedule to add a defined term, ''Non-Customer'' is equitable and not unfairly discriminatory because the addition of the term ''Non-Customer'' to the Preface

[20] A Complex electronic auction includes, but is not limited to, the Complex Order Live Auction (''COLA'').

[21] Specialists and Market Makers that do not meet the requirements specified herein are subject to the Options Transaction Charges in Section II of the Pricing Schedule.

[22] Today, these market participants are assessed a $0.30 per contract Penny Pilot Option fee and a $0.38 per contract Non-Penny Pilot Option fee.

[23] FLEX options are only executed on the Exchange's trading floor and are not executed electronically on the Exchange.

[24] FLEX Option fees today are not in addition to Options Transaction Charges.

[25] Firms are subject to a maximum fee of $75,000 (''Monthly Firm Fee Cap''). Firm Floor Option Transaction Charges and QCC Transaction Fees, as defined in this section above, in the aggregate, for one billing month may not exceed the Monthly Firm Fee Cap per member organization when such members are trading in their own proprietary account. All dividend, merger, and short stock interest strategy executions (as defined in Section II) are excluded from the Monthly Firm Fee Cap. Reversal and conversion strategy executions (as defined in Section II) are included in the Monthly Firm Fee Cap. QCC Transaction Fees are included in the calculation of the Monthly Firm Fee Cap. *See* Section II Pricing.

[26] Today, the Exchange pays an Options Surcharge in BKX of $0.10 per contract for all market participants, except Customers. Also, the Exchange pays an Options Surcharge in MNX and NDX of $0.20 per contract for all market participants, except Customers. *See* Section II of the Pricing Schedule.

[27] Section III pricing includes options overlying currencies, equities, ETFs, ETNs treasury securities and indexes not listed on another exchange.

[28] 15 U.S.C. 78f(b).

[29] 15 U.S.C. 78f(b)(4), (5).

will provide consistency to the meaning of the term as utilized throughout the Pricing Schedule.

Section I—Rebates and Fees for Adding and Removing Liquidity in SPY

The Exchange's proposal to amend the Customer SPY Simple Order Fees for Removing Liquidity in Section I of the Pricing Schedule to increase the fee from $0.43 to $0.44 per contract is reasonable because, despite the increase, the Exchange believes the fee will continue to encourage a greater number of market participants to remove Customer liquidity in SPY on Phlx because the proposed rate of $0.44 per contract is lower than transactions in SPY at some competitor or affiliated options exchanges.[30] Customer orders bring valuable liquidity to the market which liquidity benefits other market participants.

The Exchange's proposal to amend the Customer SPY Simple Order Fees for Removing Liquidity in Section I of the Pricing Schedule to increase the fee from $0.43 to $0.44 per contract is equitable and not unfairly discriminatory because Customers will continue to be assessed the lowest Fees for Removing Liquidity in SPY Simple Orders.[31] Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

The Exchange's proposal to amend PIXL fees in SPY to increase the amount that all other Non-Customer contra parties to the PIXL Order, other than the Initiating Order, will be assessed to remove liquidity from $0.38 to $0.42 per contract is reasonable because despite the increase in the fee, the Exchange believes this pricing will continue to incentivize market participants to transact a greater number of SPY options. The Exchange will continue to assess no fee when a PIXL Order is contra to other than an Initiating Order in SPY. Customers will continue to receive a rebate of $0.38 per contract when the PIXL Order is contra to other than the Initiating Order. The Exchange is increasing the Fee for Removing Liquidity for Non-Customer contra-parties to the PIXL Order in SPY, other than the Initiating Order, to $0.42 per contract, which is still lower than the $0.49 per contract Fee for Removing Liquidity that is assessed for Simple Orders in SPY.[32] SPY options are currently the most actively traded options class and therefore the Exchange believes that incentivizing Non-Customers (Professionals, Firms, Broker-Dealers, Specialists and Market Makers) to remove liquidity in SPY options by offering a lower rate as compared to the $0.49 per contract Simple Order Fee for Removing Liquidity in SPY will benefit all market participants by providing incentives for price improvement, such as this reduction in the Fee for Removing Liquidity.

The Exchange's proposal to amend PIXL fees in SPY to increase the amount that all other contra parties to the PIXL Order, other than the Initiating Order, will be assessed to remove liquidity from $0.38 to $0.42 per contract is equitable and not unfairly discriminatory because the Exchange will be assessing the same Fees for Removing Liquidity for SPY PIXL options to all Non-Customer market participants provided they meet the aforementioned criteria. Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Specialists and Market Makers. Creating incentives for Non-Customer market participants to remove liquidity benefits all market participants through increased liquidity at the Exchange. A higher percentage of SPY Orders in PIXL leads to increased auctions and better opportunities for price improvement.

The Exchange believes that it is reasonable, equitable and not unfairly discriminatory to add clarifying rule text to the Pricing Schedule with respect to identifying Non-Customers.

Section II—Multiply Listed Options

The Exchange's proposal to increase the Firm electronic Simple Order fee in AAPL, BAC, EEM, FB, FXI, IWM, QQQ, TWTR, VXX and XLF from $0.27 to $0.34 per contract is reasonable because it will continue to incentivize Firms to send electronic Simple Orders in these symbols to the Exchange by offering a rate lower than at other options exchanges.[33] Today Firms pay a discounted fee ($0.27 per contract compared to the Firm electronic Multiply Listed Options $0.48 per contract fee). Pricing by symbol is a common practice on many U.S. options exchanges as a means to incentive order flow to be sent to an exchange for execution.[34]

The Exchange's proposal to increase the Firm electronic Simple Order fee in AAPL, BAC, EEM, FB, FXI, IWM, QQQ, TWTR, VXX and XLF from $0.27 to $0.34 per contract is equitable and not unfairly discriminatory. The Exchange will continue to assess Firms higher fees as compared to Customers.[35] Customer order flow enhances liquidity on the Exchange for the benefit of all market participants and benefits all market participants by providing more trading opportunities, which attracts Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. Firms will continue to assessed higher Options Transaction Charges as compared to Specialists and Market Makers,[36] because Specialists and Market Makers have obligations to the market and regulatory requirements, which normally do not apply to other market participants.[37] They have obligations to make continuous markets, engage in a course of dealings reasonably calculated to contribute to the maintenance of a fair and orderly market, and not make bids or offers or enter into transactions that are inconsistent with a course of dealings.

Finally, as proposed, Firms will be assessed a $0.34 per contract electronic fee for electronic Simple Orders in these symbols, which is a lower fee as compared to Professionals and Broker-Dealers.[38] The Exchange believes that the proposed fee differential between Firms and Professionals and Broker-Dealers is equitable and not unfairly discriminatory because it is similar to the pricing offered by another options exchange.[39] Moreover, the proposed

[30] *See* the NASDAQ Options Market LLC's (''NOM'') pricing at Chapter XV of NOM's Rulebook.

[31] Other market participants are assessed a $0.49 per contract Fees for Removing Liquidity in SPY Simple Orders.

[32] *See* Section I of the Pricing Schedule.

[33] *See* the NASDAQ Options Market LLC's (''NOM'') pricing at Chapter XV of NOM's Rulebook. *See also* NYSE Arca, Inc. (''NYSE Arca'') Fees and Charges. The non-customer remove fee for Penny Pilot issues is $0.49 per contract.

[34] *See* International Securities Exchange LLC's (''ISE'') Schedule of Fees.

[35] Customers do not pay Options Transaction Charges in Multiply Listed Options. *See* Section II of the Pricing Schedule.

[36] Specialists and Market Makers are assessed an electronic Penny Pilot Options Transaction Charge of $0.22 per contract. *See* Section II of the Pricing Schedule.

[37] *See* Rule 1014 titled ''Obligations and Restrictions Applicable to Specialists and Registered Options Traders.''

[38] Professionals and Broker-Dealers are assessed a $0.48 per contract electronic Penny Pilot Options Transaction Charge, except for electronic Complex Orders, which are assessed $0.35 per contract. *See* Section II of the Pricing Schedule.

[39] MIAX Options Exchange (''MIAX'') assesses non-member Broker-Dealers a $0.45 [sic] per contract standard options transaction fee and a Firm is assessed a $0.37 per contract standard options transaction fee. *See* MIAX's Fee Schedule.

differential does not misalign pricing, in that Firms already benefit from certain pricing advantages that Professionals and Broker-Dealers do not also enjoy (for example, the Firm Monthly Fee Cap).[40] The proposed fee reduction, which will apply to Firms, but not to Professionals and Broker-Dealers, is equitable and not unfairly discriminatory for the same reasons that the Firm Monthly Fee Cap which applies to Firms and not to Professionals and Broker-Dealers is equitable and not unfairly discriminatory. The fee reduction proposed herein, like the Monthly Firm Fee Cap, provides an incentive for Firms to transact order flow on the Exchange, which order flow brings increased liquidity to the Exchange for the benefit of all Exchange participants. To the extent the purpose of the proposed Firm fee reduction is achieved, all the Exchange's market participants, including Professionals and Broker-Dealers, should benefit from the improved market liquidity. Further, competitive forces are influencing the price reduction in these symbols for Firm orders.

The Exchange desires to incentivize Firms that receive reduced rates at other options exchanges to select Phlx as a venue by offering competitive pricing to these market participants. Such competitive, differentiated pricing exists today on other options exchanges.[41] The Chicago Board Options Exchange, Incorporated (''CBOE'') has a differential as between Clearing Trading Permit Holder Proprietary participants (the equivalent of Firm on Phlx) and other non-Customer, non-market maker participants of $0.10 per contract in electronic Penny Pilot Options and $0.25 [sic] per contract in Non-Penny Pilot Options.[42] Further, CBOE assesses Broker-Dealers/Professionals/Non-Trading Permit Holder Market Makers between $0.35–$0.44 per contract for SPX executions (a singly listed CBOE proprietary product) versus the Clearing Trading Permit Holder Proprietary (the equivalent of Firm on Phlx) who is assessed between $0.25–$0.01 per contract in SPX for a maximum differential of $0.43 per contract in a CBOE proprietary product.[43] Phlx's differential as between a Firm on the one hand and other non-Customer, non-Specialist/Market Makers on the other is not as wide as CBOE's pricing and moreover a competitive offering given current pricing differentials on other options exchange such as the MIAX[44] and CBOE.

The Exchange believes there is nothing impermissible about Phlx offering a discount solely to a Firm, this practice is consistent with the above examples and longstanding differentials between Firms, other Broker-Dealers and Professionals. The options exchanges have differentiated between: Retail customers and professional customers; broker/dealers clearing in the ''Firm'' range at OCC and broker/dealers registered as market makers and away market makers; early-adopting market makers; and many others. The Commission has also permitted price differentiation based on whether an order is processed manually versus electronically. The proposal is consistent with previously established pricing proposals accepted by the Commission.

The Exchange believes that amending the fees assessed to Specialists and Market Makers that are on the contra-side of an electronically-delivered and executed Customer order, excluding responses to a PIXL auction, and have reached the Monthly Market Maker Cap is reasonable because the Exchange desires to continue to incentivize Specialists and Market Makers by offering a discount once these conditions are met. While the Exchange is increasing the transaction fees which Specialists and Market Makers must pay if they are on the contra-side of an electronically-delivered and executed Customer order, excluding responses to a PIXL auction and have reached the Monthly Market Maker Cap from $0.17 to $0.18 per contract for removing liquidity in Penny Pilot Options, Non-Penny Pilot Options and in non-Complex electronic auctions, including the Quote Exhaust auction and the opening process, the Exchange continues to offer these market participants the ability to obtain these lower fees as compared to other market participants.

The Exchange believes that amending the fees assessed to Specialists and Market Makers that are on the contra-side of an electronically-delivered and executed Customer order, excluding responses to a PIXL auction; and have reached the Monthly Market Maker Cap is equitable and not unfairly discriminatory because Specialists and Market Makers serve an important role on the Exchange with regard to order interaction and they provide liquidity in the marketplace. Specialists and Market Makers have obligations to the market and regulatory requirements, which normally do not apply to other market participants.[45] In addition, the proposed fees would apply only in certain circumstances where the Market Maker or Specialist is not otherwise subject to transaction fees, because the Monthly Market Maker Cap has been reached, and specifically on the contra-side of an electronically-delivered Customer order.

Section IV, Part A—PIXL Pricing

The Exchange believes it is reasonable, equitable and not unfairly discriminatory to amend the PIXL Fees in Section IV, Part A, when responding to a PIXL auction for the below reasons.

First, with respect to Penny Pilot Options, Specialists and Market Makers Responders will continue to be assessed a $0.30 per contract fee in Penny Pilot Options. The Exchange is proposing to increase the fee from $0.30 to $0.48 per contract for other Non-Customers (Firms, Professionals and Broker-Dealers) transacting Penny Pilot Options. The differential as between Specialists and Market Makers and other Non-Customers is reasonable because Specialists and Market Makers are assessed a $0.30 per contract Responder fee for Penny Pilot Options electronic transactions plus the Payment for Order Flow[46] for a total of fee of $0.55 per contract for responding to auctions involving a Customer. PFOF fees are not paid by other market participants. In addition, Specialists and Market Makers comprise the majority of PIXL Responders on Phlx. Other Non-Customer Responders (Firms, Professionals and Broker-Dealers) will

[40] Firms are subject to a maximum fee of $75,000 (''Monthly Firm Fee Cap''). Firm Floor Option Transaction Charges and QCC Transaction Fees, in the aggregate, for one billing month may not exceed the Monthly Firm Fee Cap per member organization when such members are trading in their own proprietary account. All dividend, merger, and short stock interest strategy executions (as defined in Section II of the Pricing Schedule) are excluded from the Monthly Firm Fee Cap. Reversal and conversion, jelly roll and box spread strategy executions (as defined in Section II) are included in the Monthly Firm Fee Cap. QCC Transaction Fees are included in the calculation of the Monthly Firm Fee Cap. *See* Section II of the Pricing Schedule.

[41] CBOE assesses a reduced fee to Clearing Trading Permit Holder Proprietary (Clearing Trading Permit Holder Proprietary clears in the Firm range at The Options Clearing Corporation (''OCC'')) participants of $0.35 per contract for electronic Penny and Non-Penny Pilot options. CBOE assesses Broker-Dealers/Professionals/Non-Trading Permit Holder Market Makers a $0.45 per contact fee for electronic Penny Pilot Options and a $0.65 per contract fee for electronic Non-Penny Pilot Options classes. *See* CBOE's Fee Schedule. Specifically, *see* note 11 for clearing explanation and also Regulatory Circular RG13–038.

[42] *See* CBOE's Fees Schedule.

[43] *Id.*

[44] *See* note 39 above.

[45] *See* note 37.

[46] The Payment for Order Flow (''PFOF'') Program assesses fees to Specialists and Market Makers resulting from Customer orders. Specialists and Market Makers pat [sic] a $0.25 per contract PFOF for Customer Penny Pilot Options orders.

now be assessed an increased fee of $0.48 per contract rate in Penny Pilot Options (today they pay a $0.38 per contract fee) when contra to a PIXL Order. The Exchange believes that market participants will continue to be encouraged to respond to PIXL auctions, despite the increased fees, because the Exchange's Penny Pilot Options fees for Responders remain competitive. The proposed Non-Customer fees are lower than fees assessed to Non-Customers by other options exchanges.[47]

The proposed increase of $0.18 per contract (current $0.30 fee, which is proposed to be increased to $0.48 per contract) for the Penny Pilot Option fee to respond to a PIXL auction for Firms, Professionals and Broker-Dealers is equitable and not unfairly discriminatory because all Firms, Professionals and Broker-Dealers are treated in a uniform manner. These participants will all be subject to this fee of $0.48 per contract. Customers will continue to be assessed no fee, as is the case today and Specialists and Market Makers will receive lower prices because they have obligations to the market and regulatory requirements, which normally do not apply to other market participants in the continuous market, and as such the Exchange continues to believe these market participants (Specialists and Market Makers) should receive certain discounts in auctions.[48]

Second, with respect to Non-Penny Pilot Options fees, while Specialists and Market Makers Responders will be assessed an increased fee of $0.40 per contract in Non-Penny Pilot Options (today the fee is $0.38 per contract), this $0.40 per contract fee will continue to be lower as compared to the proposed Non-Penny Pilot Options fee of $0.70 per contract for other Non-Customer market participants (Firms, Professionals and Broker-Dealers). The differential as between Specialist and Market Makers and other Non-Customers is reasonable because Specialists and Market Makers are assessed the $0.40 per contract Responder fee for electronic Non-Penny Pilot Options transactions plus the PFOF[49] for a total fee of $1.10 for responding to auctions involving a Customer order. PFOF fees are not paid by other market participants. In addition, Specialists and Market Makers comprise the majority of PIXL Responders on Phlx. Other Non-Customer Responders (Firms, Professionals and Broker-Dealers) will now be assessed an increased fee of $0.70 per contract fee in Non-Penny Pilot Options (today they pay $0.38 per contract fee) when contra to a PIXL Order. These are the same fees that these market participants (Professionals, Firms and Broker-Dealers) are assessed today for transacting electronic orders in Multiply Listed Non-Penny Pilot Options.[50] In addition, other options exchanges have much higher fees for auctions.[51]

The proposed increase of $0.32 per contract (current $0.38 fee, which is proposed to be $0.70 per contract) for the Non-Penny Pilot Option fee to respond to a PIXL auction for Firms, Professionals and Broker-Dealers is equitable and not unfairly discriminatory because all Firms, Professionals and Broker-Dealers are treated in a uniform manner. These market participants will all be subject to this fee of $0.70 per contract. Customers will continue to be assessed no fee, as is the case today and Specialists and Market Makers have obligations to the market and regulatory requirements, which normally do not apply to other market participants in the continuous market and as such the Exchange continues to believe these market participants (Specialists and Market Makers) should receive certain discounts in auctions.[52] The proposed increased fee from $0.38 to $0.40 per contract for Specialists and Market Makers in Non-Penny Pilot Options when responding to a PIXL auction is equitable and not unfairly discriminatory because as noted these market participants have obligations to the marketplace.[53]

The Exchange believes that widening the differential as between the Initiating Order Fee and the Specialist or Market Maker contra party to the PIXL Order ($0.07 (presuming no discount) vs. $0.40 per contract for Non-Penny Pilot Options) as compared to the cost to transact a PIXL Order today for a Specialist or Market Maker ($0.07 vs. $0.38 per contract) is equitable and not unfairly discriminatory for the reasons below. Similarly, the Exchange believes that widening the differential as between the Initiating Order Fee and the Professional, Firm or Broker-Dealer contra party to the PIXL Order ($0.07 (presuming no discount) vs. $0.48 per contract for Penny Pilot Options and $0.70 per contract for Non-Penny Pilot Options) as compared to the cost to transact a PIXL Order today for a Specialist or Market Maker ($0.07 per contract vs. $0.38 per contract) [sic] is equitable and not unfairly discriminatory for the reasons below.

Today, MIAX assesses a Responder to the Prime Auction a per contract Penny Pilot fee of $0.45 per contract to all market participants (including priority customer) and a Non-Penny Pilot fee of $0.90 per contract to all market participants (including priority customer). PRIME is MIAX's electronic price improvement auction for options.[54] This mechanism is similar to the PIXL auction. The differential for transactions on MIAX today is $0.05 for a Prime Order (similar to the Phlx Initiating Order) versus $0.45/$0.90 per contract for Penny/Non-Penny Pilot Options. MIAX's differential is equal to or substantially greater than Phlx's proposed differential in PIXL.

While the proposed fees would increase the differential between Non-Customer market participants that initiated the PIXL auction and Non-Customer market participants responding to the PIXL auction, the Exchange believes that despite the fee differential market participants will continue to be encouraged to transact a greater number of PIXL Orders because the fees are competitive with or similar to those offered at competing options exchanges. The Exchange believes that it is reasonable, equitable and not unfairly discriminatory to add clarifying rule text to the Pricing Schedule with respect to identifying Non-Customers.

Section IV, Part B—FLEX Transaction Fees

The Exchange's proposal to increase the FLEX Transaction Fees for Multiply

[47] *See* NYSE MKT Inc. (''NYSE Amex'') Fees and Charges. Specifically, the RFR Response Penny Pilot Option Fee (Non-Customer) is $0.55 per contract for the CUBE auction. CUBE is NYSE Amex's electronic price improvement auction for options. This mechanism is similar to the PIXL auction. MIAX assesses a Responder to the Prime Auction a per contract Penny Pilot fee of $0.45 per contract to all market participants (including priority customer). PRIME is MIAX's electronic price improvement auction for options. This mechanism is similar to the PIXL auction.

[48] *See* note 37.

[49] Specialists and Market Makers pay PFOF of $0.70 per contract for Non-Penny Pilot Options electronic Customer orders. *See* Section II of the Pricing Schedule.

[50] *See* Section II in the Pricing Schedule.

[51] *See* NYSE MKT Inc. (''NYSE Amex'') Fees and Charges. Specifically, the RFR Response Non-Penny Pilot Option Fee (Non-Customer) is $0.90 per contract for the CUBE auction. CUBE is NYSE Amex's electronic price improvement auction for options. This mechanism is similar to the PIXL auction. MIAX assesses a Responder to the Prime Auction a per contract Non-Penny Pilot fee of $0.90 per contract to all market participants (including priority customer). PRIME is MIAX's electronic price improvement auction for options. This mechanism is similar to the PIXL auction.

[52] *See* note 37.

[53] *Id.*

[54] *See* Securities Exchange Act Release No. 72943 (August 28, 2014), 79 FR 52785 (September 4, 2014) (SR–MIAX–2014–45).

Listed Options for Professionals, Specialists, Market Makers, Broker-Dealers and Firms from $0.15 to $0.25 per contract is reasonable because the proposed per contract fee would be the same as other fees assessed to Non-Customers, except Specialists and Market Makers, for transaction executed on the trading floor.[55] FLEX Options are transacted on the Exchange's trading floor and the process is not automated. Exchange staff processes requests for FLEX Orders and the costs associated with the Exchange's trading floor have risen over the years. The Exchange believes that this increase will assist the Exchange in offsetting costs while keeping such costs competitive with other markets. Customers will continue to not be assessed a Flex Transaction Fee for transactions in Multiply Listed Options.

The Exchange's proposal to increase the FLEX Transaction Fees for Multiply Listed Options for Professionals, Specialists, Market Makers, Broker-Dealers and Firms from $0.15 to $0.25 per contract is equitable and not unfairly discriminatory because the Exchange is assessing the same fees for FLEX transactions in Multiply Listed Options to all market participants, except Customers. Customers traditionally are not assessed transaction fees because Customer orders bring valuable liquidity to the market. The Exchange believes that the cost to transact FLEX Options remains competitive with costs at other options Exchanges.[56]

The Exchange believes that utilizing the new term ''Non-Customer'' in the FLEX pricing as opposed to Professionals Specialists, Market Makers, Broker-Dealers and Firms is reasonable, equitable and not unfairly discriminatory because it adds greater clarity to the Pricing Schedule.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange's proposal to add the term ''Non-Customer'' to the Preface of the Pricing Schedule does not impose an undue burden on competition.

The Exchange's proposal to increase the Simple Order Customer Fee for Removing Liquidity in SPY does not misalign the fees related to Customer as compared to Non-Customer orders. Today, Customers have lower fees because Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

The Exchange's proposal to amend the SPY PIXL fees to increase the fees applicable to Non-Customers that are contra to a PIXL Order, other than the Initiating Order, when removing liquidity does not impose any undue burden on competition as all market participants, except Customers will be assessed the same increased fee. Customer orders bring valuable liquidity to the market.

The Exchange's proposal to increase the Firm electronic Simple Order fee from $0.27 to $0.34 per contract in AAPL, BAC, EEM, FB, FXI, IWM, QQQ, TWTR, VXX and XLF will not impose an unnecessary or inappropriate burden on competition because the proposed $0.34 per contract fee assessed to Firms, which is lower than fees assessed Professionals and Broker-Dealers, is similar to rates offered by other options exchanges.[57] Firms will continue to pay higher Options Transaction Charges as compared to Customers, who bring liquidity to the market, and Specialists and Market Makers, who have obligations.[58] Finally, as proposed, Firms will be assessed a $0.34 per contract electronic fee for electronic Simple Orders in these symbols, which is a lower fee as compared to Professionals and Broker-Dealers.[59] The Exchange believes that the proposed fee differential between Firms and Professionals and Broker-Dealers is equitable and not unfairly discriminatory because it is similar to the pricing offered by another options exchange.[60] Moreover, the proposed differential does not misalign pricing with respect to Professionals and Broker-Dealers because Firms already benefit from certain pricing advantages that Professionals and Broker-Dealers do not also enjoy (for example, the Firm Monthly Fee Cap).[61] The proposed fee reduction, which will apply to Firms, but not to Professionals and Broker-Dealers, does not impose an undue burden on competition because the fee reduction provides an incentive for Firms to transact order flow on the Exchange, which order flow brings increased liquidity to the Exchange for the benefit of all Exchange participants. To the extent the purpose of the proposed Firm fee reduction is achieved, all the Exchange's market participants, including Professionals and Broker-Dealers, should benefit from the improved market liquidity. Further, competitive forces are influencing the price reduction in these symbols for Firm orders.

The Exchange's proposal for Specialists and Market Makers to pay certain reduced fees after they have satisfied the obligations related to the Monthly Market Maker Cap, in all Penny Pilot Options, provided they have added liquidity, if they are on the contra-side of an electronically-delivered and executed Customer order, excluding responses to a PIXL auction does not provide an undue burden on competition. As noted above Specialists and Market Makers have burdensome quoting obligations to the market that do not apply to Customers, Professionals, Firms and Broker-Dealers.[62] Specialists and Market Makers serve an important role on the Exchange with regard to order interaction and they provide liquidity in the marketplace. The proposed differentiation as between Specialists and Market Makers as compared to other market participants recognizes the differing contributions made to the trading environment on the Exchange by these market participants. For these reasons noted above, the Exchange does not believe that offering Specialists and Market Makers the opportunity to cap fees in certain symbols imposes an undue burden on competition.

The Exchange's proposal to increase PIXL Auction Responder fees for Specialists and Market Makers from $0.38 to $0.40 per contract in Non-Penny Pilot Options and for Professionals, Firms and Broker-Dealers from $0.30 to $0.48 per contract in Penny Pilot Options and from $0.38 to $0.70 per contract in Non-Penny Pilot Options does not create an undue burden on competition because all Professionals, Broker-Dealers and Firms are being treated in a uniform manner and the proposed rates are lower than the fees assessed at MIAX and NYSE

[55] Specialists and Market Makers are assessed $0.30 per contract for transactions executed on the trading floor, except in FLEX Options. Professionals, Broker-Dealers and Firms pay $0.25 per contract floor Options Transaction Charges. *See* Section II of the Pricing Schedule.

[56] *See* CBOE's Fees Schedule.

[57] *See* the NASDAQ Options Market LLC's (''NOM'') pricing at Chapter XV of NOM's Rulebook.

[58] *See* note 37.

[59] Professionals and Broker-Dealers are assessed a $0.48 per contract electronic Penny Pilot Options Transaction Charge, except for electronic Complex Orders, which are assessed $0.35 per contract. *See* Section II of the Pricing Schedule.

[60] *See* note 39.

[61] *See* Section II of the Pricing Schedule.

[62] *See* note 37.

Amex when responding to a price improvement auction.[63] With respect to Specialists and Market Makers, these market participants are assessed PFOF when contra to an electronically-delivered Customer order, while other market participants are not assessed such fees.[64] The Exchange does not believe the pricing changes will provide a competitive advantage for Specialists and Market Makers as compared to other Non-Customer market participants (*i.e.,* Professionals, Broker-Dealers and Firms), with respect to intra-market competition. Specialists and Markets would continue to be assessed lower rates as compared to these market participants. Further, with respect to inter-market competition, the Exchange believes that the proposed change will enhance the competiveness of the Exchange relative to other exchanges that offer their own electronic crossing mechanism. Other market participants will pay the same Options Transaction Charges as they pay today for all other Multiply Listed Options transactions that are not transacted within the PIXL auction.

The Exchange's proposal to increase the FLEX Transaction Fees for Multiply Listed Options for Professionals, Specialists, Market Makers, Broker-Dealers and Firms from $0.15 to $0.25 per contract does not create an undue burden on competition because the Exchange is assessing the same fees for FLEX transactions in Multiply Listed Options on all market participants, except Customers. Customers traditionally are not assessed transaction fees because Customer orders bring valuable liquidity to the market.

The Exchange operates in a highly competitive market, comprised of twelve exchanges, in which market participants can easily and readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or rebates to be inadequate. Accordingly, the fees that are assessed and the rebates paid by the Exchange, as described in the proposal, are influenced by these robust market forces and therefore must remain competitive with fees charged and rebates paid by other venues and therefore must continue to be reasonable and equitably allocated to those members that opt to direct orders to the Exchange rather than competing venues.

[63] *See* notes 47 and 51.

[64] *See* Section II of the Pricing Schedule.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[65] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2015–25 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–Phlx–2015–25. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2015–25, and should be submitted on or before April 15, 2015.

[65] 15 U.S.C. 78s(b)(3)(A)(ii).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[66]

Brent J. Fields,

Secretary.

[FR Doc. 2015–06710 Filed 3–24–15; 8:45 am]

BILLING CODE 8011–01–P

[66] 17 CFR 200.30–3(a)(12).

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 an Open Meeting on Wednesday, March 25, 2015 at 10:00 a.m., in the Auditorium, Room L–002.

The subject matter of the Open Meeting will be:

- The Commission will consider whether to propose amendments to Rule 15b9–1 (Exemption for Certain Exchange Members) under the Securities Exchange Act of 1934.
- The Commission will consider whether to adopt rules and forms related to the offer and sale of securities pursuant to Section 3(b) of the Securities Act of 1933 to implement Section 401 of the Jumpstart Our Business Startups Act.

The duty officer determined that no earlier notice thereof was possible.

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: March 20, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–06900 Filed 3–23–15; 11:15 am]

BILLING CODE 8011–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at March 5, 2015, Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: As part of its regular business meeting held on March 5, 2015, in Hershey, Pennsylvania, the Commission took the following actions: (1) approved or tabled the applications of certain water resources projects; (2) accepted a settlement in lieu of penalty from Cabot Oil & Gas Corporation; and (3) took additional actions, as set forth in the Supplementary Information below.

DATES: March 5, 2015.

ADDRESSES: Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, Regulatory Counsel, telephone: (717) 238–0423, ext. 1312; fax: (717) 238–2436; email: *joyler@srbc.net.* Regular mail inquiries may be sent to the above address. See also Commission Web site at *www.srbc.net.*

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also presented or acted upon at the business meeting: (1) Adoption of a final, revised FY2016 budget; (2) approval/ratification of one grant, one grant amendment, and one contract; (3) adoption of a resolution encouraging the use of dry cooling technology as appropriate for power generation and other facilities for the conservation of the waters of the Susquehanna River Basin; (4) a report on a delegated settlement with Talisman Energy USA, pursuant to SRBC Resolution 2014–15, in the amount of $8,000; and (5) postponement to the June 2015 Commission meeting of a Show Cause proceeding with Four Seasons Golf Course over its failure to abide by the terms of the settlement agreement accepted at the September 2014 Commission meeting.

Compliance Matter

The Commission approved a settlement in lieu of civil penalty for the following project:

1. Cabot Oil & Gas Corporation (StellitanoA P1 Well Pad), Gibson Township, Susquehanna County, Pa.—$50,000.

Project Applications Approved

The Commission approved the following project applications:

1. Project Sponsor and Facility: ADLIB Resources, Inc. (Meshoppen Creek), Springville Township, Susquehanna County, Pa. Renewal and modification to increase surface water withdrawal by an additional 0.251 mgd (peak day), for a total of up to 0.500 mgd (peak day) (Docket No. 20101206).
2. Project Sponsor and Facility: Carrizo (Marcellus), LLC (Mosquito Creek), Karthaus Township, Clearfield County, Pa. Surface water withdrawal of up to 0.720 mgd (peak day).
3. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Braintrim Township, Wyoming County, Pa. Renewal of surface water withdrawal of up to 3.000 mgd (peak day) (Docket No. 20110303).
4. Project Sponsor and Facility: Chief Oil & Gas LLC (Martins Creek), Hop Bottom Borough, Susquehanna County, Pa. Renewal of surface water withdrawal of up to 0.360 mgd (peak day) (Docket No. 20110304).
5. Project Sponsor and Facility: EQT Production Company (West Branch Susquehanna River), Greenwood Township, Clearfield County, Pa. Surface water withdrawal of up to 0.900 mgd (peak day).
6. Project Sponsor and Facility: Keystone Clearwater Solutions, LLC (West Branch Susquehanna River), Curwensville Borough, Clearfield County, Pa. Renewal of surface water withdrawal reduced from originally approved 2.000 mgd (peak day) to up to 1.500 mgd (peak day) (Docket No. 20101204).
7. Project Sponsor and Facility: Linde Corporation (Lackawanna River), Fell Township, Lackawanna County, Pa. Renewal of surface water withdrawal of up to 0.905 mgd (peak day) (Docket No. 20101207).
8. Project Sponsor and Facility: Samson Exploration, LLC (Plum Grove Cameron 5 Strip Mine Pond), Shippen Township, Cameron County, Pa. Renewal of surface water withdrawal of up to 0.090 mgd (peak day) (Docket No. 20110308).
9. Project Sponsor and Facility: Shadow Ranch Resort, Inc. (Tunkhannock Creek), Tunkhannock Township, Wyoming County, Pa. Renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20110310).
10. Project Sponsor and Facility: Southwestern Energy Production Company (Martins Creek), Brooklyn Township, Susquehanna County, Pa. Renewal of surface water withdrawal of up to 0.997 mgd (peak day) (Docket No. 20110312).
11. Project Sponsor and Facility: SWEPI LP (Cowanesque River), Westfield Township, Tioga County, Pa. Renewal of surface water withdrawal of up to 0.375 mgd (peak day) (Docket No. 20101203).
12. Project Sponsor and Facility: Warwick Township Municipal Authority, Warwick Township, Lancaster County, Pa. Groundwater withdrawal of up to 0.288 mgd (30-day average) from Rothsville Well 2.

Project Applications Tabled

The Commission tabled action on the following project applications:

1. Project Sponsor and Facility: Keister Miller Investments, LLC (West Branch Susquehanna River), Mahaffey Borough, Clearfield County, Pa. Application for surface water withdrawal of up to 2.000 mgd (peak day).
2. Project Sponsor and Facility: Shrewsbury Borough, York County, Pa. Application for renewal and modification to increase groundwater withdrawal by an additional 0.024 mgd (30-day average), for a total of up to 0.089 mgd (30-day average) from the Blouse Well (Docket No. 19820103).
3. Project Sponsor and Facility: Shrewsbury Borough, York County, Pa. Application for renewal of groundwater withdrawal of up to 0.099 mgd (30-day average) from the Smith Well (Docket No. 19811203).

Authority: Pub.L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: March 18, 2015.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2015–06804 Filed 3–24–15; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. EP 290 (Sub-No. 5) (2015–2)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Surface Transportation Board, DOT.

ACTION: Approval of rail cost adjustment factor.

SUMMARY: The Board approves the second quarter 2015 Rail Cost Adjustment Factor (RCAF) and cost

index filed by the Association of American Railroads. The second quarter 2015 RCAF (Unadjusted) is 0.880. The second quarter 2015 RCAF (Adjusted) is 0.376. The second quarter 2015 RCAF–5 is 0.355.

DATES: *Effective Date:* April 1, 2015.

FOR FURTHER INFORMATION CONTACT: Pedro Ramirez, (202) 245–0333. Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877–8339.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision, which is available on our Web site, *http://www.stb.dot.gov*. Copies of the decision may be purchased by contacting the Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238. Assistance for the hearing impaired is available through FIRS at (800) 877–8339.

This action will not significantly affect either the quality of the human environment or energy conservation.

Decided: March 19, 2015.

By the Board, Acting Chairman Miller and Vice Chairman Begeman.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2015–06695 Filed 3–24–15; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2000–7918; FMCSA–2000–8398; FMCSA–2002–12844; FMCSA–2002–13411; FMCSA–2006–24015; FMCSA–2006–25246; FMCSA–2008–0266; FMCSA–2008–0340; FMCSA–2010–0161; FMCSA–2010–0354; FMCSA–2010–0385; FMCSA–2010–0413]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 23 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective March 23, 2015. Comments must be received on or before April 24, 2015.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA–2000–7918; FMCSA–2000–8398; FMCSA–2002–12844; FMCSA–2002–13411; FMCSA–2006–24015; FMCSA–2006–25246; FMCSA–2008–0266; FMCSA–2008–0340; FMCSA–2010–0161; FMCSA–2010–0354; FMCSA–2010–0385; FMCSA–2010–0413], using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

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

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

II. Exemption Decision

This notice addresses 23 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 23 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are:

David B. Albers, Sr. (UT)
Howard K. Bradley (VA)
Willie Burnett, Jr (FL)
Marcus L. Conner (TX)
Thomas G. Danclovic (MO)
Donald K. Driscoll (MA)
William G. Holland (AR)
Thomas J. Ivins (FL)
Leon E. Jackson (GA)
Gerald D. Larson (WI)
Thomas F. Marczewski (WI)
Roy E. Mathews (FL)
James T. McGraw, Jr. (PA)
Robert S. Metcalf (AZ)
Carl A. Michel, Sr. (MD)
Wesley G. Moore (AR)
Bobby G. Pool, Sr. (TX)
Charles E. Queen (OH)
Steve A. Reece (TN)
Mark A. Steckmyer (KY)
Jeremichael Steele (NC)
Wade D. Taylor (MO)
Yu Weng (NJ)

The exemptions are extended subject to the following conditions: (1) that each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10),

and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 23 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (65 FR 66286; 65 FR 78256; 66 FR 13825; 66 FR 16311; 67 FR 68719; 67 FR 76439; 68 FR 2629; 68 FR 10298; 68 FR 10300; 68 FR 13360; 69 FR 71100; 70 FR 7545; 70 FR 7546; 70 FR 12265; 71 FR 14566; 71 FR 30227; 72 FR 180; 72 FR 1053; 72 FR 7812; 72 FR 9397; 72 FR 11426; 73 FR 27014; 73 FR 51689; 73 FR 63047; 73 FR 75803; 74 FR 6209; 74 FR 6689; 74 FR 8302; 75 FR 39725; 75 FR 61833; 75 FR 72863; 75 FR 77492; 75 FR 77942; 75 FR 77949; 76 FR 1493; 76 FR 2190; 76 FR 4413; 76 FR 5425; 76 FR 9859; 76 FR 9861; 76 FR 11215; 76 FR 12408; 77 FR 56262; 77 FR 74273; 78 FR 800; 78 FR 8689; 78 FR 12822; 78 FR 14410). Each of these 23 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

IV. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2000–7918; FMCSA–2000–8398; FMCSA–2002–12844; FMCSA–2002–13411; FMCSA–2006–24015; FMCSA–2006–25246; FMCSA–2008–0266; FMCSA–2008–0340; FMCSA–2010–0161; FMCSA–2010–0354; FMCSA–2010–0385; FMCSA–2010–0413), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, got to *http://www.regulations.gov* and put the docket number, ''FMCSA–2000–7918; FMCSA–2000–8398; FMCSA–2002–12844; FMCSA–2002–13411; FMCSA–2006–24015; FMCSA–2006–25246; FMCSA–2008–0266; FMCSA–2008–0340; FMCSA–2010–0161; FMCSA–2010–0354; FMCSA–2010–0385; FMCSA–2010–0413'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may change this notice based on your comments.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov* and in the search box insert the docket number, ''FMCSA–2000–7918; FMCSA–2000–8398; FMCSA–2002–12844; FMCSA–2002–13411; FMCSA–2006–24015; FMCSA–2006–25246; FMCSA–2008–0266; FMCSA–2008–0340; FMCSA–2010–0161; FMCSA–2010–0354; FMCSA–2010–0385; FMCSA–2010–0413'' in the ''Keyword'' box and click ''Search.'' Next, click ''Open Docket Folder'' button choose the document listed to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Issued on: March 17, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–06812 Filed 3–24–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015–0023]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SUMMER SCHOOL; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 24, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0023. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also

send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SUMMER SCHOOL is:

Intended Commercial Use of Vessel: ''Charter fishing on Lake Michigan''.

Geographic Region: ''Wisconsin''.

The complete application is given in DOT docket MARAD–2015–0023 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: March 10, 2015.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–06763 Filed 3–24–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015–0027]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel HOOKED UP; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 24, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0027. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel HOOKED UP is:

Intended Commercial Use of Vessel: ''Sport Fishing.''

Geographic Region: ''Ohio.''

The complete application is given in DOT docket MARAD–2015–0027 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By order of the Maritime Administrator.

Dated: March 10, 2015.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–06772 Filed 3–24–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2015–08]

Petition for Exemption; Summary of Petition Received; Gama Charters, Inc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14 of the Code of Federal Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before April 14, 2015.

ADDRESSES: Send comments identified by docket number FAA–2015–0267 using any of the following methods:

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

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

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the 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: Keira Jones (202) 267–4024, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on March 20, 2015.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2015–0267.

Petitioner: Gama Charters.

Section(s) of 14 CFR Affected: § 135.247.

Description of Relief Sought: Gama Charters seeks relief to allow it to meet pilot in command recency of experience requirements through compliance with § 135.247 (a)(3)(i) or (ii) in an aircraft that is not type certificated for more than one pilot flight crew member.

[FR Doc. 2015–06789 Filed 3–24–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015 0029]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel KAHO; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 24, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0029. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel KAHO is:

Intended Commercial Use Of Vessel: Water taxi between H. Lee White Museum and Oswego Light House. Harbor and Lake sightseeing cruises.

Geographic Region: ''New York.''

The complete application is given in DOT docket MARAD–2015–0029 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: March 10, 2015.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–06764 Filed 3–24–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0325]

Agency Information Collection Activities; New Information Collection Request: The Impact of Driver Compensation on Commercial Motor Vehicle Safety; Correction

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments; correction.

SUMMARY: The FMCSA published a document in the **Federal Register** of February 4, 2015, concerning a request for comments on new information collection burdens titled, ''The Impact

of Driver Compensation on Commercial Motor Vehicle Safety,'' to assess the current compensation practices of commercial vehicle drivers and the potential influence this may have on safe commercial vehicle operations. The document contained incorrect estimated times per response and estimated total annual burdens.

DATES: Comments are due April 24, 2015.

FOR FURTHER INFORMATION CONTACT: Ms. Theresa Hallquist, Telephone: 202–366–1064; email: *theresa.hallquist@dot.gov.*

Correction

1. In the **Federal Register** of February 4, 2015, in FR Doc. 2015–02136, on page 6159, in the second column, correct the ''Estimated Time Per Response'' paragraph to read:

Estimated Time per Response: Minimum response = 0.35; Maximum response = 1.18 hours.

2. In the **Federal Register** of February 4, 2015, in FR Doc. 2015–02136, on page 6159, in the third column, correct the ''Estimated Total Annual Burden'' paragraph to read:

Estimated Total Annual Burden: 1,611 hours (Group 1 is defined as very small and small carriers and Group 2 is defined as medium and large carriers. (1164 Group 1 respondents × 0.35 hour = 407 hours) + (1020 Group 2 respondents × 1.18 hours = 1,204 hours)).

Issued under the authority of 49 CFR 1.87 on: March 13, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–06821 Filed 3–24–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1998–4334; FMCSA–2000–7006; FMCSA–2004–19477; FMCSA–2010–0372; FMCSA–2010–0385; FMCSA–2010–0413; FMCSA–2011–0010; FMCSA–2012–0338]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 20 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective April 11, 2015. Comments must be received on or before April 24, 2015.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA–1998–4334; FMCSA–2000–7006; FMCSA–2004–19477; FMCSA–2010–0372; FMCSA–2010–0385; FMCSA–2010–0413; FMCSA–2011–0010; FMCSA–2012–0338], using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

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

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

II. Exemption Decision

This notice addresses 20 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 20 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are: Gary W. Balcom (MI), Jimmie L. Blue (MT), Wesley M. Creamer (NM), Bruce J. Greil (WI), Thanh V. Ha (CA), Jack A. Hemelgarn (MN), Charles R. Hoeppner (MD), Paul J. Jones (NY), Lester H. Killingsworth (TX), Stephanie D. Klang (MO), Pedro G. Limon (TX), Kenneth H. Morris (NC), John F. Murphy (PA), Tracy J. Omeara (OR), Donald R. Pointer (CO), Virgil A. Potts (CO), Larry D. Robinson (MO), George D. Ruth (PA), Bobby Sawyers (PA), Benjamin Stone (VA).

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically

qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 20 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (63 FR 66226; 64 FR 16517; 65 FR 20245; 65 FR 57230; 66 FR 17994; 67 FR 57266; 68 FR 15037; 69 FR 52471; 69 FR 64806; 70 FR 2705; 70 FR 14747; 71 FR 55820; 72 FR 5489; 72 FR 12665; 74 FR 6207; 74 FR 6211; 74 FR 9329; 75 FR 77492; 76 FR 1493; 76 FR 5425; 76 FR 7894; 76 FR 8809; 76 FR 9856; 76 FR 9865; 76 FR 12408; 76 FR 15360; 76 FR 20076; 76 FR 20078; 77 FR 74731; 78 FR 800; 78 FR 12811; 78 FR 12822; 78 FR 16762). Each of these 20 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

IV. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–1998–4334; FMCSA–2000–7006; FMCSA–2004–19477; FMCSA–2010–0372; FMCSA–2010–0385; FMCSA–2010–0413; FMCSA–2011–0010; FMCSA–2012–0338), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, got to *http://www.regulations.gov* and put the docket number, ''FMCSA–1998–4334; FMCSA–2000–7006; FMCSA–2004–19477; FMCSA–2010–0372; FMCSA–2010–0385; FMCSA–2010–0413; FMCSA–2011–0010; FMCSA–2012–0338'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may change this notice based on your comments.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov* and in the search box insert the docket number, ''FMCSA–1998–4334; FMCSA–2000–7006; FMCSA–2004–19477; FMCSA–2010–0372; FMCSA–2010–0385; FMCSA–2010–0413; FMCSA–2011–0010; FMCSA–2012–0338'' in the ''Keyword'' box and click ''Search.'' Next, click ''Open Docket Folder'' button choose the document listed to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Issued on: March 17, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–06819 Filed 3–24–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015 0024]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel ST VITUS' DANCE; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 24, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0024. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime

Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION:

As described by the applicant the intended service of the vessel ST VITUS' DANCE is:

Intended Commercial Use Of Vessel: ''Sailing charters and tours''

Geographic Region: ''Hawaii, California''

The complete application is given in DOT docket MARAD–2015–0024 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.
Dated: March 10, 2015.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–06779 Filed 3–24–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015–0026]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel GREEN FLASH; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 24, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0026. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington., DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION:

As described by the applicant the intended service of the vessel GREEN FLASH is:

Intended Commercial Use Of Vessel: ''The vessel will be used for sailing charters carrying no more than 6 (six) passengers. It will be operated on a full-time basis out of Santa Barbara Harbor, Santa Barbara, California.''

Geographic Region: ''California''

The complete application is given in DOT docket MARAD–2015–0026 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

By Order of the Maritime Administrator.
Dated: March 10, 2015.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–06774 Filed 3–24–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015 0028]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel MISS AVA LEE; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 24, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0028. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.*

All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel MISS AVA LEE is:

Intended Commercial Use of Vessel: ''Intended to carry passengers for small day trips and fishing charter tours.''

Geographic Region: ''New Hampshire, Maine, Massachusetts.''

The complete application is given in DOT docket MARAD–2015–0028 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: March 10, 2015.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–06768 Filed 3–24–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015 0025]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel AURORA; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before April 24, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0025. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel AURORA is:

Intended Commercial Use of Vessel: ''Pleasure Charter.''

Geographic Region: ''California.''

The complete application is given in DOT docket MARAD–2015–0025 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: March 10, 2015.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–06778 Filed 3–24–15; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket No. NHTSA–2015–0017]

Reports, Forms, and Record Keeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections. This document describes the collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before May 26, 2015.

ADDRESSES: You may submit comments identified by DOT Docket ID Number NHTSA–2015–0017 using any of the following methods:

Electronic Submissions: Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

Mail: Docket Management Facility, M–30, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

Hand Delivery: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. Fax: 1–(202) 493–2251.

Instructions: Each submission must include the Agency name and the Docket number for this Notice. Note that all comments received will be posted without change to *http://www.regulations.gov* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Dr. Kathy Sifrit, Contracting Officer's Technical Representative, Office of Behavioral Safety Research (NTI–132), National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., W46–472, Washington, DC 20590. Dr. Sifrit's phone number is (202) 366–0868 and her email address is *kathy.sifrit@dot.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following: (i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (ii) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) how to enhance the quality, utility, and clarity of the information to be collected; and (iv) how to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. In compliance with these requirements, NHTSA asks public comment on the following proposed collection of information:

Older Drivers' Self-Regulation and Exposure

Type of Request—New information collection requirement.

OMB Clearance Number—None.

Form Number—NHTSA 1295.

Requested Expiration Date of Approval—3 years from date of approval.

Summary of the Collection of Information—The National Highway Traffic Safety Administration (NHTSA) proposes to collect information from licensed drivers about their age, driver license status, driving habits, vehicle type and age, and the extent to which they self-limit their driving exposure. Participation in the study will be voluntary. Drivers will volunteer for the study by responding to an emailed or individually-delivered descriptive solicitation or as a result of reading a call for volunteers in a publication or on a poster. The drivers will be asked a brief series of questions to determine eligibility to participate in a study of the extent to which older adults (60 years of age and older) self-limit their driving exposure as a function of their medical/cognitive condition and/or their driving performance. A project assistant will then describe the proposed study to those respondents who qualify for the study and answer all questions that the drivers may have. Each driver who meets the criteria for selection will then be asked if he or she consents to participate. If yes, a project assistant will then determine the willingness of the respondent to permit the installation of data recording equipment in their primary vehicle and to participate in the data collection activities. Each participant will be asked to agree to take a battery of standard clinical functional measures as well as permitting the instrumentation of their vehicle to obtain objective measures of driving performance and exposure. The instrumentation will either be plug-in or standalone and will not damage the vehicle or hamper a driver's ability to control it.

Description of the Need for the Information and Proposed Use of the Information—NHTSA was established to reduce the number of deaths, injuries, and economic losses resulting from motor vehicle crashes on the Nation's highways. As part of this statutory mandate, NHTSA is authorized to conduct research as a foundation for the development of motor vehicle standards and traffic safety programs. As drivers age, their crash risk generally goes up unless they voluntarily limit their exposure to high-risk situations or are subject to mandatory driving restrictions. Little is known about the extent to which older drivers actually self-limit their driving as a function of their individual need for limitation. This study will add to the state of knowledge by systematically examining the effects of age, functional status, and driving skill on older drivers' choices as to where and when to drive.

Description of the Likely Respondents (Including Estimated Number, and Proposed Frequency of Response to the Collection of Information)—Respondents will include up to 300 drivers 60 years old or older licensed in the State of North Carolina. Since not all volunteers will qualify, the agency proposes to conduct 300 conversations (telephone or face-to-face depending on how the volunteer was recruited) with potential participants to yield 60 participants.

Estimate of the Total Annual Reporting and Record Keeping Burden Resulting from the Collection of Information—The 300 conversations will average 10 minutes in length including introduction, qualifying questions, potential participant questions, logistical questions, scheduling if the volunteer qualifies, and conclusion. The estimated annual burden associated with qualifying participants will be 50.00 hours. The 60 participants included in the study will spend an estimated 150 hours in clinical and driving performance data collection activities (2.5 hours per participant), thus the total estimated annual burden will be 200 hours. Participants will incur no costs from the data collection, and participants will incur no record keeping burden and no record keeping cost from the information collection.

Authority: 44 U.S.C. 3506(c)(2)(A).

Issued in Washington, DC, on March 20, 2015.

Jeff Michael,

Associate Administrator, Research and Program Development.

[FR Doc. 2015–06820 Filed 3–24–15; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 80 Wednesday,

No. 57 March 25, 2015

Part II

The President

Executive Order 13693—Planning for Federal Sustainability in the Next Decade

Federal Register
Vol. 80, No. 57
Wednesday, March 25, 2015

Presidential Documents

Title 3—

The President

Executive Order 13693 of March 19, 2015

Planning for Federal Sustainability in the Next Decade

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to maintain Federal leadership in sustainability and greenhouse gas emission reductions, it is hereby ordered as follows:

Section 1. *Policy.* Executive departments and agencies (agencies) have been among our Nation's leaders as the United States works to build a clean energy economy that will sustain our prosperity and the health of our people and our environment for generations to come. Federal leadership in energy, environmental water, fleet, buildings, and acquisition management will continue to drive national greenhouse gas reductions and support preparations for the impacts of climate change. Through a combination of more efficient Federal operations such as those outlined in this Executive Order (order), we have the opportunity to reduce agency direct greenhouse gas emissions by at least 40 percent over the next decade while at the same time fostering innovation, reducing spending, and strengthening the communities in which our Federal facilities operate.

It therefore continues to be the policy of the United States that agencies shall increase efficiency and improve their environmental performance. Improved environmental performance will help us protect our planet for future generations and save taxpayer dollars through avoided energy costs and increased efficiency, while also making Federal facilities more resilient. To improve environmental performance and Federal sustainability, priority should first be placed on reducing energy use and cost, then on finding renewable or alternative energy solutions. Pursuing clean sources of energy will improve energy and water security, while ensuring that Federal facilities will continue to meet mission requirements and lead by example. Employing this strategy for the next decade calls for expanded and updated Federal environmental performance goals with a clear overarching objective of reducing greenhouse gas emissions across Federal operations and the Federal supply chain.

Sec. 2. *Agency Greenhouse Gas Emission Reductions.* In implementing the policy set forth in section 1 of this order, the head of each agency shall, within 90 days of the date of this order, propose to the Chair of the Council on Environmental Quality (CEQ) and the Director of the Office of Management and Budget (OMB) percentage reduction targets for agency-wide reductions of scope 1 and 2 and scope 3 greenhouse gas emissions in absolute terms by the end of fiscal year 2025 relative to a fiscal year 2008 baseline. Where appropriate, the target shall exclude direct emissions from excluded vehicles and equipment and from electric power produced and sold commercially to other parties as the primary business of the agency. The proposed targets shall be subject to the review and approval of the Chair of CEQ in coordination with the Director of OMB under section 4(b) of this order.

Sec. 3. *Sustainability Goals for Agencies.* In implementing the policy set forth in section 1 of this order and to achieve the goals of section 2 of this order, the head of each agency shall, where life-cycle cost-effective, beginning in fiscal year 2016, unless otherwise specified:

(a) promote building energy conservation, efficiency, and management by:

(i) reducing agency building energy intensity measured in British thermal units per gross square foot by 2.5 percent annually through the end of fiscal year 2025, relative to the baseline of the agency's building energy use in fiscal year 2015 and taking into account agency progress to date, except where revised pursuant to section 9(f) of this order, by implementing efficiency measures based on and using practices such as:

(A) using remote building energy performance assessment auditing technology;

(B) participating in demand management programs;

(C) ensuring that monthly performance data is entered into the Environmental Protection Agency (EPA) ENERGY STAR Portfolio Manager for covered buildings;

(D) incorporating, where feasible, the consensus-based, industry standard Green Button data access system into reporting, data analytics, and automation processes;

(E) implementing space utilization and optimization practices and policies;

(F) identifying opportunities to transition test-bed technologies to achieve the goals of this section; and

(G) conforming, where feasible, to city energy performance benchmarking and reporting requirements; and

(ii) improving data center energy efficiency at agency facilities by:

(A) ensuring the agency chief information officer promotes data center energy optimization, efficiency, and performance;

(B) installing and monitoring advanced energy meters in all data centers by fiscal year 2018; and

(C) establishing a power usage effectiveness target of 1.2 to 1.4 for new data centers and less than 1.5 for existing data centers;

(b) ensure that at a minimum, the following percentage of the total amount of building electric energy and thermal energy shall be clean energy, accounted for by renewable electric energy and alternative energy:

(i) not less than 10 percent in fiscal years 2016 and 2017;

(ii) not less than 13 percent in fiscal years 2018 and 2019;

(iii) not less than 16 percent in fiscal years 2020 and 2021;

(iv) not less than 20 percent in fiscal years 2022 and 2023; and

(v) not less than 25 percent by fiscal year 2025 and each year thereafter;

(c) ensure that the percentage of the total amount of building electric energy consumed by the agency that is renewable electric energy is:

(i) not less than 10 percent in fiscal years 2016 and 2017;

(ii) not less than 15 percent in fiscal years 2018 and 2019;

(iii) not less than 20 percent in fiscal years 2020 and 2021;

(iv) not less than 25 percent in fiscal years 2022 and 2023; and

(v) not less than 30 percent by fiscal year 2025 and each year thereafter;

(d) include in the renewable electric energy portion of the clean energy target established in subsection (b) of this section renewable electric energy as defined in section 19(v) of this order and associated with the following actions, which are listed in order of priority:

(i) installing agency-funded renewable energy on site at Federal facilities and retaining corresponding renewable energy certificates (RECs) or obtaining equal value replacement RECs;

(ii) contracting for the purchase of energy that includes the installation of renewable energy on site at a Federal facility or off site from a Federal facility and the retention of corresponding RECs or obtaining equal value replacement RECs for the term of the contract;

(iii) purchasing electricity and corresponding RECs or obtaining equal value replacement RECs; and

(iv) purchasing RECs;

(e) include in the alternative energy portion of the clean energy target established in subsection (b) of this section alternative energy as defined in section 19(c) of this order and associated with the following actions, where feasible:

(i) installing thermal renewable energy on site at Federal facilities and retaining corresponding renewable attributes or obtaining equal value replacement RECs where applicable;

(ii) installing combined heat and power processes on site at Federal facilities;

(iii) installing fuel cell energy systems on site at Federal facilities;

(iv) utilizing energy from new small modular nuclear reactor technologies;

(v) utilizing energy from a new project that includes the active capture and storage of carbon dioxide emissions associated with energy generation;

(vi) implementing other alternative energy approaches that advance the policy set forth in section 1 and achieve the goals of section 2 of this order and are in accord with any sustainability, environmental performance, and other instructions or guidance established pursuant to sections 4(e) and 5(a) of this order; and

(vii) including in the Department of Defense (DOD) accounting for alternative energy for this subsection, fulfillment of the requirements for DOD goals established under section 2852 of the National Defense Authorization Act for Fiscal Year 2007 as amended by section 2842 of the National Defense Authorization Act for Fiscal Year 2010;

(f) improve agency water use efficiency and management, including stormwater management by:

(i) reducing agency potable water consumption intensity measured in gallons per gross square foot by 36 percent by fiscal year 2025 through reductions of 2 percent annually through fiscal year 2025 relative to a baseline of the agency's water consumption in fiscal year 2007;

(ii) installing water meters and collecting and utilizing building and facility water balance data to improve water conservation and management;

(iii) reducing agency industrial, landscaping, and agricultural (ILA) water consumption measured in gallons by 2 percent annually through fiscal year 2025 relative to a baseline of the agency's ILA water consumption in fiscal year 2010; and

(iv) installing appropriate green infrastructure features on federally owned property to help with stormwater and wastewater management;

(g) if the agency operates a fleet of at least 20 motor vehicles, improve agency fleet and vehicle efficiency and management by:

(i) determining, as part of the planning requirements of section 14 of this order, the optimum fleet inventory with emphasis placed on eliminating unnecessary or non-essential vehicles from the agency's fleet inventory;

(ii) taking actions that reduce fleet-wide per-mile greenhouse gas emissions from agency fleet vehicles, relative to a baseline of emissions in fiscal year 2014, to achieve the following percentage reductions:

(A) not less than 4 percent by the end of fiscal year 2017;

(B) not less than 15 percent by the end of fiscal year 2021; and

(C) not less than 30 percent by the end of fiscal year 2025;

(iii) collecting and utilizing as a fleet efficiency management tool, as soon as practicable but not later than 2 years after the date of this order, agency fleet operational data through deployment of vehicle telematics

at a vehicle asset level for all new passenger and light duty vehicle acquisitions and for medium duty vehicles where appropriate;

(iv) ensuring that agency annual asset-level fleet data is properly and accurately accounted for in a formal agency Fleet Management System and any relevant data is submitted to the Federal Automotive Statistical Tool reporting database, the Federal Motor Vehicle Registration System, and the Fleet Sustainability Dashboard (FleetDASH) system;

(v) planning for agency fleet composition such that by December 31, 2020, zero emission vehicles or plug-in hybrid vehicles account for 20 percent of all new agency passenger vehicle acquisitions and by December 31, 2025, zero emission vehicles or plug-in hybrid vehicles account for 50 percent of all new agency passenger vehicles and including, where practicable, acquisition of such vehicles in other vehicle classes and counting double credit towards the targets in this section for such acquisitions; and

(vi) planning for appropriate charging or refueling infrastructure or other power storage technologies for zero emission vehicles or plug-in hybrid vehicles and opportunities for ancillary services to support vehicle-to-grid technology;

(h) improve building efficiency, performance, and management by:

(i) ensuring, beginning in fiscal year 2020 and thereafter, that all new construction of Federal buildings greater than 5,000 gross square feet that enters the planning process is designed to achieve energy net-zero and, where feasible, water or waste net-zero by fiscal year 2030;

(ii) identifying, beginning in June of 2016, as part of the planning requirements of section 14 of this order, a percentage of at least 15 percent, by number or total square footage, of the agency's existing buildings above 5,000 gross square feet that will, by fiscal year 2025, comply with the revised Guiding Principles for Federal Leadership in High Performance and Sustainable Buildings (Guiding Principles), developed pursuant to section 4 of this order, and making annual progress toward 100 percent conformance with the Guiding Principles for its building inventory;

(iii) identifying, as part of the planning requirements of section 14 of this order, a percentage of the agency's existing buildings above 5,000 gross square feet intended to be energy, waste, or water net-zero buildings by fiscal year 2025 and implementing actions that will allow those buildings to meet that target;

(iv) including in all new agency lease solicitations over 10,000 rentable square feet:

(A) criteria for energy efficiency either as a required performance specification or as a source selection evaluation factor in best-value tradeoff procurements; and

(B) requirements for building lessor disclosure of carbon emission or energy consumption data for that portion of the building occupied by the agency that may be provided by the lessor through submetering or estimation from pro-rated occupancy data, whichever is more cost-effective;

(v) reporting building energy, beginning in fiscal year 2016 as part of the agency scope 3 greenhouse gas emissions for newly solicited leases over 10,000 rentable square feet;

(vi) including in the planning for new buildings or leases cost-effective strategies to optimize sustainable space usage and consideration of existing community transportation planning and infrastructure, including access to public transit;

(vii) ensuring that all new construction, major renovation, repair, and alteration of agency buildings includes appropriate design and deployment of fleet charging infrastructure; and

(viii) including the incorporation of climate-resilient design and management elements into the operation, repair, and renovation of existing agency buildings and the design of new agency buildings;

(i) promote sustainable acquisition and procurement by ensuring that each of the following environmental performance and sustainability factors are included to the maximum extent practicable for all applicable procurements in the planning, award, and execution phases of the acquisition by:

(i) meeting statutory mandates that require purchase preference for:

(A) recycled content products designated by EPA;

(B) energy and water efficient products and services, such as ENERGY STAR qualified and Federal Energy Management Program (FEMP)-designated products, identified by EPA and the Department of Energy (DOE); and

(C) BioPreferred and biobased designated products designated by the United States Department of Agriculture;

(ii) purchasing sustainable products and services identified by EPA programs including:

(A) Significant New Alternative Policy (SNAP) chemicals or other alternatives to ozone-depleting substances and high global warming potential hydrofluorocarbons, where feasible, as identified by SNAP;

(B) WaterSense certified products and services (water efficient products);

(C) Safer Choice labeled products (chemically intensive products that contain safer ingredients); and

(D) SmartWay Transport partners and SmartWay products (fuel efficient products and services);

(iii) purchasing environmentally preferable products or services that:

(A) meet or exceed specifications, standards, or labels recommended by EPA that have been determined to assist agencies in meeting their needs and further advance sustainable procurement goals of this order; or

(B) meet environmental performance criteria developed or adopted by voluntary consensus standards bodies consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (Public Law 104–113) and OMB Circular A–119;

(iv) acting, as part of the implementation of planning requirements of section 14 of this order, until an agency achieves at least 95 percent compliance with the BioPreferred and biobased purchasing requirement in paragraph (i) of this subsection, to:

(A) establish an annual target for the number of contracts to be awarded with BioPreferred and biobased criteria and dollar value of BioPreferred and biobased products to be delivered and reported under those contracts in the following fiscal year. To establish this target, agencies shall consider the dollar value of designated BioPreferred and biobased products reported in previous years, the specifications reviewed and revised for inclusion of BioPreferred and biobased products, and the number of applicable product and service contracts to be awarded, including construction, operations and maintenance, food services, vehicle maintenance, and janitorial services; and

(B) ensure contractors submit timely annual reports of their BioPreferred and biobased purchases; and

(v) reducing copier and printing paper use and acquiring uncoated printing and writing paper containing at least 30 percent postconsumer recycled content or higher as designated by future instruction under section 4(e) of this order;

(j) advance waste prevention and pollution prevention by:

(i) reporting in accordance with the requirements of sections 301 through 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001 through 11023);

(ii) diverting at least 50 percent of non-hazardous solid waste, including food and compostable material but not construction and demolition materials and debris, annually, and pursuing opportunities for net-zero waste or additional diversion opportunities;

(iii) diverting at least 50 percent of non-hazardous construction and demolition materials and debris; and

(iv) reducing or minimizing the quantity of toxic and hazardous chemicals and materials acquired, used, or disposed of, particularly where such reduction will assist the agency in pursuing agency greenhouse gas emission reduction targets established in section 2 of this order;

(k) implement performance contracts for Federal buildings by:

(i) utilizing performance contracting as an important tool to help meet identified energy efficiency and management goals while deploying life-cycle cost-effective energy efficiency and clean energy technology and water conservation measures;

(ii) fulfilling existing agency performance contracting commitments towards the goal of $4 billion in Federal performance-based contracts by the end of calendar year 2016; and

(iii) providing annual agency targets for performance contracting for energy savings to be implemented in fiscal year 2017 and annually thereafter as part of the planning requirements of section 14 of this order;

(l) promote electronics stewardship by establishing, measuring, and reporting by:

(i) ensuring procurement preference for environmentally sustainable electronic products as established in subsection (i) of this section;

(ii) establishing and implementing policies to enable power management, duplex printing, and other energy-efficient or environmentally sustainable features on all eligible agency electronic products; and

(iii) employing environmentally sound practices with respect to the agency's disposition of all agency excess or surplus electronic products.

Sec. 4. *Duties of the Chair of the Council on Environmental Quality.* In implementing the policy set forth in section 1 of this order, the Chair of CEQ shall:

(a) in coordination with the Director of OMB, establish a Federal Interagency Sustainability Steering Committee (Steering Committee) that shall advise the Director of OMB and the Chair of CEQ on the performance of agency responsibilities under sections 2 and 3 of this order and shall include the Federal Chief Sustainability Officer referenced in section 6 of this order and agency Chief Sustainability Officers designated under sections 7 and 8 of this order;

(b) in coordination with the Director of OMB review and approve agency-wide scope 1 and 2 and scope 3 greenhouse gas emissions reduction targets developed under section 2 of this order;

(c) in coordination with the Director of OMB, prepare streamlined reporting metrics to determine each agency's progress under sections 2 and 3 of this order;

(d) review and evaluate each agency's Plan prepared under section 14 of this order;

(e) within 45 days of the date of this order and thereafter as necessary, after consultation with the Director of OMB, issue implementing instructions or other guidance to direct agency implementation of this order, other than instructions within the authority of the Director of OMB to issue under section 5 of this order;

(f) within 150 days of the date of this order, prepare and issue revised Guiding Principles for both new and existing Federal buildings including consideration of climate change resilience and employee and visitor wellness;

(g) revise, as necessary and in coordination with the Director of OMB, existing CEQ guidance and implementing instructions on Sustainable Locations for Federal Facilities of September 15, 2011, Sustainable Practices for Designed Landscapes of October 31, 2011, as supplemented on October 22, 2014, Federal Greenhouse Gas Accounting and Reporting Guidance [Revision 1] of June 4, 2012, and Federal Agency Implementation of Water Efficiency and Management Provisions of Executive Order 13514 of July 10, 2013;

(h) within 150 days of the date of this order, prepare and issue guidance to assist agencies in the implementation of section 13 of this order;

(i) identify annually, based on total contract spending in the previous fiscal year as reported in the Federal Procurement Data System, the seven largest Federal procuring agencies responsible for implementation of section 15(b) of this order;

(j) administer a Presidential leadership award program to recognize exceptional and outstanding performance and excellence in agency efforts to implement this order; and

(k) establish and disband, as appropriate, temporary interagency working groups to provide recommendations to the Chair of CEQ associated with the goals of this order, including: grid-based green power; data quality, collection, and reporting; greenhouse gas emissions associated with the transportation of Federal freight and cargo; sustainability considerations in resilience planning; agency supply chain climate vulnerability; recycled content paper; green infrastructure; and carbon uptake accounting and wood products.

Sec. 5. *Duties of the Director of the Office of Management and Budget.* In implementing the policy set forth in section 1 of this order, the Director of OMB shall:

(a) issue, after consultation with the Chair of CEQ, instructions to the heads of agencies concerning periodic performance evaluation of agency implementation of this order, including consideration of the results from section 4(c) of this order;

(b) prepare scorecards providing periodic evaluation of Principal Agency performance in implementing this order and publish scorecard results on a publicly available Web site; and

(c) review and approve each agency's Plan prepared under section 14 of this order.

Sec. 6. *Duties of the Federal Chief Sustainability Officer.* Henceforth, the Federal Environmental Executive is reestablished as the Federal Chief Sustainability Officer and the Office of the Federal Environmental Executive is reestablished as the Office of the Chief Sustainability Officer, for which the Environmental Protection Agency shall provide funding and administrative support and that shall be maintained at CEQ. In implementing the policy set forth in section 1 of this order, the Federal Chief Sustainability Officer shall:

(a) monitor progress and advise the Chair of CEQ on agency goals in sections 2 and 3 of this order;

(b) chair, convene, and preside at quarterly meetings; determine the agenda; and direct the work of the Steering Committee;

(c) lead the development of programs and policies to assist agencies in implementing the goals of this order in coordination with DOE, EPA, the General Services Administration (GSA), and other agencies as appropriate;

(d) coordinate and provide direction to relevant existing workgroups through quarterly meetings to ensure that opportunities for improvement in implementation of this order are identified and addressed; and

(e) advise the Chair of CEQ on the implementation of this order.

Sec. 7. *Duties of Principal Agencies.* To ensure successful implementation of the policy established in section 1 of this order, the head of each Principal Agency shall:

(a) designate, within 45 days of the date of this order, an agency Chief Sustainability Officer, who shall be a senior civilian officer of the United States, compensated annually in an amount at or above the amount payable at level IV of the Executive Schedule, and report such designation to the Director of OMB and the Chair of CEQ;

(b) assign the designated official the authority to represent the agency on the Steering Committee established under section 4 of this order and perform such other duties relating to the implementation of this order within the agency as the head of the agency deems appropriate;

(c) prepare and distribute internally, where appropriate, performance evaluations of agency implementation of this order that reflect the contribution of agency services, components, bureaus, and operating divisions to the goals of this order;

(d) ensure, as soon as practicable after the date of this order, that leases and contracts entered into after the date of this order for lessor or contractor operation of Government-owned buildings or vehicles facilitate the agency's compliance with this order;

(e) implement opportunities to improve agency fleet sustainability, including vehicle acquisitions as established in section 3(g) of this order, waiver authority, and fleet data management practices, by revising agency fleet management review and approval procedures to include the Chief Sustainability Officers designated under this section and section 8 of this order;

(f) consider the development of policies to promote sustainable commuting and work-related travel practices for Federal employees that foster workplace vehicle charging, encourage telecommuting, teleconferencing, and reward carpooling and the use of public transportation, where consistent with agency authority and Federal appropriations law;

(g) ensure regional agency actions consider and are consistent with, sustainability and climate preparedness priorities of States, local governments, and tribal communities where agency facilities are located;

(h) foster outstanding performance and excellence in agency efforts to implement this order through opportunities such as agency leadership award programs;

(i) continue implementation of formal Environmental Management Systems (EMS) where those systems have proven effective and deploy new EMSs where appropriate; and

(j) notwithstanding the limitations on implementation in section 17 of this order, apply, where feasible and appropriate, the strategies and plans to achieve the goals of this order in whole or in part with respect to fueling, operation, and management of tactical or emergency vehicles and to the activities and facilities of the agency that are not located within the United States.

Sec. 8. *Duties of Contributing Agencies.* Within 45 days of the date of this order, to ensure successful implementation of the policy established in section 1 of this order, the head of each contributing agency shall designate an agency Chief Sustainability Officer, who shall be a senior civilian officer of the United States, compensated annually in an amount at or above the amount payable at level IV of the Executive Schedule, and report such designation to the Director of OMB and the Chair of CEQ.

Sec. 9. *Duties of the Agency Chief Sustainability Officers.* The Chief Sustainability Officers designated under sections 7 and 8 of this order shall be responsible for:

(a) ensuring agency policies, plans, and strategies implemented to achieve the goals of this order consider the role of agency regional facilities and

personnel and are integrated into agency permitting and environmental review policies, programs, and planning;

(b) developing and implementing an agency-wide strategic process that coordinates appropriate agency functions and programs to ensure that those functions and programs consider and address the goals of this order;

(c) reporting annually to the Chair of CEQ and Director of OMB a comprehensive inventory of progress towards the greenhouse gas emissions goals established in section 2 of this order;

(d) representing the agency on the Steering Committee;

(e) convening quarterly meetings of agency bureaus, commands, or operating divisions that are responsible for the implementation of strategies necessary to meet the goals of this order;

(f) representing the agency in any requests to the Chair of CEQ and Director of OMB to amend or normalize a baseline for goals established in this order due to change of greater than 5 percent as a result of agency space consolidation, a change in mission tempo, or improved data quality;

(g) providing plans, including the Plan prepared under section 14 of this order, reports, information, and assistance necessary to implement this order, to the Director of OMB, the Chair of CEQ, and the Federal Chief Sustainability Officer; and

(h) performing such other duties relating to the implementation of this order as the head of the agency deems appropriate.

Sec. 10. *Regional Coordination.* Within 180 days of the date of this order, each EPA and GSA Regional office shall in coordination with Federal Executive Boards established by the Presidential Memorandum of November 10, 1961 (The Need for Greater Coordination of Regional and Field Activities of the Government), DOD and other agencies as appropriate, convene regional interagency workgroups to identify and address:

(a) sustainable operations of Federal fleet vehicles, including identification and implementation of opportunities to use and share fueling infrastructure and logistical resources to support the adoption and use of alternative fuel vehicles, including E–85 compatible vehicles, zero emission and plug-in hybrid vehicles, and compressed natural gas powered vehicles;

(b) water resource management and drought response opportunities;

(c) climate change preparedness and resilience planning in coordination with State, local, and tribal communities; and

(d) opportunities for collective procurement of clean energy to satisfy energy demand for multiple agency buildings.

Sec. 11. *Employee Education and Training.* Within 180 days of the date of this order, the Office of Personnel Management, in coordination with DOE, GSA, EPA, and other agencies as appropriate, shall:

(a) consider the establishment of a dedicated Federal occupational series for sustainability professionals and relevant positions that directly impact the achievement of Federal sustainability goals and if appropriate, prepare and issue such occupational series; and

(b) initiate the inclusion of environmental sustainability and climate preparedness and resilience into Federal leadership and educational programs in courses and training, delivered through electronic learning, in classroom settings, and residential centers, particularly developmental training for Senior Executive Service and GS–15 personnel.

Sec. 12. *Supporting the Federal Fleet.* (a) GSA shall ensure that vehicles available to agencies for either lease or sale, at or below market cost, through its vehicle program include adequate variety and volume of alternative fuel vehicles, including zero emission and plug-in hybrid vehicles, to meet the fleet management goals of this order.

(b) DOE shall assist the United States Postal Service (USPS) in evaluating the best alternative and advanced fuel technologies for the USPS fleet and

report on such progress annually as part of the planning requirements of section 14 of this order.

Sec. 13. *Supporting Federal Facility Climate Preparedness and Resilience.* The head of each agency shall, consistent with Executive Order 13653 of November 1, 2013, ensure that agency operations and facilities prepare for impacts of climate change as part of the planning requirements of section 14 of this order and consistent with planning required under section 5 of Executive Order 13653 by:

(a) identifying and addressing projected impacts of climate change on mission critical water, energy, communication, and transportation demands and considering those climate impacts in operational preparedness planning for major agency facilities and operations; and

(b) calculating the potential cost and risk to mission associated with agency operations that do not take into account the information collected in subsection (a) of this section and considering that cost in agency decision-making.

Sec. 14. *Agency Strategic Sustainability Performance Plan.* Beginning in June 2015, and continuing through fiscal year 2025, the head of each Principal Agency shall develop, implement, and annually update an integrated Strategic Sustainability Performance Plan (Plan) based on guidance prepared by the Chair of CEQ under section 4 of this order. Contributing agencies are encouraged to prepare a Plan but may limit content of the Plan to a summary of agency actions to meet the requirements of this order. Each Principal Agency Plan and update shall be provided to the Chair of CEQ and Director of OMB, shall be subject to approval by the Director under section 5 of this order, and shall be made publicly available on an agency Web site once approved.

Sec. 15. *Supply Chain Greenhouse Gas Management.* In implementing the greenhouse gas management policies in section 1 of this order and to better understand and manage the implications of Federal supply chain greenhouse gas emissions:

(a) the Chair of CEQ shall, within 30 days of the date of this order and annually thereafter, identify and publicly release an inventory of major Federal suppliers using publicly available Federal procurement information, including information as to whether the supplier has accounted for and publicly disclosed, during the previous calendar year, annual scope 1 and 2 greenhouse gas emission data and publicly disclosed a greenhouse gas emission reductions target (or targets) for 2015 or beyond; and

(b) the seven largest Federal procuring agencies shall each submit for consideration, in conjunction with the planning requirements of section 14 of this order, a plan to implement at least five new procurements annually in which the agency may include, as appropriate, contract requirements for vendors or evaluation criteria that consider contractor emissions and greenhouse gas emissions management practices. The plans submitted for consideration may include identification of evaluation criteria, performance period criteria, and contract clauses that will encourage suppliers to manage and reduce greenhouse gas emissions, and shall be implemented as soon as practicable after any relevant administrative requirements have been met.

Sec. 16. *Revocations and Conforming Provisions.* (a) Pursuant to section 742(b) of Public Law 111–117, I have determined that this order will achieve equal or better environmental or energy efficiency results than Executive Order 13423. Therefore, Executive Order 13423 of January 24, 2007, is revoked.

(b) Executive Order 13514 of October 5, 2009; Presidential Memorandum of December 2, 2011 (Implementation of Energy Savings Projects and Performance-Based Contracting for Energy Savings); section 1 of Presidential Memorandum of February 21, 2012 (Driving Innovation and Creating Jobs in Rural America through Biobased and Sustainable Product Procurement); and Presidential Memorandum of December 5, 2013 (Federal Leadership on Energy Management), are revoked.

(c) Presidential Memorandum of May 24, 2011 (Federal Fleet Performance), is revoked as of October 1, 2015.

(d) Section 3(b)(vi) of Executive Order 13327 of February 4, 2004, is amended by striking ''Executive Order 13148 of April 21, 2000'' and inserting in lieu thereof ''other Executive Orders''.

(e) Section 2(d) of Executive Order 13432 of May 14, 2007, is amended to read as follows: '''greenhouse gases' means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, nitrogen triflouride, and sulfur hexafluoride;''.

(f) Section 5 of Executive Order 13653 of November 1, 2013, is amended by striking ''Executive Order 13514'' and inserting in lieu thereof ''other Executive Orders''.

(g) Section 1 of Executive Order 13677 of September 23, 2014, is amended by striking ''Executive Order 13514 of October 5, 2009 (Federal Leadership in Environmental, Energy, and Economic Performance), and Executive Order 13653 of November 1, 2013 (Preparing the United States for the Impacts of Climate Change),'' and inserting in lieu thereof ''Several Executive Orders have''.

Sec. 17. *Limitations.* (a) This order shall apply to an agency with respect to the activities, personnel, resources, and facilities of the agency that are located within the United States. The head of an agency may provide that this order shall apply in whole or in part with respect to the activities, personnel, resources, and facilities of the agency that are not located within the United States, if the head of the agency determines that such application is in the interest of the United States.

(b) The head of an agency shall manage activities, personnel, resources, and facilities of the agency that are not located within the United States with respect to which the head of the agency has not made a determination under subsection (a) of this section in a manner consistent with the policy set forth in section 1 of this order to the extent the head of the agency determines practicable.

Sec. 18. *Exemption Authority.* (a) The Director of National Intelligence may exempt an intelligence activity of the United States, and related personnel, resources, and facilities, from the provisions of this order other than this subsection to the extent the Director determines necessary to protect intelligence sources and methods from unauthorized disclosure.

(b) The head of an agency may exempt law enforcement activities of that agency, and related personnel, resources, and facilities, from the provisions of this order other than this subsection to the extent the head of an agency determines necessary to protect undercover operations from unauthorized disclosure.

(c) The head of an agency may exempt law enforcement, protective, emergency response, or military tactical vehicle fleets of that agency from the provisions of this order other than this subsection. Heads of agencies shall manage fleets to which this paragraph refers in a manner consistent with the policy set forth in section 1 of this order to the extent they determine practicable.

(d) The head of an agency may exempt particular agency activities and facilities from the provisions of this order other than this subsection where it is in the interest of national security. If the head of an agency issues an exemption under this section, the agency must notify the Chair of CEQ in writing within 30 days of issuance of the exemption under this subsection. To the maximum extent practicable, and without compromising national security, each agency shall strive to comply with the purposes, goals, and implementation steps in this order.

(e) The head of an agency may submit to the President, through the Chair of CEQ, a request for an exemption of an agency activity, and related personnel, resources, and facilities, from this order.

Sec. 19. *Definitions.* As used in this order:

(a) ''absolute greenhouse gas emissions'' means total greenhouse gas emissions without normalization for activity levels and includes any allowable consideration of sequestration;

(b) ''agency'' means an executive agency as defined in section 105 of title 5, United States Code, excluding the Government Accountability Office;

(c) ''alternative energy'' means energy generated from technologies and approaches that advance renewable heat sources, including biomass, solar thermal, geothermal, waste heat, and renewable combined heat and power processes; combined heat and power; small modular nuclear reactor technologies; fuel cell energy systems; and energy generation, where active capture and storage of carbon dioxide emissions associated with that energy generation is verified;

(d) ''alternative fuel vehicle'' means vehicles defined by section 301 of the Energy Policy Act of 1992, as amended (42 U.S.C. 13211), and otherwise includes electric vehicles, hybrid electric vehicles, plug-in hybrid electric vehicles, dedicated alternative fuel vehicles, dual fueled alternative fuel vehicles, qualified fuel cell motor vehicles, advanced lean burn technology motor vehicles, low greenhouse gas vehicles, compressed natural gas powered vehicles, self-propelled vehicles such as bicycles, and any other alternative fuel vehicles that are defined by statute;

(e) ''clean energy'' means renewable electric energy and alternative energy;

(f) ''climate resilient design'' means to design assets to prepare for, withstand, respond to, or quickly recover from disruptions due to severe weather events and climate change for the intended life of the asset;

(g) ''construction and demolition materials and debris'' means waste materials and debris generated during construction, renovation, demolition, or dismantling of all structures and buildings and associated infrastructure;

(h) ''Contributing Agencies'' are defined as executive agencies that are not subject to the Chief Financial Officers Act and include Federal Boards, Commissions, and Committees;

(i) ''divert'' or ''diverting'' means redirecting materials from disposal in landfills or incinerators to recycling or recovery, excluding diversion to waste-to-energy facilities;

(j) ''environmentally preferable'' means products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, use, operation, maintenance, or disposal related to the product or service;

(k) ''excluded vehicles and equipment'' means any vehicle, vessel, aircraft, or non-road equipment owned or operated by an agency of the Federal Government that is used in combat support, combat service support, tactical or relief operations, or training for such operations or spaceflight vehicles (including associated ground-support equipment);

(l) ''Federal facility'' means any building or collection of buildings, grounds, or structures, as well as any fixture or part thereof, which is owned by the United States or any Federal agency or that is held by the United States or any Federal agency under a lease-acquisition agreement under which the United States or a Federal agency will receive fee simple title under the terms of such agreement without further negotiation;

(m) ''greenhouse gases'' means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, nitrogen triflouride, and sulfur hexafluoride;

(n) ''life-cycle cost-effective'' means the life-cycle costs of a product, project, or measure are estimated to be equal to or less than the base case (*i.e.,* current or standard practice or product);

(o) ''net-zero energy building'' means a building that is designed, constructed, or renovated and operated such that the actual annual source energy consumption is balanced by on-site renewable energy;

(p) ''net-zero water building'' means a building that is designed, constructed, or renovated and operated to greatly reduce total water consumption, use non-potable sources as much as possible, and recycle and reuse water in order to return the equivalent amount of water as was withdrawn from all sources, including municipal supply, without compromising groundwater and surface water quantity or quality;

(q) ''net-zero waste building'' means a building that is operated to reduce, reuse, recycle, compost, or recover solid waste streams (with the exception of hazardous and medical waste) thereby resulting in zero waste disposal;

(r) ''passenger vehicle'' means a sedan or station wagon designed primarily to transport people as defined in 102–34.35 of the Federal Management Regulation;

(s) ''power usage effectiveness'' means the ratio obtained by dividing the total amount of electricity and other power consumed in running a data center by the power consumed by the information and communications technology in the data center;

(t) ''Principal Agencies'' mean agencies subject to the Chief Financial Officers Act and agencies subject to the OMB Scorecard process under section 5(b) of this order;

(u) ''renewable energy certificate'' means the technology and environmental (non-energy) attributes that represent proof that 1 megawatt-hour (MWh) of electricity was generated from an eligible renewable energy resource, that can be sold separately from the underlying generic electricity with which they are associated, and that, for the purposes of section 3(d)(iii) and (iv) of this order, were produced by sources of renewable energy placed into service within 10 years prior to the start of the fiscal year;

(v) ''renewable electric energy'' means energy produced by solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, geothermal heat pumps, microturbines, municipal solid waste, or new hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project;

(w) ''resilience'' means the ability to anticipate, prepare for, and adapt to changing conditions and withstand, respond to, and recover rapidly from disruptions;

(x) ''scope 1, 2, and 3'' mean:

(i) scope 1: direct greenhouse gas emissions from sources that are owned or controlled by the agency;

(ii) scope 2: direct greenhouse gas emissions resulting from the generation of electricity, heat, or steam purchased by an agency;

(iii) scope 3: greenhouse gas emissions from sources not owned or directly controlled by an agency but related to agency activities such as vendor supply chains, delivery and transportation services, and employee travel and commuting;

(y) ''United States'' means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Northern Mariana Islands, and associated territorial waters and airspace;

(z) ''water balance'' means a comparison of the water supplied to a defined system to the water consumed by that system in order to identify the proportion of water consumed for specific end-uses and ensure potential water leaks in the system are addressed; and

(aa) ''zero emission vehicle'' means a vehicle that produces zero exhaust emissions of any criteria pollutant (or precursor pollutant) or greenhouse gas under any possible operational modes or conditions.

Sec. 20. *General Provisions.* (a) Nothing in this order 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 OMB relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations.

(c) This order 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.

THE WHITE HOUSE,
March 19, 2015.

[FR Doc. 2015–07016
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