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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2015–0177; Special Conditions No. 25–579–SC]

Special Conditions: Cessna Aircraft Company Model 680A Airplane, Pilot-Compartment View Through Hydrophobic Windshield Coatings in Lieu of Windshield Wipers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions, request for comment.

SUMMARY: These special conditions are issued for the Cessna Model 680A airplane. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is hydrophobic windshield coatings in lieu of windshield wipers. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: *Effective date:* This action is effective on Cessna Aircraft Company on April 6, 2015. We must receive your comments by May 21, 2015.

ADDRESSES: Send comments identified by docket number FAA–2015–0177 using any of the following methods:

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

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

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

FOR FURTHER INFORMATION CONTACT: Bob Hettman, ANM–112, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–2683; facsimile (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Background

On January 25, 2012, Cessna Aircraft Company applied for an amended type certificate for a new Model 680A airplane.

The Model 680A, a derivative of the Cessna Model 680 airplane currently approved under type-certificate number T00012WI, is intended to be a nine-passenger executive airplane with a maximum takeoff weight of 30,300 pounds and a maximum operating altitude of 45,000 feet. The Model 680A airplane uses a hydrophobic windshield coating, in lieu of windshield wipers, for an unobstructed outside view from the pilot compartment.

Type Certification Basis

Under the provisions of Title 14, Code of Federal Regulations (14 CFR) 21.101, Cessna Aircraft Company must show that the Model 680A airplane meets the applicable provisions of the regulations listed in type-certificate no. T00012WI, or the applicable regulations in effect on the date of application for the change except for earlier amendments as agreed upon by the FAA. The regulations listed in the type certificate are commonly referred to as the ''original type-certification basis.''

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

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model 680A airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

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

In addition to the applicable airworthiness regulations and special conditions, the Model 680A airplane must comply with the fuel-vent and exhaust-emission requirements of part 34, and the noise-certification requirements of part 36.

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

Novel or Unusual Design Features

The Cessna Model 680A airplane will incorporate the following novel or unusual design features:

The airplane flight-deck design incorporates a hydrophobic windshield coating that, during precipitation, provides an adequate outside view from the pilot compartment. Sole reliance on such a coating, without windshield wipers, constitutes a novel or unusual design feature for which the applicable airworthiness regulations do not contain adequate or appropriate safety standards. Therefore, special conditions are required to provide a level of safety equivalent to that established by the regulations.

Discussion

Section 25.773(b)(1) requires a means to maintain a clear portion of the windshield for both pilots of a transport-category airplane to have a sufficiently extensive view along the flight path during precipitation conditions. The regulations require this means to maintain such an area clear vision during heavy-rain precipitation at airplane speeds up to 1.5 V_{SR1}.

This requirement has existed in principle since 1953 in part 4b of the ''Civil Air Regulations'' (CAR). Section 4b.351(b)(1) of CAR 4b required that ''Means shall be provided for maintaining a sufficient portion of the windshield clear so that both pilots are afforded a sufficiently extensive view along the flight path in all normal flight attitudes of the airplane. Such means shall be designed to function under the following conditions without continuous attention on the part of the crew: (i) In heavy rain at speeds up to 1.6 VS1, flaps retracted.''

Effective December 26, 2002, Amendment 25–108 changed the speed for effectiveness of the means to maintain an area of clear vision from up to 1.6 V_{S1} to 1.5 V_{SR1} to accommodate the redefinition of the reference stall speed from the minimum speed in the stall, V_{S1}, to greater than or equal to the 1g stall speed, V_{SR1}. As noted in the preamble to the final rule for that amendment, the reduced factor of 1.5 on V_{SR1} is to maintain approximately the same speed as the 1.6 factor on V_{S1}.

The requirement that the means to maintain a clear area of forward vision must function at high speeds and high precipitation rates is based on the use of windshield wipers as the means to maintain an adequate area of clear vision in precipitation conditions. The requirement in 14 CFR 121.313(b) and 125.213(b) to provide ''a windshield wiper or equivalent for each pilot station'' has remained unchanged since at least 1953.

The effectiveness of windshield wipers to maintain an area of clear vision normally degrades as airspeed and precipitation rates increase. It is assumed that because high speeds and high precipitation rates represent limiting conditions for windshield wipers, they will also be effective at lower speeds and precipitation levels. Accordingly, § 25.773(b)(1)(i) does not require maintenance of a clear area of forward vision at lower speeds or lower precipitation rates.

A forced airflow blown directly over the windshield has also been used to maintain an area of clear vision in precipitation. The limiting conditions for this technology are comparable to those for windshield wipers. Accordingly, introduction of this technology did not present a need for special conditions to maintain the level of safety embodied in the existing regulations.

Hydrophobic windshield coatings may depend to some degree on airflow to maintain a clear-vision area. The heavy rain and high speed conditions specified in the current rule do not necessarily represent the limiting condition for this new technology. For example, airflow over the windshield, which may be necessary to remove moisture from the windshield, may not be adequate to maintain a sufficiently clear-vision area of the windshield in low-speed flight or during surface operations. Alternatively, airflow over the windshield may be disturbed during such critical times as the approach to land, where the airplane is at a higher-than-normal pitch attitude. In these cases, areas of airflow disturbance or separation on the windshield could cause failure to maintain a clear-vision area on the windshield.

In addition to potentially depending on airflow to function effectively, hydrophobic coatings may also be dependent on water-droplet size for effective precipitation removal. For example, precipitation in the form of a light mist may not be sufficient for the coating's properties to result in maintaining a clear area of vision.

The current regulations identify speed and precipitation rate requirements that represent limiting conditions for windshield wipers and blowers, but not for hydrophobic coatings. Likewise, it is necessary to issue special conditions to maintain the level of safety represented by the current regulations.

These special conditions provide an appropriate safety standard for the hydrophobic coating technology as the means to maintain a clear area of vision by requiring the coating to be effective at low speeds and low precipitation rates, as well as at the higher speeds and precipitation rates identified in the current regulation. These are the only new or changed requirements relative to those in § 25.773(b)(1) at Amendment 25–108.

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

Applicability

As discussed above, these special conditions are applicable to the Cessna Model 680A airplane. Should Cessna apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on the Cessna Model 680A airplane. It is not a rule of general applicability.

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

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type-certification basis for Cessna Model 680A airplanes.

The airplane must have a means to maintain a clear portion of the windshield, during precipitation conditions, enough for both pilots to have a sufficiently extensive view along

the ground or flight path in normal taxi and flight attitudes of the airplane. This means must be designed to function, without continuous attention on the part of the flightcrew, in conditions from light misting precipitation to heavy rain, at speeds from fully stopped in still air, to 1.5 V_{SR1} with lift and drag devices retracted.

Issued in Renton, Washington, on March 27, 2015.

Michael Kazycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2015–07713 Filed 4–3–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 14

[Docket No. FDA–2009–N–0443]

Advisory Committee; Anti-Infective Drugs Advisory Committee

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the standing advisory committees' regulations to change the name of the Anti-Infective Drugs Advisory Committee. This action is being taken to change the name of this committee on the Agency's list of standing advisory committees.

DATES: This rule is effective April 6, 2015. The name change became applicable March 4, 2015.

FOR FURTHER INFORMATION CONTACT: Michael Ortwerth, Advisory Committee Oversight and Management Staff, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5129, Silver Spring, MD 20993–0002, FAX: 301–847–8640, or *Michael.Ortwerth@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The Anti-Infective Drugs Advisory Committee (the Committee) was established on October 7, 1980 (45 FR 79025). The Committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of infectious diseases and disorders.

The Committee name has been changed to the following: Antimicrobial Drugs Advisory Committee. The Agency changed the name to better reflect the products and issues that will be brought to the committee. The change became effective March 4, 2015.

Therefore, the Agency is amending 21 CFR 14.100(c) as set forth in the regulatory text of this document.

Under 5 U.S.C. 553(b)(3)(B) and (d) and 21 CFR 10.40(d) and (e), the Agency finds good cause to dispense with notice and public comment procedures and to proceed to an immediate effective date on this rule. Notice and public comment and a delayed effective date are unnecessary and are not in the public interest as this final rule merely removes the name of the Anti-Infective Drugs Advisory Committee from the list of standing advisory committees in 21 CFR 14.100 and replaces it with the Antimicrobial Drugs Advisory Committee.

List of Subjects in 21 CFR Part 14

Administrative practice and procedure, Advisory committees, Color additives, Drugs, Radiation protection.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 14 is amended as follows:

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

■ 1. The authority citation for 21 CFR part 14 continues to read as follows:

Authority: 5 U.S.C. App. 2; 15 U.S.C. 1451–1461; 21 U.S.C. 41–50, 141–149, 321–394, 467f, 679, 821, 1034; 28 U.S.C. 2112; 42 U.S.C. 201, 262, 263b, 264; Pub. L. 107–109; Pub. L. 108–155; Pub. L. 113–54.

■ 2. Amend § 14.100 by revising paragraph (c)(2) introductory text to read as follows:

§ 14.100 List of standing advisory committees.

* * * * *

(c) * * *

(2) *Antimicrobial Drugs Advisory Committee.*

* * * * *

Dated: March 27, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–07789 Filed 4–3–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 876

[Docket No. FDA–2015–N–0804]

Medical Devices; Gastroenterology-Urology Devices; Classification of the Urethral Insert With Pump for Bladder Drainage

AGENCY: Food and Drug Administration, HHS.

ACTION: Final order.

SUMMARY: The Food and Drug Administration (FDA) is classifying the urethral insert with pump for bladder drainage into class II (special controls). The special controls that will apply to the device are identified in this order and will be part of the codified language for the urethral insert with pump for bladder drainage's classification. The Agency is classifying the device into class II (special controls) in order to provide a reasonable assurance of safety and effectiveness of the device.

DATES: This order is effective April 6, 2015. The classification was applicable on October 14, 2014.

FOR FURTHER INFORMATION CONTACT: John Baxley, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G210, Silver Spring, MD 20993–0002, 301–796–6549.

SUPPLEMENTARY INFORMATION:

I. Background

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

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

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

On October 25, 2013, Vesiflo, Inc., submitted a request for classification of the inFlow™ Intraurethral Valve-Pump and Activator under section 513(f)(2) of the FD&C Act. The manufacturer recommended that the device be classified into class II (Ref. 1).

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

Therefore, on October 14, 2014, FDA issued an order to the requestor classifying the device into class II. FDA is codifying the classification of the device by adding § 876.5140.

Following the effective date of this final classification order, any firm submitting a premarket notification (510(k)) for a urethral insert with pump for bladder drainage will need to comply with the special controls named in this final order. The device is assigned the generic name urethral insert with pump for bladder drainage, and it is identified as a catheter-like device with internal pump mechanism that is placed in the urethra. Under patient control the internal pump draws urine out of the bladder when voiding is desired, and blocks urine flow when continence is desired. The device is intended for use by women who cannot empty their bladder due to impaired detrusor contractility.

FDA has identified the following risks to health associated specifically with this type of device, as well as the measures required to mitigate these risks in table 1.

TABLE 1—URETHRAL INSERT WITH PUMP FOR BLADDER DRAINAGE RISKS AND MITIGATION MEASURES

Identified risk	Mitigation measure
Adverse Tissue Reaction	Biocompatibility Testing.
Infection	Sterilization Validation. Clinical Testing. Labeling.
Reflux or Renal Damage	Non-Clinical (Bench) Testing. Clinical Testing. Labeling.
Urethral/Bladder Wall Trauma	Clinical Testing. Labeling.
Urinary Frequency/Urgency	Clinical Testing. Labeling.
Device Encrustation	Non-Clinical (Bench) Testing. Labeling.
Device Migration	Non-Clinical (Bench) Testing. Clinical Testing.
Device Malfunction	Non-Clinical (Bench) Testing. Labeling.
Urine Leakage	Non-Clinical (Bench) Testing. Labeling.
Discomfort	Clinical Testing. Labeling.

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

- The elements of the device that may contact the urinary tract must be demonstrated to be biocompatible.
- Performance data must demonstrate the sterility of the device components that contact the urinary tract.
- Performance data must support shelf life by demonstrating continued sterility of the device (or the sterile components), package integrity, and device functionality over the requested shelf life.

- Non-clinical testing data must demonstrate that the device performs as intended under anticipated conditions of use. The following performance characteristics must be tested:
  - Urine flow rate testing.
  - Valve integrity testing.
  - Bladder neck retention force testing.
  - Pump/valve endurance testing.
  - Encrustation testing.
  - Remote control reliability, mechanical integrity, and battery life testing.
- Clinical testing must demonstrate safe and effective use, document the device acceptance rate and the adverse event profile associated with clinical use, and demonstrate that the device performs as intended under anticipated conditions of use.
- Labeling must include:
  - Specific instructions, contraindications, warnings, cautions, limitations, and the clinical training needed for the safe use of the device.
  - Statement of the maximum insert indwelling period.
  - Information on the patient education and support program prior to and during initial device use.
  - Information on the patient population for which the device has been demonstrated to be safe and effective.
  - Information on how the device operates and the recommended treatment regimen.
  - A detailed summary of the device- and procedure-related complications or adverse events pertinent to use of the device.
  - An expiration date/shelf life.
- Patient labeling must be provided and must include:
  - Relevant contraindications, warnings, precautions, and adverse events/complications.
  - Information on how the device operates and the recommended treatment regimen.
  - Information on the patient education and support program prior to and during initial device use.
  - Information on the patient population for which there is clinical evidence of safety and effectiveness.
  - The potential risks and benefits associated with the use of the device.
  - Post-insertion care instructions.
  - Alternative treatments.

Urethral inserts with pump for bladder drainage are prescription devices restricted to patient use only upon the authorization of a practitioner licensed by law to administer or use the device; see section 520(e) of the FD&C Act (21 U.S.C. 360j(e)) and 21 CFR 801.109 (*Prescription devices*). Prescription-use restrictions are a type of general controls as defined in section 513(a)(1)(A)(i) of the FD&C Act.

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

II. Environmental Impact

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

III. Paperwork Reduction Act of 1995

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

IV. Reference

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

1. DEN130044: De Novo Request per 513(f)(2) from Vesiflo, Inc., dated October 25, 2013.

List of Subjects in 21 CFR Part 876

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 876 is amended as follows:

PART 876—GASTROENTEROLOGY-UROLOGY DEVICES

■ 1. The authority citation for 21 CFR part 876 continues to read as follows:

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

■ 2. Add § 876.5140 to subpart F to read as follows:

§ 876.5140 Urethral insert with pump for bladder drainage.

(a) *Identification.* A urethral insert with pump for bladder drainage is a catheter-like device with internal pump mechanism that is placed in the urethra. Under patient control the internal pump draws urine out of the bladder when voiding is desired, and blocks urine flow when continence is desired. The device is intended for use by women who cannot empty their bladder due to impaired detrusor contractility.

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

(1) The elements of the device that may contact the urinary tract must be demonstrated to be biocompatible.

(2) Performance data must demonstrate the sterility of the device components that contact the urinary tract.

(3) Performance data must support shelf life by demonstrating continued sterility of the device (or the sterile components), package integrity, and device functionality over the requested shelf life.

(4) Non-clinical testing data must demonstrate that the device performs as intended under anticipated conditions of use. The following performance characteristics must be tested:

(i) Urine flow rate testing.

(ii) Valve integrity testing.

(iii) Bladder neck retention force testing.

(iv) Pump/valve endurance testing.

(v) Encrustation testing.

(vi) Remote control reliability, mechanical integrity, and battery life testing.

(5) Clinical testing must demonstrate safe and effective use, document the device acceptance rate and the adverse event profile associated with clinical use, and demonstrate that the device performs as intended under anticipated conditions of use.

(6) Labeling must include:

(i) Specific instructions, contraindications, warnings, cautions, limitations, and the clinical training needed for the safe use of the device.

(ii) Statement of the maximum insert indwelling period.

(iii) Information on the patient education and support program prior to and during initial device use.

(iv) Information on the patient population for which the device has been demonstrated to be safe and effective.

(v) Information on how the device operates and the recommended treatment regimen.

(vi) A detailed summary of the device- and procedure-related complications or adverse events pertinent to use of the device.

(vii) An expiration date/shelf life.

(7) Patient labeling must be provided and must include:

(i) Relevant contraindications, warnings, precautions, and adverse events/complications.

(ii) Information on how the device operates and the recommended treatment regimen.

(iii) Information on the patient education and support program prior to and during initial device use.

(iv) Information on the patient population for which there is clinical evidence of safety and effectiveness.

(v) The potential risks and benefits associated with the use of the device.

(vi) Post-insertion care instructions.

(vii) Alternative treatments.

Dated: March 31, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–07815 Filed 4–3–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2015–0138]

RIN 1625–AA08

Special Local Regulation; San Salvador Launch and Procession; San Diego Bay, San Diego, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule; request for comments.

SUMMARY: The Coast Guard is establishing a marine event special local regulation for the launch of the historic vessel San Salvador located in the Captain of the Port San Diego Zone on San Diego Bay. This action is necessary to provide for the safety of life and property on navigable waters during this event. This special local regulation will establish restrictions upon, and control movement of, vessels in a portion of San Diego Bay during the initial launch and subsequent procession of the San Salvador around a portion of San Diego Bay. Unauthorized persons and vessels are prohibited from entering into, transiting through or anchoring within this regulated area unless authorized by the Captain of the Port, or his designated representative. The Coast Guard requests public comments on the temporary special local regulation.

DATES: This rule is effective from 8:00 a.m. to 1:00 p.m. on April 19, 2015. Public comments must be received by April 15, 2015.

ADDRESSES: Submit comments using *one* of the listed methods, and see **SUPPLEMENTARY INFORMATION** for more information on public comments.

- *Online—http://www.regulations.gov* following Web site instructions.
- *Fax*—202–493–2251.
- *Mail* or *hand deliver*—Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Hand delivery hours: 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays (telephone 202–366–9329).

Documents mentioned in this preamble are part of docket [USCG–2015–0138]. 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 Randolph Pahilanga, Waterways Management, U.S. Coast Guard Sector San Diego; telephone (619) 278–7656, email *D11-PF-MarineEventsSanDiego@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

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

A. Public Participation and Comments

We encourage you to submit comments (or related material) on this temporary final rule. We will consider all submissions and may adjust our final action based on your comments. Comments should be marked with docket number USCG–2015–0138 and should provide a reason for each suggestion or recommendation. You should provide personal contact information so that we can contact you if we have questions regarding your comments; but please note that all comments will be posted to the online docket without change and that any personal information you include can be searchable online (see the **Federal Register** Privacy Act notice regarding our public dockets, 73 FR 3316, Jan. 17, 2008).

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

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

B. Regulatory History and Information

The San Salvador Launch and Procession is a onetime marine event with no regulatory history. 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 since immediate action is needed to minimize potential danger to the participants and the

public during the event. The danger posed by the volume of commercial, public and private recreational marine traffic in San Diego Bay makes special local regulations necessary to provide for the safety of the crew, spectators, sponsor safety vessel, and other users of the waterway during both the launch and procession occurring immediately after the launch. Additionally, publishing an NPRM is unnecessary because the area covered by the marine event special local regulations should have negligible impact on vessel transits. Furthermore, the necessary information to determine whether the marine event poses a threat to persons and vessels was provided initially to the Coast Guard less than 135 days before the event, specifically 60 days, and as only a draft plan which is insufficient time to publish an NPRM. We wish to take immediate action to help protect the safety of the participants, crew, spectators, and participating vessels from other vessels during the one day event. For the information for all mariners, it is important to have these regulations in effect during the event and impracticable to delay the regulations. For these same reasons, the Coast Guard finds good cause for implementing this rule less than thirty days before the effective date.

Even though the normal comment process was shortened for this rule, we are providing an opportunity for public comment and, should public comment show the need for modifications to the regulated area during the event, we may make those modifications during the event and will provide actual notice of those modifications to the affected public.

C. Basis and Purpose

The legal basis the rule is the Coast Guard's authority to issue regulations to promote the safety of life on navigable waters during regattas or marine parades: 33 U.S.C. 1233.

The Coast Guard was notified by the San Diego Maritime Museum that the vessel San Salvador, a recreation of the original Spanish exploration sailing vessel used by the explorer, Juan Rodriquez Cabrillo, will be launched and towed to its final mooring space at the San Diego Maritime Museum on April 19, 2015. The launch and procession will require the immediate area adjacent to the downtown San Diego Embarcadero between Broadway and B Street Piers to be clear of all vessel traffic during the crane barge lift of the vessel, launch and subsequent parade. The parade route during the one-hour procession will go from the planned launch site at Broadway Pier south along the Embarcadero and returning north to the Maritime Museum, roughly a two mile transit. This rule establishes a fifty-yard wide exclusion area for the safe transit of the vessel San Salvador.

If an alternate emergency launch site is required along the Embarcadero other than the Broadway Pier, the Coast Guard Captain of the Port will adjust the marine event special local regulations to ensure the safety of all participants, safety vessels and spectators during the launch and adjustment of the procession length. During the enforcement of the event, the Coast Guard will issue a broadcast notice to mariners (BNM) alert via VHF Channel 16 to notify the public of any course changes.

The Captain of the Port of San Diego has determined that establishing a temporary marine event special local regulation on the navigable waters of the San Diego Bay will ensure public safety for the launch and procession. This special local regulation is necessary to provide for the safety of the crew, spectators, sponsor safety vessel, and other users of the waterway.

D. Discussion of the Final Rule

The Coast Guard is establishing marine event special local regulations that will be enforced from 8:00 a.m. to 1:00 p.m. on April 19, 2015. This special local regulation is necessary to provide for the safety of the crew, event participants and spectators of the event and to protect other vessels and users of the waterway. Persons and vessels will be prohibited from entering into, transiting through, or anchoring within this regulated area unless authorized by the Captain of the Port, or his designated representative.

The special local regulation will encompass a portion of the navigable waters of San Diego Bay within twenty-five yards on either side of a predetermined course starting from the Broadway Pier, heading southeast past the Embarcadero, crossing the federal channel before buoy 24 at position (North American Datum of 1983, World Geodetic System, 1984) 32°41.55 N, 117°09.54 W, heading northwest past Coronado Landing, crossing the federal channel again before buoy 22 at position (North American Datum of 1983, World Geodetic System, 1984) 32°42.31 N, 117°10.43, then heading north and culminating at the Maritime Museum Pier. Entry into, transiting, or anchoring within the regulated area is prohibited unless authorized by the Captain of the Port San Diego or his designated on-scene representative.

If an alternate emergency launch site is required along the Embarcadero other than the Broadway Pier, the Coast Guard Captain of the Port will adjust the marine event special local regulations to ensure the safety of all participants, safety vessels and spectators during the launch and adjustment of the procession length.

Before the effective period, the Coast Guard will publish a local notice to mariners (LNM). During the enforcement of the event, the Coast Guard will issue a broadcast notice to mariners (BNM) alert via VHF Channel 16.

E. 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. We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation is unnecessary. This determination is based on the size, location and limited duration of the regulated area. The special local regulation is designed in a way to limit impacts on vessel traffic while permitting vessels to navigate in other portions of the waterways not designated as a regulated area.

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 or anchor in the impacted portion of the San Diego

Bay from 8:00 a.m. through 1:00 p.m. on April 19, 2015.

This regulation will not have a significant economic impact on a substantial number of small entities for the following reasons. Vessel traffic can pass safely around the regulated area adjacent to the Embarcadero and the procession regatta. The Coast Guard will publish a local notice to mariners (LNM) and will issue broadcast notice to mariners (BNM) alerts via VHF Channel 16 before the special local regulation is enforced.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves the establishment of a special local regulation on the navigable waters of San Diego Bay. This rule is categorically excluded from further review under paragraphs 35(b) and 34(h) of Figure 2–1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**. We seek comments or information that may lead to the discovery of significant environmental impacts from this rule.

List of Subjects in 33 CFR Part 100

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 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233.

■ 2. Add temporary § 100.35T11–690 to read as follows:

§ 100.35T11–690 Special Local Regulation for Marine Event; San Diego Bay, San Diego, CA.

(a) *Regulated area.* A regulated area is established to include all navigable waters of San Diego Bay within twenty-five yards of the vessel san Salvador and the predetermined course starting from the waters of the basin between B Street Pier and Broadway Pier upon the initial preparation and launch of the San Salvador vessel. Once the vessel is floated, the regulated area will include the waters heading southeast past the Embarcadero, crossing the federal

channel before buoy 24 at position (North American Datum of 1983, World Geodetic System, 1984) 32°41.55 N, 117°09.54 W, heading northwest past Coronado Landing, crossing the federal channel again before buoy 22 at position (North American Datum of 1983, World Geodetic System, 1984) 32°42.31 N, 117°10.43, then heading north and culminating at the Maritime Museum Pier, as part of the marine event procession. Before the effective period and during the enforcement of the event, the Coast Guard will issue a broadcast notice to mariners (BNM) alert via VHF Channel 16 if any course modifications are required due to emergency reasons.

(b) *Enforcement period.* This section will be enforced from 8:00 a.m. to 1:00 p.m. on April 19, 2015. If the event concludes prior to the schedule termination time, the COTP will cease enforcement of the special local regulation and will announce that fact via Broadcast Notice to Mariners or other communications coordinated with the event sponsor to grant general permission to enter the regulated area.

(c) *Definitions.* The following definition applies to this section: *Designated representative* means any commissioned, warrant, or petty officer of the Coast Guard on board Coast Guard, Coast Guard Auxiliary, or local, state, or federal law enforcement vessels who have been authorized to act on the behalf of the Captain of the Port.

(d) *Regulations.* (1) No vessel may enter, transit through, or anchor within this regulated area unless authorized by the Captain of the Port of San Diego or his designated representative.

(2) Commercial vessels operating solely within the San Diego Bay federal channel will have right-of-way over event participants. Vessels participating in the procession will stop for oncoming commercial deep draft traffic and will resume after the vessel has completed its passage through the regulated area.

(3) All persons and vessels shall comply with instructions from the Coast Guard Captain of the Port (COTP) or his designated representative. The COTP San Diego or his on-scene representative may be contacted via VHF Channel 16 or at 619–278–7033.

(4) Upon being hailed by U.S. Coast Guard or designated patrol personnel by siren, radio, flashing light or other means, the operator of a vessel shall proceed as directed.

(5) The Coast Guard may be assisted by other federal, state, or local agencies in patrol and notification of the regulation.

Dated: March 24, 2015.

J.S. Spaner,

Captain, U.S. Coast Guard, Captain of the Port San Diego.

[FR Doc. 2015–07859 Filed 4–3–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket Number USCG–2015–0150]

Drawbridge Operation Regulation; Upper Mississippi River, Rock Island, IL

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Rock Island Railroad and Highway Drawbridge across the Upper Mississippi River, mile 482.9, at Rock Island, Illinois. The deviation is necessary to allow the Bandits Race to Home 5K Marathon to cross the bridge. This deviation allows the bridge to be maintained in the closed-to-navigation position for two hours.

DATES: This deviation is effective from 8:30 a.m. to 10:30 a.m., April 11, 2015.

ADDRESSES: The docket for this deviation, [USCG–2015–0150] is available at *http://www.regulations.gov.* Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Eric A. Washburn, Bridge Administrator, Western Rivers, Coast Guard; telephone 314–269–2378, email *Eric.Washburn@uscg.mil.* If you have questions on viewing the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION: The U.S. Army Rock Island Arsenal requested a temporary deviation for the Rock Island Railroad and Highway Drawbridge, across the Upper Mississippi River, mile 482.9, at Rock Island, Illinois to remain in the closed-to-navigation position for a two hour period from 8:30 a.m. to 10:30 a.m., April 11, 2015, while the Bandits Race to Home 5K Marathon is held between the cities of Davenport, IA and Rock Island, IL.

The Rock Island Railroad and Highway Drawbridge currently operates in accordance with 33 CFR 117.5, which states the general requirement that drawbridges shall open promptly and fully for the passage of vessels when a request to open is given in accordance with the subpart.

There are no alternate routes for vessels transiting this section of the Upper Mississippi River.

The Rock Island Railroad and Highway Drawbridge, in the closed-to-navigation position, provides a vertical clearance of 23.8 feet above normal pool. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. This temporary deviation has been coordinated with waterway users. No objections were received.

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

Dated: March 30, 2015.

Eric A. Washburn,

Bridge Administrator, Western Rivers.

[FR Doc. 2015–07730 Filed 4–3–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2015–0186]

RIN 1625–AA00

Safety Zone; Rock and Roll Hall of Fame and Museum Fireworks Display; Lake Erie, Cleveland, OH

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on Lake Erie, Cleveland Harbor, Cleveland, OH. This safety zone is intended to restrict vessels from a portion of Lake Erie during the Rock and Roll Hall of Fame and Museum fireworks display. This temporary safety zone is necessary to protect mariners and vessels from the

navigational hazards associated with a fireworks display.

DATES: This rule will be effective from 7:45 p.m. until 9:15 p.m. on April 11, 2015.

ADDRESSES: Documents mentioned in this preamble are part of docket [USCG–2015–0186]. 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 LTJG Amanda Garcia, Chief of Waterways Management, U.S. Coast Guard Sector Buffalo; telephone 716–843–9343, email *SectorBuffaloMarineSafety@uscg.mil.* If you have questions on viewing the docket, call Ms. Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826 or 1–800–647–5527.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking
TFR Temporary Final Rule

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 doing so would be impracticable and contrary to the public interest. The final details for this event were not known to the Coast Guard until there was insufficient time remaining before the event to publish an NPRM. Thus, delaying the effective date of this rule to wait for a comment period to run would be both impracticable and contrary to the public interest because it would inhibit the Coast Guard's ability to protect spectators and vessels from the hazards associated with a maritime fireworks display.

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

B. Basis and Purpose

The legal basis and authorities for this rule are found in 33 U.S.C. 1231, 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; and Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to establish and define regulatory safety zones.

Between 7:45 p.m. and 9:15 p.m. on April 11, 2015, a fireworks display will be held on the shoreline of Lake Erie, Cleveland Harbor in Cleveland, OH, in the vicinity of the Rock and Roll Hall of Fame. It is anticipated that numerous vessels will be in the immediate vicinity of the launch point. The Captain of the Port Buffalo has determined that such a launch proximate to a gathering of watercraft pose a significant risk to public safety and property. Such hazards include premature and accidental detonations, dangerous projectiles, and falling or burning debris.

C. Discussion of the Final Rule

With the aforementioned hazards in mind, the Captain of the Port Buffalo has determined that this temporary safety zone is necessary to ensure the safety of spectators and vessels during the Rock and Roll Hall of Fame and Museum fireworks display. This zone will be effective and enforced from 7:45 p.m. until 9:15 p.m. on April 11, 2015. This zone will encompass all waters of Lake Erie; Cleveland Harbor, Cleveland, OH within a 210-foot radius of position 41°30′37.40″ N. and 081°41′50.07″ W. (NAD 83).

Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative. The Captain of the Port or his designated on-scene representative may be contacted via VHF Channel 16.

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.

We conclude that this rule is not a significant regulatory action because we anticipate that it will have minimal impact on the economy, will not interfere with other agencies, will not adversely alter the budget of any grant or loan recipients, and will not raise any novel legal or policy issues. The safety zone created by this rule will be relatively small and enforced for a relatively short time. Also, the safety zone is designed to minimize its impact on navigable waters. Furthermore, the safety zone has been designed to allow vessels to transit around it. Thus, restrictions on vessel movement within that particular area are expected to be minimal. Under certain conditions, moreover, vessels may still transit through the safety zone when permitted by the Captain of the Port.

2. Impact on Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered the impact of this rule on small entities. 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. 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 might be small entities: The owners or operators of vessels intending to transit or anchor in a portion of Cleveland Harbor on the evening of April 11, 2015.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: this safety zone would be effective, and thus subject to enforcement, for only 90 minutes late in the day. Traffic may be allowed to pass through the zone with the permission of the Captain of the Port. The Captain of the Port can be reached via VHF

channel 16. Before the enforcement of the zone, we would issue local Broadcast Notice to Mariners.

3. Assistance for Small Entities

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

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

4. Collection of Information

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

5. Federalism

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

6. Protest Activities

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

7. Unfunded Mandates Reform Act

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

8. Taking of Private Property

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

9. Civil Justice Reform

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

10. Protection of Children

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

11. Indian Tribal Governments

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

12. Energy Effects

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

13. Technical Standards

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

14. Environment

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapters 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Section 165.T09–0186 is added to read as follows:

§ 165.T09–0186 Safety Zone; Rock and Roll Hall of Fame and Museum Fireworks Display; Lake Erie, Cleveland, OH.

(a) *Location.* This zone will encompass all waters of Lake Erie, Cleveland Harbor; Cleveland, OH within a 210-foot radius of position 41°30′37.40″ N. and 081°41′50.07″ W. (NAD 83).

(b) *Enforcement Period.* This regulation will be enforced on April 11, 2015 from 7:45 p.m. until 9:15 p.m.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Buffalo or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Buffalo or his designated on-scene representative.

(3) The ''on-scene representative'' of the Captain of the Port Buffalo is any Coast Guard commissioned, warrant or petty officer who has been designated by the Captain of the Port Buffalo to act on his behalf.

(4) Vessel operators desiring to enter or operate within the safety zone must contact the Captain of the Port Buffalo or his on-scene representative to obtain permission to do so. The Captain of the Port Buffalo or his on-scene representative may be contacted via VHF Channel 16. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port Buffalo, or his on-scene representative.

Dated: March 23, 2015.

B.W. Roche,

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

[FR Doc. 2015–07846 Filed 4–3–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 147

[EPA–HQ–OW–2011–0520; FRL–9924–92–OW]

State of Tennessee Underground Injection Control (UIC) Program; Primacy Approval

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is taking direct final action to approve the State of Tennessee Underground Injection Control (UIC) Program for primacy to implement and enforce state regulations for all UIC injection wells located within the state, except for Class VI and all wells on Indian lands, as required by rule under the Safe Drinking Water Act (SDWA). The Agency determined that the state's UIC Program is consistent with the provisions of the SDWA and is as stringent as all applicable federal regulations to prevent underground injection activities that endanger underground sources of drinking water.

DATES: This rule is effective on July 6, 2015 without further notice, unless EPA receives adverse comment by May 6, 2015. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. For judicial purposes, this final rule is promulgated as of July 6, 2015. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of July 6, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2011–0520, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- Email: *OW-Docket@epa.gov.*
- Mail: State of Tennessee; Underground Injection Control (UIC) Primacy, U.S. Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- Hand Delivery: Water Docket, EPA Docket Center (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. 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–HQ–OW–2011–0520. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://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 *http://www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment 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. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All supporting documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Water Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC; and U.S. Environmental Protection Agency, Region 4, Library 9th Floor, 61 Forsyth Street SW., Atlanta, Georgia 30303. The Water Docket Facility Public Reading Room in Washington, DC, is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Public Reading Room telephone number is (202) 566–1744 and the telephone number of the Water Docket is (202) 566–2426. The Region 4 Library is open from 8:00 a.m. to 3:45 p.m., Monday through Friday, excluding legal holidays. The telephone number for the library is (404) 562–8190.

FOR FURTHER INFORMATION CONTACT: Marilyn Ginsberg, Drinking Water Protection Division, Office of Ground Water and Drinking Water (4606M), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–3881; fax number: (202) 564–3754; email address: *ginsberg.marilyn@epa.gov* or Nancy H. Marsh, Safe Drinking Water Branch, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303; telephone number (404) 562–9450; fax number: (404) 562–9439; email address: *marsh.nancy@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Why is EPA issuing a direct final rule?

EPA published this rule without a prior proposed rule because the Agency views this action as noncontroversial and anticipates no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA published a separate document that serves as the proposed rule if the Agency receives adverse comment on this direct final rule. The Agency will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting

on this rule, see the **ADDRESSES** section of this document.

If EPA receives adverse comment, the Agency will publish a timely withdrawal in the **Federal Register**, informing the public that this direct final rule will not take effect. The Agency will then address all public comments in any subsequent final rule based on the proposed rule.

II. Does this action apply to me?

REGULATED ENTITIES

Category	Examples of potentially regulated entities	North American Industry Classification System
State, Local, and Tribal Governments	State, local, and tribal governments that own and operate Class I, II, III, IV, and V injection wells located within the state.	924110
Industry	Private owners and operators of Class I, II, III, IV, and V injection wells located within the state.	221310
Municipalities	Municipal owners and operators of Class I, II, III, IV, and V injection wells located within the state.	924110

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. If you have questions regarding the applicability of this action to a particular entity, consult the persons listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

III. Legal Authorities

EPA approves the State of Tennessee's UIC Program primacy application for Class I, II, III, IV, and V injection wells located within the state, as required by rule under the SDWA, to prevent underground injection activities that endanger underground sources of drinking water. Accordingly, the Agency codifies the state's program in the *Code of Federal Regulations* (CFR) at 40 CFR part 147, under the authority of the SDWA, sections 1422 and 1450, 42 U.S.C. 300h–1 and 300j–9. The state applied to EPA under sections 1422 of the SDWA, 42 U.S.C. 300h–1, for primacy (primary enforcement responsibility) for all UIC classes of injection wells, with the exception of Class VI injection wells and all wells on Indian lands.

The Agency's approval is based on a legal and technical review of the state's primacy application as directed at 40 CFR part 145 and the requirements for state permitting and compliance evaluation programs, enforcement authority and information sharing at 40 CFR parts 124 and 144, to determine that the state's program is as stringent as all applicable federal regulations. EPA oversees the state's administration of the UIC program; part of the Agency's oversight responsibility requires quarterly reports of non-compliance and annual UIC performance reports pursuant to 40 CFR 144.8. The Memorandum of Agreement between EPA and the State of Tennessee, signed by the Regional Administrator on October 20, 2004, provides the Agency with the opportunity to review and comment on all permits. The Agency continues to administer the UIC program for Class VI injection wells in the state and all wells on Indian lands (if any such lands exist in the state in the future).

IV. Tennessee's Application

A. Public Participation Activities Conducted by the State of Tennessee

As part of the primacy application requirements, the state held three public hearings on the state's intent to apply for primacy. The hearings were held on July 9, 17, and 24, 2001, in the cities of Jackson, Murfreesboro and Knoxville, respectively. The comments received at the hearings were supportive of the state pursuing primacy for the UIC program and expressed concerns related to allowing Class I injection wells throughout the state. Because of these concerns, the state has restricted the use of Class I injection wells to only certain parts of the state. The state also placed a ban on the construction and operation of Class I hazardous waste injection wells in the state. Currently the State of Tennessee has no Class I injection wells.

B. Public Participation Activities Conducted by EPA

On May 3, 2012, the Agency published a document of the state's application in the **Federal Register** (77 FR 262331). This document provided that a public hearing would be held if requested. There was one request for a public hearing; therefore, the Agency held a public hearing on June, 7, 2012, in Nashville. At the hearing, a commenter requested and received clarification from the Agency related to the approval of Class V injection wells. The commenter also raised concerns regarding state permitting fees and the funding source for the state's UIC program. The Agency determined that the fee and funding issues are outside the scope of the federal program and are not relevant as to whether the state's regulations are as stringent as the federal regulations.

C. Incorporation by Reference

This direct final rule amends 40 CFR part 147 and incorporates by reference EPA-approved state statutes and regulations. The provisions of the State of Tennessee's Code that contain standards, requirements and procedures applicable to owners or operators of UIC well classes I, II, III, IV, and V are incorporated by reference into 40 CFR part 147. Any provisions incorporated by reference, as well as all permit conditions or permit denials issued pursuant to such provisions, will be enforceable by EPA pursuant to the SDWA, section 1423 and 40 CFR 147.1(e).

In order to better serve the public, the Agency is reformatting the codification of the EPA-approved state statutes and regulations for Well Classes I, II, III, IV, and V. Instead of codifying the Tennessee Statutes and Regulations as separate paragraphs, the Agency is now codifying a binder that contains the EPA-approved Tennessee Statutes and Regulations for Well Classes I, II, III, IV, and V. This binder will be incorporated by reference into 40 CFR part 147 and available at regulations.gov in the docket for this rule. The Agency will also codify a table listing the EPA-approved Tennessee Statutes and Regulations for Well Classes I, II, III, IV, and V in 40 CFR part 147.

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act

This action does not impose any new information collection burden. EPA determined that there is no need for an Information Collection Request under the Paperwork Reduction Act because this direct final rule does not impose any new federal reporting or recordkeeping requirements. Reporting or recordkeeping requirements are based on the State of Tennessee UIC Regulations, and the state is not subject to the Paperwork Reduction Act. However, OMB has previously approved the information collection requirements contained in the existing regulations (40 CFR parts 144–148) under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and assigned OMB control number 2040–0042. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. This action does not impose any new requirements on any regulated entities. It simply codifies the State of Tennessee's UIC Program regulations, which are at least as stringent as the federal regulations. We have therefore concluded that this action will have no net regulatory burden for all directly regulated small entities.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate as described in UMRA, 2 U.S.C. 1521–1538. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

E. Executive Order 13132—Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175 as explained in section V.C. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health & Safety Risks

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it approves a state action as explained in section V.C.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

J. Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations because the rule does not affect or change the level of protection provided to human health or the environment.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 147

Environmental protection, Incorporation by reference, Indian-lands, Intergovernmental relations, Reporting and recordkeeping requirements, and Water supply.

Dated: March 30, 2015.

Gina McCarthy,

Administrator.

For the reasons set out in the preamble, title 40 of the Code of Federal Regulations is amended as follows:

PART 147—STATE, TRIBAL, AND EPA–ADMINISTERED UNDERGROUND INJECTION CONTROL PROGRAMS

■ 1. The authority citation for part 147 continues to read as follows:

Authority: 42 U.S.C. 300h *et seq.;* and 42 U.S.C. 6901 *et seq.*

■ 2. Add § 147.2150 to read as follows:

§ 147.2150 State-administered program—Class I, II, III, IV, and V wells.

The UIC program for Class I, II, III, IV, and V wells in the State of Tennessee, except for those on any Indian lands, is the program administered by the Tennessee Department of Environment and Conservation, approved by EPA pursuant to section 1422 of the SDWA. Notice of this approval was published in the **Federal Register** on April 6, 2015; the effective date of this program is July 6, 2015. This program consists of the following elements, as submitted to EPA in the state's program application.

(a) *Incorporation by reference.* The requirements set forth in the Tennessee State statutes and regulations cited in the binder (Volumes 1 and 2) entitled ''EPA-Approved State of Tennessee Safe Drinking Water Act section 1422 Underground Injection Control (UIC) Program Statutes and Regulations for Well Classes I, II, III, IV, and V,'' dated September 2013 and Table 1 to paragraph (a) of this section are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Tennessee. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the Tennessee regulations may be obtained or inspected at Tennessee Department of Environment and Conservation, 6th Floor, 401 Church Street, Nashville, Tennessee 32743, (315) 532–0191, at the Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960, (404) 562–8190 or at the National

Archives and Records Administration (NARA). For information on availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/locations/.*

TABLE 1 TO PARAGRAPH (a) EPA-APPROVED TENNESSEE SDWA SECTION 1422 UNDERGROUND INJECTION CONTROL PROGRAM STATUTES AND REGULATIONS FOR WELL CLASSES I, II, III, IV, AND V

State citation	Title/subject	State effective date	EPA approval date [1]
Tennessee Code Annotated, Title 4, Chapter 5.	Uniform Administrative Procedures Act.	August 5, 2011	4/6/15 *[Insert **Federal Register** Citation].*
Tennessee Code Annotated, Title 68, Chapter 221, Part 4.	Subsurface Sewage Disposal Systems.	August 5, 2011	4/6/15 *[Insert **Federal Register** Citation].*
Tennessee Code Annotated, Title 68, Chapter 221, Part 7.	Tennessee Safe Drinking Water Act of 1983.	July 9, 2012	4/6/15 *[Insert **Federal Register** Citation].*
Tennessee Code Annotated, Title 68, Chapter 212, Section 101 *et seq.*	Hazardous Waste Management Act of 1977.	July 9, 2012	4/6/15 *[Insert **Federal Register** Citation].*
Tennessee Code Annotated, Title 68, Chapter 212, Section 201 *et seq.*	Hazardous Waste Management Act of 1983.	July 9, 2012	4/6/15 *[Insert **Federal Register** Citation].*
Tennessee Code Annotated, Title 68, Chapter 203.	Tennessee Environmental Protection Fund.	May 10, 2012	4/6/15 *[Insert **Federal Register** Citation].*
Tennessee Code Annotated, Title 68, Chapter 211, Part 1.	Tennessee Solid Waste Disposal Act.	June 25, 2009	4/6/15 *[Insert **Federal Register** Citation].*
Tennessee Code Annotated, Title 68, Chapter 215, Part 1.	Tennessee Petroleum Underground Storage Tank Act.	June 29, 2009	4/6/15 *[Insert **Federal Register** Citation].*
Tennessee Code Annotated, Title 69, Chapter 3, Part 1.	Water Quality Control Act	October 1, 2012	4/6/15 *[Insert **Federal Register** Citation].*
Official Compilation Rules & Regulations of the State of Tennessee Chapter 0400–45–06.	Underground Injection Control	December 11, 2012	4/6/15 *[Insert **Federal Register** Citation].*
Official Compilation Rules & Regulations of the State of Tennessee Chapter 0400–45–01.	Public Water Systems	December 11, 2012	4/6/15 *[Insert **Federal Register** Citation].*
Compilation Rules & Regulations of the State of Tennessee Chapter 1200–1–6.	Regulations to Govern Subsurface Sewage Disposal Systems.	November 24, 2009	4/6/15 *[Insert **Federal Register** Citation].*
Official Compilation Rules & Regulations of the State of Tennessee Chapter 0400–12–01–.02(1)(c).	Hazardous Waste Management	September 20, 2012	4/6/15 *[Insert **Federal Register** Citation].*
Official Compilation Rules & Regulations of the State of Tennessee Chapter 0400–20–05–.161.	Standards For Protection Against Radiation.	May 22, 2012	4/6/15 *[Insert **Federal Register** Citation].*

[1] In order to determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** document cited in this column for the particular provision.

(b) *Memorandum of Agreement (MOA).* The MOA between EPA Region 4 and the Tennessee Department of Environment and Conservation signed by EPA Regional Administrator on October 20, 2004.

(c) *Statements of legal authority.* ''Underground Injection Control Program, Attorney General's Statement,'' signed by Attorney General of Tennessee on July 26, 2005 and ''Updating the Attorney General's Statement on UIC Program Authority,'' signed by General Counsel of the Tennessee Department of Environment and Conservation on November 10, 2011.

(d) *Program description.* The Program Description submitted as part of Tennessee's application, and any other materials submitted as part of this application or as a supplement thereto.

■ 3. In § 147.2151, revise the section heading and the first sentence in paragraph (a) to read as follows:

§ 147.2151 EPA-administered program Class VI and Indian lands.

(a) *Contents.* The UIC program for Class VI wells and all wells on Indian lands in the State of Tennessee is administered by EPA. ***

* * * * *

§§ 147.2154 and 147.2155 [Removed]

■ 4. Remove §§ 147.2154 and 147.2155.

[FR Doc. 2015–07746 Filed 4–3–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 147

[EPA–HQ–OW–2012–0186; FRL–9924–94–OW]

State of Washington Underground Injection Control (UIC) Program Revision Approval

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is taking direct final action to approve the State of Washington Underground Injection Control (UIC) Program revisions as required by rule under the Safe Drinking Water Act (SDWA). The Agency determined that the state's program revisions are consistent with the

provisions of the SDWA and are as stringent as all applicable federal regulations to prevent underground injection activities that endanger underground sources of drinking water. The state revised its UIC Class V Program regulations and transferred oversight authority from the Department of Ecology to the Energy Facility Site Evaluation Council to issue UIC permits at energy facilities.

DATES: This rule is effective on July 6, 2015 without further notice, unless EPA receives adverse comment by May 6, 2015. If EPA receives adverse comment, the Agency will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. For judicial purposes, EPA promulgates this final rule as of July 6, 2015. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of July 6, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2012–0186, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: OW-Docket@epa.gov.*
- *Mail:* State of Washington; Underground Injection Control (UIC) Program Primacy, U.S. Environmental Protection Agency, Mail Code: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- *Hand Delivery:* Water Docket, EPA Docket Center (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. 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–HQ–OW–2012–0186. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *http://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *http://www.regulations.gov* or email. The *http://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 *http://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment 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. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All supporting documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Water Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC; and U.S. Environmental Protection Agency, Region 10, Library, 10th Floor, 1200 Sixth Avenue, Seattle, Washington 98101. The Water Docket Facility Public Reading Room in Washington, DC, is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The Public Reading Room telephone number is (202) 566–1744 and the telephone number of the Water Docket is (202) 566–2426. The Region 10 Library is open from 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. The telephone number for the library is (206) 553–1289.

FOR FURTHER INFORMATION CONTACT: Lisa McWhirter, Drinking Water Protection Division, Office of Ground Water and Drinking Water (4606M), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2317; fax number: (202) 564–3754; email address: *mcwhirter.lisa@epa.gov* or Peter Contreras, Ground Water Unit, U.S. Environmental Protection Agency, Region 10, Suite 900 M/S OCE–082, 1200 Sixth Avenue, Seattle, Washington 98101; telephone number (206) 553–6708; fax number: (202) 553–6984; email address: *contreras.peter@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Why is EPA issuing a direct final rule?

EPA published this rule without a prior proposed rule because the Agency views this action as noncontroversial and anticipates no adverse comment. However, in the ''Proposed Rules'' section of this **Federal Register**, EPA published a separate document that serves as the proposed rule if the Agency receives adverse comments on this direct final rule. The Agency will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information about commenting on this rule, see the **ADDRESSES** section of this document.

If EPA receives adverse comment, the Agency will publish a timely withdrawal in the **Federal Register**, informing the public that this direct final rule will not take effect. The Agency will then address all public comments in any subsequent final rule based on the proposed rule.

II. Does this action apply to me?

REGULATED ENTITIES

Category	Examples of potentially regulated entities	North American Industry Classification System
State, Local, and Tribal Governments	State, local, and tribal governments that own and operate Class I, II, III, IV, and V injection wells located within the state.	924110
Industry	Private owners and operators of Class I, II, III, IV, and V injection wells located within the state.	221310

REGULATED ENTITIES—Continued

Category	Examples of potentially regulated entities	North American Industry Classification System
Municipalities	Municipal owners and operators of Class I, II, III, IV, and V injection wells located within the state.	924110

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. If you have questions regarding the applicability of this action to a particular entity, consult the persons listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

III. Legal Authorities

EPA approves the State of Washington Underground Injection Control (UIC) Program revisions, as required by rule under the SDWA, to prevent underground injection activities that endanger underground sources of drinking water. The state revised its UIC Class V Program regulations and transferred oversight authority from the Department of Ecology to the Energy Facility Site Evaluation Council to issue UIC permits at energy facilities. Accordingly, the Agency codifies the state regulations in the *Code of Federal Regulations* at 40 CFR part 147 under the authority of the SDWA, sections 1422 and 1450, 42 U.S.C. 300h–1 and 300j–9.

The Agency's approval is based on a legal and technical review of the state's program revision application as directed at 40 CFR part 145 and the requirements for state permitting and compliance evaluation programs, enforcement authority and information sharing at 40 CFR parts 124 and 144, to determine that the state's revisions are as stringent as all applicable federal regulations. EPA oversees the state's administration of the UIC program; part of the Agency's oversight responsibility requires quarterly reports of non-compliance and annual UIC performance reports pursuant to 40 CFR 144.8. The Memorandum of Agreement between EPA and the state, signed by the Regional Administrator on February 15, 2011, provides the Agency with the opportunity to review and comment on all permits. EPA continues to administer the UIC Class V Program on Indian lands located within the state.

IV. Washington's Application

A. Public Participation Activities Conducted by EPA

On March 8, 2013, EPA published notice of Washington's Underground Injection Control Program Revision application in the **Federal Register** (78 FR 14951), the *Seattle Times* on March 6, 2013, and in the *Yakima Herald* on March 7, 2013. The local notices provided for a public hearing on April 8, 2013. No one attended the public hearing and no public comments were received.

B. Incorporation by Reference

This direct final rule amends 40 CFR part 147 and incorporates by reference EPA-approved state statutes and regulations. The provisions of the State of Washington's Code that contain standards, requirements and procedures applicable to owners or operators of UIC well classes I, II, III, IV, and V are incorporated by reference into 40 CFR part 147. Any provisions incorporated by reference, as well as all permit conditions or permit denials issued pursuant to such provisions, are enforceable by EPA pursuant to section 1423 of the SDWA and 40 CFR 147.1(e).

In order to better serve the public, the Agency reformatted the codification of EPA-approved Washington SDWA section 1422 UIC Program Statutes and Regulations for Well Classes I, II, III, IV, and V. Instead of codifying the Washington Statutes and Regulations as separate paragraphs, the Agency now codifies a binder that contains EPA-approved Washington Statutes and Regulations for Well Classes I, II, III, IV, and V. This binder is incorporated by reference into 40 CFR part 147 and available at *http://www.regulations.gov* in the docket for this rule. The Agency also codifies a table listing EPA-approved Washington Statutes and Regulations for Well Classes I, II, III, IV, and V in 40 CFR part 147.

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act

This action does not impose any new information collection burden. EPA determined that there is no need for an Information Collection Request under the Paperwork Reduction Act because this direct final rule does not impose any new federal reporting or recordkeeping requirements. Reporting or recordkeeping requirements are based on the State of Washington UIC Regulations, and the state is not subject to the Paperwork Reduction Act. However, OMB has previously approved the information collection requirements contained in the existing regulations (40 CFR parts 144–148) under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and assigned OMB control number 2040–0042. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. This action does not impose any new requirements on any regulated entities. It simply codifies the State of Washington's Class V regulations, which are at least as stringent as the federal regulations. We have therefore concluded that this action will have no net regulatory

burden for all directly regulated small entities.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate as described in UMRA, 2 U.S.C. 1521–1538. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

E. Executive Order 13132—Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175 as explained in section V.C. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health & Safety Risks

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the Agency has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it approves a state action as explained in section V.C.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income or indigenous populations because the rule does not affect or change the level of protection provided to human health or the environment.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 147

Environmental protection, Incorporation by reference, Indians-lands, Intergovernmental relations, Reporting and recordkeeping requirements, Water supply.

Dated: March 30, 2015.

Gina McCarthy,

Administrator.

For the reasons set out in the preamble, title 40 of the Code of Federal Regulations is amended as follows:

PART 147—STATE, TRIBAL, AND EPA–ADMINISTERED UNDERGROUND INJECTION CONTROL PROGRAMS

■ 1. The authority citation for part 147 continues to read as follows:

Authority: 42 U.S.C. 300h *et seq.;* and 42 U.S.C. 6901 *et seq.*

■ 2. In § 147.2400:

■ a. Revise the introductory text in paragraph (a).

■ b. Remove paragraphs (a)(1) through (4).

■ c. Revise paragraph (c)(1).

■ d. Add paragraph (c)(5).

The revisions and addition read as follows:

§ 147.2400 State-administered program—Class I, II, III, IV, and V wells.

* * * * *

(a) *Incorporation by reference.* The requirements set forth in the state statutes and regulations cited in the binder entitled ''EPA-Approved Washington SDWA section 1422 Underground Injection Control Program Statutes and Regulations for Well Classes I, II, III, IV, and V,'' dated January 2014, and Table 1 to paragraph (a) of this section are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Washington. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the State of Washington regulations that are incorporated by reference in paragraph (a) of this section may be inspected at the U.S. Environmental Protection Agency, Region 10, Library, 10th Floor, 1200 Sixth Avenue, Seattle, Washington 98101; Water Docket, EPA Docket Center (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20460; and the National Archives and Records Administration (NARA). If you wish to obtain materials from the EPA Regional Office, please call (206) 553–1289; for materials from a docket in the EPA Headquarters Library, please call the Water Docket at (202) 566–2426. For information on the availability of this material at NARA, call (202) 741–6030, or go to *http://www.archives.gov/locations/*.

TABLE 1 TO PARAGRAPH (a) EPA-APPROVED WASHINGTON SDWA SECTION 1422 UNDERGROUND INJECTION CONTROL PROGRAM STATUTES AND REGULATIONS FOR WELL CLASSES I, II, III, IV, AND V

State citation	Title/subject	State effective date	EPA approval date [1]
Revised Code of Washington Sections 90.48.010—90.48.906.	Water Pollution Control	February 3, 2006	4/6/15 [*Insert Federal Register Citation*]
Revised Code of Washington Section 43.21A.445.	Departments authorized to participate in and administer federal Safe Drinking Water Act—Agreements with other departments.	February 3, 2006	[*Insert the date of publication in the Federal Register*] [*Insert Federal Register Citation*]
Washington Administrative Code Sections 173–218–010—173–218–130.	Underground Injection Control Program	June 19, 2008	4/6/15 [*Insert Federal Register Citation*]
Washington Administrative Code Sections 344–12–001—344–12–295.	Oil and Gas Conservation Committee, General Rules.	June 29, 1988	4/6/15 [*Insert Federal Register Citation*]

TABLE 1 TO PARAGRAPH (a) EPA-APPROVED WASHINGTON SDWA SECTION 1422 UNDERGROUND INJECTION CONTROL PROGRAM STATUTES AND REGULATIONS FOR WELL CLASSES I, II, III, IV, AND V—Continued

State citation	Title/subject	State effective date	EPA approval date [1]
Washington Administrative Code Sections 173–160–010—173–160–990.	Minimum Standards for Construction and Maintenance of Wells.	December 19, 2008	4/6/15 [*Insert Federal Register Citation*]

[1] In order to determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** document cited in this column for the particular provision.

* * * * *

(c)(1) The Memorandum of Agreement between EPA Region X and the Washington Department of Ecology, signed by the EPA Regional Administrator on February 15, 2011.

* * * * *

(5) Memorandum of Agreement between the Washington Department of Ecology and the Energy Facility Site Evaluation Council, Related to the Underground Injection Control Program for the State of Washington, signed March 19, 2009.

* * * * *

[FR Doc. 2015–07757 Filed 4–3–15; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2015–0017]

48 CFR Part 216

Defense Federal Acquisition Regulation Supplement; Technical Amendment

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD is making technical amendments to the Defense Federal Acquisition Regulation Supplement (DFARS) to provide needed editorial changes.

DATES: Effective April 6, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. Manuel Quinones, Defense Acquisition Regulations System, OUSD(AT&L)DPAP(DARS), Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060. Telephone 571–372–6088; facsimile 571–372–6094.

SUPPLEMENTARY INFORMATION: This final rule amends the DFARS at 216.401–70 to delete the reference to PGI 216.401–70, which has been removed.

List of Subjects in 48 CFR Part 216

Government procurement.

Manuel Quinones,

Editor, Defense Acquisition Regulations System.

Therefore, 48 CFR part 216 is amended as follows:

PART 216—TYPES OF CONTRACTS

■ 1. The authority citation for 48 CFR part 216 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

216.401–70 [Amended]

■ 2. Amend section 216.401–70 by removing ''In order to comply with this statutory requirement, follow the procedures at PGI 216.401–70.''

[FR Doc. 2015–07834 Filed 4–3–15; 8:45 am]

BILLING CODE 5001–06–P

Proposed Rules

Federal Register
Vol. 80, No. 65
Monday, April 6, 2015

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

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[Docket Number USCG–2014–1009]

RIN 1625–AA01

Anchorage Grounds; South Timbalier Anchorages; South of Port Fourchon, LA; Gulf of Mexico

AGENCY: Coast Guard, DHS.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Coast Guard is considering establishing two new anchorage grounds in the Gulf of Mexico for the port of Port Fourchon, LA. These actions are being considered to help accommodate increased vessel volume and future increases and improve navigation safety for vessels transiting the Port Fourchon area, providing for the overall safe and efficient flow of vessel traffic and commerce. The Coast Guard is seeking comments and information about what form the proposed regulations should take and the actual need for them.

DATES: Comments and related material must be received by the Coast Guard on or before June 5, 2015.

ADDRESSES: Documents mentioned in this preamble are part of Docket Number USCG–2014–1009. 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.

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) Christopher Tuckey, Waterways Management, Eighth Coast Guard District; telephone (504) 671–2112, email *Christopher.B.Tuckey@uscg.mil* or Lieutenant (LT) Jon Scott, Chief, Waterways Management Division, Marine Safety Unit Morgan City, U.S. Coast Guard; telephone (985) 380–5334, email *Jonathan.J.Scott@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

ANPRM Advance Notice of Proposed Rulemaking
CFR Code of Federal Regulation
DHS Department of Homeland Security
FR Federal Register

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 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 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this advanced notice of proposed rulemaking. The following link should take you directly to the docket: *http://www.regulations.gov/#!docketDetail;D=USCG-2014-1009.* 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 have not scheduled a public meeting at this time. Once a public meeting is scheduled, we will publish a notice in the **Federal Register** separate from this ANPRM but within the same Docket Number USCG–2014–1009.

B. Regulatory History and Information

As reflected in title 33 Code of Federal Regulation section 109.05 (33 CFR 109.05), the Commandant of the U.S. Coast Guard has delegated the authority to establish anchorage grounds to U.S. Coast Guard District Commanders. The Coast Guard establishes Anchorage Grounds under authority of the authority in section 7 of the act of March 4, 1915, as amended (38 Stat. 1053; 33 U.S.C. 471) and places these regulations in Title 33 CFR part 110.1, subpart B. [CGFR 67–46, 32 FR 17728, Dec. 12, 1967, as amended by CGD 86–082, 52 FR 33811, Sept. 8, 1987; USCG–1998–3799, 63 FR 5526, June 30, 1998]. The Coast Guard is now considering a proposed rulemaking to establish two new offshore anchorage grounds. The two new anchorages are referenced in this document as South Timbalier Anchorage West and South Timbalier Anchorage East.

C. Basis and Purpose

The legal basis and authorities for this advance notice of proposed rulemaking are found in 33 U.S.C. 471, 1221 through 1236; 33 CFR 1.05–1, Department of Homeland Security Delegation No. 0170.1, which collectively authorize the Coast Guard to propose, establish, and define regulatory anchorages. The Coast Guard is now considering a proposed rulemaking establishing two offshore anchorage grounds; South Timbalier Anchorage West and South Timbalier Anchorage East.

The Coast Guard received a request from the Greater Lafourche Port Commission and its users to consider the establishment of a suitable anchorage or anchorage areas offshore in the vicinity of Port Fourchon, LA to alleviate and provide relief to vessel traffic and congestion in the port of Port Fourchon, LA. The volume of vessel traffic through Port Fourchon has increased over 30 percent since 2009. We expect continued growth within the Port in the coming years. Additionally, vessels to service the deepwater oil and gas industry continue to grow larger in size. For these reasons, the Coast Guard is considering the request to establish new offshore anchorages. This request was presented and discussed at a Greater Lafourche Port Commission Committee meeting on September 24, 2014, and with the Louisiana Department of Natural Resources on November 13, 2014.

The purpose of this ANPRM is to solicit input and comments on potential proposed rulemakings to help accommodate increased vessel volume and future increases and improve navigation safety for vessels transiting the Port Fourchon area, providing for the overall safe and efficient flow of vessel traffic and commerce. This objective would be to establish offshore anchorages intended to increase the safety of life and property on navigable waters, improve the safety of vessels operating, transiting, or anchored and moored in the vicinity of the port of Port Fourchon and provide for the overall safe and efficient flow of vessel traffic and commerce in the area.

D. Discussion

The Coast Guard is considering establishing two new offshore anchorages supporting the vessel traffic in and around the Port of Port Fourchon, LA area. Preliminary details describing and an image depicting these anchorages are provided below.

The intended users of the proposed anchorages are Offshore Supply Vessels (OSV) and other vessels using or providing services within Port Fourchon, LA and on the outer-continental shelf.

As described by the Executive Director of the Greater Lafourche Parish Port Commission (GLPC), the volume of vessel traffic through Port Fourchon has increased over 30 percent since 2009. The GLPC estimates significant, continued growth in the near future. Due to congestion, Port Fourchon tenant companies and users either direct vessels dynamically position within a berth, Belle Pass, Bayou Lafourche, or Flotation Canal or depart the port entirely until a berth is available. Vessels servicing the deepwater oil and gas industry in and around Port Fourchon continue to grow in length and tonnage. The largest OSV's are 300 feet and over 4,500 Gross Tons. OSV's within Port Fourchon are often moored three or four abreast, requiring constant shifting and repositioning of vessels, crewmembers, and dockworkers, greatly increasing the risks of collisions, groundings, or harm to personnel.

The approximate depths of the proposed anchorages range from 36 feet to 60 feet, which will accommodate a variety of vessel types and configurations. The nearest safety fairways are the Belle Pass Safety Fairway approximately 3 nautical miles to the east and the Southwest Pass to Gulf Safety Fairway approximately 50 nautical miles to the south.

Based on National Automatic Identification System data, establishing an anchorage in the proposed location will have negligible effects on customary shipping lanes.

Contemplated South Timbalier Anchorage West Location

We are considering proposing that the South Timbalier Anchorage West would cover an area 7 nautical miles long by 5 nautical miles wide. Also, we are contemplating the following boundaries for the anchorage:

- The western boundary would match the western boundary of South Timbalier blocks 16 and 33;
- The eastern boundary would match eastern boundary of South Timbalier blocks 18 and 31;
- The northern boundary would match the northern boundary of South Timbalier blocks 16, 17, and 18; and
- The southern boundary would match the southern boundary of South Timbalier blocks 31, 32, and 33.

The anchorage we are contemplating may also be represented by drawing rhumb lines joining points at:

Latitude	Longitude
29°2′0.492″ N	90°30′28.619″ W.
29°2′0.492″ N	90°22′48.216″ W.
28°57′13.895″ N	90°22′48.216″ W.
28°57′13.895″ N	90°30′28.619″ W.

Contemplated South Timbalier Anchorage East Location

We are considering proposing that the South Timbalier Anchorage East would cover an area 5 nautical miles wide by 5 nautical miles deep. The following are the contemplated proposed boundaries for the anchorage.

The western boundary would match the western boundary of South Timbalier blocks 20 and 29.

The eastern boundary would match the eastern boundary of South Timbalier blocks 21 and 28.

The northern boundary would match the northern boundary of South Timbalier blocks 20 and 21.

The southern boundary would match the southern boundary of South Timbalier blocks 29 and 28.

The South Timbalier Anchorage East anchorage we are contemplating may also be represented may by drawing rhumb lines joining points at:

Latitude	Longitude
29°2′0.492″ N	90°20′3.299″ W.
29°2′0.492″ N	90°15′0.287″ W.
28°57′13.895″ N	90°15′0.287″ W.
28°57′13.895″ N	90°20′3.299″ W.

We have also placed illustrations of the currently contemplated offshore anchorage grounds in the docket (*http://www.regulations.gov/#!docketDetail;D=USCG-2014-1009*). Look for a supporting document with ''Illustrations'' in its title.

In a letter to the National Oceanographic and Atmospheric Administration, the Coast Guard will request that the Office of Coast Survey ensure the suitability and safety of the contemplated anchorage grounds. Additionally, the Coast Guard is coordinating with the Bureau of Ocean Energy Management, the Bureau of Safety and Environmental Enforcement, and the State of Louisiana's Department of Natural Resources to verify the location of existing pipeline corridors.

The contemplated anchorage area is larger than the envisioned final anchorage. This advance notice of proposed rulemaking is intended to prompt discussion and gather input from the affected marine industries to determine the most appropriate anchorage within the contemplated area.

E. Information Requested

Public participation is requested to assist in determining the best way forward in developing a proposed rulemaking to establish these offshore anchorages. To aid us in developing a proposed rule, we seek any comments, whether positive or negative, including but not limited to the impacts anchorage areas may have on navigation safety and current vessel traffic in this area.

Please submit any comments or concerns you may have in accordance with the ''submitting comments'' section above.

This document is issued under authority of 5 U.S.C. 552; 33 CFR 1.05–1, and 1.05–30.

Dated: March 17, 2015.

K.S. Cook,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 2015–07847 Filed 4–3–15; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 147

[EPA–HQ–OW–2011–0520; FRL–9924–91–OW]

State of Tennessee Underground Injection Control (UIC) Program; Primacy Approval

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) proposes to approve the State of Tennessee Underground Injection Control (UIC) Program for primacy to implement and enforce state regulations for all UIC injection wells located within the state, except for Class VI wells and all wells on Indian lands, as required by rule under the Safe Drinking Water Act (SDWA). The Agency determined that the state's program is consistent with the provisions of the SDWA and is as stringent as all applicable federal regulations to prevent underground injection activities that endanger underground sources of drinking water. EPA requests public comment on this proposed rule and supporting documentation. In the ''Rules and Regulations'' section of this **Federal Register**, the Agency published EPA's approval of the state's program as a direct final rule without a prior proposed rule. If the Agency receives no adverse comment, EPA will not take further action on this proposed rule.

DATES: Written comments must be received by May 6, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2011–0520, by one of the following methods, by mail to Water Docket, State of Tennessee, Underground Injection Control (UIC) Primacy, U.S. Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Marilyn Ginsberg, Drinking Water Protection Division, Office of Ground Water and Drinking Water (4606M), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–3881; fax number: (202) 564–3754; email address: *ginsberg.marilyn@epa.gov* or Nancy H. Marsh, Safe Drinking Water Branch, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303; telephone number (404) 562–9450; fax number: (404) 562–9439; email address: *marsh.nancy@epa.gov.*

SUPPLEMENTARY INFORMATION:

Why is EPA issuing this proposed rule?

EPA proposes to approve the State of Tennessee's UIC Program primacy application for Class I, II, III, IV, and V injection wells located within the state (except all wells on Indian lands), as required by rule under the SDWA, to prevent underground injection activities that endanger underground sources of drinking water. Accordingly, the Agency proposes to codify the state's program in the *Code of Federal Regulations* (CFR) at 40 CFR part 147. EPA will continue to administer the UIC Program for Class VI wells and wells on Indian lands, if any such lands exist in the state in the future. The Agency has published a direct final rule in the ''Rules and Regulations'' section of today's **Federal Register**, approving the state's program because EPA views these actions as noncontroversial and anticipates no adverse comment. The Agency has provided reasons for the approval and additional supplementary information in the preamble to the direct final rule. If EPA receives no adverse comment, the Agency will not take further action on this proposed rule. If EPA receives adverse comment, the Agency will withdraw the direct final rule and it will not take effect. The Agency would then address all public comments in any subsequent final rule based on this proposed rule. The Agency does not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please contact the persons listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

Dated: March 30, 2015.

Gina McCarthy,

Administrator.

[FR Doc. 2015–07745 Filed 4–3–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 147

[EPA–HQ–OW–2012–0186; FRL–9924–93–OW]

State of Washington Underground Injection Control (UIC) Program Revision Approval

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) proposes to approve the State of Washington Underground Injection Control (UIC) Program revisions as required by rule under the Safe Drinking Water Act (SDWA). The Agency determined that the state's revisions are consistent with the provisions of the SDWA and are as stringent as all applicable federal regulations to prevent underground injection activities that endanger underground sources of drinking water. The state revised its UIC Class V Program regulations and transferred oversight authority from the Department of Ecology to the Energy Facility Site Evaluation Council to issue UIC permits at energy facilities. EPA requests public comment on this proposed rule and supporting documentation. In the ''Rules and Regulations'' section of this **Federal Register**, the Agency published EPA's approval of the state's program revision as a direct final rule without a prior proposed rule. If the Agency receives no adverse comment, EPA will not take further action on this proposed rule.

DATES: Written comments must be received by May 6, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2012–0186, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: OW-Docket@epa.gov.*
- *Mail:* State of Washington; Underground Injection Control (UIC) Primacy, U.S. Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- *Hand Delivery:* Water Docket, EPA Docket Center (EPA/DC) EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

FOR FURTHER INFORMATION CONTACT: Lisa McWhirter, Drinking Water Protection Division, Office of Ground Water and Drinking Water (4606M), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–2317; fax number: (202) 564–3754; email address: *mcwhirter.lisa@epa.gov* or Peter Contreras, Ground Water Unit, U.S. Environmental Protection Agency, Region 10, Suite 900 M/S OCE–082, 1200 Sixth Avenue, Seattle, Washington 98101; telephone number (206) 553–6708; fax number: (206) 553–6984; email address: *contreras.peter@epa.gov.*

SUPPLEMENTARY INFORMATION:

Why is EPA issuing this proposed rule?

EPA proposes to approve by rule the state's UIC Class V Program revisions and the transfer of oversight authority from the Department of Ecology to the Energy Facility Site Evaluation Council to issue UIC permits at energy facilities, as required under the SDWA to prevent underground injection activities that endanger underground sources of drinking water. Accordingly, the Agency proposes to codify the state's program revisions in the *Code of Federal Regulations* (CFR) at 40 CFR part 147. The Agency has published a direct final rule in the ''Rules and Regulations'' section of this **Federal Register**, approving the state's program revisions, because EPA views the revisions as noncontroversial and anticipates no adverse comment. The Agency provided reasons for the approval and additional supplementary information in the preamble to the direct final rule. If EPA receives no adverse comment, the Agency will not take further action on this proposed rule. If EPA receives adverse comment, the Agency will withdraw the direct final rule and it will not take effect. The EPA would then address all public comments in any subsequent final rule based on this proposed rule. The EPA does not intend to institute a second comment period on this action. Any parties interested in commenting must do so at this time. For further information, please contact the persons in the **FOR FURTHER INFORMATION CONTACT** section of this document.

Dated: March 30, 2015.

Gina McCarthy,

Administrator.

[FR Doc. 2015–07758 Filed 4–3–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2015–0032; FRL–9924–00]

Receipt of Several Pesticide Petitions Filed for Residues of Pesticide Chemicals in or on Various Commodities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petitions and request for comment.

SUMMARY: This document announces the Agency's receipt of several initial filings of pesticide petitions requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before May 6, 2015.

ADDRESSES: Submit your comments, identified by docket identification (ID) number and the pesticide petition number (PP) of interest as shown in the body of this document, 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: Robert McNally, Biopesticides and Pollution Prevention Division (BPPD) (7511P), main telephone number: (703) 305–7090; email address: *BPPDFRNotices@epa.gov.,* Susan Lewis, Registration Division (RD) (7505P), main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is: Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code. The

division to contact is listed at the end of each pesticide petition summary.

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).

If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT** for the division listed at the end of the pesticide petition summary of interest.

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.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the Agency taking?

EPA is announcing its receipt of several pesticide petitions filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the requests before responding to the petitioners. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petitions described in this document contain the data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the pesticide petitions. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on these pesticide petitions.

Pursuant to 40 CFR 180.7(f), a summary of each of the petitions that are the subject of this document, prepared by the petitioner, is included in a docket EPA has created for each rulemaking. The docket for each of the petitions is available at *http://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

New Tolerance

1. *PP* 3F8206. (EPA–HQ–OPP–2014–0852). Syngenta Crop Protection, LLC, 410 Swing Road, P.O. Box 18300, Greensboro, NC 27419, requests to establish tolerances in 40 CFR part 180 for residues of the herbicide safener fluxofenim (CAS Reg. No. 88485–37–4) in or on the raw agricultural commodities grain sorghum, grain; grain sorghum, forage; and grain sorghum, fodder at 0.01; 0.01; and 0.01 parts per million (ppm), respectively. The analytical method high performance liquid chromatography with triple quadrupole mass spectrometric detection (LC–MS/MS) is used to measure and evaluate the pesticide residues. Contact: RD.

2. *PP* 4E8328. (EPA–HQ–OPP–2014–0878). Interregional Research Project Number 4 (IR–4), 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish a tolerance in 40 CFR part 180 for residues of the herbicide fluazifop-p-butyl in or on the raw agricultural commodities: Lettuce, head and leaf at 5.0 parts per million (ppm); strawberry at 3.0 ppm; onion, green at 1.5 ppm; caneberry subgroup 13–07A at 0.05 ppm; bushberry subgroup 13–07B at 0.3 ppm; tuberous and corm vegetables (except for potato) subgroup 1D at 1.5 ppm; small fruit vine climbing, except for fuzzy kiwifruit subgroup 13–07F, 0.03 ppm; and onion, bulb subgroup 3–07A at 0.5 ppm as well as tolerances with regional registration for grass hay at 15 ppm; and grass forage at 4.0 ppm. Upon the approval of the aforementioned tolerances, IR–4 requests removal of the existing tolerances for grape at 0.01 ppm; onion, bulb at 0.5 ppm; and sweet potato, roots at 0.05 ppm. Analytical methodology has been developed and validated for enforcement purposes. This method has been submitted to the Agency and is in PAM Vol. II, Method II. Contact: RD.

3. *PP* 4E8335. (EPA–HQ–OPP–2014–0922). Interregional Research Project Number 4 (IR–4), 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to establish a tolerance in 40 CFR part 180 for residues of the sum of zoxamide (3, 5-dichloro-N-(3-chloro-1-ethyl-1-methyl-2-oxopropyl)-4-methylbenzamide) and its metabolites 3,5-dichloro-1,4-benzenedicarboxylic acid (RH–1455 and RH–141455) and 3,5-dichloro-4-hydroxymethylbenzoic acid (RH–1452 and RH–141452) calculated as the stoichiometric equivalent of zoxamide in or on the raw agricultural commodity ginseng at 0.30 parts per million (ppm) and vegetable, tuberous and corm, subgroup 1C at 0.060 ppm. In addition, IR–4 requests to establish tolerances for residues, determined by measuring only zoxamide (3,5-dichloro-N-(3-chloro-1-ethyl-1-methyl-2-oxypropyl)-4-methylbenzamide, in or on raw agricultural commodity tomato subgroup 8–10A at 2.0 ppm and fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 5.0 ppm. IR–4 also proposes, upon the approval of the aforementioned tolerances, to

remove established tolerances for grape at 3.0 ppm; tomato at 2.0 ppm; and potato at 0.060 ppm. Adequate enforcement methodology is available to enforce the tolerance expression. Contact: RD.

4. *PP* 4F8253. (EPA–HQ–OPP–2014–0679). ISK Biosciences Corporation, 7470 Auburn Road, Suite A, Concord, OH 44077, requests to establish a tolerance in 40 CFR part 180 for residues of the insecticide, cyclaniliprole, in or on Pome Fruit (Crop Group 11–10) at 0.3 parts per million (ppm), Tree Nuts (Crop Group 14–12) at 0.02 ppm, Stone Fruit (Crop Group 12–12) at 0.7 ppm Fruiting Vegetables, (Crop Group 8–10) at 0.2 ppm, Cucurbit Vegetables, (Crop Group 9) at 0.2 ppm, Small Fruit Vine Climbing Subgroup except Fuzzy Kiwifruit (Crop Group 13–07F), at 0.9 ppm. Additionally tolerances are proposed for the crops in the proposed Crop Subgroup 4–14A, Leafy greens subgroup at 7.0 ppm including amaranth, Chinese; amaranth, leafy; aster, Indian; blackjack; cat's whiskers; chervil, fresh leaves; cham-chwi; cham-namul; chipilin; chrysanthemum, garland; cilantro, fresh leaves; corn salad; cosmos; dandelion; dang-gwi; dillweed; dock; dol-nam-mul; ebolo; endive; escarole; fameflower; feather cockscomb; good king henry; huauzontle; jute, leaves; lettuce, bitter; lettuce, head; lettuce, leaf; orach; parsley, fresh leaves; plantain, buckhorn; primrose, English; purslane, garden; purslane, winter; radicchio; spinach; spinach, malabar; spinach, New Zealand; spinach, tanier; swiss chard; and violet, Chinese; crops in the proposed Crop Subgroup 4–14B, Brassica leafy greens subgroup at 15 ppm including Arugula; broccoli raab; broccoli, Chinese; cabbage, abyssinian; cabbage, seakale; Chinese cabbage, bok choy; collards; cress, garden; cress, upland; hanover salad; kale; maca; mizuna; mustard greens; radish, leaves; rape greens; rocket, wild; shepherd's purse; turnip greens; and watercress; crops in the proposed Crop Subgroup 22B, Leaf petiole vegetable subgroup at 7.0 ppm including Cardoon; celery; celery, Chinese; fuki; rhubarb; udo; zuiki and the crops in the proposed Crop Group 5–14: Brassica Head and Stem Vegetable at 1.5 ppm including broccoli; Brussels sprouts; cabbage; cabbage, Chinese, napa; and cauliflower. Tolerances are also proposed for the animal feed commodities Almond, hulls at 8.0 parts per million (ppm), Apple, wet pomace at 0.96 parts per million (ppm), in animal tissues and meat by products: Cattle, fat at 0.08 ppm; cattle, kidney at 0.08 ppm; cattle, liver at 0.1 ppm; cattle, meat at 0.02 ppm; cattle, meat byproducts at 0.02 ppm; goat, fat at 0.08 ppm; goat, kidney at 0.08 ppm; goat, liver at 0.1 ppm; goat, meat at 0.02 ppm; goat, meat byproducts at 0.02 ppm; horse, fat at 0.08 ppm; horse, kidney at 0.08 ppm; horse, liver at 0.1 ppm; horse, meat at 0.02 ppm; horse, meat byproducts at 0.02 ppm; milk at 0.01 ppm; sheep, fat at 0.08 ppm; sheep, kidney at 0.08 ppm; sheep, liver at 0.1 ppm; sheep, meat at 0.02 ppm; and sheep, meat byproducts at 0.02 ppm and for the import commodity Tea (dried and instant) at 40 parts per million (ppm). The analytical method Liquid Chromatography-MS/MS is used to measure and evaluate the pesticide residues. Contact: RD.

5. *PP* 4F8308. (EPA–HQ–OPP–2014–0913). SePRO Corporation, 11550 North Meridian Street, Suite 600, Carmel, IN 46032, requests to establish a tolerance in 40 CFR part 180 for residues of the herbicide, fluridone, in or on cotton, undelinted seed at 0.1 parts per million (ppm). The enzyme-linked immunosorbant assay (ELISA), high performance liquid chromatography with ultraviolet detection (HLPC/UV), and liquid chromatography with tandem mass spectroscopy (LC–MSMS) method is used to measure and evaluate the chemical residues. Contact: RD.

6. *PP* 4F8323. (EPA–HQ–OPP–2015–0014). Syngenta Crop Protection, LLC, 410 Swing Road, Greensboro, NC 27419, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide, mefenoxam, in or on Rapeseed Crop Subgroup 20A at 0.05 parts per million (ppm). The Novartis Crop Protection Method 456–98 and Ciba-Geigy Corporation Procedure AG–395 were used to measure and evaluate the chemical mefenoxam: methyl N-(2,6-dimethylphenyl)-N-(methoxyacetyl)-DL-alaninate. Contact: RD.

New Tolerance Exemption

1. *PP* IN–10699. (EPA–HQ–OPP–2014–0449). Exponent, 1150 Connecticut Ave. NW., Washington, DC 20036, on behalf of ISK Biosciences Corporation, 7470 Auburn Road, Suite A, Concord, OH 44077, requests to establish an exemption from the requirement of a tolerance for residues of 1,2-propanediol,3-[3-[1,3,3,3-tetramethyl-1-[(trimethylsilyl)ocy]-1-disiloxanyl]propoxy]- (CAS Reg. No. 70280–68–1), when used as a pesticide inert ingredient in pesticide formulations applied to growing crops only under 40 CFR 180.920. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

2. *PP* IN–10771. (EPA–HQ–OPP–2014–0853). Exponent, 1150 Connecticut Ave. NW., Washington, DC 20036, on behalf of Cheminova A/S, 1600 Wilson Boulevard, Suite 700, Arlington, VA 22209, requests to establish an exemption from the requirement of a tolerance for residues of maleic anhydride (CAS Reg. No. 108–31–6), when used as an inert ingredient in pesticide formulations applied to growing crops only under 40 CFR 180.920. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

3. *PP* IN–10775. (EPA–HQ–OPP–2015–0143). Syngenta Crop Protection, P.O. Box 18300, Greensboro, NC, requests to establish an exemption from the requirement of a tolerance for residues of propylene glycol monomethyl ether (CAS Reg. No. 107–98–2) when used as an inert ingredient in pesticide formulations applied to growing crops and raw agricultural commodities after harvest under 40 CFR 180.910. The petitioner believes no analytical method is needed because it is not required for exemption from the requirement of a tolerance. Contact: RD.

4. *PP* IN–10777. (EPA–HQ–OPP–2015–0019). Ag-Chem Consulting, LLC, 12208 Quinque Lane, Clifton, VA 20124 on behalf of Omex Agrifluids, 24730 Avenue 13, Madera, CA 93637, requests to establish an exemption from the requirement of a tolerance for residues of salicylaldehyde (2-hydroxybenzaldehyde) (CAS Reg. No. 90–02–8) when used as an inert ingredient in pesticide formulations at no more than 14% of the pesticide formulation. The petitioner believes no analytical method is needed because it is it is not required for an exemption from the requirement of a tolerance. Contact: RD.

5. *PP* IN–10780. (EPA–HQ–OPP–2015–0020). Technology Sciences Group, Inc., 1150 18th Street NW., Suite 1000, Washington, DC 20036, on behalf of BYK Additives Inc., 1600 W. Hill Street, Louisville, KY 40210, requests to establish an exemption from the requirement of a tolerance for residues of quaternary ammonium compounds, benzylbis(hydrogenated tallow alkyl)methyl, bis(hydrogenated tallow alkyl)dimethylammonium salts with saponite (CAS Reg. No. 1588523–05–0), when used as an inert ingredient in pesticide formulations applied to growing crops only under 40 CFR 180.920. The petitioner believes no analytical method is needed because it

is not required for an exemption from the requirement of a tolerance. Contact: RD.

6. *PP* IN–10781. (EPA–HQ–OPP–2015–0018). Technology Sciences Group, Inc., 1150 18th Street NW., Suite 1000, Washington, DC 20036, on behalf of BYK Additives, Inc., 1600 W. Hill Street, Louisville, KY 40210, requests to establish an exemption from the requirement of a tolerance for residues for quaternary ammonium compounds, benzylbis(hydrogenated tallow alkyl)methyl, bis(hydrogenated tallow alkyl)dimethylammonium salts with sepiolite (CAS Reg. No. 1574487–61–8), when used as an inert ingredient in pesticide formulations applied to growing crops only under 40 CFR 180.920. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

7. *PP* IN–10784. (EPA–HQ–OPP–2015–0064). Momentive Performance Materials, 260 Hudson River Rd., Waterford, NY 12188, on behalf of the Dow Chemical Company, 2301 N. Brazosport Blvd., Freeport, TX 77541, requests to establish an exemption from the requirement of a tolerance for residues of acrylic acid, butyl acrylate, styrene copolymer (CAS Reg. No. 25586–20–3) with a minimum number average molecular weight (in amu) of 5,200, when used as an inert ingredient in pesticide formulations under 40 CFR 180.960. The petitioner believes no analytical method is needed because it is not required for an exemption from the requirement of a tolerance. Contact: RD.

Amended Tolerance Exemption

1. *PP* 2E8080. (EPA–HQ–OPP–2013–0098). Toxcel, LLC, 7140 Heritage Village Plaza, Gainesville, VA 20156 on behalf of Penn A Kem, LLC, 3324 Chelsea Avenue, Memphis, TN 38108, requests to amend an exemption from the requirement of a tolerance in 40 CFR 180.1263 for residues of tetrahydrofurfuryl alcohol (THFA), (CAS Reg. No. 97–99–4), when used as a pesticide inert ingredient (solvent/co-solvent), to include allowance of one herbicide application prior to the preboot stage to wheat, buckwheat, barley, oats, rye, sorghum, triticale, rice and wild rice; extended use on canola to the early bolting stage; extended use on soybeans up to the bloom growth stage; and allowance of use in herbicides with two applications to field corn and pop corn up to 36 inches tall (V8 stage). The petitioner believes no analytical method is needed because it is not required for the amendment of an exemption from the requirement of a tolerance. Contact: RD.

2. *PP* 4F8336. (EPA–HQ–OPP–2008–0762). BASF Corporation, 26 Davis Dr., Research Triangle Park, NC 27709, requests to amend an exemption from the requirement of a tolerance in 40 CFR 180.1128 for residues of the biofungicide, *Bacillus amyloliquefaciens* MBI 600 (antecedent *Bacillus subtilis* MBI 600), in or on all food commodities, including residues resulting from post-harvest uses, when applied or used in accordance with good agricultural practices. The petitioner believes no analytical method is needed because Bacillus amyloliquefaciens MBI 600 (antecedent *Bacillus subtilis* MBI 600) has an exemption from the requirement of a tolerance without numerical limitations. Contact: BPPD.

Amended Tolerance

PP 4E8328. (EPA–HQ–OPP–2014–0878). Interregional Research Project Number 4 (IR–4), 500 College Road East, Suite 201 W, Princeton, NJ 08540, requests to amend the existing tolerance in 40 CFR part 180.411 for residues of the herbicide fluazifop-p-butyl in or on rhubarb, from 0.5 parts per million (ppm) to 0.4 ppm. Analytical methodology has been developed and validated for enforcement purposes. This method has been submitted to the Agency and is in PAM Vol. II, Method II. Contact: RD.

Authority: 21 U.S.C. 346a.

Dated: March 30, 2015.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2015–07828 Filed 4–3–15; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 704

[EPA–HQ–OPPT–2010–0572; FRL–9920–90]

RIN 2070–AJ54

Chemical Substances When Manufactured or Processed as Nanoscale Materials; TSCA Reporting and Recordkeeping Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing reporting and recordkeeping requirements for certain chemical substances when they are manufactured or processed at the nanoscale as described in this rule. Specifically, EPA proposes to require persons that manufacture (defined by statute to include import) or process, or intend to manufacture or process these chemical substances to electronically report to EPA certain information, which includes the specific chemical identity, production volume, methods of manufacture and processing, exposure and release information, and existing data concerning environmental and health effects. This proposal involves one-time reporting for existing nanoscale materials and one-time reporting for new discrete nanoscale materials before they are manufactured or processed. This information would facilitate EPA's evaluation of the materials and a determination of whether further action, including additional information collection, is needed. Consistent with the President's memorandum for Executive Agencies regarding Principles for Regulation and Oversight of Emerging Technologies, this proposed rule would facilitate assessment of risks and risk management, examination of the benefits and costs of further measures, and making future decisions based on available scientific evidence.

DATES: Comments must be received on or before July 6, 2015.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2010–0572, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the on-line 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:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 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 technical information contact:* Jim Alwood, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone

number: (202) 564–8974; email address: *alwood.jim@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. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this action if you manufacture or process or intend to manufacture or process nanoscale forms of certain chemical substances. However, persons that manufacture or process, or intend to manufacture or process these chemical substances as part of articles, as impurities, or in small quantities solely for research and development would not be subject to this action. In addition, the discussion in Unit III.A. describes in more detail which chemical substances would and would not be subject to reporting under the proposed rule. You may also consult 40 CFR 704.3 and 704.5, as well as the proposed regulatory text in this document, for further information on the applicability of these and other exemptions to this proposed rule.

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 may apply to them:

- Chemical Manufacturing or Processing (NAICS codes 325).
- Synthetic Dye and Pigment Manufacturing (NAICS code 325130).
- Other Basic Inorganic Chemical Manufacturing (NAICS code 325180).
- Rolled Steel Shape Manufacturing (NAICS code 331221).
- Semiconductor and Related Device Manufacturing (NAICS code 334413).
- Carbon and Graphite Product Manufacturing (NAICS code 335991).
- Home Furnishing Merchant Wholesalers (NAICS code 423220).
- Roofing, Sliding, and Insulation Material Merchant Wholesalers (NAICS code 423330).
- Metal Service Centers and Other Metal Merchant Wholesalers (NAICS code 423510).
- Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology) (NAICS code 541712).

B. What is the agency's authority for taking this action?

The Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.,* provides EPA with authority to require reporting, recordkeeping and testing, and impose restrictions relating to chemical substances and/or mixtures. EPA is proposing this rule under section 8(a) of TSCA, 15 U.S.C. 2607(a). See also Unit II.A.

C. What action is the agency taking?

EPA is proposing reporting and recordkeeping requirements for persons that manufacture (including import) or process certain chemical substances as described in Unit III.A. Persons who currently manufacture or process these chemical substances as discrete nanoscale materials would be required to notify EPA of certain information described in Unit III.C., including specific chemical identity, production volume, methods of manufacture and processing, use, exposure and release information, and available health and safety data. EPA is also proposing that any persons who intend to begin to manufacture or process chemical substances as discrete nanoscale materials after the effective date of this rule notify EPA of the same information at least 135 days before the intended date of commencement of manufacture or processing. The TSCA section 8(a) rule proposed here involves one-time reporting for existing discrete nanoscale forms of certain chemical substances and one-time reporting for new discrete nanoscale forms of certain chemical substances before they are manufactured or processed. A chemical substance as defined under TSCA section 3(2) does not include any food, food additive, drug, cosmetic, medical device, pesticide or other excluded materials. Such materials are not be subject to this rule.

Included in this proposal are electronic reporting requirements similar to those established in 2013 for other kinds of information: EPA is proposing to require submitters to use EPA's Central Data Exchange (CDX), the Agency's electronic reporting portal, for all reporting under this rule. In the **Federal Register** of December 4, 2013 (78 FR 72818) (FRL 9394–6), EPA finalized a rule to require electronic reporting of certain information submitted to the Agency under TSCA sections 4, 5, 8(a) and 8(d). In proposing to require similar electronic reporting under this rule, EPA intends to save time, improve data quality and increase efficiencies for both the submitters and the Agency (Ref. 1).

This proposed rule and the discussion of the potential risks do not conclude and are not intended to conclude that nanoscale materials as a class, or specific uses of nanoscale materials, necessarily give rise to or are likely to cause harm to people or the environment. Rather, EPA would use information gathered through this reporting rule to determine if any further action under TSCA, including additional information collection, is needed. EPA intends to make conclusions on the basis of specific scientific evidence. As with current new chemical review of nanomaterials, each chemical substance manufactured at the nanoscale will be evaluated on a case-by-case basis and not with the presumption of either harm or safety, but rather its evaluation will be based on the specific nanoscale chemical substance's own properties. If adequate data are not available for the properties of the nanoscale chemical substance, EPA will use data on structural analogues. Being nanoscale is not itself an indication of, or criterion for, hazard or exposure potential. Any potential future restrictions on chemical substances manufactured at the nanoscale would be tailored to protect against the specific harms identified for individual substances or categories. EPA would focus any toxicity concerns or data requirements based on available exposure or hazard data for specific nanoscale chemical substances. If the information provided indicates low risk, EPA would not need to consider further review or regulation of that nanoscale chemical substance unless subsequent information raises risk concerns. For example during review of new chemical substances that are nanoscale materials, EPA typically does not request inhalation toxicity data for chemical substances that are manufactured in forms or handled by processes where no inhalation exposure occurs.

EPA is not proposing to publish an inventory of chemical substances manufactured at the nanoscale based on the information that would be collected pursuant to these proposed TSCA section 8(a) reporting requirements. EPA will make non-confidential information reported under the proposed rule available in ChemView (see *http://www.epa.gov/chemview/*).

D. Why is the agency taking this action?

These reporting and recordkeeping requirements would assist EPA in its continuing evaluation of chemical substances manufactured at the nanoscale, informed by available scientific, technical and economic evidence. This proposed rule is not intended to indicate restrictions or conclusions about the risks of chemical substances manufactured at the nanoscale in general. Rather, the requirements would facilitate EPA's

evaluation of the materials and its determination of whether any further action under TSCA, including additional information collection, is needed.

Consistent with the June 9, 2011 memorandum on the Policy Principles for the U.S. Decision-Making Concerning Regulation and Oversight of Applications of Nanotechnology and Nanomaterials, this proposal is not making any finding about the potential risks of nanoscale materials in general or any specific nanoscale materials (Ref. 2). These generally applicable principles are relevant to promoting a balanced, science-based approach to regulating chemical substances manufactured at the nanoscale and other applications of nanotechnology in a manner that protects human health, safety, and the environment without prejudging new technologies or creating unnecessary barriers to trade or hampering innovation. These principles build on the foundation provided by current regulatory statutes and do not supersede existing legal authorities. In this proposal, EPA's approach seeks to support the policy principle to ''[s]eek and develop adequate information with respect to the potential effects of nanomaterials on human health and the environment and take into account new knowledge when it becomes available'' (Ref. 2). As with current new chemical reviews of chemical substances manufactured at the nanoscale, each nanoscale material would be evaluated on a case-by-case basis and not with the presumption of either harm or safety. Any evaluation will be based on the specific nanoscale material's own properties and those of any structural analogs.

E. What are the estimated incremental impacts of this action?

EPA has evaluated the potential costs of establishing the proposed reporting and recordkeeping requirements for potential manufacturers and processors. This analysis (Ref. 3), which is available in the docket, is briefly summarized here.

Under the proposed rule, industry is conservatively estimated to incur a burden of approximately 206,098 hours in the first year and 22,755 hours in subsequent years, with costs of approximately $13.9 million and $1.5 million, respectively (see Chapter 3 in Ref. 3), while the Agency is expected to use approximately 6,539 hours in the first year and 723 hours in subsequent years, with costs of approximately $0.51 million and $0.06 million respectively (see Chapter 4 in Ref. 3). Discounted over a 10-year period at three and seven percent, total annualized costs are estimated to be approximately $2.80 million and $3.08 million, respectively. (Ref. 3.)

F. 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. Background

A. Overview of Applicable Authority

1. TSCA section 8(a) reporting. Section 8(a) of TSCA authorizes EPA to promulgate rules which require each person (other than a small manufacturer or processor) who manufactures, processes, or proposes to manufacture or process a chemical substance, to maintain such records and submit such reports as the EPA Administrator may reasonably require. TSCA section 8(a) gives EPA authority to determine the format of reporting under this section.

Small manufacturers and processors, as defined by EPA, are exempt from TSCA section 8(a) reporting requirements, unless the manufacture or processing is subject to a rule proposed or promulgated under TSCA sections 4, 5(b)(4), or 6, or an order under section 5(e). Under TSCA section 8(a)(3)(B), after consultation with the Administrator of the Small Business Administration (SBA), EPA may prescribe standards for determining which manufacturers and processors qualify as small for purposes of reporting under a TSCA section 8(a) rule.

General provisions for TSCA section 8(a) rules appear in 40 CFR part 704 Subpart A. These provisions describe definitions, exemptions (including for articles and research and development), confidential business information claims, and recordkeeping that apply to TSCA section 8(a) rules. For example in 40 CFR 704.3 the definition of *known to or reasonably ascertainable by* is defined to mean all information in a person's possession or control, plus all information that a reasonable person similarly situated might be expected to possess, control, or know.

In addition, the definitions in TSCA section 3 apply to this rulemaking.

2. Electronic reporting under the Government Paperwork Elimination Act (GPEA). GPEA, 44 U.S.C. 3504, provides that, when practicable, Federal organizations use electronic forms, electronic filings, and electronic signatures to conduct official business with the public. EPA's Cross-Media Electronic Reporting Regulation (CROMERR) (40 CFR part 3) (Ref. 4), provides that any requirement in title 40 of the CFR to submit a report directly to EPA can be satisfied with an electronic submission that meets certain conditions once the Agency published a document in the **Federal Register** announcing that EPA is prepared to receive certain documents in electronic form. For more information about CROMERR, go to *http://www.epa.gov/cromerr.*

B. Why is EPA interested in nanoscale materials?

There is a growing body of scientific evidence showing the differences that exist between chemical substances and chemical substances manufactured in nanoscale forms (Ref. 5). Chemical substances manufactured at the nanoscale may have different or enhanced properties—for example, electrical, chemical, magnetic, mechanical, thermal, or optical properties—or features, such as improved hardness or strength, that are highly desirable for applications in commercial, medical, military, and environmental sectors (Ref. 6). These properties are a direct consequence of decreasing size, where surface area per unit of volume increases exponentially and quantum effects may appear in the low tens of nanometers and below. Small size itself can also be a desirable property of nanoscale materials. The small size can be exploited for miniaturization of applications/processes and/or stabilization or delivery of payloads to diverse environments or incorporation into diverse products.

Nanoscale materials have a range of potentially beneficial public and commercial applications, including medicine and public health, clean energy, pollution reduction and

environmental cleanup, and improved products such as stronger, lighter, and more durable or conductive materials. These benefits arise from the distinctive properties of nanoscale materials, in that they are potentially more interactive or durable than other chemical substances. Altering the size of a material from conventional particle size can enhance or produce unique properties that are desirable for a variety of commercial applications. However, these unique and enhanced properties can raise new questions, such as whether the material in the smaller form may present increased hazards to humans and the environment.

Government, academic, and private sector scientists in multiple countries are performing research into the environmental and human health effects of diverse nanoscale materials, resulting in a substantial and rapidly growing body of scientific evidence. This research also indicates that, in biological systems or in the environment, not all materials in the nanoscale size range behave differently from larger sized materials of the same substance (Ref. 7). Recently, a governmental organization and an independent scientific committee have reviewed and summarized this evidence and offered views about the implications of this evidence for environmental and human health and safety.

In 2009, the National Institute of Occupational Safety and Health (NIOSH) issued a report (Ref. 8) that summarized the available scientific information about nanoscale materials and identified the following potential health and safety properties:

- ''Nanomaterials have the greatest potential to enter the body through the respiratory system if they are airborne and in the form of respirable-sized particles (nanoparticles). They may also come into contact with the skin or be ingested.''
- ''Based on results from human and animal studies, airborne nanoparticles can be inhaled and deposited in the respiratory tract; and based on animal studies, nanoparticles can enter the blood stream, and translocate to other organs.''
- ''Experimental studies in rats have shown that equivalent mass doses of insoluble incidental nanoparticles are more potent than large particles of similar composition in causing pulmonary inflammation and lung tumors. Results from in vitro cell culture studies with similar materials are generally supportive of the biological responses observed in animals.''
- ''Experimental studies in animals, cell cultures, and cell-free systems have shown that changes in the chemical composition, crystal structure, and size of particles can influence their oxidant generation properties and cytotoxicity.''
- ''Studies in workers exposed to aerosols of some manufactured or incidental microscopic (fine) and nanoscale (ultrafine) particles have reported adverse lung effects including lung function decrements and obstructive and fibrotic lung diseases. The implications of these studies to engineered nanoparticles, which may have different particle properties, are uncertain.''
- ''Some nanomaterials may initiate catalytic reactions depending on their composition and structure that would not otherwise be anticipated based on their chemical composition.''

Earlier the same year, the Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR), an independent scientific committee advising the European Commission's Health and Consumer Directorate, issued a report (Ref. 9) that identified properties similar to those identified in the NIOSH report:

- ''Some specific hazards, discussed in the context of risk for human health, have been identified. These include the possibility of some nanoparticles to induce protein fibrillation, the possible pathological effects caused by specific types of carbon nanotubes, the induction of genotoxicity, and size effects in terms of biodistribution.''
- ''For some nanomaterials, toxic effects on environmental organisms have been demonstrated, as well as the potential to transfer across environmental species, indicating a potential for bioaccumulation in species at the end of that part of the food chain.''

In another survey of scientific research on nanoscale materials (Ref. 10), the authors reported:

> Many studies have examined the pro-inflammatory effects of manufactured nanoparticles, on the basis that their ability to cause inflammation is a major predictor of potential hazard in such particles. The first important finding was that nanoparticles have a more pronounced effect on inflammation, cell damage and cell stimulation than an equal mass of particles of the same material of greater size. This appears to hold true for materials as varied as carbon black, titanium dioxide, various metals and polystyrene. Surface area is the metric driving the pro-inflammatory effects and this is evident both *in vitro* and *in vivo,* particles of various sizes producing inflammatory effects that are directly related to the surface area dose.

A report in the scientific literature has indicated that nanoscale polystyrene beads may cross the placental barrier (in an ex-vivo human placental perfusion model (Ref. 11). Another study found that nanoparticles could translocate to diverse organs following oral exposure in rodents. Once in these diverse sites and organs, the large surface area of nanoscale materials may facilitate increased reactivity and/or an inflammatory response, resulting in toxic effects (Ref. 12).

Two literature surveys describe a broad range of effects in non-mammalian species following exposure to nanoscale materials (Ref. 13 and 14). These include, for example, increased ventilation rates, mucus production, and pathologies, and related alteration of enzyme activities and indicators of oxidative stress in rainbow trout, *Oncorhyncus mykiss* (Ref. 15) and ingestion and accumulation of nanoscale material in the digestive tract, as well as mortality, increased heart rates, and reduced fecundity in *Daphnia magna* (Ref. 16, 17, and 18). Translocation of nanoscale materials from gill and gut surface to blood and other organs in exposed Medaka, *Oryzius latipes,* has also been reported (Ref. 19) and carbon nanotubes, although unable to cross the egg surface, have been shown to delay hatching in zebra fish, *Danio rerio* (Ref. 20).

Published reports of human and ecological exposure to nanomaterials are also limited. For example, in its ''Current Intelligence Bulletin 65: Occupational Exposure to Carbon Nanotubes and Nanofibers'' (Ref. 21), NIOSH summarized and evaluated the available published information on worker exposures to carbon nanotubes (CNT) and nanofibers (CNF). NIOSH determined that, although the potential for worker exposure to CNT and CNF can occur throughout the life cycle of CNT- and CNF-product use (processing, use, disposal, recycling), the extent to which workers are exposed has not been completely characterized. ''Comprehensive workplace exposure evaluations are needed to characterize and quantify worker exposure to CNT and CNF at various job tasks and operations, and to determine what control measures are the most effective in reducing worker exposures.'' ''Data are particularly needed on workplace exposures to CNT and CNF, as well as information on whether in-place exposure control measures (*e.g.,* engineering controls) and work practices are effective in reducing worker exposures.''

There are many scientific questions about the impacts of chemical

substances manufactured at the nanoscale on human health and the environment. Part of EPA's mission under TSCA is to understand potential risks in order to protect human health and the environment. As stated in EPA's White Paper on Nanotechnology (Ref. 22):

> Some of the same special properties that make nanoscale materials useful are also properties that may cause some nanoscale materials to pose risks to humans and the environment, under specific conditions.

EPA needs a sound scientific basis for assessing and managing potential impacts resulting from the introduction of chemical substances manufactured at the nanoscale into commerce.

As described in the 2008 TSCA Inventory Status of Nanoscale Substances—General Approach, many nanoscale materials are considered chemical substances as defined under TSCA section 3(2) (Ref. 23). Nanoscale forms of chemical substances that are not on the TSCA Inventory in any form are considered new chemical substances that require reporting under TSCA section 5. EPA has assessed over 170 of these nanoscale materials as new chemical substances and taken action to control exposures to prevent any potential unreasonable risks to human health or the environment pending development of information which will allow EPA to more fully assess those risks. Nanoscale materials based on chemical substances already on the TSCA Inventory are considered existing chemical substances. These nanoscale materials do not require reporting as new chemical substances because they are nanoscale forms of chemical substances already in commerce.

EPA developed a voluntary Nanoscale Materials Stewardship Program (NMSP or ''the program'') to complement and support its regulatory activities on chemical substances manufactured at the nanoscale. EPA conducted the program from January 2008 to December 2009. Thirty one companies or associations submitted information to EPA for 132 chemical substances manufactured at the nanoscale with available information on how those nanoscale materials were manufactured, processed or used. For more details on the NMSP, see the program's interim report, a copy of which is in the docket (Ref. 24). EPA solicited existing data and information, on a voluntary basis, from manufacturers, processors, and users of chemical substances manufactured at the nanoscale to expeditiously develop knowledge about commercially available nanoscale materials. In addition, the program was designed to identify and encourage use of risk management practices in developing and commercializing chemical substances manufactured at the nanoscale. EPA also participated in a series of National Nanotechnology Initiative public workshops, including co-Chairing a public Risk Management Methods workshop. This workshop was also useful in further identifying additional considerations in risk management practices towards developing and commercializing chemical substances manufactured at the nanoscale of interest to EPA. In the NMSP interim report, which was based on the information EPA received prior to January 2009, EPA identified data needs for existing nanoscale material production, uses, and exposures. For example, in the report EPA estimated that companies provided information on only about 10 percent of the chemical substances manufactured at the nanoscale that may be commercially available in 2009.

To address some of the data needs identified in the NMSP interim report, EPA is proposing reporting requirements under TSCA section 8(a) for persons who are manufacturing, or processing chemical substances manufactured at the nanoscale or intend to manufacture or process these nanoscale materials for commercial purposes. This information would facilitate EPA's evaluation of the materials and determination if any further action under TSCA, including additional information collection, is needed. By gathering data regarding the characteristics, uses, and exposure pertaining to chemical substances manufactured at the nanoscale, EPA will create a more robust database that will expand the Agency's understanding of commercially available nanoscale substances including available environmental health and safety data and risk management practices.

III. Summary of Proposed TSCA Section 8(a) Rule

EPA is proposing reporting and recordkeeping requirements for manufacturers and processors of certain chemical substances pursuant to TSCA section 8(a).

A. What chemical substances would be reportable under this rule?

1. Reportable chemical substances. This proposed rule would apply to chemical substances that are solids at 25 °C and atmospheric pressure and that are manufactured or processed in a form where the primary particles, aggregates, or agglomerates are in the size range of 1–100 nanometers (nm) and exhibit unique and novel characteristics or properties because of their size. The proposed rule would apply to chemical substances containing primary particles, aggregates, or agglomerates in the size range of 1–100 nm in at least one dimension. This proposed rule would not apply to chemical substances that only have trace amounts of primary particles, aggregates, or agglomerates in the size range of 1–100 nm, such that the chemical substance does not exhibit the unique and novel characteristics or properties because of particle size. EPA is proposing these parameters for purposes of identifying chemical substances that are subject to the rule, not to establish a definition of what is a nanoscale material.

i. Discrete forms. Manufacturers and processors of multiple nanoscale forms of the same chemical substance would, in some cases, need to report separately for each discrete form of the reportable chemical substance. EPA is proposing to distinguish based on a combination of three factors: (1) a change in process to affect a change in size and/or a change in properties of the chemical substances manufactured at the nanoscale; (2) a change in mean particle size of 10% or greater; and (3) the measured change in at least one of the following properties, *zeta* potential, specific surface area, dispersion stability, or surface reactivity, is greater than 7 times the standard deviation of the measured values (+/− 7 times the standard deviation). For example if the specific surface area of one discrete form was measured to be 50 +/− 5 m^2/g, then a change resulting in a new average specific area of 85 m^2/g would be reportable if factors 1 and 2 were also met. EPA recommends using the same medium and method when measuring the change in these properties, as even minor changes in the medium and methods can result in large differences in the measured results. EPA's intent for proposing these reporting requirements is to focus reporting on intentionally manufactured chemical substances at the nanoscale.

EPA is proposing the combination of these three factors rather than simply size to distinguish between different chemical substances manufactured at the nanoscale so that unintended variation in size range between production batches would not trigger TSCA section 8(a) reporting. Also, EPA is proposing not to rely solely on process changes because there may be process changes that are not intended to change the material produced but rather intended to improve the efficiency of the process or to use a cheaper reactant. EPA is focusing on the properties of *zeta*

potential, specific surface area, dispersion stability, or surface reactivity because these properties are of particular interest in a health and safety context, whereas other unique properties of chemical substances manufactured at the nanoscale (*e.g.,* the wavelength at which light is emitted) may be important for how that form of the chemical substance functions but are less likely to be important in a health and safety context. EPA believes that the combination of these three factors will provide a clear and transparent way for the regulated community to distinguish among different chemical substances manufactured at the nanoscale for purposes of TSCA section 8(a) reporting.

For the purposes of this proposed rule, specific surface area is the ratio of the surface area of the nanoscale material to its mass or the area of the surface of the nanoscale material divided by volume. This is an important factor because chemical reactions take place at the surface of the material. Thus, the higher the surface area, the greater the chemical reactivity, which is an important consideration for human health toxicity and environmental toxicity assessments. Specific surface area is the ratio of the area of the surface of a nanoscale material divided by the mass (m^2/kg) or the area of the surface of the nanoscale material divided by volume (m^2/m^3).

Zeta potential is the electrokinetic potential in colloidal systems. It is measured as the net number of positive and negative charges per unit particle surface area in Coulomb/m^2 (Ref. 25) and is typically measured by electrophoresis.

Dispersion stability is the ability of a dispersion to resist changes in properties over time and can be defined in terms of the change in one or more physical properties over a given time period. See ISO/TR 13097:2013 ''Guidelines for characterization of dispersion stability'' (Ref. 26) as an example.

Surface reactivity is the degree to which the nanoscale material will react with biological systems. The surface reactivity of the form of a chemical substance is dependent upon factors such as redox potential which is a measure of the tendency of an entity to lose or acquire electrons, and photocatalytic activity, including the potential to generate free radicals. Reactive oxygen species (ROS) and free radicals are important in considering toxicity for these materials.

A nanoscale form of a particular chemical substance with a different morphology or shape would also qualify as a discrete form. Examples include spheres, rods, ellipsoids, cylinders, needles, wires, fibers, cages, hollow shells, trees, flowers, rings, tori, cones, and sheets. Nanoscale forms of a particular chemical substance that are coated with different chemical substances would be considered discrete forms for each chemical coating.

ii. Chemical mixtures. Chemical substances that are manufactured or processed in a nanoscale form solely as a component of a mixture, encapsulated material, or composite would also have to be reported. Chemical substances at the nanoscale that are manufactured but are then incorporated into mixtures, encapsulated materials or composites by that manufacturer would not require separate reporting for their incorporation. However, the person reporting the chemical substance would have to report each step of its manufacture, processing and use to the extent it is known or reasonably ascertainable.

2. Substances excluded from reporting. EPA is proposing to exclude from the requirements of this rule certain biological materials (*e.g.,* DNA, RNA, and proteins). EPA is seeking comment to identify other specific biological materials that should be excluded from reporting and the reasons for excluding them, including microorganisms and viral based products (or other combinations of RNA, DNA and protein), lipids, carbohydrates, enzymes, and peptides. However, the properties of biological materials such as DNA, RNA and proteins are not a function of the size range per se but rather the precise nucleotide sequence (in the case of DNA and RNA), shape, and other features.

EPA is proposing to exclude chemical substances which dissociate completely in water to form ions that are less than 1 nanometer. This exclusion would not apply to chemical substances manufactured at the nanoscale materials that release ions but do not dissociate in water to form those ions. EPA believes that the chemical substances that would be excluded do not exhibit new properties when their size falls in the range of 1–100 nanometers and manufacture or processing such substances at the nanoscale should therefore not be subject to the reporting requirements of the proposed rule. EPA is seeking comment to identify other water soluble compounds that should be excluded from reporting and the reasons for excluding them.

EPA is proposing to exclude from the requirements of this rule nanoclays, zinc oxide and chemical substances manufactured at the nanoscale as part of a film on a surface. The Agency believes that information collected on these materials would be of limited value because either they have been well-characterized or they present little exposure potential. EPA requests comment on these proposed exclusions and whether other chemical substances manufactured at the nanoscale should be excluded. EPA requests that commenters explain why they believe the chemical substances manufactured at the nanoscale should be excluded.

3. General exemptions to TSCA Section 8(a) reporting. The general exemptions to TSCA section 8(a) reporting at 40 CFR 704.5 would be applicable to this proposed rule. This includes, among other exemptions, the exemption for research and development under which a person who manufactures or processes, a chemical substance only in small quantities for research and development would be exempt from the reporting requirements of this proposed rule. Examples of research and development (R&D) activity are the analysis of the chemical or physical characteristics, the performance, or the production characteristics of a chemical substance, a mixture containing the substance, or an article. It can include production of a chemical substance for use by others in their R&D activities. R&D activity generally includes specific monitored tests undertaken as part of a planned program of activity.

EPA is proposing an alternate exemption for the existing small manufacturer exemption. Under other TSCA section 8(a) rules, a company qualifies as a small manufacturer in 40 CFR 704.3 by meeting either of the following two standards. The first is that sales of the company are less than $40 million per year and the company does not manufacture more than 100,000 pounds annually of an individual substance at any individual site owned or controlled by the company. The second is that sales are less than $4 million regardless of the quantity manufactured.

EPA is proposing a different exemption for purposes of this rule by eliminating the first standard and defining a small manufacturer or processor as any company with sales of less than $4 million. The 100,000-pound threshold in the existing exemption did not contemplate typical production volumes for chemical substances manufactured at the nanoscale. EPA has reviewed over 200 chemical substances manufactured at the nanoscale in the NMSP and the new chemicals program under TSCA. At least 170 of those

chemical substances manufactured at the nanoscale had reported or estimated production volumes less than 22,000 pounds. Based on this experience, exempting manufacturers or processors from reporting annual production volumes of up to 100,000 pounds would exclude a large proportion of companies that characteristically manufacture chemical substances manufactured at the nanoscale in small amounts but would not otherwise be considered small. Given that chemical substances manufactured at the nanoscale tend to be produced in small volumes, EPA does not believe production volume should be a relevant consideration in determining whether a nanotechnology company is a small manufacturer or processor. EPA requests comment on the proposed small manufacturer or processor exemption that would apply for this proposed rule.

4. Proposed exceptions to reporting. The proposed rule would not require manufacturers or processors to report certain information that has already been submitted to EPA. A person who submitted a TSCA chemical notice under section 5 to EPA on or after January 1, 2005 would not be required to report regarding the same substance under this proposed TSCA section 8(a) rule except where the person manufactured or processed a new discrete form of the reportable chemical substance. In addition, any person who has already reported part of or all of the information that would be required under this proposed TSCA section 8(a) rule under the NMSP would not need to report that information again under this proposed TSCA section 8(a) rule. If, however, information required by this proposed rule was not reported under section 5 or the NMSP (including information for each discrete form of a reportable chemical substance), then reporting of that information would be required under this proposed TSCA section 8(a) rule. The purpose of these exemptions is to avoid duplicative reporting. For example new chemical notices that have been reviewed as nanoscale materials would not be subject to reporting the same information under this rule.

B. When would reporting be required?

EPA proposes that persons who manufacture or process a discrete form of a reportable chemical substance at any time during the three years prior to the final effective date of the rule would report to EPA six months after the final effective date of the rule. EPA also proposes a continuing requirement that persons who intend to manufacture or process a discrete form of a reportable chemical substance on or after the effective date of the rule would report to EPA at least 135 days before commencement of manufacture or processing.

The 135-day period is based on EPA's experience with PMN submissions. TSCA section 8(a) applies to a person ''who manufactures or processes or proposes to manufacture or process a chemical substance''. A company proposes to manufacture or process a chemical substance by forming the intent to do so. Based on EPA's experience, persons form the intent to manufacture or process chemical substances at least 135 days ahead of time. This belief is based on EPA's experience with Premanufacture Notice (PMN) submissions and subsequent notices of commencement (NOCs). Pursuant to section 5(a)(1) of TSCA and 40 CFR 720.22, PMNs are submitted by a person who intends to manufacture a chemical substance, at least 90 days before commencing manufacture. Under 40 CFR 720.102, a company that has submitted a PMN for which the statutory 90-day review period has expired and which has commenced manufacture of that substance must submit an NOC to EPA within 30 days following commencement. For fiscal years 2009–2011, EPA received 1,723 PMNs. Based on EPA's review of NOC receipt date information, EPA determined that NOCs were received within 45 days of completion of the 90-day PMN review for only 16% of these submitted PMNs. Thus, for 84% of the submitted PMNs, the intent to manufacture was formed at least 135 days (*i.e.,* the 90-day PMN review period plus 45 days) before commercialization. Because a company must by necessity form the intent to manufacture a chemical substance some period of time before the PMN is submitted to EPA, the intent to manufacture or process would be made at least 135 days in advance as a general matter.

C. What information would be reported?

This TSCA section 8(a) rule proposes one-time reporting of certain information, including specific chemical identity, production volume, methods of manufacture and processing, use, exposure and release information, and available health and safety data.

EPA developed an information reporting form for the NMSP (Ref. 27) which has been slightly modified for purposes of this proposed rule. The same information that was requested in the NMSP would be required by this proposed rule, including information on specific chemical identity, material characterization, physical chemical properties, production volume, use, methods of manufacturing and processing, exposure and release information, and existing data concerning the environmental and health effects. The information would be reported on a form similar to that used in the NMSP (Ref. 27). Any person required to report under this proposed rule would supply the information identified in the form to the extent it is known to or reasonably ascertainable by them. A draft of the proposed reporting form (EPA Form No. 7710–[tbd]) is available in the docket for public review (Ref. 28).

EPA is requesting comment on whether any information proposed to be collected requested in this proposed rule is duplicative of information collected under other federal statutes and, thus should be excluded. Please identify the statute and the information that you believe is duplicative.

D. How would information be submitted to EPA?

EPA is proposing electronic reporting similar to the requirements established in 2013 for submitting other information under TSCA (see proposed 704.20(e)). EPA is proposing to require submitters to use EPA's CDX, the Agency's electronic reporting portal, for all reporting under this rule. In 2013 (Ref. 1), EPA finalized a rule to require electronic reporting of certain information submitted to the Agency under TSCA sections 4, 5, 8(a) and 8(d). The final rule follows two previous rules requiring similar electronic reporting of information submitted to EPA for TSCA Chemical Data Reporting and for Pre-Manufacture Notifications. In proposing to require similar electronic reporting under this rule, EPA intends to save time, improve data quality and increase efficiencies for both the submitters and the Agency.

EPA developed the Chemical Information Submission System (CISS) for use in submitting data for TSCA sections 4, 8(a), and 8(d) electronically to the Agency. The tool is available for use with Windows, Macs, Linux, and UNIX based computers, using ''Extensible Markup Language'' (XML) specifications for efficient data transmission across the Internet. CISS, a web-based reporting tool, provides user-friendly navigation, works with CDX to secure online communication, creates a completed Portable Document Format (PDF) for review prior to submission, and enables data, reports, and other information to be submitted easily as PDF attachments, or by other electronic standards, such as XML.

EPA is proposing to require submitters to follow the same submission procedures used for other TSCA submissions, *i.e.,* to register with EPA's CDX and use CISS to prepare a data file for submission. Registration enables CDX to authenticate identity and verify authorization. To submit electronically to EPA via CDX, individuals must first register with that system at *http://cdx.epa.gov/epa_home.asp.* To register in CDX, the CDX registrant (also referred to as ''Electronic Signature Holder'' or ''Public/Private Key Holder'') agrees to the Terms and Conditions, provides information about the submitter and organization, selects a user name and password, and follows the procedures outlined in the guidance document for CDX available at *http://www.epa.gov/cdr/tools/CDX_Registration_Guide_v0_02.pdf.*

Users who have previously registered with CDX for other TSCA submissions, Chemical Data Reporting, or the Toxic Release Inventory TRI–ME web reporting flow, would be able to add the ''Submission for Chemical Safety and Pesticide Program (CSPP)'' CDX flow to their current registration, and use the CISS web-based reporting tool.

All submitters would be required to use CISS to prepare their submissions. CISS guides users through a ''hands-on'' process of creating an electronic submission. Once a user completes the relevant data fields, attaches appropriate PDF files, or other file types, such as XML files, and completes metadata information, the web-based tool validates the submission by performing a basic error check and makes sure all the required fields and attachments are provided and complete. Further instructions on submitting voluntary submissions, such as under MOUs, are available, and instructions for uploading PDF attachments or other file types, such as XML, and completing metadata information would be available through CISS reporting guidance.

CISS, a web-based reporting tool, also allows the user to choose ''Print,'' ''Save,'' or ''Transmit through CDX.'' When ''Transmission through CDX'' is selected, the user is asked to provide the user name and password that was created during the CDX registration process. CISS then encrypts the file and submits it via CDX. The user will login to the application and check the status of their submissions. Upon successful receipt of the submission by EPA, the status of the submissions will be flagged as ''Completed.'' The CDX inbox is currently used to notify the users of any correspondence related to user registration. Information on accessing the CDX user inbox is provided in the guidance document for CDX at *http://www.epa.gov/cdr/tools/CDX_Registration_Guide_v0_02.pdf.* To access CISS go to *https://cdx.epa.gov/ssl/CSPP/PrimaryAuthorizedOfficial/Home.aspx* and follow the appropriate links and for further instructions to go *http://www.epa.gov/oppt/chemtest/ereporting/index.html.* Procedures for reporting chemical substances under this proposed rule would be similar. EPA will put a version of the reporting tool in the docket for commenters, and is interested in feedback on the extent of and burden associated with training for using CDX.

EPA believes that electronic reporting reduces the reporting burden for submitters by reducing the cost and time required to review, edit, and transmit data to the Agency. It also allows submitters to share a draft submission within their organization, and more easily save a copy for their records or future use. The resource and time requirements to review and process data by the Agency will also be reduced and document storage and retrieval will require fewer resources. EPA expects to benefit from receiving electronic submissions and communicating back electronically with submitters.

Any person submitting a reporting form could claim any part or all of the form as CBI. Any information which is claimed as confidential will be disclosed by EPA only to the extent and by the means of the procedures set forth in 40 CFR part 2.

IV. Development of Additional Data in Connection With the TSCA Section 8(a) Rule

A TSCA section 8(a) rule may require persons subject to the rule to submit test data in their possession or control and to describe any other data known to or reasonably ascertainable by them, but may not require persons to develop test data for submission to the Agency. However, in view of the lack of information regarding chemical substances manufactured at the nanoscale, EPA would encourage respondents to this proposed rule to provide the Agency with any relevant data on chemical substances manufactured at the nanoscale they decide to develop.

Persons choosing to develop test data should provide data that conform to the Good Laboratory Practice Standards, which are codified at 40 CFR part 792. There are also standard test methods available for properties and information identified in the proposed rule from a number of sources. Some of these sources include but are not limited to ASTM International, the International Organization for Standardization, the National Institute of Standards and Technology, and the Organization for Economic Cooperation and Development. EPA encourages persons who intend to conduct testing to consult with the Agency before selecting a protocol for testing a chemical substance manufactured at the nanoscale. EPA would also encourage persons that would be required to submit TSCA section 8(a) data under this proposed rule to provide information on the potential benefits regarding the reportable chemical substance.

V. Request for Comments

EPA is seeking public comment on all aspects of this proposed rule. In addition to specific requests for comment included throughout this document, EPA is interested in comments pertaining to the specific issues discussed in this unit. EPA also anticipates conducting a public meeting during the comment period to further discuss these and any other issues concerning the proposed rule.

1. *Identifying the chemical substances that would be subject to reporting.* EPA has developed the proposed approach based on the approximate size range of 1–100 nm as used by the NNI for defining nanotechnology (Ref. 6), experience in conducting assessments of new chemicals manufactured at the nanoscale by EPA under TSCA, and data submitted to EPA under the NMSP. EPA is soliciting comment on each aspect of the proposed approach to identifying the chemical substances that would be subject to the reporting requirements of the rule. The Agency is seeking comment on these approaches and alternative approaches for reporting requirements. For example the proposed rule would apply to reportable chemical substances that contain primary particles, aggregates, or agglomerates in the size range of 1–100 nm in at least one dimension. EPA is seeking comments on that aspect of reportable chemical substances. EPA is asking commenters if the current proposal sufficiently encompasses these types of reportable chemical substances.

2. *Distinguishing between nanoscale forms of a reportable chemical substance.* EPA considered several different approaches to distinguish between nanoscale forms of a reportable chemical substance including a percentage or numerical change in measured properties. The agency is also seeking comment on an approach based solely on the behavior of the reportable chemical substance. For example, if a manufacturer or processor knows about

or engineers a reportable chemical substance with multiple nanoscale forms with different performance characteristics then each nanoscale form would be reported. If multiple nanoscale forms of a reportable chemical substance do not perform differently then only a single report of the entire range would be reported. EPA is seeking comment on these and other alternative approaches. EPA is especially interested in comments on whether these approaches would require reporting of sufficiently distinct nanoscale forms of a chemical substance so that reporting would be focused on those nanoscale forms with potential for significantly different physical or chemical characteristics or properties. EPA also seeks comment on each aspect of its proposed reporting such as size increments, the number of standard deviations, morphology, the specific physical-chemical properties identified, exclusions to reporting, and whether companies have the analytical tools to make such distinctions.

3. *Reporting discrete forms at least 135 days before commencement of manufacture or processing.* As discussed in Unit III.B., EPA proposed the 135-day period based on EPA's experience with PMN submissions, and the determination that the intent to manufacture was formed at least 135 days before commercialization (*i.e.,* the 90-day PMN review period plus 45 days). EPA is specifically seeking comment on whether this time-period should be 135 days as proposed, 90 days to be similar to the PMN review period, or some other time period. It would be most helpful if commenters explain why the time period they suggest is appropriate.

4. *Considerations for the Agency's economic analysis.* EPA has evaluated the potential costs for manufacturers and processors of reportable chemical substances for this proposed rule (Ref. 3). EPA is specifically seeking additional information and data that EPA could consider in developing the final economic analysis. In particular, data that could facilitate the Agency's further evaluation of the potentially affected industry and firms, including data related to potential impacts for those small businesses that would be subject to reporting. EPA is especially interested in available data or other measures of the number of and potential growth in the number of commercial nanoscale materials or firms that might manufacture or process such materials.

5. *Electronic reporting.* In proposing to require electronic reporting under this rule that is similar to those established in 2013 for other TSCA reporting, EPA intends to save time, improve data quality and increase efficiencies for both the submitters and the Agency. EPA is specifically interested in comments related to the adoption of the existing mechanisms and related procedures for use in transmitting the reports proposed in this rule, including comments related to the extent to which potentially reporting entities are already familiar with those mechanisms given their existing use for other TSCA reporting. EPA is also interested in feedback on how electronic reporting mechanisms affect reporting entities in terms of reporting time, added efficiencies, and potential burden associated with training to use the electronic systems (*i.e.,* CDX and CISS).

6. *Consideration of potential future rulemaking regarding periodic reporting.* EPA is also seeking comment on the possibility of a future rule that would require periodic reporting of chemical substances manufactured at the nanoscale, similar to reporting that occurs under the Chemical Data Reporting (CDR) rule at 40 CFR part 711. Such a rule could require manufacturers and processors of chemical substances manufactured at the nanoscale to report the type of information collected under the CDR rule to EPA at the same reporting interval as currently required by CDR reporting (every four years). That reporting could occur at lower thresholds for criteria such as production volume. The CDR is a program designed to collect screening-level, exposure-related information on chemical substances and to make that information available for use by EPA and to the public consistent with confidentiality under TSCA Section 14 and EPA regulations in 40 CFR part 2. The CDR rule data are used by EPA to support risk screening, assessment, priority setting and management activities and constitute the most comprehensive source of basic screening-level, exposure-related information on chemicals available to EPA. For further information see *http://www.epa.gov/oppt/cdr*.

VI. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these references and other information considered by EPA. For assistance in locating these other documents, please consult the technical contact listed under **FOR FURTHER INFORMATION CONTACT**.

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VII. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

The Office of Management and Budget (OMB) has designated this proposed rule as a ''significant regulatory action'' under section 3(f) of Executive Order 12866 (58 FR 51735, October 4, 1993). Accordingly, EPA submitted this proposed rulemaking to OMB for review under Executive Order 12866 and Executive Order 13563 (76 FR 3821, January 21, 2011), and any changes made in response to OMB comments have been documented in the public docket for this rulemaking as required by section 6(a)(3)(E) of Executive Order 12866.

B. Paperwork Reduction Act (PRA)

An agency may not conduct or sponsor, and a person is not required to respond to an information collection request subject to the PRA, 44 U.S.C. 3501 *et seq.,* unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and included on any related collection instrument (*e.g.,* on the form or survey).

The information collection requirements in 40 CFR part 704 related to TSCA section 8(a) reporting rules have already been approved by OMB under the PRA. That information collection request (ICR) has been assigned EPA ICR No. 1198.10 and OMB Control No. 2070–0067. Because this proposed rule would involve revised information collection activities that require additional OMB approval, EPA has prepared an addendum to the currently approved ICR. The addendum, identified under EPA ICR No. 2517.01 and OMB Control No. 2070–NEW (Ref. 29), is available in the docket and is briefly summarized here.

If an entity were to submit a report to the Agency, the annual burden is estimated to average 137 hours per response. Burden is defined in 5 CFR 1320.3(b). As presented in the economic analyses and the ICR addenda, EPA estimates that the proposed TSCA section 8(a) rule would create an industry burden of approximately 206,098 hours in the first year and 22,755 hours in subsequent years.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, EPA has established a docket for this proposed rule, which includes this ICR, under docket ID number EPA–HQ–OPPT–2010–0572. Submit any comments related to the ICR to EPA and OMB. See **ADDRESSES** for where to submit comments to EPA. Send comments to OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

Since OMB is required to make a decision concerning the ICR between 30 and 60 days after April 6, 2015, a comment to OMB is best assured of having its full effect if OMB receives it by May 6, 2015. The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposed rule.

C. Regulatory Flexibility Act (RFA)

Pursuant to section 605(b) of the RFA, 5 U.S.C. 601 *et seq.,* I hereby certify that this action would not have a significant adverse economic impact on a substantial number of small entities. The rationale supporting this conclusion is summarized here, and is presented in a small entity impact analysis that EPA prepared for this proposed action that is part of the Agency's economic analysis in the public docket for this proposed rule (Ref. 3).

Under the RFA, small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impacts of this proposed rule on small entities, small entity is defined as: (1) a small business, as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-

profit enterprise which is independently owned and operated and is not dominant in its field. Since the regulated community is not expected to include small governmental jurisdictions or small not-for-profit organizations, the analysis focuses on small businesses.

A small business exemption exists under TSCA section 8(a) reporting rules, at 40 CFR 704.5(f). For this action, EPA is proposing to modify the exemption. EPA analyzed potential small business impacts from this proposed rule using both the SBA employee size standards and the TSCA sales-based definition of small business. EPA estimates that up to 174 small businesses may be impacted by the proposed TSCA section 8(a) reporting rule and evaluated the number that may incur costs at below 1%, between 1% and 3%, and above 3% of sales. EPA estimates that all 174 small businesses identified would incur costs below 1% of sales.

EPA continues to be interested in the potential impacts of this proposed rule on small entities that are not exempt from reporting and welcomes comments on issues related to such impacts.

D. Unfunded Mandates Reform Act (UMRA)

Based on EPA's experience with proposing and finalizing rules under TSCA section 8(a), State, local and Tribal governments have not been impacted by these rulemakings, and EPA does not have any reason to believe that any State, local or Tribal government would be impacted by this rulemaking. In addition, this action will not result in annual expenditures of $100 million or more for the private sector. As such, EPA has determined that this action does not impose any enforceable duty, contain any unfunded mandate, or otherwise have any effect on small governments, and that the requirements of sections 202, 203, 204, or 205 of UMRA, 2 U.S.C. 1531–1538, do not apply to this action.

E. Executive Order 13132: Federalism

This action does not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999).

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications because it will not have any effect on tribal governments, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000).

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997), as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of Executive Order 13045 has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks. Nevertheless, the information obtained by the reporting required by this proposed rule will be used to inform the Agency's decision-making process regarding chemical substances to which children may be disproportionately exposed. This information will also assist the Agency and others in determining whether the chemical substances addressed in this proposed rule present potential risks, allowing the Agency and others to take appropriate action to investigate and mitigate those risks.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not a ''significant energy action'' as defined in Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not likely to have a significant adverse effect on energy supply, distribution, or use.

I. National Technology Transfer and Advancement Act (NTTAA)

Since this action does not involve any technical standards, NTTAA section 12(d), 15 U.S.C. 272 note, does not apply to this action.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

This action does not entail special considerations of environmental justice related issues as delineated by Executive Order 12898 (59 FR 7629, February 16, 1994), because EPA has determined that this action will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations. This action does not affect the level of protection provided to human health or the environment.

This action does not affect the level of protection provided to human health or the environment. However, the Agency believes that the information collected under this proposed rule, if finalized, will assist EPA and others in determining the potential hazards and risks associated with various chemicals manufactured processed, and used at the nanoscale. Although not directly impacting environmental justice-related concerns, this information will enable the Agency to better protect human health and the environment, including in low-income and minority communities.

List of Subjects in 40 CFR Part 704

Environmental protection, Chemicals, Hazardous materials, Recordkeeping, and Reporting Requirements.

Dated: March 20, 2015.

James Jones,

Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

Therefore, 40 CFR chapter I is proposed to be amended as follows:

PART 704 [AMENDED]

■ 1. The authority citation for part 704 continues to read as follows:

Authority: 15 U.S.C. 2607(a).

■ 2. Add § 704.20 to Subpart B, to read as follows

§ 704.20 Chemical substances manufactured or processed at the nanoscale.

(a) Definitions. For purposes of this section the terms below are defined as follows:

An *agglomerate* is a collection of weakly bound particles or aggregates or mixtures of the two where the resulting external surface area is similar to the sum of the surface areas of the individual components.

An *aggregate* is a particle comprising strongly bonded or fused particles where the resulting external surface area may be significantly smaller than the sum of calculated surface areas of the individual components.

Central Data Exchange or *CDX* means EPA's centralized electronic submission receiving system.

Chemical Information Submission System or *CISS* means EPA's electronic, web-based reporting tool for the completion and submission of data, reports, and other information, or its successors.

A *discrete form of a reportable chemical substance* differs from another

form of the same reportable chemical substance in that either:

(1) The change in the reportable chemical substance is due to all of the following:

(i) There is a change in process to affect a change in size and/or a change in one or more of the properties of the reportable chemical substances identified in (iii);

(ii) There is a size variation in the mean particle size that is greater than 7 times the standard deviation of the mean particle size (+/− 7 times the standard deviation); and

(iii) There is a measured change in at least one of the following properties, *zeta* potential, specific surface area, dispersion stability, or surface reactivity, is greater than 7 times the standard deviation of the measured value (+/− 7 times the standard deviation);

(2) The reportable chemical substance has a different morphology. Examples of morphologies include but are not limited to sphere, rod, ellipsoid, cylinder, needle, wire, fiber, cage, hollow shell, tree, flower, ring, torus, cone, and sheet; or

(3) A reportable chemical substance that is coated with another chemical substance or mixture at the end of manufacturing or processing has a coating that consists of a different chemical substance or mixture.

The *Nanoscale Materials Stewardship Program* was a program conducted by EPA from January 2008 to December 2009 under which some nanoscale material manufacturers and processors voluntarily provided EPA available information on engineered nanoscale materials that were manufactured processed or used.

Primary particles are particles or droplets that form during manufacture of a chemical substance before aggregation or agglomerization occurs.

A *reportable chemical substance* is a chemical substance that is solid at 25 °C and atmospheric pressure that is manufactured or processed in a form where the primary particles, aggregates, or agglomerates are in the size range of 1–100 nm and exhibit unique and novel characteristics or properties because of their size. A reportable chemical substance does not include a chemical substance that only has trace amounts of primary particles, aggregates, or agglomerates in the size range of 1–100 nm, such that the chemical substance does not exhibit the unique and novel characteristics or properties because of particle size.

A *small manufacturer or processor* means any manufacturer or processor whose total annual sales, when combined with those of its parent company (if any), are less than $ 4 million. The definition of *small manufacturer* in section 704.3 of this title does not apply to reporting under this section (40 CFR 704.20).

Specific surface area means the ratio of the area of the surface of the reportable chemical substance to its mass or volume. Specific surface area by mass is the ratio of the area of the surface of a nanoscale material divided by the mass (m^2/kg) and the specific surface area by volume is the area of the surface of the reportable chemical substance divided by its volume m^2/m^3.

Zeta Potential is the electrokinetic potential in colloidal systems. It is measured as the net number of positive and negative charges per unit particle surface area in Coulomb/m^2.

Surface reactivity means the reactivity at the surface of a reportable chemical substance. It is dependent upon factors such as redox potential, which is a measure of the tendency of a substance to lose or acquire electrons, photocatalytic activity, including the potential to generate free radicals.

(b) Persons who must report.

(1) Manufacturers and processors of a discrete form of a reportable chemical substance during the three years prior to the final effective date of the rule must report except as provided in paragraph (c) of this section.

(2) Persons who propose to manufacture or process a discrete form of a reportable chemical substance after the final effective date of the rule which was not reported under paragraph (b)(1) must report except as provided in paragraph (c) of this section.

(c) *When reporting is not required.*

(1) The following chemical substances are not subject to reporting under this section:

(i) Zinc oxide

(ii) Nanoclays

(iii) Chemical substances manufactured at the nanoscale as part of a film on a surface

(iv) DNA

(v) RNA

(vi) Proteins

(vii) Chemical substances which dissociate completely in water to form ions that are smaller than 1 nanometer.

(2) Persons who submitted a TSCA chemical notice under 40 CFR part 720, 721, or 723 for a reportable chemical substance on or after January 1, 2005 are not required to submit a report for the reportable chemical substance submitted except where the person manufactured or processed a discrete form of the reportable chemical substance.

(3) Section 704.5 (a) through (e) apply to reporting under this section. Small manufacturers and processors as defined in paragraph (a) of this section are exempt from reporting under this section.

(4) Persons who submitted some or all of the required information for a reportable chemical substance as part of the Nanoscale Materials Stewardship Program are not required to report the information previously submitted except where the person manufactures or processes a discrete form of the reportable chemical substance.

(d) What information to report. The following information must be reported for each discrete form of a reportable chemical substance to the extent that it is known to or reasonably ascertainable by the person reporting:

(1) The common or trade name, the specific chemical identity including the correct Chemical Abstracts (CA) Index Name and available Chemical Abstracts Service (CAS) Registry Number, and the molecular structure of each chemical substance or mixture. Information must be reported as specified in § 720.45.

(2) Material characteristics including particle size, morphology, and surface modifications.

(3) Physical/chemical properties.

(4) The maximum weight percentage of impurities and byproducts resulting from the manufacture, processing, use, or disposal of each chemical substance.

(5)(i) Persons described in paragraph (b)(1) of this section must report the annual production volume for the previous three years before the effective date of the final rule and an estimate of the maximum production volume for any consecutive 12-month period during the next two years of production after the final effective date of this rule.

(ii) Persons described in paragraph (b)(2) of this section must report the estimated maximum 12 month production volume and the estimated maximum production volume for any consecutive 12 month period during the first three years of production.

(iii) Estimates for paragraphs (d)(5)(i) and (ii) of this section must be on 100% chemical basis of the discrete form of the solid nanoscale material.

(6) Use information describing the category of each use by function and application, estimates of the amount manufactured or processed for each category of use, and estimates of the percentage in the formulation for each use.

(7) Detailed methods of manufacturing or processing.

(8) Exposure information with estimates of the number of individuals exposed in their places of employment, descriptions and duration of the occupational tasks that cause such

exposure, descriptions and estimates of any general population or consumer exposures.

(9) Release information with estimates of the amounts released, descriptions and duration of the activities that cause such releases, and whether releases are directly to the environment or to control technology.

(10) Risk management practices describing protective equipment for individuals, engineering controls, control technologies used, any hazard warning statement, label, safety data sheet, customer training, or other information which is provided to any person who is reasonably likely to be exposed to this substance regarding protective equipment or practices for the safe handing, transport, use, or disposal of the substance.

(11) Existing data concerning the environmental and health effects.

(e) How to report. You must use CDX and the CISS tool to complete and submit the information required under this part to EPA electronically.

(1) *Reporting form.* You must complete EPA Form No. 7710–xx, TSCA § 8(a) Reporting for Nanoscale Materials: Data Submission Form.

(2) *Electronic submission.* You must submit the required information to EPA electronically via CDX and using the CISS tool.

(i) To access the CDX portal, go to *https://cdx.epa.gov*.

(ii) The CISS tool is accessible in CDX.

(f) When to report.

(1) Persons specified in paragraph (b)(1) of this section must report the information specified in paragraph (d) of this section within six months after the final effective date of the rule.

(2) Persons specified in paragraph (b)(2) of this section must report the information specified in paragraph (d) of this section at least 135 days before commencing manufacture or processing of the chemical substance.

(g) Recordkeeping. Any person subject to the reporting requirements of this section is subject to the recordkeeping requirements in § 704.11 (a) and (b).

(h) Confidential business information. Persons submitting a notice under this rule are subject to the requirements for confidential business information claims in § 704.7.

[FR Doc. 2015–07497 Filed 4–3–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 12

[PS Docket No. 14–193; PS Docket No. 13–75; FCC 14–186]

911 Governance and Accountability; Improving 911 Reliability

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment and reply comment deadlines.

SUMMARY: In this document, the Public Safety and Homeland Security Bureau (Bureau) extends the deadline for filing comments and reply comments on its 911 Governance and Accountability Notice of Proposed Rulemaking (911 Governance NPRM), which sought comment on mechanisms to ensure, in cooperation with state and local partners, that the nation's 911 governance structure keeps pace with evolving technology so that all entities providing 911 service capabilities remain accountable for reliable 911 call completion and accurate situational awareness.

DATES: The comment period for the proposed rule published January 22, 2015 (80 FR 3191) is reopened. Comments were due on or before March 23, 2015, and reply comments are due on or before April 21, 2015.

ADDRESSES: You may submit comments to the 911 Governance NPRM, identified by PS Docket Nos. 14–193 and 13–75, by any of the following methods:

- *Electronic Filers:* Federal Communication Commission's Electronic Comments Filing System (ECFS): *http://fjallfoss.fcc.gov/ecfs2/*. Follow the instructions for submitting comments.
- *Paper Filers:* All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW., Room TW–A325, Washington, DC 20554. The filing hours are 8 a.m. to 7 p.m. Eastern Time (ET). All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.
- *People With Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, or audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), (202) 418–0432 (TTY).

FOR FURTHER INFORMATION CONTACT: Eric Schmidt, Attorney Advisor, Public Safety and Homeland Security Bureau, (202) 418–1214, *eric.schmidt@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Bureau's Order in PS Docket Nos. 14–193 and 13–75, DA 15–299, adopted and released on March 6, 2015, and pertaining to the proposed rule published January 22, 2015 (80 FR 3191). The complete text of this document is available for public inspection and copying from 8 a.m. to 4:30 p.m. ET Monday through Thursday or from 8 a.m. to 11:30 a.m. ET on Fridays in the FCC Reference Information Center, 445 12th Street SW., Room CY–A257, Washington, DC 20554. The complete text is also available on the Commission's Web site at *http://transition.fcc.gov/Daily_Releases/Daily_Business/2015/db0306/DA-15-299A1.pdf,* or by using the search function on the ECFS Web page at *http://www.fcc.gov/cgb/ecfs/.*

Summary

The Bureau released an Order on March 6, 2015, which extends the comment and reply comment filing deadlines for the 911 Governance NPRM, 80 FR 3191, January 22, 2015. The Order responded to a joint petition by the Association for Telecommunications Industry Solutions (ATIS); the Association of Public Safety Communications Officials International (APCO); the Industry Council for Emergency Response Technologies (iCERT); the National Association of State 911 Administrators (NASNA); the National Emergency Number Association (NENA); and the United States Telecom Association (USTA) seeking an extension of the comment period. Pursuant to sections 4(i) of the Communications Act of 1934, as amended, and pursuant to the authority delegated in 47 CFR 0.191, 0.392, and 1.46, the Bureau extended the deadline for filing comments until March 23, 2015, and extends the deadline for reply comments until April 21, 2015.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2015–07392 Filed 4–3–15; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 224

[Docket No. 141216999–5311–01]

RIN 0648–XD669

Endangered and Threatened Wildlife; 90-Day Finding on a Petition To List the Gulf of Mexico Bryde's Whale as Threatened or Endangered Under the Endangered Species Act

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

ACTION: 90-day petition finding, request for information.

SUMMARY: We, NMFS, announce a 90-day finding on a petition to list the Gulf of Mexico Bryde's whale (*Balaenoptera edeni*) as an endangered distinct population segment (DPS) under the Endangered Species Act (ESA). We find that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted. Accordingly, we will conduct a review of the status of this species to determine if the petitioned action is warranted. To ensure that the status review is comprehensive, we solicit information pertaining to this species from any interested party.

DATES: Information and comments on the subject action must be received by June 5, 2015.

ADDRESSES: You may submit comments, information, or data on this document, identified by NOAA–NMFS–2014–0157, by either of the following methods:

- *Electronic Submissions:* Submit all electronic comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0157,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to NMFS, Southeast Regional Office, 263 13th Avenue South, St. Petersburg, FL 33701

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Jason Rueter, NMFS Southeast Region, 727–824–5350; or Ron Salz, NMFS Office of Protected Resources, 301–427–8171.

SUPPLEMENTARY INFORMATION:

Background

On September 18, 2014, we received a petition from the Natural Resources Defense Council to list the Gulf of Mexico population of Bryde's whale (*Balaenoptera edeni*) as an endangered DPS under the ESA. Supporting information in the form of bibliographic references, reprints of pertinent publications, copies of reports or letters from authorities, and maps as required by 50 CFR 424.14(b)(2)(iv) was not included in the petition. We requested those materials on October 10, 2014, and on October 21, 2014, we received some materials. We made a second request for outstanding information on November 26, 2014, and received materials the same day. Copies of this petition are available from us (see ADDRESSES, above) and can be found at *http://sero.nmfs.noaa.gov/protected_resources/listing_petitions/index.html*

ESA Statutory and Regulatory Provisions and Evaluation Framework

Section 4(b)(3)(A) of the ESA of 1973, as amended (U.S.C. 1531 *et seq.*), requires, to the maximum extent practicable, that within 90 days of receipt of a petition to list a species as threatened or endangered, the Secretary of Commerce make a finding on whether that petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, and to promptly publish such finding in the **Federal Register** (16 U.S.C. 1533(b)(3)(A)). When we find that substantial scientific or commercial information in a petition indicates the petitioned action may be warranted (a ''positive 90-day finding''), we are required to promptly commence a review of the status of the species concerned during which we will conduct a comprehensive review of the best available scientific and commercial information. In such cases, we are to conclude the review with a finding as to whether, in fact, the petitioned action is warranted within 12 months of receipt of the petition. Because the finding at the 12-month stage is based on a more thorough review of the available information, as compared to the narrow scope of review at the 90-day stage, a ''may be warranted'' finding does not prejudge the outcome of the status review.

Under the ESA a listing determination addresses a ''species,'' which is defined to also include subspecies and, for any vertebrate species, any DPS that interbreeds when mature (16 U.S.C. 1532(16)). A joint NMFS–U.S. Fish and Wildlife Service (USFWS) policy clarifies the agencies' interpretation of the phrase ''distinct population segment'' for the purposes of listing, delisting, and reclassifying a species under the ESA (''DPS Policy''; 61 FR 4722; February 7, 1996). A species, subspecies, or DPS is ''endangered'' if it is in danger of extinction throughout all or a significant portion of its range, and ''threatened'' if it is likely to become endangered within the foreseeable future throughout all or a significant portion of its range (ESA sections 3(6) and 3(20), respectively; 16 U.S.C. 1532(6) and (20)). Pursuant to the ESA and our implementing regulations, we determine whether species are threatened or endangered because of any one or a combination of the following ESA section 4(a)(1) factors: The present or threatened destruction, modification, or curtailment of habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; inadequacy of existing regulatory mechanisms; and any other natural or manmade factors affecting the species' existence (16 U.S.C. 1533(a)(1), 50 CFR 424.11(c)).

ESA-implementing regulations issued jointly by NMFS and USFWS (50 CFR 424.14(b)) define ''substantial information'' in the context of reviewing a petition to list, delist, or reclassify a species as the amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted. When evaluating whether substantial information is contained in a petition, the Secretary must consider whether the petition: (1) Clearly indicates the administrative measure recommended and gives the scientific and any common name of the species involved; (2) contains detailed narrative justification for the recommended measure, describing, based on available information, past and present numbers and distribution of the species involved and any threats faced by the species; (3) provides information regarding the status of the species over all or a significant portion of its range; and (4) is accompanied by the appropriate supporting documentation in the form

of bibliographic references, reprints of pertinent publications, copies of reports or letters from authorities, and maps (50 CFR 424.14(b)(2)).

Court decisions clarify the appropriate scope and limitations of the NMFS' review of petitions at the 90-day finding stage, in making a determination whether a petitioned action ''may be warranted.'' As a general matter, these decisions hold that a petition need not establish a ''strong likelihood'' or a ''high probability'' that a species is either threatened or endangered to support a positive 90-day finding.

We evaluate the petitioner's request based upon the information in the petition, including its references, and the information readily available in our files. We do not conduct additional research, and we do not solicit information from parties outside the agency to help us in evaluating the petition. We will accept the petitioner's sources and characterizations of the information presented, if they appear to be based on accepted scientific principles, unless we have specific information in our files that indicates the petition's information is incorrect, unreliable, obsolete, or otherwise irrelevant to the requested action. Information that is susceptible to more than one interpretation or that is contradicted by other available information will not be dismissed at the 90-day finding stage, so long as it is reliable and a reasonable person would conclude it supports the petitioner's assertions. In other words, conclusive information indicating the species may meet the ESA's requirements for listing is not required to make a positive 90-day finding. We will not conclude that a lack of specific information alone negates a positive 90-day finding, if a reasonable person would conclude that the unknown information itself suggests an extinction risk of concern for the species at issue.

To make a 90-day finding on a petition to list a species, we evaluate whether the petition presents substantial scientific or commercial information indicating the subject species may be either threatened or endangered, as defined by the ESA. First, we evaluate whether the information presented in the petition, along with the information readily available in our files, indicates that the petitioned entity constitutes a ''species'' eligible for listing under the ESA. Next, we evaluate whether the information indicates that the species at issue faces extinction risk that is cause for concern; this may be indicated in information expressly discussing the species' status and trends, or in information describing impacts and threats to the species. We evaluate any information on specific demographic factors pertinent to evaluating extinction risk for the species at issue (*e.g.,* population abundance and trends, productivity, spatial structure, age structure, sex ratio, diversity, current and historical range, habitat integrity or fragmentation), and the potential contribution of identified demographic risks to extinction risk for the species. We then evaluate the potential links between these demographic risks and the causative impacts and threats identified in section 4(a)(1).

Information presented on impacts or threats should be specific to the species and should reasonably suggest that one or more of these factors may be operative threats that act or have acted on the species to the point that it may warrant protection under the ESA. Broad statements about generalized threats to the species, or identification of factors that could negatively impact a species, do not constitute substantial information that listing may be warranted. We look for information indicating that not only is the particular species exposed to a factor, but that the species may be responding in a negative fashion; then we assess the potential significance of that negative response.

Analysis of the Petition

We have determined, based on the information provided in the petition and readily available in our files, that substantial information is presented in the petition indicating that the petitioned action may be warranted. The petition contains a recommended administrative measure, provides the scientific and common name, contains a detailed narrative justification for the recommended measure, provides information on the status of the species, and includes supporting documentation. Below is a synopsis of our analysis of the information provided in the petition and readily available in our files.

Bryde's Whale Species Description

The Bryde's whale (*Balaenoptera edeni*) is a baleen whale, more specifically a rorqual, belonging to the same group as the blue whale and the humpback whale. They are distributed around the tropical waters of the world between 40°N and 40°S, or in waters warmer than 16.3°C (Kato, 2002). The Bryde's whale is represented by two subspecies: *B. e. edeni* and *B. e. brydei.* The generally larger form (14–15 m in length), *B. e. brydei* or ''ordinary Bryde's whale,'' is found in temperate and tropical waters within the Atlantic, Pacific, and Indian Oceans, with a somewhat smaller inshore group found in coastal South Africa. The smaller form (rarely exceeding 11.5m in length), *B. e. edeni,* has been found only in the Western Pacific, in waters off Asia and possibly Australia. Two other species, the sei whale (*B. borealis*) and the Omura's whale (*B. omurai*), are closely related to the Bryde's whale and often considered part of the Bryde's whale ''complex'' (Wada *et al.,* 2003; Sasaki *et al.,* 2006). Here the term ''Bryde's whale'' refers to *B. edeni* and its subspecies (*B. e. edeni* and *B. e. brydei).*

Like other rorquals, the Bryde's whale has twin blowholes behind a protruding ridge and two rows of baleen plates instead of teeth. Good descriptions of the Bryde's whale can be found in Olsen (1913) and Best (1977). These reports note that the Bryde's whale is dark smoky-gray dorsally and usually white ventrally. It is elongated, with a small, curved dorsal fin, and slender, pointed flippers. These flippers are bluish-black dorsally, grey ventrally and can reach approximately 10 percent of the total length of the animal. The throat area is dark bluish-grey, with 42–54 ventral grooves or furrows that extend back at least to the umbilicus. It has around 280 (ranging between 255 and 365) relatively stiff baleen plates of up to 0.5 m in length on each side of the mouth. Each plate has very coarse bristles forming a ''bush'' at the top. A median groove extending from the umbilicus to the genital aperture is typically present.

Bryde's whales are generally found in a range of habitats and water depths. Their distribution in the Gulf of Mexico appears highly limited to a relatively small area off the Florida Panhandle along the shelf edge in DeSoto Canyon at depths between 100 and 1,000 m (*e.g.,* Mullin and Fulling, 2004; Širović *et al.,* 2014). There have been no confirmed records of Bryde's whales from the Gulf of Mexico outside the U.S. Exclusive Economic Zone (EEZ), but it cannot be ruled out that the whales move outside this small area, including into the waters off Cuba or Mexico; the U.S. EEZ only makes up 35 percent of the oceanic waters of the Gulf of Mexico (NMFS, 2013).

The petitioner presented information on the status of the population of the Gulf of Mexico Bryde's whale, and additional information was also available in our files. There have been four point estimates of population size made since 1991 for the northern Gulf of Mexico (*i.e.,* within the U.S. EEZ only). The best abundance estimate for the Gulf of Mexico Bryde's whale is 33 (Coefficient of Variation [CV] = 1.07) from a summer 2009 oceanic survey,

with a minimum population estimate of 16 whales (NMFS, 2012). This estimate is below the 35 animals (CV = 1.10) for the 1991 to 1994 period (Hansen *et al.,* 1995) and the 40 animals (CV = 0.61) estimated for the 1996 to 2001 period (Mullin and Fulling, 2004), and greater than the estimate for 2003 to 2004, which was 15 animals (CV = 1.98) (Mullin, 2007). While there have been four point estimates made, the precision of the estimates is poor, there is no statistical difference between the maximum and minimum estimates (NMFS, 2009), and no interpretation of population trends should be made from these values. NMFS (2009) further cautions that the available estimates, based on surveys conducted only in the U.S. EEZ, cannot account for changes in abundance from shifts in distribution beyond U.S. waters, and NMFS (2012) recommends that Bryde's whales need to be satellite tagged to determine whether they use the northeastern Gulf exclusively or travel to other areas.

DPS Analysis

The petition requests that we designate Bryde's whales in the Gulf of Mexico as an endangered DPS and presents arguments that Bryde's whales in the Gulf of Mexico meet NMFS and the U.S. Fish and Wildlife Service's (together, the Services) requirements for identifying a DPS eligible for listing. Our DPS policy identifies two elements that must be considered when identifying a DPS: (1) The discreteness of the population segment in relation to the remainder of the species (or subspecies) to which it belongs; and (2) the significance of the population segment to the species to which it belongs. A population segment of a vertebrate species may be considered discrete if it satisfies either one of the following conditions: (1) It is markedly separated from other populations of the same taxon as a consequence of physical, physiological, ecological, or behavioral factors—quantitative measures of genetic or morphological discontinuity may provide evidence of this separation; or (2) it is delimited by international governmental boundaries within which differences in control of exploitation, management of habitat conservation status, or regulatory mechanisms exist that are significant in light of section 4(a)(1)(D) of the ESA. If a population segment is considered discrete under one or more of the above conditions, its biological and ecological significance will then be considered in light of Congressional guidance (see Senate Report 151, 96th Congress, 1stSession) that the authority to list DPSs be used ''sparingly'' while encouraging the conservation of genetic diversity. In carrying out this examination, the Services will consider available scientific evidence of the discrete population segment's importance to the taxon to which it belongs. This consideration may include, but is not limited to, the following: (1) Persistence of the discrete population segment in an ecological setting unusual or unique for the taxon; (2) evidence that loss of the discrete population segment would result in a significant gap in the range of a taxon; (3) evidence that the discrete population segment represents the only surviving natural occurrence of a taxon that may be more abundant elsewhere as an introduced population outside its historic range; or (4) evidence that the discrete population segment differs markedly from other populations of the species in its genetic characteristics.

The petitioner asserts that genetic and morphological information is evidence the Gulf of Mexico Bryde's whale population qualifies as a distinct population segment under the ESA. The petition cites Rosel and Wilcox (2014) as evidence the Gulf of Mexico Bryde's whale population is as evolutionarily distinct as other recognized subspecies within the Bryde's whale complex. The petition also includes information indicating those whales in the Gulf of Mexico are residents and may be geographically isolated from other Bryde's whales. Analyzing DNA sequence data from three mitochondrial DNA and nine nuclear genes, and examining 42 nuclear microsatellite loci for 21 Bryde's whale samples, Rosel and Wilcox (2014) found that ''Gulf of Mexico Bryde's whale haplotypes are evolutionarily distinct from other members of the Bryde's whale complex.'' Further, Rosel and Wilcox (2014) found that Gulf of Mexico Bryde's whales are as divergent as the two already recognized subspecies of Bryde's whales. Rosel and Wilcox (2014) also stated that the divergence is as great as two species generally are from one another, thus we find that the petition presents substantial evidence that the DPS policy's criteria for discreteness may be met for the Gulf of Mexico Bryde's whale.

The petitioner also argues that the Bryde's whale in the Gulf of Mexico is significant because of its unique genetic characteristics, its behavior and morphology, and because it is the only resident baleen whale population in the Gulf of Mexico. The petitioners cite the findings of Rosel and Wilcox (2014) and state the genetic differentiation shown by the Gulf of Mexico Bryde's whale makes it evolutionarily significant. The petitioners also argue that the Gulf of Mexico Bryde's whale is behaviorally and morphologically different from other Bryde's whales. Behaviorally, the Gulf of Mexico Bryde's whales use a call that differs in frequency and repetitive structure from variants used in other Bryde's whale populations (Širović *et al.,* 2014; Rice *et al.,* 2014). Morphologically, the Gulf of Mexico Bryde's whales' body lengths seem intermediary to the smaller *B. e. edeni* and larger *B. e. brydei* forms (Best, 1977; Rice, 1998). The petitioner also states that as the only resident baleen whale in the Gulf of Mexico, the Bryde's whale fills a unique ecological niche. We therefore conclude that the petition presents sufficient evidence that the DPS policy's criteria for significance may be met for the Gulf of Mexico Bryde's whale. Because the Gulf of Mexico population of Bryde's whale may qualify as a DPS, we will consider it a potentially listable entity for purposes of this 90-day finding. Whether the Gulf of Mexico population of Bryde's whales constitutes a DPS will receive further analysis in the status review.

Analysis of ESA Section 4(a)(1) Factors

The petitioner states the Gulf of Mexico Bryde's whale is threatened by three (out of five) ESA Section 4(a)(1) factors: present or threatened destruction, modification, or curtailment of its habitat or range; inadequacy of existing regulatory mechanisms; and other natural or manmade factors affecting its continued existence. The petition cites the following threats as contributing to the present or threatened destruction, modification, or curtailment of habitat or range of the Gulf of Mexico Bryde's whale: (1) Ship strikes, (2) acoustic impacts, (3) oil spills, (4) other toxic chemicals, (5) ocean acidification, (6) entanglement in fishing gear, and (7) trophic impacts due to overfishing. We believe that three of these threats (numbers 1, 6, and 7) should be categorized under the Section 4(a)(1) category ''other natural or manmade factors.''

Ship strikes are a recognized source of whale mortality (Laist *et al.,* 2006). In 2009, a Bryde's whale was struck by a ship near Tampa, Florida (Waring *et al.,* 2013); additionally, eight other Bryde's whales are known to have stranded along the U.S. coast of the Gulf of Mexico between 1975 and 1996, from unknown causes (Laist, 2001). While ship collisions probably have a negligible effect on the status and trend of most whale populations, they may have a significant effect on very small

populations or discrete groups (Laist *et al.,* 2001), such as the Gulf of Mexico population of Bryde's whale. The petition also states that ship-strike risk in the Gulf of Mexico may increase in the near future given expansion of the Panama Canal and the associated increase in vessel traffic. There was one documented, lethal ship strike of a Bryde's whale in 2009, involving a lactating female (therefore, its calf presumably ultimately died as well). Detected mortalities are a minimum estimate and almost certainly biased low. Total human-caused mortality of the northern Gulf of Mexico Bryde's whale stock is unknown, but, based on the 2009 confirmed mortality and the stock's small size, the annual human-caused mortality to the stock is greater than the stock's potential biological removal level (NMFS, 2012), meaning that the level of mortality threatens the stock's ability to achieve and maintain its optimum sustainable population. After reviewing the references and information in our files, we agree that, given the small population size, injury and death from ship strikes may be impacting Gulf of Mexico Bryde's whale to a degree that raises concerns regarding the risk of extinction.

The petition cites numerous sources detailing negative effects of acoustic impacts on marine mammals, including hearing loss, masking of biologically significant sounds, and disruption in foraging and other vital behaviors (NRC, 2003; Weilgart, 2007; CBD, 2012). The petition cites Azzara *et al.* (2013) to indicate that Gulf of Mexico shipping traffic may be disrupting sperm whale behavior and possibly communication and foraging patterns. The petition indicates the calls of Bryde's whale fall well within the range of commercial shipping noise (5 to 500 Hz [Hildebrand, 2009]) and concludes that the high levels of ambient noise in the Gulf of Mexico are likely to constrain the communication range of Bryde's whales, citing Hatch *et al.* (2012), and may potentially induce a chronic stress response, citing Rolland *et al.* (2012).

The petition also cites seismic exploration using airguns as a threat that would degrade Bryde's whale communication, based on the frequency overlap between Bryde's whale calls and the peak energy release of the airguns. Based on reports from other baleen whale species (*e.g.,* Clark and Gagnon, 2006; Gailey *et al.,* 2007; Di Iorio and Clark, 2010; Castellote *et al.,* 2012; Blackwell *et al.,* 2013; Cerchio *et al.,* 2014), the petition suggests that seismic noise may, in addition to masking communication, directly disrupt other behaviors of Bryde's whales. When we conduct 90-day reviews of petitions, we typically look for species-specific information that a threat is operative. In this case, considering the information presented on other large cetaceans, the ubiquity of major noise-producing sources in the Gulf of Mexico, and the apparently constrained habitat of Bryde's whales, we find that there is sufficient information presented to suggest that acoustic impacts may be an operative threat to this species, despite the lack of information specific to Bryde's whales. After reviewing the information in the petition, we conclude that commercial and industrial ocean noise may be negatively affecting Gulf of Mexico Bryde's whale behavior, physiology, and acoustic habitat to a degree that raises concerns regarding the risk of extinction.

Petition Finding

Based on the above information and the criteria specified in 50 CFR 424.14(b)(2), we find substantial information was presented on the ''present or threatened destruction, modification, or curtailment of its habitat or range'' (*i.e.,* acoustic impacts) and on ''other natural or manmade factors'' (*i.e.,* ship strikes) indicating the petitioned action of listing the Gulf of Mexico Bryde's whale (*B. e. edeni)* as an endangered DPS may be warranted. Since we determined that the threats associated with acoustic impacts and ship strikes indicate that the petitioned action may be warranted, we did not conduct a detailed analysis of the other threats cited by the petitioner here.

Because we have found that substantial information was presented to indicate the petitioned action may be warranted, we will commence a status review of the species. During our status review, we will fully address all five of the factors set out in Section 4(a)(1). At the conclusion of the status review, we will determine whether the petitioned action is warranted. As previously noted, a ''may be warranted'' finding does not prejudge the outcome of the status review.

Information Solicited

As required by section 4(b)(3)(B) of the ESA and NMFS' implementing regulations (50 CFR 424.14(b)(2)), we are to commence a review of the status of the species and make a determination within 12 months of receiving the petition as to whether the petitioned action is warranted. We intend that any final action resulting from this review be as accurate and as effective as possible. Therefore, we open a 60-day public comment period to solicit information from the public, government agencies, the scientific community, industry, and any other interested parties on the delineation of, threats to, and status of the Gulf of Mexico Bryde's whale including: (1) Historical and current distribution, abundance, and population trends; (2) life history and biological information including adaptations to ecological settings, genetic analyses to assess paternal contribution and population connectivity, and movement patterns to determine population mixing; (3) management measures and regulatory mechanisms designed to protect the species; (4) any current or planned activities that may adversely impact the species; and (5) ongoing or planned efforts to protect and restore the species and habitat. We request that all information be accompanied by: (1) Supporting documentation such as maps, bibliographic references, or reprints of pertinent publications; and (2) the submitter's name, address, and any association, institution, or business that the person represents. Section 4(b)(1)(A) of the ESA and NMFS' implementing regulations (50 CFR 424.11(b)) require that a listing determination be made solely on the basis of the best scientific and commercial data, without consideration of possible economic or other impacts of the determination. During the 60-day public comment period we are seeking information related only to the status of the Gulf of Mexico Bryde's whale.

References Cited

A complete list of references is available upon request from the Southeast Regional Office, Protected Resource Division (see **ADDRESSES**).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: March 31, 2015.

Eileen Sobeck,

Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2015–07836 Filed 4–3–15; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 224

[Docket No. 150209121–5121–01]

RIN 0648–XD760

Endangered and Threatened Wildlife; Initial Finding on a Petition to Identify and Delist a Saint John River Distinct Population Segment of Shortnose Sturgeon Under the Endangered Species Act

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

ACTION: Initial petition finding; request for information.

SUMMARY: We (NMFS) announce an initial finding on a petition to identify the Saint John River population of shortnose sturgeon (*Acipenser brevirostrum)* as a distinct population segment (DPS) and delist this DPS from the Endangered Species Act. We have reviewed the petition, the references provided by the petitioner, and information readily available in our files, and we find that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted. Therefore, we will conduct a status review of the shortnose sturgeon to determine if the petitioned actions are warranted. To ensure that our review is comprehensive, we are soliciting scientific and commercial information pertaining to this petition from any interested party.

DATES: Information and comments on the subject action must be received by June 5, 2015.

ADDRESSES: You may submit comments, information, or data on this document, identified by the code NOAA–NMFS–2015–0040, by either of the following methods:

- *Electronic Submissions:* Submit all electronic comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0040,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. We accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous), although submitting comments anonymously will prevent us from contacting you if we have difficulty retrieving your submission.

A copy of the petition and related materials are available upon request from the Director, Office of Protected Resources, 1315 East West Highway, Silver Spring, MD 20910, or online at: *www.nmfs.noaa.gov/pr/species/fish/shortnose-sturgeon.html.*

FOR FURTHER INFORMATION CONTACT: Lisa Manning, Office of Protected Resources, 301–427–8466.

SUPPLEMENTARY INFORMATION:

Background

On September 24, 2014, we received a petition from Dr. Michael J. Dadswell, Dr. Matthew K. Litvak, and Mr. Jonathan Barry regarding the population of shortnose sturgeon (*Acipenser brevirostrum*) native to the Saint John River in New Brunswick, Canada. The petition requests that we identify the Saint John River population of shortnose sturgeon as a distinct population segment (DPS) and contemporaneously delist this DPS from the Endangered Species Act.

Acipenser brevirostrum was originally listed as an endangered species throughout its range by the U.S. Fish and Wildlife Service (USFWS) on March 11, 1967, under the Endangered Species Preservation Act (ESPA, 32 FR 4001). Shortnose sturgeon remained on the endangered species list when the U.S. Congress replaced ESPA by enacting the Endangered Species Conservation Act of 1969, which was in turn replaced by the Endangered Species Act of 1973 (ESA, 16 U.S.C. 1531 *et seq.*). NMFS subsequently assumed jurisdiction for shortnose sturgeon under a 1974 government reorganization plan (39 FR 41370, November 27, 1974). In Canada, the shortnose sturgeon falls under the jurisdiction of the Department of Fisheries and Oceans (DFO) and was listed as a species of ''special concern'' under the Species at Risk Act (SARA) in 1980. The status under SARA was maintained following a 2005 assessment (COSEWIC 2005). Shortnose sturgeon is also listed under Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna (CITES).

Statutory, Regulatory and Policy Provisions

Section 4(b)(3)(A) of the ESA of 1973, as amended (U.S.C. 1531 *et seq.*), requires, to the maximum extent practicable, that within 90 days of receipt of a petition to list a species as threatened or endangered, the Secretary of Commerce make a finding on whether that petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, and to promptly publish the finding in the **Federal Register** (16 U.S.C. 1533(b)(3)(A)). When we find that substantial scientific or commercial information in a petition indicates that the petitioned action may be warranted (a ''positive initial finding'' or ''positive 90-day finding''), we are required to promptly commence a review of the status of the species concerned, which includes conducting a comprehensive review of the best available scientific and commercial information. Within 12 months of receiving the petition, we must conclude the review with a finding as to whether, in fact, the petitioned action is warranted (50 CFR 424.14(b)(3)). Because the finding at the 12-month stage is based on a significantly more thorough review of the available information, a ''may be warranted'' finding at this stage does not prejudge the outcome of the status review.

Under the ESA, a listing determination may address a ''species,'' which is defined to also include subspecies and, for any vertebrate species, any distinct population segment that interbreeds when mature (16 U.S.C. 1532(16)). A joint policy issued by NMFS and the U.S. Fish and Wildlife Service (USFWS) clarifies the interpretation of the phrase ''distinct population segment,'' or DPS for the purposes of listing, delisting, and reclassifying a species under the ESA (''DPS Policy,'' 61 FR 4722, February 7, 1996). The DPS Policy identifies two criteria for determining whether a population is a DPS: (1) The population must be ''discrete'' in relation to the remainder of the taxon (species or subspecies) to which it belongs; and (2) the population must be ''significant'' to the remainder of the taxon to which it belongs. Congress has instructed the Secretary to exercise authority to recognize DPS's '' * * * sparingly and only when the biological evidence indicates that such action is warranted.'' (Senate Report 151, 96th Congress, 1st

Session). In a recent decision, the United States District Court for the District of Columbia held that the ESA does not permit identification of a DPS solely for purposes of delisting. *See Humane Soc'y* v. *Jewell,* No. 13–186 (BAH), − F.3d. −, 2014 WL7237702 (D.D.C. December 19, 2014) (Western Great Lakes gray wolves). Because this is a single district court decision and may be appealed, we conclude it does not compel us to deny the present petition; however, we note that it highlights potential complications associated with the petitioned action.

A species, subspecies, or DPS is ''endangered'' if it is in danger of extinction throughout all or a significant portion of its range, and ''threatened'' if it is likely to become endangered within the foreseeable future throughout all or a significant portion of its range (ESA sections 3(6) and 3(20), respectively, 16 U.S.C. 1532(6) and (20)). Pursuant to the ESA and our implementing regulations, the determination of whether a species is threatened or endangered shall be based on any one or a combination of the following five section 4(a)(1) factors: The present or threatened destruction, modification, or curtailment of habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; inadequacy of existing regulatory mechanisms; and any other natural or manmade factors affecting the species' existence (16 U.S.C. 1533(a)(1); 50 CFR 424.11(c)).

Under section 4(a)(1) of the ESA and the implementing regulations at 50 CFR 424.11(d), a species shall be removed from the list if the Secretary of Commerce determines, based on the best scientific and commercial data available after conducting a review of the species' status, that the species is no longer threatened or endangered because of one or a combination of the section 4(a)(1) factors. The regulations provide that a species listed under the ESA may be delisted only if such data substantiate that it is neither endangered nor threatened for one or more of the following reasons:

(1) *Extinction.* Unless all individuals of the listed species had been previously identified and located, and were later found to be extirpated from their previous range, a sufficient period of time must be allowed before delisting to indicate clearly that the species is extinct.

(2) *Recovery.* The principal goal of the USFWS and NMFS is to return listed species to a point at which protection under the ESA is no longer required. A species may be delisted on the basis of recovery only if the best scientific and commercial data available indicate that it is no longer endangered or threatened.

(3) *Original data for classification in error.* Subsequent investigations may show that the best scientific or commercial data available when the species was listed, or the interpretation of such data, were in error (50 CFR 424.11(d)).

A determination whether to revise a species-level listing to recognize one or more DPSs in place of a species-level listing involves a judgment as to which approach for managing the species best furthers the purposes of the ESA. We will make that determination prior to making a final finding on the petition.

At the initial finding stage on a petition to list, delist, or reclassify a species, the statute requires that we determine whether the petition has presented substantial scientific or commercial information indicating that the petitioned action may be warranted. *See* ESA section 4(b)(3)(A) (16 U.S.C. 1533(b)(3)(A)). ESA-implementing regulations issued jointly by NMFS and the USFWS (50 CFR 424.14(b)(1)) define ''substantial information'' as the amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted. When evaluating whether substantial information is contained in a petition, we must consider whether the petition: (1) Clearly indicates the administrative measure recommended and gives the scientific and any common name of the species involved; (2) contains detailed narrative justification for the recommended measure, describing, based on available information, past and present numbers and distribution of the species involved and any threats faced by the species; (3) provides information regarding the status of the species over all or a significant portion of its range; and (4) is accompanied by the appropriate supporting documentation in the form of bibliographic references, reprints of pertinent publications, copies of reports or letters from authorities, and maps (50 CFR 424.14(b)(2)).

At the initial finding stage, we evaluate the petitioner's request based upon the information in the petition, including references provided, and the information readily available in our files. We do not conduct additional research, and we do not solicit information from parties outside the agency to help us in evaluating the petition. We will accept the petitioner's sources and characterizations of the information presented if they appear to be based on accepted scientific principles, unless we have specific information in our files which indicates that the petition's information is incorrect, unreliable, obsolete, or otherwise irrelevant to the requested action. Information that is susceptible to more than one interpretation or that is contradicted by other available information will not be dismissed at the initial finding stage, so long as it is reliable and a reasonable person would conclude that it supports the petitioner's assertions. In other words, conclusive information indicating that the species may meet the ESA's requirements for listing is not required to make a positive initial finding.

Many petitions identify risk classifications made by other organizations, such as the International Union for Conservation of Nature (IUCN), the American Fisheries Society, or NatureServe, as evidence of extinction risk for a species. Risk classifications by other organizations or made under other Federal or state statutes may be informative, but such classification alone may not provide the rationale for making an initial finding under the ESA. For example, as explained by NatureServe, their assessments of a species' conservation status do ''not constitute a recommendation by NatureServe for listing under the U.S. Endangered Species Act'' because NatureServe assessments ''have different criteria, evidence requirements, purposes and taxonomic coverage than government lists of endangered and threatened species, and therefore these two types of lists should not be expected to coincide'' (*http://www.natureserve.org/prodServices/statusAssessment.jsp*). Thus, when a petition cites such classifications, we will evaluate the source of information that the classification is based upon in light of the standards of the ESA and our policies as described above.

Species Description

The shortnose sturgeon is a bony fish (Class Osteichthyes) that retains many primitive physical characteristics that reflect its ancient lineage. Distinctive features include a protective armor of bony plates called ''scutes'' that extend longitudinally from the base of the skull to the caudal peduncle; a subterminal, protractile tube-like mouth; and chemosensory barbels. The general body shape is cylindrical, tapering at the head and caudal peduncle, and the upper lobe of the tail is longer than lower lobe. Shortnose sturgeon vary in color but are generally dark brown to olive or black on the dorsal surface, lighter along the row of lateral scutes, and nearly white on the ventral surface. Adults have no teeth but possess bony plates in the

esophagus that are used to crush hard prey items (Vladykov and Greeley 1963; Gilbert 1989). The skeleton is almost entirely cartilaginous with the exception of some bones in the skull, jaw and pectoral girdle. Maximum reported length is 1.43 m (total length, TL) and maximum reported weight is 23 kg (Dadswell 1984). Growth rates and maximum size display clinal variation, with the fastest growth rates and smallest maximum sizes occurring in southern populations. Shortnose sturgeon are benthic feeders, and their diet typically consists of small insects, crustaceans, mollusks, polychaetes, and small benthic fishes (McCleave *et al.* 1977; Dadswell 1979; Marchette and Smiley 1982; Dadswell *et al.* 1984; Moser and Ross 1995; Kynard *et al.* 2000; Collins *et al.* 2002).

Shortnose sturgeon occur along the East Coast of North America in rivers, estuaries, and marine waters. The current species' range is thought to extend from the Saint John River in New Brunswick, Canada, south to the St. Johns River, Florida (NMFS 1998). Shortnose sturgeon are ''anadromous,'' meaning they are born in freshwater, migrate to the ocean, then migrate back into freshwater as adults to spawn. However, some shortnose sturgeon populations rarely leave their natal river or associated estuary.

Shortnose sturgeon are relatively long-lived and slow to mature. Female sturgeon can live up to 67 years, but males seldom exceed 30 years of age. Males and females mature at about the same length, around 1.5–1.8 feet (45–55 cm), throughout their range. However, age at maturity varies across the range due the clinal variation in growth rates. Shortnose sturgeon also exhibit sexually dimorphic growth patterns across latitude: males mature at 2–3 years in Georgia and at 10–11 years in the Saint John River; females mature at 4–5 years in Georgia and at 12–18 years in the Saint John River (NMFS 2010). In general, males are thought to spawn every other year, but may spawn annually in some rivers (Kieffer and Kynard 1996; NMFS 1998). Females appear to spawn less frequently—approximately every three years to five years (Dadswell 1979).

Analysis of the Petition

The petition requests that we identify the Saint John River shortnose sturgeon (SJRSS) as a DPS and make a finding that this DPS does not meet the definition of threatened or endangered under the ESA. In effect, the petition requests the delisting of the SJRSS, which is currently part of the range-wide listing of shortnose sturgeon at the taxonomic level of species. The administrative actions requested in the petition are clear, and the petition is supported by a detailed narrative justification and appropriate references. The petition provides information regarding the status of, and threats to, the SJRSS. The petition does not request any DPS delineations or change in ESA status for the remainder of the species, and does not provide a discussion of the abundance, distribution, status or threats to shortnose sturgeon within the U.S. portion of the species' range. The Petitioners state that while they understand their petition may ''trigger a range-wide status review of shortnose sturgeon,'' they ''respectfully request that the designation of the SJRSS population be treated independently and published on its own merits and schedule.''

As stated previously, to be considered a DPS, a population must be both discrete from other populations of the species and significant to the species as a whole (61 FR 4722, February 7, 1996). Under the DPS Policy, a population may be considered ''discrete'' if it satisfies either one of the following conditions:

(1) It is markedly separated from other populations of the same taxon as a consequence of physical, physiological, ecological, or behavioral factors. Quantitative measures of genetic or morphological discontinuity may provide evidence of this separation.

(2) It is delimited by international governmental boundaries within which differences in control of exploitation, management of habitat, conservation status, or regulatory mechanisms exist that are significant in light of section 4(a)(1)(D) of the ESA.

The petition states that the SJRSS is markedly separated from other populations as a result of ''geography, range, and physical constraints.'' The petition does not specify, nor are we aware of, any ''physical constraints'' that preclude mixing of the Saint John River (SJR) population with other populations. However, the petition and references in our files suggest that there is no, or only limited, spatial overlap in the range of shortnose sturgeon from the SJR and rivers just to the south in Maine (*e.g.,* Kennnebec, Androscoggin and Penobscot rivers). Separation of the SJR population from other shortnose populations is also supported by genetic data, which indicate limited interbreeding among some river populations. For example, Wirgin *et al.* (2009) assessed genetic differentiation among shortnose sturgeon from 14 river systems by comparing frequencies of mitochondrial DNA (mtDNA) control region haplotypes. The results of this analysis indicate that although 6 of 8 haplotypes in the SJR sample (N= 42 fish) are shared with other Gulf of Maine river samples, the SJR sample has significantly different haplotype frequencies than the other Gulf of Maine rivers (Wirgin *et al.* 2009). Female-mediated gene flow between the Penobscot River and the Saint John River was also estimated to occur at a low rate—only about 2 migrants per generation (Wirgin *et al.* 2009). A more recent study by King *et al.* (2014) using nuclear DNA provides additional indication that the SJRSS may be discrete from other river populations. King *et al.* (2014) used multiple approaches (principle component analysis and Bayesian clustering) to analyze data for 11 microsatellite loci for shortnose sturgeon from 17 sample populations (N= 561 total fish), including 25 fish from the SJR. The results suggest the existence of three metapopulations (Northeast, Mid-Atlantic, and South Atlantic), each with a different degree of genetic sub-structuring. The Northeast metapopulation, which encompasses the Merrimack, Androscoggin, Kennebec, Penobscot and Saint John rivers, was shown to have a moderate degree of differentiation into three groups: Merrimack, Androscoggin/Kennebec/Penobscot, and Saint John River. Estimates of the effective number of migrants per generation were very low among the three metapopulations (average ranged between 0.89–1.89), but were much higher within each metapopulation. For the Saint John River in particular, the estimated effective number of migrants per generation with the other rivers within the Northeast metapopulation ranged from 2.25–3.43 (King *et al.* 2014). Overall, we find that the SJRSS may be discrete from other populations based on the existing genetic data.

The petition also asserts that the SJRSS can be considered ''discrete,'' because it is delimited by the U.S.-Canada border, on either side of which the species experiences significant differences in the control of exploitation, management of habitat, conservation status, and regulatory mechanisms. In support of this assertion, the petition points to the differing conservation status that shortnose sturgeon has under the ESA in the United States and the SARA in Canada. The shortnose sturgeon is listed as ''endangered'' under the ESA, and the SJRSS is listed as ''special concern'' under the SARA. Resulting differences include that under the ESA, all ''take'' of endangered species such as the

shortnose sturgeon is prohibited, with take being defined as ''to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct'' (16 U.S.C. 1532(19)); whereas, in Canada, under the Fisheries Act, all means of killing SJRSS are prohibited except for fishing (R.S.C.1985,c. F–14), which apparently results in virtually zero mortality due to conservative size restrictions on retention of shortnose sturgeon (COSEWIC 2005). Certain provisions of the ESA apply throughout the range of shortnose sturgeon to prohibit activities undertaken by persons subject to U.S. jurisdiction. See 16 U.S.C. 1538(a)(1)(A), (D)–(F). The petition does not provide additional information to clarify how the differences in the control of exploitation or regulation of the species within the two countries translate into meaningful differences for shortnose sturgeon or its habitat, nor does it explain how the management differences are significant with respect to section 4(a)(1)(D) of the ESA. We find that, while there is insufficient support to use the international boundary as a potential basis for considering the SJRSS ''discrete,'' the petition does provide sufficient information to indicate that the SJRSS may be discrete based on biological data; and therefore, we proceeded to evaluate information presented in the petition and the cited references with respect to the second criterion of the DPS Policy.

Under the DPS Policy, if a population segment is found to be discrete, then its biological and ecological significance to the taxon to which it belongs is evaluated. This consideration may include, but is not limited to: (1) Persistence of the discrete population segment in an ecological setting unusual or unique for the taxon; (2) evidence that the loss of the discrete population segment would result in a significant gap in the range of a taxon; (3) evidence that the discrete population segment represents the only surviving natural occurrence of a taxon that may be more abundant elsewhere as an introduced population outside its historical range; and (4) evidence that the discrete population segment differs markedly from other populations of the species in its genetic characteristics (61 FR 4722, February 7, 1996).

The petition states that the SJRSS meets the ''significance'' criterion of the DPS Policy on the basis of all four of the considerations listed in the policy. First, the petition asserts that the SJRSS persists in a unique ecological setting, because it occurs at the northern extreme of the species' range. Second, the petition states that loss of this population would result in a significant gap in the range of the species, and, third, that the SJRSS is the ''only known surviving natural occurrence of this DPS taxon in its historic range.'' Lastly, the petition states that the SJRSS differs markedly from other populations of shortnose sturgeon in its genetic characteristics.

We agree that the SJRSS may have markedly different genetic characteristics from other shortnose sturgeon populations, because it has some morphological, behavioral, and genetic differences from other populations. We do not, however, find sufficient information in the petition or cited references to suggest that the riverine, estuarine, or marine habitats of the SJRSS represent a unique ecological setting for the taxon. Supporting information provided in the petition pertained to the life history and habitat use patterns of Atlantic salmon and the Gulf of Maine region; this information is not particularly relevant or explanatory with respect to the uniqueness of SJRSS habitat or shortnose sturgeon. We also find relatively limited support in the petition and references provided to suggest that the loss of this particular population, which occurs at the northernmost portion of the species' range, would result in a significant gap in the species' range. The species is broadly distributed along the East Coast of North America and highly mobile; furthermore, estimated rates of migration are higher among rivers within the northeast region versus the mid-Atlantic region (King *et al.* 2014). Lastly, we find no support for the assertion that the SJRSS is the only surviving natural occurrence of shortnose sturgeon within its historical range. Shortnose sturgeon are present in at least 42 coastal rivers within the species' historical range (NMFS 2010). We also note that the terms ''taxon'' and ''historical range'' in the relevant context of the DPS Policy refer to the larger taxonomic entity, not the DPS under evaluation, as may have been assumed by the Petitioners.

Overall, we conclude that the information presented in the petition and supporting references suggests that the SJRSS may meet the ''discreteness'' and the ''significance'' criteria of the DPS Policy and thus may qualify as a DPS. Therefore, we proceeded to review the petition and information readily available in our files to evaluate whether this potential DPS should continue to be protected under the ESA.

The status of the SJRSS was most recently reviewed in 2005 by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), which is the official scientific body established under SARA responsible for assessing extinction risk of wildlife species in Canada. This most recent assessment concluded that the status of the SJRSS had not changed, and that the population still warranted a status of ''special concern (SC),'' which is defined under SARA as ''a wildlife species that may become a threatened or endangered species because of a combination of biological characteristics and identified threats'' (S.C. 2002, c. 29). The 2005 COSEWIC assessment also indicated that the SJRSS met the criterion for ''threatened'' under SARA based on criterion D2 (*i.e.,* Canadian population with a very restricted index of area of occupancy or number of locations, based on presence in only one river) but was classified as SC because there were ''no immediate threats'' (COSEWIC 2005). The petition asserts that the SC classification under SARA indicates the SJRSS does not meet the definition of threatened or endangered under the ESA, and that the SC status under SARA is ''substantially similar'' to the non-regulatory ''species of concern'' designation that NMFS has extended to some species. NMFS ''species of concern'' are defined as those species about which we have some concerns regarding status and threats, but for which insufficient information is available to indicate a need to list the species under the ESA (69 FR 19975, April 15, 2004). Under SARA, a threatened species is defined as ''a wildlife species that is likely to become an endangered species if nothing is done to reverse the factors leading to its extirpation or extinction'' (S.C. 2002, c. 29). A threatened species is defined in section 3 of the ESA as ''. . . any species which is likely to become an endangered species within the foreseeable future throughout all or a portion of its range'' (16 U.S.C. 1532(3)). While similar, these definitions are not equivalent and require interpretations of different terms. Furthermore, the processes and standards by which species are evaluated under each statute are not the same. Thus, while the ''special concern'' status under SARA is an indication that the SJRSS is not at immediate risk of extirpation, it remains unclear what status may be warranted for an SJRSS DPS under the ESA.

The 2005 COSEWIC assessment states that incidental bycatch in fisheries, poaching, and habitat loss and degradation are threats to the SJRSS. The petition provides no data or references with which to evaluate the level or trends in bycatch or poaching.

Habitat loss and degradation occur in the form of dams, impoundments, and water quality impacts stemming from urban, agricultural and industrial activities (COSEWIC 2005). The petition states that the largest threat to the SJRSS may be the Mactaquac Dam, which was completed in 1967 and is impassable by sturgeon. No studies have been conducted to evaluate the effect of the dam on spawning as a consequence of changes in water flow or temperature (COSEWIC 2005). Aboriginal knowledge also suggests that there has been a decline in the SJRSS since the Mactaquac Dam was constructed (COSEWIC 2005). There have also been no evaluations of the impact of contaminants on shortnose sturgeon in the SJR (COSEWIC 2005). However, water quality in the SJR, while still a significant concern in some areas, has improved since 2000, and many fish communities are healthy and stable (CRI 2011). The majority of the watershed is forested, and all municipalities, which are mostly small, now have sewage treatment capabilities (COSEWIC 2005). Overall, the information provided regarding threats to the SJRSS within its riverine and marine habitats is limited and difficult to fully assess.

The only comprehensive population estimate available for consideration in connection with this finding for the SJRSS population comes from Dadswell's (1979) mark-recapture study in 1973–1977. Dadswell (1979) calculated a Jolly-Seber population estimate of 18,000 (± 30%) adults. Thus, the overall population trend is ''unknown'' (COSEWIC 2005). However, some evidence suggests the population has remained fairly stable since the 1970's. Size distributions and growth rates for sturgeon sampled in the SJR during 1998–2000 are similar to those measured and estimated for sturgeon sampled in 1973–1977 (COSEWIC 2005). Both time periods indicate a broad range of size and age-classes. A possible indicator of the stability of the SJRSS mentioned in the petition is the stable catch of adult shortnose sturgeon in a 26-year old annual fishing derby on the Kennebecasis River, a tributary of the Saint John. Catch records or some assessment of the catch records from this tournament were not provided in the petition or supporting references, so this statement is difficult to verify at this time. More recent studies conducted in overwintering areas have produced partial adult population estimates of 4,836 ± 69 in 2005 and 3,852–5,222 in 2009 and 2011, indicating persistence at the overwintering sites over this time period and suggesting stable abundance (Li *et al.* 2007; Usivyatsov *et al.* 2012). Interestingly, the range of the SJRSS has also recently been scientifically recognized as extending to include the waters off of Nova Scotia: Dadswell *et al.* (2013) recently confirmed the presence of an adult shortnose sturgeon in the Minas Basin, which is about 165 km from the mouth of the SJR. Fishers also report that they have been catching 1–2 shortnose sturgeon in their weirs during the past decade (Dadswell *et al.* 2013). Lastly, Stokesbury *et al.* (2014) used an index called the ''Species Ability to Forestall Extinction Index,'' or SAFE index, to characterize the SJRSS risk of extinction and concluded that this population was above the authors' particular threshold for ''threatened,'' which was based on an assumed minimum viable population of 5,000 adults. Because there have been no comprehensive surveys of the SJRSS since the 1970s, Stokesbury *et al.* (2014) also assumed an adult population size of 18,000 based on the 1973–1977 study by Dadswell (1979) in order to calculate the index for the SJRSS. Overall, while data are lacking with respect to current population abundance and trends, the available evidence suggests that the population has remained stable since the 1970s and is not at high risk of extirpation.

In summary, we find that the shortnose sturgeon within the Saint John River in New Brunswick, Canada, may meet the ''discreteness'' and ''significance'' criteria of the DPS Policy (61 FR 4722, February 7, 1996) and thus may qualify as a DPS. We also find that, given the available information regarding the seemingly stable and thus potentially sufficiently high abundance of the shortnose sturgeon in the SJR, the SJRSS, if considered on its own, may not meet the criteria for listing under the ESA. Revisions to the current species-level listing for shortnose sturgeon therefore may be warranted, if we determine it would best further the purposes of the ESA. While there is substantial uncertainty regarding the current population size, trends, and threats, we conclude that the petition and references provide sufficient indication that the petitioned action may be warranted.

Petition Finding

After reviewing the information contained in the petition, as well as information readily available in our files, we conclude that the petition presents substantial scientific or commercial information indicating the petitioned actions may be warranted for the SJRSS. We hereby announce the initiation of a status review to determine whether the petitioned population meets the DPS criteria and whether the current species-level listing should be revised.

Information Solicited

To ensure that the status review is based on the best available scientific and commercial data, we are soliciting information relevant to the petitioned actions. Specifically, we are soliciting data and information, including unpublished data and information, in the following areas: (1) Recent genetic analyses of populations of shortnose sturgeon; (2) current distribution and abundance of shortnose sturgeon range-wide; (3) movements, migratory patterns and habitat use of shortnose sturgeon along the northeast coast of the United States and in Canadian waters; (4) historical and current population trends for shortnose sturgeon within the Saint John River; (6) past, current and future threats, including bycatch rates and any current or planned activities that may adversely impact the SJRSS; (7) ongoing or planned efforts to protect and restore the SJRSS and their habitat; and (8) management, regulatory, and enforcement information. We request that all information be accompanied by: (1) Supporting documentation such as maps, bibliographic references, or reprints of pertinent publications; and (2) the submitter's name, address, and any association, institution, or business that the person represents.

References Cited

A complete list of references is available upon request to the Office of Protected Resources (see **ADDRESSES**).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: March 31, 2015.

Eileen Sobeck,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 2015–07833 Filed 4–3–15; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 80, No. 65

Monday, April 6, 2015

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Agricultural Policy Advisory Committee; and the Agricultural Technical Advisory Committees for Trade; Renewal and Nominations

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice and request for nominations.

SUMMARY: Pursuant to Section 135 of the Trade Act of 1974 (19 U.S.C 2155(c)(1)) and the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given that the Secretary of Agriculture (Secretary), in coordination with the United States Trade Representative (USTR), intends to renew the Agricultural Policy Advisory Committee (APAC) for Trade and the six Agricultural Technical Advisory Committees (ATACs) for Trade. In addition, the Foreign Agricultural Service (FAS) is requesting nominations for persons to serve on these seven committees for a term of 4 years. The APAC provides advice on the operation of various existing U.S. trade agreements and on negotiating objectives for new trade agreements, as well as other matters arising from the administration of U.S. trade policy. The ATACs provide advice and information regarding trade issues that affect both domestic and foreign production in the commodities of the respective sector, drawing upon the technical competence and experience of the members.

DATES: Written nominations for this round of appointments must be received no later than April 30, 2015. Any applications received after April 30, 2015 will be considered for future appointments (*i.e.,* CY 2016), as appropriate to maintain staggered terms.

ADDRESSES: All nomination materials should be mailed (*e.g.,* FedEx, DHL, UPS, USPS) in a single, complete package to Thomas Vilsack, Secretary, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, DC 20250–1001, Attn: APAC/ATACs.

FOR FURTHER INFORMATION CONTACT: Inquiries may be directed to JonAnn Flemings or Steffon Brown by telephone at (202) 720–4934; by fax to (202) 720–6103; or by Email to *ATACs@fas.usda.gov.*

SUPPLEMENTARY INFORMATION:

Introduction

The APAC and the ATACs are authorized by sections 135(c)(1) and (2) of the Trade Act of 1974, as amended (Pub. L. 93–618, 19 U.S.C. 2155). The purpose of these committees is to advise the Secretary and the USTR concerning agricultural trade issues and policy. The committees are intended to ensure that representative elements of the private sector have an opportunity to express their views to the U.S. Government.

Re-Chartering of Existing Committees

Pursuant to the Federal Advisory Committee Act (5 U.S.C. App. II), FAS gives notice that the Secretary and USTR intend to renew the APAC and the following six ATACs:

- Animals and Animal Products;
- Fruits and Vegetables;
- Grains, Feed, Oilseeds and Planting Seeds;
- Processed Foods;
- Sweeteners and Sweetener Products; and,
- Tobacco, Cotton and Peanuts.

In 1974, Congress established a private sector advisory committee system to ensure that U.S. trade policy and negotiation objectives adequately reflect U.S. commercial and economic interests. The private sector advisory committee system currently consists of three tiers:Show citation box

- The President's Advisory Committee on Trade and Policy Negotiations;
- Five general policy advisory committees, including the APAC; and,
- Twenty-two technical advisory committees, including the ATACs.

The establishment and renewal of such committees is in the public interest in connection with the duties of the USDA imposed by the Trade Act of 1974, as amended.

Background

1974, Congress established a private sector advisory committee system to ensure that U.S. trade policy and negotiation objectives adequately reflect U.S. commercial and economic interests.

As provided for in the law and the USDA charter, the APAC has the following responsibilities: (A) The Committee will advise, consult with, and make recommendations to the Secretary and USTR concerning the trade policy of the United States and the matters arising in the administration of such policy; (B) The Committee will provide information and advice regarding the following: negotiating objectives and bargaining positions of the United States before the United States enters into trade agreements, the operation of any trade agreement once entered into, and matters arising in connection with the administration of the trade policy of the United States. It will keep abreast of the ongoing work of the technical-level committees (ATACs); (C) The Committee will furnish such other advisory opinions and reports as the Secretary and USTR deem necessary.

As provided for in the law and the USDA charters, the ATACs have the following responsibilities: (A) The Committees will advise, consult with, and make recommendations to the Secretary and USTR on matters that are of mutual concern to the United States and to its consumers, producers, processors, and traders of commodities of their respective sectors in connection with the trade policy activities undertaken by the United States. (B) The Committees will provide advice and information regarding trade issues that affect both domestic and foreign production and trade concerning commodities in their respective sectors. The Committees will furnish advisory opinions and reports regarding trade policy as requested by the Secretary and USTR, or their designees.

General Committee Information

Each committee has a chairperson, who is elected from the membership of that committee. Committees meet as needed, and all committee meetings are typically held in Washington, DC or by telephone conference. Committee meetings may be closed if USTR determines that a committee will be

discussing issues that justify closing a meeting or portions of a meeting, in accordance with 19 U.S.C. 2155(f). Throughout the year, members are requested to review sensitive trade policy information and provide comments regarding trade negotiations. In addition to their other advisory responsibilities, at the conclusion of negotiations of any trade agreement, all committees are required to provide a report on each agreement to the President, Congress, and USTR.

Committee Membership Information

All committee members are appointed by, and serve at the discretion of the Secretary and the USTR. Committee appointments are typically for a period of approximately 4 years, but the Secretary and USTR may renew an appointment for an additional term or appoint a member to fill out the remainder of someone's term. All committee members must be a U.S. citizen and must represent a U.S. entity with an interest in agricultural trade, and must not be registered with the Department of Justice under the Foreign Agents Registration Act. To attend most meetings, committee members must have a current security clearance. New members will be guided in how to apply for a security clearance and their appointment will be contingent on successful completion of the investigation. Committee members serve without compensation and are not reimbursed for their travel expenses. No person may serve on more than one USDA advisory committee at the same time unless a specific exception is granted by the USDA Committee Management Officer. No entity may have more than one representative on any single trade advisory committee.

Nominations and Appointments of Members

Nominations for APAC and ATAC membership are open to individuals representing U.S. entities with an interest in agricultural trade without regard to race, color, religion, sex, national origin, age, mental or physical handicap, marital status, or sexual orientation. Equal opportunity practices in accordance with the U.S. Government policies will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by USDA, membership shall include to the extent possible, individuals with demonstrated ability to represent minorities, women, and persons with disabilities. Members should have expertise and knowledge of agricultural trade as it relates to policy and commodity specific issues. Members will normally come from an entity with an interest in agriculture, and will serve as a Representative, presenting the views and interests of a particular U.S. entity that has an interest in the subject matter of the committee.

However, should a member be appointed primarily for his or her expertise, and not as a representative of an interest group, he or she shall be designated as a Special Government Employee (SGE). SGEs are subject to specific provisions of the ethics laws if they are appointed because of their personal knowledge, background, or expertise. USDA will assist SGEs in disclosing their financial interest and will provide ethics training on an annual basis. Appointments are made of individuals only and are not transferrable. No person, company, producer, farm organization, trade association, or other entity has a right to membership on a committee. In making appointments, every effort will be made to maintain balanced representation on the committees with representation from producers, farm and commodity organizations, processors, traders, and consumers. Geographical diversity on each committee will also be sought.

Nominations: Nominating a person to serve on any of the committees requires submission of a current resume for the nominee and the following form: AD–755 (Advisory Committee Membership Background Information, OMB Number 0505–0001), available on the Internet at: *http://www.fas.usda.gov/trade-advisory-committees-applying-membership.* A cover letter should also be submitted indicating the specific committee for which the individual is being nominated, why the nominee wants to be a committee member, his or her qualifications for membership, and how the submitter learned about this call for nominations. The cover letter should also include the statements required below related to Federally Registered Lobbyists and Foreign Firms. If applicable, a sponsor letter on the non-Federal governmental entity's letterhead that contains a brief description of the manner in which international trade affects the entity and why the applicant should be considered for membership. Forms may also be requested by sending an email to *ATACs@fas.usda.gov,* or by phone at (202) 720–4934.

Federally Registered Lobbyists: All nominees must provide a statement confirming their lobbyist status. Pursuant to the Revised Guidance on the Appointment of Lobbyists to Federal Advisory Committees, Boards and Commissions, published by the Office of Management and Budget (OMB) on August 13, 2014, federally-registered lobbyists are no longer prohibited from serving on the advisory committees in a representative capacity. In light of OMB's recent policy clarification that the eligibility restriction does not apply to advisory committee members who are specifically appointed to represent the interests of a nongovernmental entity, a recognizable group of persons or nongovernmental entities (an industry sector, labor unions, environmental groups, etc.), or state or local governments. The lobbyist prohibition continues to apply to persons serving on advisory committees in their individual capacity (*e.g.,* SGEs).

Foreign Firms: If the nominee is to represent an entity or corporation with ten percent or greater non-U.S. ownership, the nominee must state the extent to which the organization or interest to be represented by the nominee is owned by non-U.S. citizens, organizations, or interests and demonstrate at the time of nomination that this ownership interest does not constitute control and will not adversely affect his or her ability to serve as an advisor on the U.S. agriculture advisory committee for trade.

Dated: March 24, 2015.

Suzanne Palmieri,

Administrator, Foreign Agricultural Service.

[FR Doc. 2015–07499 Filed 4–3–15; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Civil Rights Compliance Review Record—Federally Assisted Programs

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the renewal of the information collection, Civil Rights Compliance Review Record—Federally Assisted Programs.

With this renewal, the Agency has changed the name of the information collections from Equal Opportunity Compliance Review Record to Civil Rights Compliance Review Record—Federally Assisted Programs.

DATES: Comments must be received in writing on or before June 5, 2015 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to USDA Forest Service Washington Office, Office of Civil Rights, Mail Stop 1142, 1400 Independence Avenue SW., Washington, DC 20250–1142.

Comments also may be submitted via facsimile to 703–605–5174 or by email to *pjackman@fs.fed.us.*

The public may inspect comments received at USDA Forest Service Washington Office, during normal business hours. Visitors are encouraged to call ahead to facilitate entry to the building.

FOR FURTHER INFORMATION CONTACT: Pat Jackman, Civil Rights, by phone at 202–205–0989, or via email at *pjackman@fs.fed.us.* Individuals who use a TTY may call 711 or the Federal Relay Service (FRS) at 1–800–877–8339, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Civil Rights Compliance Review Record—Federally Assisted Programs

OMB Number: 0596–0215

Type of Request: Extension with no change

Abstract: All Federal agencies must comply with equal opportunity laws:

- Title VI of the Civil Rights Act of 1964, as amended;
- Title IX of the Education Amendments Act of 1972;
- The Age Discrimination Act of 1975, as amended;
- Section 504 of the Rehabilitation Act of 1973, as amended; and
- Executive orders prohibiting discrimination in the delivery of all programs and services to the public.

Federal agencies and entities receiving Federal financial assistance are prohibited from discriminating. Federal financial assistance is defined as, ''Federal monies given by grants, cooperative agreements, commercial special use permits, training, loan/temporary assignment of Federal personnel, or loan/use of Federal property at below market value.''

The equal opportunity laws require agencies to conduct compliance reviews to ensure that entities receiving Federal Financial Assistance from the government are adhering to the non-discrimination statutes. The statutes require that prior to awarding support or issuing permits, the Federal government shall conduct pre-award reviews to ensure that potential recipients understand their responsibilities to provide services equitable pursuant to the law. Thereafter, during the partnership with the Agency, on-going monitoring will take place to ensure the public is being served without any barriers or discrimination. The compliance review tool consists of three forms, used consecutively during the same review.

Forest Service employees will use form FS–1700–0006A, Civil Rights Compliance Review Record—Federally Assisted Programs, to collect information regarding actions taken by recipients of Federal financial assistance to ensure the public receives services without discrimination or barriers to access, and that recipients' employees understand their role in ensuring equal access to services. Collection will occur during face-to-face meetings or telephone interviews conducted by Forest Service employees as part of the pre-award and Post-award process. The pre-award interview will take place prior to the award of a grant, signing of a cooperative agreement, letting of commercial special use permit, or similar activity. The post award interview will take place once every five years, or upon report/discovery of discrimination.

Forest Service employees will use form FS–1700–0006B, Civil Rights Compliance Review Record—Federally Assisted Programs, (Post-Award Review Interview of an Employee of the Recipient) to collect information from an employee of the recipient's program to assess their awareness of Civil Rights responsibilities to ensure the public receives services without discrimination or barriers to access. This aids in determining if recipients' have advised and trained employees of their customer service and Civil Rights compliance role. Collection will occur during face-to-face meetings or interviews conducted by Forest Service employees as part of the post award process. The Post-award interview will take place once every five years, or upon report/discovery of discrimination.

Forest Service employees will use form FS–1700–0006C, Civil Rights Compliance Review Record—Federally Assisted Programs, (Post-Award Review Interview of a Participant) to collect information from the public or customers of the recipients of Federal financial assistance to determine if the public is receiving services without discrimination or barriers to access. Collection will occur during face-to-face interviews conducted by Forest Service employees as part of the post award process. The Post-award interview will take place once every five years, or upon report/discovery of discrimination.

The information collected will only be shared with other Federal agencies who share in the financial assistance activities with the Forest Service. Monitoring reviews have been a responsibility of the Federal government since 1964. Without the ability to monitor recipients of Federal financial assistance, the Forest Service would not be able to ensure compliance with laws and statutes. The Agency would not be aware of potential violations, thereby resulting in potential discriminatory practices.

Estimate of Annual Burden: 1 hour.

Type of Respondents: Recipients of Federal financial assistance.

Estimated Annual Number of Respondents: 11,000.

Estimated Annual Number of Responses per Respondent: One.

Estimated Total Annual Burden on Respondents: 11,000.

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the agency, including whether the information will have practical or scientific utility; (2) the accuracy of the agency's estimate of the burden of the 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 the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the request for Office of Management and Budget approval.

Dated: March 27, 2015.

Robert Velasco II,

Associate Deputy Chief, Business Operations.

[FR Doc. 2015–07736 Filed 4–3–15; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–549–502]

Circular Welded Carbon Steel Pipes and Tubes From Thailand: Preliminary Results of Antidumping Duty Administrative Review; 2013–2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the

antidumping duty order on circular welded carbon steel pipes and tubes from Thailand. This review covers two producers or exporters of the subject merchandise, Saha Thai Steel Pipe (Public) Company, Ltd. (Saha Thai), and Pacific Pipe Company Limited (Pacific Pipe). The period of review (POR) is March 1, 2013, through February 28, 2014. The Department preliminarily determines that Saha Thai and Pacific Pipe did not sell subject merchandise at less than normal value (NV) during the POR. The preliminary results are listed below in the section titled ''Preliminary Results of Review.'' Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* April 6, 2015.

FOR FURTHER INFORMATION CONTACT: David Lindgren, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3870.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The products covered by the antidumping order are certain circular welded carbon steel pipes and tubes from Thailand. The subject merchandise has an outside diameter of 0.375 inches or more, but not exceeding 16 inches. The full written description of the subject merchandise is available in the Preliminary Decision Memorandum.[1]

Methodology

The Department is conducting this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying these preliminary results, see the Preliminary Decision Memorandum, which is hereby adopted by this notice. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and is available to all parties in the Central Records Unit, Room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at *http://www.trade.gov/enforcement/.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

As a result of our review, we preliminarily determine the following weighted-average dumping margins exist for the period March 1, 2013, through February 28, 2014.

Producer/exporter	Weighted-average dumping margin (percent)
Saha Thai Steel Pipe (Public) Company, Ltd	0.00
Pacific Pipe Company Limited	0.00

Disclosure and Public Comment

We will disclose the calculations used in our analysis to parties in this review within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Any interested party may request a hearing within 30 days of the publication of this notice in the **Federal Register** in accordance with 19 CFR 310(c).[2] If a hearing is requested, the Department will notify interested parties of the hearing schedule.

Interested parties are invited to comment on the preliminary results of this review. Unless extended by the Department, interested parties must submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, must be filed not later than five days after the time limit for filing case briefs.[3] Parties who submit case briefs or rebuttal briefs in this review are requested to submit with each argument: (1) A statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities. Executive summaries should be limited to five pages total, including footnotes.[4]

We intend to issue the final results of this administrative review, including the results of our analysis of issues raised in the written comments, within 120 days of publication of these preliminary results in the **Federal Register**, unless otherwise extended.[5]

Assessment Rates

Upon completion of this administrative review, the Department shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries. If a respondent's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent) in the final results of this review, we will calculate importer-specific *ad valorem* assessment rates on the basis of the ratio of the total amount of dumping calculated for an importer's examined sales and the total entered value of such sales in accordance with 19 CFR 351.212(b)(1). Where an importer-specific *ad valorem* assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties in accordance with 19 CFR 351.106(c)(2). If a respondent's weighted-average dumping margin is zero or *de minimis* in the final results of this review, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties in accordance with the *Final Modification for Reviews.*[6]

The Department clarified its ''automatic assessment'' regulation on May 6, 2003.[7] This clarification applies to entries of subject merchandise during the POR produced by a respondent for which it did not know its merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of circular welded carbon

[1] *See* Memorandum to Paul Piquado, Assistant Secretary for Enforcement and Compliance, from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, entitled ''Circular Welded Carbon Steel Pipes and Tubes From Thailand: Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review; 2013–2014'' (Preliminary Decision Memorandum), dated concurrently with this notice.

[2] Parties requesting a hearing or submitting written comments must submit such documents pursuant to the Department's e-filing regulations. *See* 19 CFR 351.303.

[3] *See* 19 CFR 351.309(c) and (d).

[4] *Id.*

[5] *See* section 751(a)(3)(A) of the Act.

[6] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101, 8102 (February 14, 2012) (*Final Modification for Reviews*) (''Where the weighted-average margin of dumping for the exporter is determined to be zero or *de minimis,* no antidumping duties will be assessed.'').

[7] For a full discussion of this clarification, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003) (*Assessment Policy Notice*).

steel pipes and tubes from Thailand entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the companies under review will be equal to the weighted-average dumping margin established in the final results of this review (except, if that rate is *de minimis,* then the cash deposit rate will be zero); (2) for previously reviewed or investigated companies not listed above in the Preliminary Results of Review, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review or another completed segment of this proceeding, but the manufacturer is, then the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previously completed segment of this proceeding, then the cash deposit rate will be the ''all-others'' rate of 15.67 percent established in the less-than-fair-value investigation.[8] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification to Interested Parties

These preliminary results of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 30, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Comparison to Normal Value
V. Product Comparisons
VI. Discussion of Methodology
  A. Determination of Comparison Method
  B. Results of the Differential Pricing Analysis
  C. Date of Sale
  D. Export Price
  E. Normal Value
  F. Duty Absorption
  G. Currency Conversion
VII. Recommendation

[FR Doc. 2015–07829 Filed 4–3–15; 8:45 am]

BILLING CODE 3510–DS–P

[8] *See Antidumping Duty Order: Circular Welded Carbon Steel Pipes and Tubes From Thailand,* 51 FR 8341 (March 11, 1986).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD860

South Atlantic Fishery Management Council (SAFMC); Public Hearings

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

ACTION: Notice of public hearings.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a series of public hearings pertaining to Amendment 36 to the Snapper Grouper Fishery Management Plan (FMP) for the South Atlantic. The amendment addresses the establishment of Spawning Special Management Zones (SMZs) to protect important spawning habitat for species in the snapper grouper management unit. The public is asked to provide input on areas for consideration as well as other actions in the amendment.

DATES: The public hearings will be held via webinar April 20, 2015 through April 23, 2015. A public hearing for Snapper Grouper Amendment 36 will also be held in Key West, FL in conjunction with the SAFMC meeting on June 10, 2015 beginning at 5:30 p.m. With the exception of the public hearing in Key West, FL, all public hearings will be conducted via webinar accessible via the internet from the Council's Web site at *www.safmc.net.* Hearings held via webinar will begin at 6 p.m. Registration for each webinar is required. Registration information will be posted on the SAFMC Web site at *www.safmc.net* as it becomes available. Any graphics, including maps, drawings or images to be shown during public comment should be emailed to Mike Collins at *mike.collins@safmc.net* prior to the public hearing. Webinar registrants may test/confirm their computer set up for the webinar one hour prior to each hearing and contact Mike Collins at (843) 763–1050 to address any questions regarding webinar setup. Local comment stations will also be provided at the locations listed in **SUPPLEMENTARY INFORMATION.**

ADDRESSES: See **SUPPLEMENTARY INFORMATION** for specific dates, times and locations of the hearings.

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, SAFMC; telephone: (843) 571–4366 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION:

Public hearing dates and local comment station addresses:

1. April 20, 2015—Local Comment Stations: SC Department of Natural Resources, Marine Resources Research Institute Auditorium, 217 Fort Johnson Road, Charleston, SC 29422–2559; telephone: (843) 953–9300 and Holiday Inn Express, 722 Highway 17, Little River, SC 29566; phone: (843) 281–9400.
2. April 21, 2015—Local Comment Station: NC Division of Marine Fisheries, Central District Office, 5285 Highway 70 West, Morehead City, NC 28557; telephone: (252) 726–7021.
3. April 22, 2015—Local Comment Station: Coastal Resources Division, GA Department of Natural Resources, One Conservation Way, Brunswick, GA 31528–8687; telephone: (912) 264–7218 and Richmond Hill Fish Hatchery, 110 Hatercry Drive, Richmond Hill, GA 31324; telephone: (912) 756–3691.
4. April 23, 2015—Local Comment Station: Hampton Inn Daytona Speedway, 1715 W. International Speedway Boulevard, Daytona Beach, FL 32114; telephone: (386) 257–4030.
5. June 10, 2015—A public hearing will be held in conjunction with the SAFMC meeting beginning at 5:30 p.m.; Doubletree Grand Key Resort, 3990 S. Roosevelt Blvd., Key West, FL 33040; telephone: (305) 293–1818.

Public Hearing: Amendment 36 to the Snapper Grouper FMP

This amendment includes an approach to identify and protect important spawning habitat for snapper grouper species through the designation of Spawning Special Management Zones (SMZs). The amendment would modify the current procedure for establishing SMZs to include protection of natural bottom important for spawning, allowing for the designation of

''Spawning SMZs''. The amendment would also modify the framework procedure to allow modifications of and/or additional Spawning SMZs through the Snapper Grouper Fishery Management Plan for the South Atlantic. The amendment includes sample sites for Spawning SMZ sites and allows for the boundary of the existing Charleston Deep Artificial Reef MPA off the coast of South Carolina to be moved to accommodate recently deployed artificial reef material. Fishing for or possession of snapper grouper species would be prohibited within the Spawning SMZs, but fishermen would be allowed to troll for pelagic species (*e.g.*, mackerels, billfish, tunas, etc.). The amendment also includes alternatives for transit and anchoring provisions.

Written comments may be directed to Bob Mahood, Executive Director, SAFMC (see **ADDRESSES**) or via email to: *Mike.Collins@safmc.net*. Note that email comments should specify ''Snapper Grouper Amendment 36'' in the Subject Line of the email. Public hearing comments for Snapper Grouper Amendment 36 will be accepted until 5:00 p.m. on May 1, 2015. A copy of the public hearing document will be posted on the Council's Web site at *www.safmc.net* when it becomes available.

During the webinars, Council staff will present an overview of the amendment and will be available for informal discussions and to answer questions via webinar. Members of the public will have an opportunity to go on record to record their comments for consideration by the Council. Area Council representatives will be present at the local comment stations.

Special Accommodations

These hearings 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 hearing.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: April 1, 2015.

Tracey L. Thompson,

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

[FR Doc. 2015–07790 Filed 4–3–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD871

Marine Fisheries Advisory Committee Meeting

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

ACTION: Notice of open public meeting.

SUMMARY: This notice sets forth the proposed schedule and agenda of a forthcoming meeting of the Marine Fisheries Advisory Committee (MAFAC). The members will discuss and provide advice on issues outlined under **SUPPLEMENTARY INFORMATION** below.

DATES: The meeting will be held April 28–30, 2015, from 8 a.m. to 5 p.m.

ADDRESSES: The meeting will be held at the Andaz San Diego Hotel, 600 F Street, San Diego, CA 92101; 619–849–1234.

FOR FURTHER INFORMATION CONTACT: Jennifer Lukens, MAFAC Executive Director; (301) 427–8004; email: *Jennifer.Lukens@noaa.gov.*

SUPPLEMENTARY INFORMATION: As required by section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, notice is hereby given of a meeting of MAFAC. The MAFAC was established by the Secretary of Commerce (Secretary), and, since 1971, advises the Secretary on all living marine resource matters that are the responsibility of the Department of Commerce. The complete charter and summaries of prior meetings are located online at *http://www.nmfs.noaa.gov/ocs/mafac/.*

Matters To Be Considered

This meeting time and agenda are subject to change.

The meeting is convened to hear presentations and discuss policies and guidance on the following topics: Climate impacts on the Pacific coast, the NOAA Fisheries Draft Climate Science Strategy, improving recovery of protected resources, cooperative research and management, marine recreational information program, implementation of the recreational fisheries policy, and proposed revisions to National Standard 1. The meeting will include discussion of various MAFAC administrative and organizational matters and may include meetings of the standing subcommittees.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Jennifer Lukens, MAFAC Executive Director; 301–427–8004 by April 17, 2015.

Dated: March 31, 2015.

Eileen Sobeck,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 2015–07947 Filed 4–3–15; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–602]

Brass Sheet and Strip From Germany: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2013–2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: In response to a request from Petitioners,[1] the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on brass sheet and strip from Germany. The period of review (POR) is March 1, 2013, through February 28, 2014.[2] The review covers ten producers or exporters of subject merchandise.[3] We preliminarily find that three of the producers or exporters for which the Department initiated a review, Schwermetall, ThyssenKrupp, and Wieland, had no shipments during the POR. Further, we preliminarily find that subject merchandise has been sold at less than normal value by seven of the companies subject to this review.

[1] The Petitioners are GBC Metals, LLC of Global Brass and Copper, Inc., dba Olin Brass, Heyco Metals, Inc., Aurubis Buffalo, Inc. PMX Industries, Inc. and Revere Copper Products, Inc.

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 79 FR 24398 (April 30, 2014) (*Initiation*).

[3] The ten producers or exporters include: Aurubis Stolberg GmbH & Co. KG, Carl Schreiber GmbH, KME Germany AG & Co. KG, Messingwerk Plettenberg Herfeld GmbH & Co. KG (Messingwerk), MKM Mansfelder Kupfer & Messing GmbH, Schlenk Metallfolien GmbH & Co. KG, Schwermetall Halbzeugwerk GmbH & Co. KG (Schwermetall), Sundwiger Messingwerke GmbH & Co. KG, ThyssenKrupp VDM GmbH (ThyssenKrupp), and Wieland-Werke AG (Wieland).

Interested parties are invited to comment on these preliminary results.[4]

DATES: Effective April 6, 2015.

FOR FURTHER INFORMATION CONTACT: George McMahon, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1167.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise subject to the antidumping duty order is brass sheet and strip, other than leaded brass and tin brass sheet and strip, from Germany, which is currently classified under subheading 7409.21.00.50, 7409.21.00.75, 7409.21.00.90, 7409.29.00.50, 7409.29.00.75, and 7409.29.00.90 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to the order is dispositive.[5]

Methodology

In accordance with sections 776(a) and (b) of the Tariff Act of 1930, as amended (the Act), we relied on facts available with an adverse inference with respect to Messingwerk, the sole company selected for individual examination in this review. Thus, we preliminarily assign a rate of 55.60 percent as the dumping margin for Messingwerk. In making these findings, we relied on facts available because Messingwerk failed to respond to the Department's antidumping duty questionnaire, and thus withheld requested information, failed to provide requested information by the established deadlines, and significantly impeded this proceeding. *See* sections 776(a)(1) and (2)(A)–(C) of the Act. Furthermore, because we preliminarily determine that Messingwerk failed to cooperate by not acting to the best of its ability to comply with the Department's requests for information, we drew an adverse inference in selecting from among the facts otherwise available. *See* section 776(b) of the Act.

Additionally, as indicated in the ''Preliminary Results of Review'' section below, we preliminarily determine that a margin of 22.61 percent applies to the six firms not selected for individual review. We preliminarily determined to base the dumping margin for the six companies not selected for individual examination in this review on an average of the range of certain dumping margins contained in the underlying Petition.[6] For further information, *see* the Preliminary Decision Memorandum at ''Rate for Non-Examined Companies.''

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. A list of topics included in the Preliminary Decision Memorandum is included in the Appendix attached to this notice.

The Preliminary Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).[7] ACCESS is available to registered users at *http://access.trade.gov* and to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at: *http://enforcement.trade.gov/frn/index.html.* A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

Preliminary Determination of No Shipments

Based on our analysis of U.S. Customs and Border Protection (CBP) information and information provided by Schwermetall, ThyssenKrupp, and Wieland, we preliminarily determine that Schwermetall, ThyssenKrupp, and Wieland had no shipments of the subject merchandise, and, therefore, no reviewable transactions, during the POR. For a full discussion of this determination, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

As a result of our review, we preliminarily determine that the following dumping margins on brass sheet and strip from Germany exist for the period March 1, 2013, through February 28, 2014 at the following rates:

Producer and/or exporter	Margin (percent)
Aurubis Stolberg GmbH & Co. KG	22.61
Carl Schreiber GmbH	22.61
KME Germany AG & Co. KG	22.61
Messingwerk Plettenberg Herfeld GmbH & Co. KG	55.60
MKM Mansfelder Kupfer & Messing GmbH	22.61
Schlenk Metallfolien GmbH & Co. KG	22.61
Sundwiger Messingwerke GmbH & Co. KG	22.61

Disclosure and Public Comment

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[8] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[9] Interested parties who wish to comment on the preliminary results must file briefs electronically using ACCESS.[10] An electronically-filed document must be received successfully in its entirety in ACCESS, by 5 p.m. Eastern Time (ET) on the date the document is due.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically *via* ACCESS. An electronically filed document must be received successfully in its entirety in ACCESS by 5 p.m. ET within 30 days after the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs.

[4] The seven companies include Aurubis Stolberg GmbH & Co. KG, Carl Schreiber GmbH, KME Germany AG & Co. KG, Messingwerk, MKM Mansfelder Kupfer & Messing GmbH, Schlenk Metallfolien GmbH & Co. KG, and Sundwiger Messingwerke GmbH & Co. KG.

[5] For a full description of the scope of the order, *see* the ''Decision Memorandum for Preliminary Results of the Antidumping Duty Administrative Review: Brass Sheet and Strip from Germany; 2013–2014'' from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance (Preliminary Decision Memorandum), dated concurrently with this notice (Preliminary Decision Memorandum).

[6] *See Brass Sheet and Strip From The Federal Republic of Germany; Initiation of Antidumping Duty Investigation,* 51 FR 11774 (April 7, 1986).

[7] On November 24, 2014, Enforcement and Compliance changed the name of Enforcement and Compliance's AD and CVD Centralized Electronic Service System (IA ACCESS) to AD and CVD Centralized Electronic Service System (ACCESS). The Web site location was changed from *http://iaaccess.trade.gov* to *http://access.trade.gov.* The *Final Rule* changing the references to the Regulations can be found at 79 FR 69046 (November 20, 2014).

[8] *See* 19 CFR 351.309(d).

[9] *See* 19 CFR 351.303 (for general filing requirements).

[10] *Id.*

The Department intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. If the preliminary results are unchanged for the final results we will instruct CBP to apply an *ad valorem* assessment rate of 55.60 percent to all entries of subject merchandise during the POR which were produced and/or exported by Messingwerk, and an *ad valorem* assessment rate of 22.61 percent to all entries of subject merchandise during the POR which were produced and/or exported by the six aforementioned companies which were not selected for individual examination.

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of review.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of brass sheet and strip from Germany entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(2) of the Act: (1) The cash deposit rates for the reviewed companies will be the rates established in the final results of this review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the merchandise; (4) if neither the exporter nor the manufacturer has its own rate, the cash deposit rate will be 7.30 percent.[11] These deposit requirements, when imposed, shall remain in effect until further notice.

Notifications to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: March 31, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

A. Summary
B. Background
C. Scope of the Order
D. Discussion of the Methodology
  1. Selection of Respondent
  2. No Shipment Preliminary Determination
  3. Use of Facts Otherwise Available
  a. Use of Facts Available
  b. Application of Facts Available With an Adverse Inference
  c. Selection and Corroboration of Information Used as Facts Available
  4. Rate for Companies Not Selected for Individual Examination
E. Recommendation

[FR Doc. 2015–07844 Filed 4–3–15; 8:45 am]

BILLING CODE 3510–DS–P

[11] *See* Preliminary Decision Memorandum for additional details.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD815

Takes of Marine Mammals Incidental to Specified Activities; Seabird Monitoring and Research in Glacier Bay National Park, Alaska, 2015

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

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: NMFS has received an application from Glacier Bay National Park (Glacier Bay NP) to take marine mammals, by harassment, incidental to conducting seabird research from May through September, 2015. The proposed dates for this action are May 15, 2015, through September 30, 2015. Per the Marine Mammal Protection Act, we are requesting comments on our proposal to issue an Authorization to the Glacier Bay NP to incidentally take, by Level B harassment only, one species of marine mammal during the specified activity.

DATES: NMFS must receive comments and information on or before May 6, 2015.

ADDRESSES: Address comments on the application to Jolie Harrison, Division Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. The mailbox address for providing email comments is *ITP.Cody@noaa.gov*. Please include 0648–XD815 in the subject line. Comments sent via email to *ITP.Cody@noaa.gov,* including all attachments, must not exceed a 25-megabyte file size. NMFS is not responsible for email comments sent to addresses other than the one provided here.

Instructions: All submitted comments are a part of the public record and NMFS will post them to *http://www.nmfs.noaa.gov/pr/permits/incidental/research.htm* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

To obtain an electronic copy of the application containing a list of the references used in this document, write to the previously mentioned address, telephone the contact listed here (see **FOR FURTHER INFORMATION CONTACT**), or visit the Internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental/research.htm*.

Information in Glacier Bay NP's application, NMFS' 2014 Environmental Assessment titled, *Environmental Assessment for the Issuance of an Incidental Harassment Authorization to Take Marine Mammals by Harassment Incidental to Conducting Seabird Research in Glacier Bay Alaska,* and this notice collectively provide the environmental information related to proposed issuance of the Authorization for public review and comment.

FOR FURTHER INFORMATION CONTACT: Jeannine Cody, NMFS, Office of Protected Resources, NMFS (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(D) of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals of a species or population stock, by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if, after NMFS provides a notice of a proposed authorization to the public for review and comment: (1) NMFS makes certain findings; and (2) the taking is limited to harassment.

An Authorization shall be granted for the incidental taking of small numbers of marine mammals if NMFS finds that the taking will have a negligible impact on the species or stock(s), and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant). The Authorization must also set forth the permissible methods of taking; other means of effecting the least practicable adverse impact on the species or stock and its habitat; and requirements pertaining to the monitoring and reporting of such taking. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Summary of Request

On January 15, 2015, NMFS received an application from Glacier Bay NP requesting that we issue an Authorization for the take of marine mammals, incidental to conducting monitoring and research studies on glaucus-winged gulls (*Larus glaucescens*) within Glacier Bay National Park and Preserve in Alaska. NMFS determined the application complete and adequate on February 27, 2015. NMFS previously issued an Authorization to Glacier Bay NP for the same activities in 2014 (79 FR 56065, September 18, 2014). No seabird research activities occurred during the effective period of the prior Authorization.

Glacier Bay NP proposes to conduct ground-based and vessel-based surveys to collect data on the number and distribution of nesting gulls within five study sites in Glacier Bay, AK. Glacier Bay NP proposes to complete up to five visits per study site, from May through September, 2015.

The proposed activities are within the vicinity of pinniped haulout sites and the following aspects of the proposed activities are likely to result in the take of marine mammals: Noise generated by motorboat approaches and departures; noise generated by researchers while conducting ground surveys; and human presence during the monitoring and research activities. NMFS anticipates that take by Level B harassment only, of individuals of harbor seals (*Phoca vitulina*) would result from the specified activity. Although Steller sea lions (*Eumetopias jubatus*) may be present in the action area, Glacier Bay NP has proposed to avoid any site used by Steller sea lions.

Description of the Specified Activity

Overview

Glacier Bay NP proposes to identify the onset of gull nesting; conduct mid-season surveys of adult gulls, and locate and document gull nest sites within the following study areas: Boulder, Lone, and Flapjack Islands, and Geikie Rock. Each of these study sites contains harbor seal haulout sites and Glacier Bay NP proposes to visit each study site up to five times during the research season.

Glacier Bay NP must conduct the gull monitoring studies to meet the requirements of a 2010 Record of Decision for a Legislative Environmental Impact Statement (NPS, 2010) which states that Glacier Bay NP must initiate a monitoring program for the gulls to inform future native egg harvests by the Hoonah Tlingit in Glacier Bay, AK. Glacier Bay NP actively monitors harbor seals at breeding and molting sites to assess population trends over time (*e.g.,* Mathews & Pendleton, 2006; Womble *et al.,* 2010). Glacier Bay NP also coordinates pinniped monitoring programs with NMFS' National Marine Mammal Laboratory and the Alaska Department of Fish & Game and plans to continue these collaborations and sharing of monitoring data and observations in the future.

Dates and Duration

Glacier Bay NP proposes to conduct the proposed activities from the period of May 15 through September 30, 2015. Glacier Bay NP proposes to conduct a maximum of three ground-based surveys per each study site and a maximum of two vessel-based surveys per each study site.

Thus, the proposed Authorization, if issued, would be effective from May 15, 2015 through September 30, 2015. NMFS refers the reader to the Detailed Description of Activities section later in this notice for more information on the scope of the proposed activities.

Specified Geographic Region

The proposed study sites would occur in the vicinity of the following locations: Boulder (58°33′18.08″ N; 136°1′13.36″ W), Lone (58°43′17.67″ N; 136°17′41.32″ W), and Flapjack (58°35′10.19″ N; 135°58′50.78″ W) Islands, and Geikie Rock (58°41′39.75″ N; 136°18′39.06″ W) in Glacier Bay, Alaska. Glacier Bay NP will also conduct studies at Tlingit Point Islet located at 58°45′16.86″ N; 136°10′41.74″ W; however, there are no reported pinniped haulout sites at that location.

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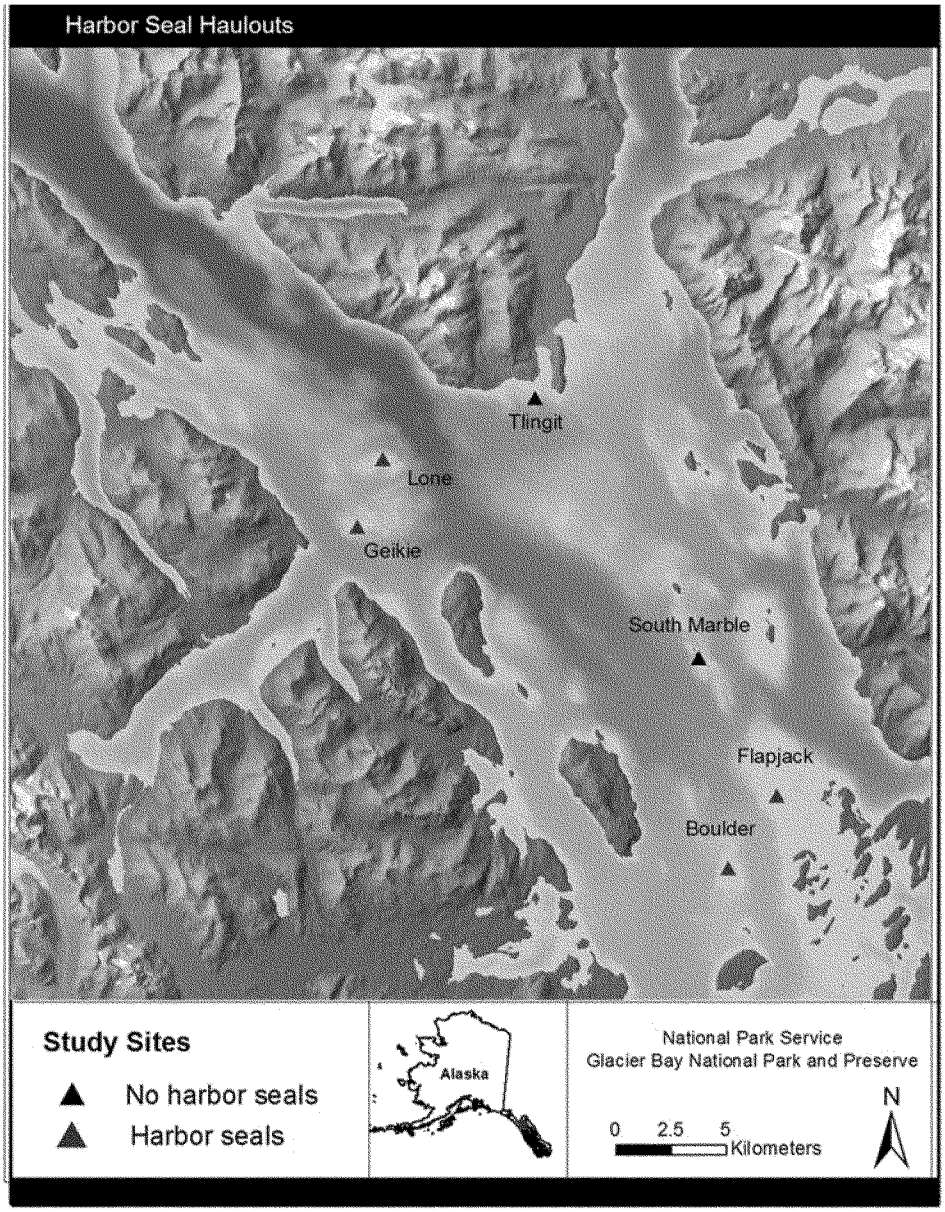
Figure 1. Proposed locations of the gull monitoring and research sites in Glacier Bay, AK, May through September, 2015.



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Detailed Description of Activities

Glacier Bay NP proposes to conduct: (1) Ground-based surveys at a maximum frequency of three visits per site; and (2) vessel-based surveys at a maximum frequency of two visits per site from the period of May 15 through September 30, 2015.

Ground-Based Surveys: These surveys involve two trained observers visiting the largest gull colony on each island to: (1) Obtain information on the numbers of nests, their location, and contents (*i.e.,* eggs or chicks); (2) determine the onset of laying, distribution, abundance, and predation of gull nests and eggs; and (3) record the proximity of other species relative to colony locations.

The observers would access each island using a kayak, a 32.8 to 39.4-foot (ft) (10 to 12 meter (m)) motorboat, or a 12 ft (4 m) inflatable rowing dinghy. The landing craft's transit speed would not exceed 4 knots (4.6 miles per hour (mph). Ground surveys generally last from 30 minutes to up to two hours depending on the size of the island and the number of nesting gulls. Glacier Bay NP will discontinue ground surveys after they detect the first hatchling to minimize disturbance to the gull colonies.

Vessel-Based Surveys: These surveys involve two trained observers observing and counting the number of adult and fledgling gulls from the deck of a motorized vessel which would transit around each island at a distance of approximately 328 ft (100 m) to avoid flushing the birds from the colonies. Vessel-based surveys generally last from 30 minutes to up to two hours

depending on the size of the island and the number of nesting gulls.

Description of Marine Mammals in the Area of the Specified Activity

Table 1 in this notice provides the following information: All marine mammal species with possible or confirmed occurrence in the proposed survey areas on land; information on those species' regulatory status under the MMPA and the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*); abundance; occurrence and seasonality in the activity area.

TABLE 1—GENERAL INFORMATION ON MARINE MAMMALS THAT COULD POTENTIALLY HAUL OUT IN THE PROPOSED STUDY AREAS IN MAY THROUGH SEPTEMBER, 2015

Species	Stock name	Regulatory status [1] [2]	Stock/Species abundance [3]	Occurrence and range	Season
Harbor seal (*Phoca vitulina*)	Glacier Bay/Icy Strait	MMPA–NC ESA–NL	5,042	common coastal	year-round
Steller sea lion (*Eumetopias jubatus*)	Eastern U.S.	MMPA–D, S ESA–NL	63,160–78,198	uncommon coastal	year-round
Steller sea lion (*Eumetopias jubatus*)	Western U.S.	MMPA–D, S ESA–T	52,200	rare coastal	unknown

[1] MMPA: D = Depleted, S = Strategic, NC = Not Classified.
[2] ESA: EN = Endangered, T = Threatened, DL = Delisted, NL = Not listed.
[3] 2013 NMFS Stock Assessment Report (Allen and Anglis, 2014).

NMFS refers the public to the Glacier Bay NP's application and the 2014 NMFS Marine Mammal Stock Assessment Report available online at: *http://www.nmfs.noaa.gov/pr/sars/species.htm* for further information on the biology and local distribution of these species.

Other Marine Mammals in the Proposed Action Area

Northern sea otters (*Enhydra lutris kenyoni*) and polar bears (*Ursis maritimus*) listed as threatened under the Endangered Species Act could occur in the proposed area. The U.S. Fish and Wildlife Service manages these species and NMFS does not consider them further in this notice.

Potential Effects of the Specified Activities on Marine Mammals

This section includes a summary and discussion of the ways that the types of stressors associated with the specified activity (*e.g.,* personnel presence) have been observed to impact marine mammals. This discussion may also include reactions that NMFS considers to rise to the level of a take and those that we do not consider to rise to the level of a take. This section serves as a background of potential effects and does not consider either the specific manner in which the applicant will carry out the activity or the mitigation that will be implemented, and how either of those will shape the anticipated impacts from this specific activity. The ''Estimated Take by Incidental Harassment'' section later in this document will include a quantitative analysis of the number of individuals that NMFS expects Glacier Bay NP to take during this activity. The ''Negligible Impact Analysis'' section will include the analysis of how this specific activity would impact marine mammals. NMFS will consider the content of the following sections: Estimated Take by Incidental Harassment; Proposed Mitigation; and Anticipated Effects on Marine Mammal Habitat, to draw conclusions regarding the likely impacts of this activity on the reproductive success or survivorship of individuals—and from that consideration—the likely impacts of this activity on the affected marine mammal populations or stocks.

Potential Effects of Human Presence on Marine Mammals

The appearance of Glacier Bay researchers has the potential to cause Level B harassment of pinnipeds hauled out on Boulder, Lone, and Flapjack Islands, and Geikie Rock. Disturbance includes a variety of effects, including subtle to conspicuous changes in behavior, movement, and displacement. Disturbance may result in reactions ranging from an animal simply becoming alert to the presence of the surveyors (*e.g.,* turning the head, assuming a more upright posture) to flushing from the haul-out site into the water. NMFS does not consider the lesser reactions to constitute behavioral harassment, or Level B harassment takes, but rather assumes that pinnipeds that move greater than 1 meter (m) (3.3 feet (ft)) or change the speed or direction of their movement in response to the presence of surveyors are behaviorally harassed, and thus subject to Level B taking. Animals that respond to the presence of researchers by becoming alert, but that do not move or change the nature of locomotion as described, are not considered to have been subject to behavioral harassment.

Reactions to human presence, if any, depend on species, state of maturity, experience, current activity, reproductive state, time of day, and many other factors (Richardson *et al.,* 1995; Wartzok *et al.,* 2004; Southall *et al.,* 2007; Weilgart, 2007). These behavioral reactions are often shown as: Changing durations of surfacing and dives, number of blows per surfacing, or moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior; avoidance of areas; and/or flight responses (*e.g.,* pinnipeds flushing into the water from haul-outs or rookeries). If a marine mammal does react briefly to human presence by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone the stock or population. However, if visual stimuli from human presence displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (*e.g.,* Lusseau and Bejder, 2007; Weilgart, 2007).

Disturbances resulting from human activity can impact short- and long-term pinniped haul out behavior (Renouf *et al.,* 1981; Schneider and Payne, 1983; Terhune and Almon, 1983; Allen *et al.,* 1984; Stewart, 1984; Suryan and Harvey, 1999; Mortenson *et al.,* 2000; and Kucey and Trites, 2006). Numerous studies have shown that human activity can flush harbor seals off haulout sites (Allen *et al.,* 1984; Calambokidis *et al.,* 1991; Suryan and Harvey, 1999; and Mortenson *et al.*, 2000) or lead to Hawaiian monk seal (*Monachus schauinslandi*) avoidance of beach areas (Kenyon, 1972). In one case, human disturbance appeared to cause Steller sea lions to desert a breeding area at Northeast Point on St. Paul Island, Alaska (Kenyon, 1962).

In cases where vessels actively approached marine mammals (*e.g.,*

whale watching or dolphin watching boats), scientists have documented that animals exhibit altered behavior such as increased swimming speed, erratic movement, and active avoidance behavior (Bursk, 1983; Acevedo, 1991; Baker and MacGibbon, 1991; Trites and Bain, 2000; Williams *et al.,* 2002; Constantine *et al.,* 2003), reduced blow interval (Ritcher *et al.,* 2003), disruption of normal social behaviors (Lusseau, 2003; 2006), and the shift of behavioral activities which may increase energetic costs (Constantine *et al.,* 2003; 2004). In 1997, Henry and Hammil (2001) conducted a study to measure the impacts of small boats (*i.e.,* kayaks, canoes, motorboats and sailboats) on harbor seal haulout behavior in Métis Bay, Quebec, Canada. During that study, the authors noted that the most frequent disturbances (n=73) were caused by lower speed, lingering kayaks, and canoes (33.3 percent) as opposed to motorboats (27.8 percent) conducting high speed passes. The seals' flight reactions could be linked to a surprise factor by kayaks-canoes that approach slowly, quietly and low on water, making them look like predators. However, the authors note that once the animals were disturbed, there did not appear to be any significant lingering effect on the recovery of numbers to their pre-disturbance levels. In conclusion, the study showed that boat traffic at current levels has only a temporary effect on the haulout behavior of harbor seals in the Métis Bay area.

In 2004, Johnson and Acevedo-Gutierrez (2007) evaluated the efficacy of buffer zones for watercraft around harbor seal haulout sites on Yellow Island, Washington. The authors estimated the minimum distance between the vessels and the haul-out sites; categorized the vessel types; and evaluated seal responses to the disturbances. During the course of the seven-weekend study, the authors recorded 14 human-related disturbances which were associated with stopped powerboats and kayaks. During these events, hauled out seals became noticeably active and moved into the water. The flushing occurred when stopped kayaks and powerboats were at distances as far as 453 and 1,217 ft (138 and 371 m) respectively. The authors note that the seals were unaffected by passing powerboats, even those approaching as close as 128 ft (39 m), possibly indicating that the animals had become tolerant of the brief presence of the vessels and ignored them. The authors reported that on average, the seals quickly recovered from the disturbances and returned to the haulout site in less than or equal to 60 minutes. Seal numbers did not return to pre-disturbance levels within 180 minutes of the disturbance less than one quarter of the time observed. The study concluded that the return of seal numbers to pre-disturbance levels and the relatively regular seasonal cycle in abundance throughout the area counter the idea that disturbances from powerboats may result in site abandonment (Johnson and Acevedo-Gutierrez, 2007). As a general statement from the available information, pinnipeds exposed to intense (approximately 110 to 120 decibels re: 20 μPa) non-pulse sounds often leave haulout areas and seek refuge temporarily (minutes to a few hours) in the water (Southall *et al.,* 2007).

There are three ways in which disturbance, as described previously, could result in more than Level B harassment of marine mammals. All three are most likely to be consequences of stampeding, a potentially dangerous occurrence in which large numbers of animals succumb to mass panic and rush away from a stimulus. The three situations are: (1) Falling when entering the water at high-relief locations; (2) extended separation of mothers and pups; and (3) crushing of pups by large males during a stampede. However, NMFS does not expect any of these scenarios to occur at the proposed survey site.

Because hauled-out animals may move towards the water when disturbed, there is the risk of injury if animals stampede towards shorelines with precipitous relief (*e.g.,* cliffs). However, while high-elevation sites exist on the islands, the haulout sites consist of ridges with unimpeded and non-obstructive access to the water. If disturbed, the small number of hauled-out adult animals may move toward the water without risk of encountering barriers or hazards that would otherwise prevent them from leaving the area.

The probability of vessel and marine mammal interactions (*i.e.,* motorboat strike) occurring during the proposed research activities is unlikely due to the motorboat's slow operational speed, which is typically 2 to 3 knots (2.3 to 3.4 mph) and the researchers continually scanning the water for marine mammals presence during transit to the islands. Thus, NMFS does not anticipate that strikes or collisions would result from the movement of the motorboat.

Anticipated Effects on Marine Mammal Habitat

We do not anticipate that the proposed operations would result in any temporary or permanent effects on the habitats used by the marine mammals in the proposed area, including the food sources they use (*i.e.,* fish and invertebrates). While NMFS anticipates that the specified activity may result in marine mammals avoiding certain areas due to motorboat operations or human presence, this impact to habitat is temporary and reversible. NMFS considered these as behavioral modification. The main impact associated with the proposed activity will be temporarily elevated noise levels and the associated direct effects on marine mammals, previously discussed in this notice. Based on the preceding discussion, NMFS does not anticipate that the proposed activity would have any habitat-related effects that could cause significant or long-term consequences for individual marine mammals or their populations.

Proposed Mitigation

In order to issue an incidental take authorization under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, and other means of effecting the least practicable adverse impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking for certain subsistence uses (where relevant). Applications for incidental take authorizations must include the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact on the affected species or stock and their habitat 50 CFR 216.104(a)(11).

The Glacier Bay NP has reviewed the following source documents and has incorporated a suite of proposed mitigation measures into their project description.

(1) Recommended best practices in Womble *et al.* (2013); Richardson *et al.* (1995); Pierson *et al.* (1998); and Weir and Dolman, (2007).

To reduce the potential for disturbance from acoustic and visual stimuli associated with the activities Glacier Bay NP and/or its designees has proposed to implement the following mitigation measures for marine mammals:

- Perform pre-survey monitoring before deciding to access a study site;

• Avoid accessing a site based on a pre-determined threshold number of animals present; sites used by pinnipeds for pupping; or sites used by Steller sea lions;

• Perform controlled and slow ingress to the study site to prevent a stampede and select a pathway of approach to minimize the number of marine mammals harassed;

• Monitor for offshore predators at study sites. Avoid approaching the study site if killer whales (*Orcinus orca*) are present. If Glacier Bay NP and/or its designees see predators in the area, they must not disturb the pinnipeds until the area is free of predators.

• Maintain a quiet research atmosphere in the visual presence of pinnipeds.

Pre-Survey Monitoring: Prior to deciding to land onshore to conduct the study, the researchers would use high-powered image stabilizing binoculars from the watercraft to document the number, species, and location of hauled out marine mammals at each island. The vessels would maintain a distance of 328 to 1,640 ft (100 to 500 m) from the shoreline to allow the researchers to conduct pre-survey monitoring. During every visit, the researchers will examine each study site closely using high powered image stabilizing binoculars before approaching at distances of greater than 500 m (1,640 ft) to determine and document the number, species, and location of hauled out marine mammals.

Site Avoidance: Researchers would decide whether or not to approach the island based on the species present, number of individuals, and the presence of pups. If there are high numbers (more than 25) harbor seals hauled out (with or without young pups present), any time pups are present, or any time that Steller sea lions are present, the researchers will not approach the island and will not conduct gull monitoring research.

Controlled Landings: The researchers would determine whether to approach the island based on the number and type of animals present. If the island has 25 or fewer individuals without pups, the researchers would approach the island by motorboat at a speed of approximately 2 to 3 knots (2.3 to 3.4 mph). This would provide enough time for any marine mammals present to slowly enter the water without panic or stampede. The researchers would also select a pathway of approach farthest from the hauled out harbor seals to minimize disturbance.

Minimize Predator Interactions: If the researchers visually observe marine predators (*i.e.* killer whales) present in the vicinity of hauled out marine mammals, the researchers would not approach the study site.

Noise Reduction Protocols: While onshore at study sites, the researchers would remain vigilant for hauled out marine mammals. If marine mammals are present, the researchers would move slowly and use quiet voices to minimize disturbance to the animals present.

Mitigation Conclusions

NMFS has carefully evaluated Glacier Bay NP's proposed mitigation measures in the context of ensuring that we prescribe the means of effecting the least practicable impact on the affected marine mammal species and stocks and their habitat. Our evaluation of potential measures included consideration of the following factors in relation to one another:

• The manner in which, and the degree to which, the successful implementation of the measure is expected to minimize adverse impacts to marine mammals;

• The proven or likely efficacy of the specific measure to minimize adverse impacts as planned; and

• The practicability of the measure for applicant implementation.

Any mitigation measure(s) prescribed by NMFS should be able to accomplish, have a reasonable likelihood of accomplishing (based on current science), or contribute to the accomplishment of one or more of the general goals listed here:

1. Avoidance or minimization of injury or death of marine mammals wherever possible (goals 2, 3, and 4 may contribute to this goal).

2. A reduction in the numbers of marine mammals (total number or number at biologically important time or location) exposed to motorboat operations or visual presence that we expect to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

3. A reduction in the number of times (total number or number at biologically important time or location) individuals exposed to motorboat operations or visual presence that we expect to result in the take of marine mammals (this goal may contribute to 1, above, or to reducing harassment takes only).

4. A reduction in the intensity of exposures (either total number or number at biologically important time or location) to motorboat operations or visual presence that we expect to result in the take of marine mammals (this goal may contribute to a, above, or to reducing the severity of harassment takes only).

5. Avoidance or minimization of adverse effects to marine mammal habitat, paying special attention to the food base, activities that block or limit passage to or from biologically important areas, permanent destruction of habitat, or temporary destruction/disturbance of habitat during a biologically important time.

6. For monitoring directly related to mitigation—an increase in the probability of detecting marine mammals, thus allowing for more effective implementation of the mitigation.

Based on the evaluation of Glacier Bay NP's proposed measures, NMFS has preliminarily determined that the proposed mitigation measures provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

Proposed Monitoring

In order to issue an ITA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth ''requirements pertaining to the monitoring and reporting of such taking.'' The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for Authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that we expect to be present in the proposed action area. Glacier Bay NP submitted a marine mammal monitoring plan in section 13 of their Authorization application.

Monitoring measures prescribed by NMFS should accomplish one or more of the following general goals:

1. An increase in our understanding of the likely occurrence of marine mammal species in the vicinity of the action, (*i.e.,* presence, abundance, distribution, and/or density of species).

2. An increase in our understanding of the nature, scope, or context of the likely exposure of marine mammal species to any of the potential stressor(s) associated with the action (*e.g.,* sound or visual stimuli), through better understanding of one or more of the following: The action itself and its environment (*e.g.,* sound source characterization, propagation, and ambient noise levels); the affected species (*e.g.,* life history or dive pattern); the likely co-occurrence of marine mammal species with the action (in whole or part) associated with

specific adverse effects; and/or the likely biological or behavioral context of exposure to the stressor for the marine mammal (*e.g.,* age class of exposed animals or known pupping, calving or feeding areas).

3. An increase in our understanding of how individual marine mammals respond (behaviorally or physiologically) to the specific stressors associated with the action (in specific contexts, where possible, *e.g.,* at what distance or received level).

4. An increase in our understanding of how anticipated individual responses, to individual stressors or anticipated combinations of stressors, may impact either: The long-term fitness and survival of an individual; or the population, species, or stock (*e.g.* through effects on annual rates of recruitment or survival).

5. An increase in our understanding of how the activity affects marine mammal habitat, such as through effects on prey sources or acoustic habitat (*e.g.,* through characterization of longer-term contributions of multiple sound sources to rising ambient noise levels and assessment of the potential chronic effects on marine mammals).

6. An increase in understanding of the impacts of the activity on marine mammals in combination with the impacts of other anthropogenic activities or natural factors occurring in the region.

7. An increase in our understanding of the effectiveness of mitigation and monitoring measures.

8. An increase in the probability of detecting marine mammals (through improved technology or methodology), both specifically within the safety zone (thus allowing for more effective implementation of the mitigation) and in general, to better achieve the above goals.

As part of its Authorization application, Glacier Bay NP proposes to sponsor marine mammal monitoring during the project, in order to implement the mitigation measures that require real-time monitoring, and to satisfy the monitoring requirements of the MMPA.

The Glacier Bay NP researchers will monitor the area for pinnipeds during all research activities. Monitoring activities will consist of conducting and recording observations on pinnipeds within the vicinity of the proposed research areas. The monitoring notes would provide dates and location of the researcher's activities and the number and type of species present. The researchers would document the behavioral state of animals present, and any apparent disturbance reactions or lack thereof.

Glacier Bay NP can add to the knowledge of pinnipeds in the proposed action area by noting observations of: (1) Unusual behaviors, numbers, or distributions of pinnipeds, such that any potential follow-up research can be conducted by the appropriate personnel; (2) tag-bearing carcasses of pinnipeds, allowing transmittal of the information to appropriate agencies and personnel; and (3) rare or unusual species of marine mammals for agency follow-up.

If at any time injury, serious injury, or mortality of the species for which take is authorized should occur, or if take of any kind of any other marine mammal occurs, and such action may be a result of the proposed land survey, Glacier Bay NP would suspend research and monitoring activities and contact NMFS immediately to determine how best to proceed to ensure that another injury or death does not occur and to ensure that the applicant remains in compliance with the MMPA.

Encouraging and Coordinating Research

Glacier Bay NP actively monitors harbor seals at breeding and molting haul out locations to assess trends over time (*e.g.,* Mathews & Pendleton, 2006; Womble *et al.* 2010, Womble and Gende, 2013b). This monitoring program involves collaborations with biologists from the Alaska Department of Fish and Game, and the National Marine Mammal Laboratory. Glacier Bay NP will continue these collaborations and encourage continued or renewed monitoring of marine mammal species. Additionally, they would report vessel-based counts of marine mammals, branded, or injured animals, and all observed disturbances to the appropriate state and federal agencies.

Proposed Reporting

Glacier Bay NP will submit a draft monitoring report to us no later than 90 days after the expiration of the Incidental Harassment Authorization, if we issue it. The report will describe the operations conducted and sightings of marine mammals near the proposed project. The report will provide full documentation of methods, results, and interpretation pertaining to all monitoring. The report will provide:

1. A summary and table of the dates, times, and weather during all research activities.

2. Species, number, location, and behavior of any marine mammals observed throughout all monitoring activities.

3. An estimate of the number (by species) of marine mammals exposed to acoustic or visual stimuli associated with the research activities.

4. A description of the implementation and effectiveness of the monitoring and mitigation measures of the Authorization and full documentation of methods, results, and interpretation pertaining to all monitoring.

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the authorization, such as an injury (Level A harassment), serious injury, or mortality (*e.g.,* vessel-strike, stampede, etc.), Glacier Bay NP shall immediately cease the specified activities and immediately report the incident to the Division Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401 and the Alaska Regional Stranding Coordinator at (907) 586–7248. The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Description and location of the incident (including water depth, if applicable);
- Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

Glacier Bay NP shall not resume its activities until NMFS is able to review the circumstances of the prohibited take. We will work with Glacier Bay to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Glacier Bay NP may not resume their activities until notified by us via letter, email, or telephone.

In the event that Glacier Bay NP discovers an injured or dead marine mammal, and the lead researcher determines that the cause of the injury or death is unknown and the death is relatively recent (*i.e.,* in less than a moderate state of decomposition as we describe in the next paragraph), Glacier Bay NP will immediately report the incident to the Division Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401 and the Alaska Regional Stranding Coordinator at (907) 586–7248. The report must include the same information identified in the paragraph

above this section. Activities may continue while we review the circumstances of the incident. We will work with Glacier Bay NP to determine whether modifications in the activities are appropriate.

In the event that Glacier Bay NP discovers an injured or dead marine mammal, and the lead visual observer determines that the injury or death is not associated with or related to the authorized activities (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), Glacier Bay will report the incident to the incident to the Division Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401 and the Alaska Regional Stranding Coordinator at (907) 586–7248 within 24 hours of the discovery. Glacier Bay NP researchers will provide photographs or video footage (if available) or other documentation of the stranded animal sighting to us. Glacier Bay NP can continue their research activities.

Estimated Take by Incidental Harassment

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

All anticipated takes would be by Level B harassment, involving temporary changes in behavior. NMFS expects that the proposed mitigation and monitoring measures would minimize the possibility of injurious or lethal takes. NMFS considers the potential for take by injury, serious injury, or mortality as remote. NMFS expects that the presence of Glacier Bay NP personnel could disturb animals hauled out and that the animals may alter their behavior or attempt to move away from the researchers.

As discussed earlier, NMFS considers an animal to have been harassed if it moved greater than 1 m (3.3 ft) in response to the surveyors' presence or if the animal was already moving and changed direction and/or speed, or if the animal flushed into the water. NMFS does not consider animals that became alert without such movements as harassed.

Based on pinniped survey counts conducted by Glacier Bay NP (*e.g.,* Mathews & Pendleton, 2006; Womble *et al.,* 2010), NMFS estimates that the research activities could potentially affect by Level B behavioral harassment 500 harbor seals over the course of the Authorization (Table 2). This estimate represents 9.9 percent of the Glacier Bay/Icy Strait stock of harbor seals and accounts for a maximum disturbance of 25 harbor seals each per visit at Boulder, Lone, and Flapjack Islands, and Geikie Rock, Alaska over a maximum level of five visits.

TABLE 2—ESTIMATES OF THE POSSIBLE NUMBERS OF MARINE MAMMALS EXPOSED TO ACOUSTIC AND VISUAL STIMULI DURING THE PROPOSED RESEARCH ACTIVITIES ON BOULDER, LONE, AND FLAPJACK ISLANDS, AND GEIKIE ROCK, ALASKA, MAY THROUGH SEPTEMBER, 2015

Species	Estimated number of individuals exposed	Proposed take authorization	Percent of species or stock [1]	Population trend [2]
Harbor seal	500	500	9.9	Declining.
Steller sea lion	0	0	0	Increasing.

[1] Table 1 in this notice lists the stock species abundance estimates that NMFS used to calculate the percentage of species/stock.
[2] The population trend information is from Allen and Angliss, 2014. No data = Insufficient data to determine population trend.

Harbor seals tend to haul out in small numbers (on average, less than 50 animals) at most sites with the exception of Flapjack Island (Womble, Pers. Comm.). Animals on Flapjack Boulder Islands generally haul out on the south side of the Islands and are not located near the research sites located on the northern side of the Islands. Aerial survey maximum counts show that harbor seals sometimes haul out in large numbers at all four locations (see Table 2 in Glacier Bays NP's application), and sometimes individuals and mother/pup pairs occupy different terrestrial locations than the main haulout (J. Womble, personal observation).

Considering the conservation status for the Western stock of the Steller sea lion, the Glacier Bay NP researchers would not conduct ground-based or vessel-based surveys if they observe Steller sea lions before accessing Boulder, Lone, and Flapjack Islands, and Geikie Rock. Thus, NMFS expects no takes to occur for this species during the proposed activities.

NMFS does not propose to authorize any injury, serious injury, or mortality. NMFS expect all potential takes to fall under the category of Level B harassment only.

Analysis and Preliminary Determinations

Negligible Impact

Negligible impact' is ''an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival'' (50 CFR 216.103). The lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population level effects) forms the basis of a negligible impact finding. An estimate of the number of Level B harassment takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through behavioral harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as the number and nature of estimated Level A harassment takes, the number of estimated mortalities, and effects on habitat.

Although Glacier Bay NP's survey activities may disturb harbor seals hauled out at the survey sites, NMFS expects those impacts to occur to a small, localized group of animals for a limited duration (*e.g.,* 30 minutes to two hours each visit). Pinnipeds would likely become alert or, at most, flush into the water in reaction to the presence of Glacier Bay NP personnel during the proposed activities.

Disturbance will be limited to a short duration, allowing the animals to reoccupy the island within a short amount of time. Thus, the proposed action is unlikely to result in long-term impacts such as permanent abandonment of the haul-out.

For reasons stated previously in this document and based on the following factors, Glacier Bay NP's specified activities are not likely to cause long-term behavioral disturbance, injury, serious injury, or death. These reasons include:

1. The effects of the research activities would be limited to short-term responses and temporary behavioral changes due to the short and sporadic duration of the research activities. Minor and brief responses are not likely to constitute disruption of behavioral patterns, such as migration, nursing, breeding, feeding, or sheltering.

2. The availability of alternate areas for pinnipeds to avoid the resultant disturbances from the research operations. Anecdotal reports from previous Glacier Bay NP activities have shown that the pinnipeds returned to the various sites and did not permanently abandon haul-out sites after Glacier Bay NP conducted their research activities.

3. There is no potential for large-scale movements leading to injury, serious injury, or mortality because the researchers would delay ingress into the landing areas only after the pinnipeds have slowly entered the water.

4. Glacier Bay NP will limit access to Boulder, Lone, and Flapjack Islands, and Geikie Rock when there are high numbers (more than 25) harbor seals hauled out (with or without young pups present), any time pups are present, or any time that Steller sea lions are present, the researchers will not approach the island and will not conduct gull monitoring research.

NMFS does not anticipate that any injuries, serious injuries, or mortalities would occur as a result of Glacier Bay NP's proposed activities with the mitigation and related monitoring, and NMFS does not propose to authorize injury, serious injury, or mortality at this time. In addition, the research activities would not take place in areas of significance for marine mammal feeding, resting, breeding, or calving and would not adversely impact marine mammal habitat.

Due to the nature, degree, and context of Level B (behavioral) harassment anticipated and described (see ''Potential Effects on Marine Mammals'' section in this notice), we do not expect the activity to impact annual rates of recruitment or survival for any affected species or stock.

In summary, NMFS anticipates that impacts to hauled-out harbor seals during Glacier Bay NP's research activities would be behavioral harassment of limited duration (*i.e.,* up to two hours per visit) and limited intensity (*i.e.,* temporary flushing at most). NMFS does not expect stampeding, and therefore injury or mortality, to occur (see ''Mitigation'' for more details). Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from Glacier Bay's proposed research activities will have a negligible impact on the affected marine mammal species or stocks.

Small Numbers

As mentioned previously, NMFS estimates that Glacier Bay NP's activities could potentially affect, by Level B harassment only, one species of marine mammal under our jurisdiction. For harbor seals, this estimate is small (9.9 percent) relative to the population size and we have provided the percentage of the harbor seal's regional population estimate that the activities may take by Level B harassment in Table 2 in this notice.

Based on the analysis contained in this notice of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the mitigation and monitoring measures, NMFS preliminarily finds that Glacier Bay NP's proposed activities would take small numbers of marine mammals relative to the populations of the affected species or stocks.

Impact on Availability of Affected Species or Stock for Taking for Subsistence Uses

There are no relevant subsistence uses of marine mammals implicated by this action. Glacier Bay National Park prohibits subsistence harvest of harbor seals within the Park (Catton, 1995).

Endangered Species Act (ESA)

NMFS does not expect that Glacier Bay NP's proposed research activities (which includes mitigation measures to avoid harassment of Steller sea lions) would affect any species listed under the ESA. Therefore, NMFS has determined that a section 7 consultation under the ESA is not required.

National Environmental Policy Act (NEPA)

In 2014, NMFS prepared an Environmental Assessment (EA) analyzing the potential effects to the human environment from NMFS' issuance of a Authorization to Glacier Bay NP for their seabird research activities.

In September 2014, NMFS issued a Finding of No Significant Impact (FONSI) on the issuance of an Authorization for Point Blue's research activities in accordance with section 6.01 of the NOAA Administrative Order 216–6 (Environmental Review Procedures for Implementing the National Environmental Policy Act, May 20, 1999). Glacier Bay NP's proposed activities and impacts for 2015 are within the scope of the 2014 EA and FONSI. NMFS provided relevant environmental information to the public through a previous notice for the proposed Authorization (79 FR 32226, June 4, 2014) and considered public comments received in response prior to finalizing the 2014 EA and deciding whether or not to issue a Finding of No Significant Impact (FONSI).

NMFS has reviewed the 2014 EA and determined that there are no new direct, indirect, or cumulative impacts to the human and natural environment associated with the Authorization requiring evaluation in a supplemental EA and NMFS, therefore, proposes to reaffirm the 2014 FONSI. NMFS' EA and FONSI for this activity are available upon request (see **ADDRESSES**).

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes issuing an Incidental Harassment Authorization to Glacier Bay National Park for conducting seabird research May through September, 2015, provided they incorporate the previously mentioned mitigation, monitoring, and reporting requirements.

Draft Proposed Authorization

This section contains the draft text for the proposed Authorization. NMFS proposes to include this language in the Authorization if issued.

Proposed Authorization Language

Glacier Bay National Park, P.O. Box 140, Gustavus, Alaska 99826 and/or its designees (holders of the Authorization) are hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (16 U.S.C. 1371(a)(5)(D)) to harass small numbers of marine mammals incidental to conducting monitoring and research studies on glaucus-winged gulls (*Larus*

glaucescens) within Glacier Bay National Park and Preserve in Alaska.

1. This Authorization is valid from May 15 through September 30, 2015.

2. This Authorization is valid only for research activities that occur in the following specified geographic areas: Boulder (58°33′18.08″ N; 136°1′13.36″ W); Lone (58°43′17.67″ N; 136°17′41.32″ W), and Flapjack (58°35′10.19″ N; 135°58′50.78″ W) Islands, and Geikie Rock (58°41′39.75″ N; 136°18′39.06″ W); and Tlingit Point Islet (58°45′16.86″ N; 136°10′41.74″ W) in Glacier Bay, Alaska.

3. Species Authorized and Level of Takes

a. The taking, by Level B harassment only, is limited to the following species: 500 Pacific harbor seals (*Phoca vitulina*).

b. The taking by injury (Level A harassment), serious injury or death of any of the species listed in Condition 3(a) or the taking of any kind of any other species of marine mammal is prohibited and may result in the modification, suspension or revocation of this Authorization.

c. The taking of any marine mammal in a manner prohibited under this Authorization must be reported immediately to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, at (301) 427–8401.

4. General Conditions

A copy of this Authorization must be in the possession of Glacier Bay National Park, its designees, and field crew personnel (including research collaborators) operating under the authority of this Authorization at all times.

5. Mitigation Measures

The Holder of this Authorization is required to implement the following mitigation measures:

a. Conduct pre-survey monitoring before deciding to access a study site. Prior to deciding to land onshore of Boulder, Lone, or Flapjack Island or Geikie Rock, the Holder of this Authorization will use high-powered image stabilizing binoculars before approaching at distances of greater than 500 m (1,640 ft) to determine and document the number, species, and location of hauled out marine mammals.. The vessels will maintain a distance of 328 to 1,640 ft (100 to 500 m) from the shoreline.

i. If the Holder of the Authorization determines that there are 25 or more harbor seals (with or without young pups present) hauled out on the shoreline, the holder will not access the island and will not conduct the study at that time.

ii. If the Holder of the Authorization determines that any Steller sea lions (*Eumetopias jubatus*) are present at the study site, the Holder will not access the island and will not conduct the study at that time.

iii. If the Holder of the Authorization determines that there are any pups hauled out on the shoreline and vulnerable to being separated from their mothers, the Holder will not access the island and will not conduct the study at that time.

b. Minimize the potential for disturbance by: (1) Performing controlled and slow ingress to the study site to prevent a stampede; and (2) selecting a pathway of approach farthest from the hauled out harbor seals to minimize disturbance.

c. Monitor for offshore predators at the study sites and avoid research activities when predators area present. Avoid approaching the study site if killer whales (*Orcinus orca*) are present. If the Holder of this Authorization observes predators in the area, they must not disturb the pinnipeds until the area is free of predators.

d. Maintain a quiet working atmosphere, avoid loud noises, and use hushed voices in the presence of hauled out pinnipeds.

6. Monitoring

Glacier Bay NP is required to record the following:

a. BLM and/or its designees shall record the following:

i. Species counts (with numbers of adults/juveniles); and:

ii. Numbers of disturbances, by species and age, according to a three-point scale of intensity including: (1) Head orientation in response to disturbance, which may include turning head towards the disturbance, craning head and neck while holding the body rigid in a u-shaped position, or changing from a lying to a sitting position and/or slight movement of less than 1 meter; ''alert''; (2) Movements in response to or away from disturbance, typically over short distances (1–3 meters) and including dramatic changes in direction or speed of locomotion for animals already in motion; ''movement''; and (3) All flushes to the water as well as lengthier retreats (>3 meters); ''flight''.

iii. Information on the weather, including the tidal state and horizontal visibility.

b. If applicable, the observer shall note observations of marked or tag-bearing pinnipeds or carcasses, as well as any rare or unusual species of marine mammal.

c. If applicable, the observer shall note the presence of any offshore predators (date, time, number, and species).

7. Reporting

The holder of this Authorization is required to:

a. Draft Report: Submit a draft monitoring report to the Division Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service within 90 days after the Authorization expires. NMFS will review the Draft Report which is subject to review and comment by NMFS. Glacier Bay NP must address any recommendations made by NMFS in the Final Report prior to submission to NMFS. If NMFS decides that the draft final report needs no comments, NMFS will consider the draft report as the Final Report.

b. Final Report: Glacier Bay shall prepare and submit a Final Report to NMFS within 30 days following resolution of any comments on the draft report from NMFS.

8. Reporting Injured or Dead Marine Mammals

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the authorization, such as an injury (Level A harassment), serious injury, or mortality (*e.g.,* vessel-strike, stampede, etc.), BLM and/or its designees shall immediately cease the specified activities and immediately report the incident to the Division Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401 and the Alaska Regional Stranding Coordinator at (907) 586–7248. The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Description and location of the incident (including water depth, if applicable);
- Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

Glacier Bay NP shall not resume its activities until NMFS is able to review the circumstances of the prohibited take. NMFS will work with Glacier Bay

NP to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. Glacier Bay NP may not resume their activities until notified by us via letter, email, or telephone.

In the event that Glacier Bay NP discovers an injured or dead marine mammal, and the marine mammal observer determines that the cause of the injury or death is unknown and the death is relatively recent (*i.e.,* in less than a moderate state of decomposition as we describe in the next paragraph), Glacier Bay NP will immediately report the incident to the Division Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401 and the Alaska Regional Stranding Coordinator at (907) 586–7248. The report must include the same information identified in the paragraph above this section. Activities may continue while NMFS reviews the circumstances of the incident. NMFS would work with Glacier Bay NP to determine whether modifications in the activities are appropriate.

In the event that Glacier Bay NP discovers an injured or dead marine mammal, and the lead visual observer determines that the injury or death is not associated with or related to the authorized activities (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), Glacier Bay NP will report the incident to the Division Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, at 301–427–8401 and the Alaska Regional Stranding Coordinator at (907) 586–7248 within 24 hours of the discovery. Glacier Bay NP personnel will provide photographs or video footage (*if available*) or other documentation of the stranded animal sighting to us. Glacier Bay NP can continue their survey activities while NMFS reviews the circumstances of the incident.

Request for Public Comments

NMFS invites comments on our analysis, the draft authorization, and any other aspect of the notice of proposed Authorization for Glacier Bay NP's activities. Please include any supporting data or literature citations with your comments to help inform our final decision on Glacier Bay NP's request for an Authorization.

Dated: March 31, 2015.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2015–07734 Filed 4–3–15; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–025, C–533–862, C–523–811]

Certain Polyethylene Terephthalate Resin From the People's Republic of China, India, and the Sultanate of Oman: Initiation of Countervailing Duty Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Effective April 6, 2015.

FOR FURTHER INFORMATION CONTACT: Yasmin Nair at (202) 482–3813 or Ilissa Shefferman at (202) 482–4684, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On March 10, 2015, the Department of Commerce (Department) received countervailing duty (CVD) petitions concerning imports of certain polyethylene terephthalate resin (PET resin) from the People's Republic of China (PRC), India, and the Sultanate of Oman (Oman) filed in proper form on behalf of DAK Americas, LLC; M&G Chemicals; and Nan Ya Plastic Corporation, America (collectively, Petitioners). The CVD petitions were accompanied by antidumping duty (AD) petitions also concerning imports of PET resin from Canada, the PRC, India, and Oman.[1] Petitioners are domestic producers of PET resin.[2]

On March 13, 2015, the Department requested information and clarification for certain areas of the Petitions.[3] Petitioners filed responses to these requests on March 17 and 19, 2015.[4] Petitioners filed a revised scope on March 24, 2015.[5]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), Petitioners allege that the Government of the PRC (GOC), the Government of India (GOI), and the Government of the Sultanate of Oman (GSO) are providing countervailable subsidies (within the meaning of sections 701 and 771(5) of the Act) to imports of certain PET resin from the PRC, India and Oman, respectively, and that such imports are materially injuring, or threatening material injury to, an industry in the United States. Also, consistent with section 702(b)(1) of the Act, the Petitions are accompanied by information reasonably available to Petitioners supporting their allegations.

The Department finds that Petitioners filed the Petitions on behalf of the domestic industry because Petitioners are interested parties as defined in sections 771(9)(C) and (D) of the Act. The Department also finds that Petitioners demonstrated sufficient industry support with respect to the initiation of the CVD investigations that Petitioners are requesting.[6]

Period of Investigation

The period of investigation for the PRC, India and Oman is January 1, 2014, through December 31, 2014.[7]

Scope of the Investigations

The product covered by these investigations is PET resin from the

[1] *See* ''Petitions for the Imposition of Antidumping Duties on Imports of Certain Polyethylene Terephthalate Resin from Canada, The People's Republic of China, India, and the Sultanate of Oman and Countervailing Duties on Imports from The People's Republic of China, India, and the Sultanate of Oman,'' dated March 10, 2015 (Petitions).

[2] *See* Volume I of the Petitions, at I–2 and Exhibit I–2.

[3] *See* Letter from the Department to Petitioners entitled ''Petition for the Imposition of Countervailing Duties on Imports of Certain Polyethylene Terephthalate Resin from the People's Republic of China (PRC): Supplemental Questions,'' dated March 13, 2015 (PRC Deficiency Questionnaire); Letter from the Department to Petitioners entitled ''Petition for the Imposition of Countervailing Duties on Imports of Certain Polyethylene Terephthalate Resin from India: Supplemental Questions,'' dated March 13, 2015 (India Deficiency Questionnaire); Letter from the Department to Petitioners entitled ''Petition for the Imposition of Countervailing Duties on Imports of Certain Polyethylene Terephthalate Resin from the Sultanate of Oman: Supplemental Questions,'' dated March 13, 2015 (Oman Deficiency Questionnaire); Letter from the Department to Petitioners entitled ''Petition for the Imposition of Countervailing Duties on Imports of Certain Polyethylene Terephthalate Resin from Canada, the People's Republic of China, India, and the Sultanate of Oman: Supplemental Questions,'' dated March 13, 2015 (General Issues Supplement).

[4] *See* Letter from Petitioners entitled ''Certain Polyethylene Terephthalate Resin From The People's Republic Of China—Petitioners' Response To Supplemental Questionnaire,'' dated March 17, 2015 (PRC CVD Supplement); Letter from Petitioners entitled ''Certain Polyethylene Terephthalate Resin From India—Petitioners' Response To Supplemental Questionnaire,'' dated March 17, 2015 (India CVD Supplement); Letter from Petitioners entitled ''Certain Polyethylene Terephthalate Resin From the Sultanate of Oman—Petitioners' Response To Supplemental Questionnaire,'' dated March 17, 2015 (Oman CVD Supplement); and Letter from Petitioners entitled ''Certain Polyethylene Terephthalate Resin From The People's Republic Of China, India, and the Sultanate of Oman—Petitioner's Response to Supplemental Questionnaire,'' dated March 19, 2015 (General Issues Supplement).

[5] *See* Scope Supplement to the Petitions, dated March 24, 2015 (Scope Supplement).

[6] *See* the ''Determination of Industry Support for the Petitions'' section below.

[7] 19 CFR 351.204(b)(2).

PRC, India, and Oman. For a full description of the scope of these investigations, *see* the ''Scope of the Investigations'' in Appendix I of this notice.

Comments on Scope of the Investigations

During our review of the Petitions, the Department issued questions to, and received responses from, Petitioners pertaining to the proposed scope to ensure that the scope language in the Petitions would be an accurate reflection of the products for which the domestic industry is seeking relief.[8]

As discussed in the preamble to the Department's regulations,[9] we are setting aside a period for interested parties to raise issues regarding product coverage (scope). The period for scope comments is intended to provide the Department with ample opportunity to consider all comments and to consult with parties prior to the issuance of the preliminary determinations. If scope comments include factual information (*see* 19 CFR 351.102(b)(21)), all such factual information should be limited to public information. All such comments must be filed by 5:00 p.m. Eastern Time (ET) on April 20, 2015, which is the first business day following 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on April 30, 2015, which is 10 calendar days after the initial comments deadline.[10]

The Department requests that any factual information the parties consider relevant to the scope of the investigations be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party may contact the Department and request permission to submit the additional information. All such comments must be filed on the records of the PRC, India, and Oman CVD investigations, as well as the concurrent Canada, PRC, India, and Oman AD investigations.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). An electronically-filed document must be received successfully in its entirety by the time and date it is due. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Consultations

Pursuant to section 702(b)(4)(A)(i) of the Act, the Department notified representatives of the GOC, GOI, and GSO of the receipt of the Petitions. Also, in accordance with section 702(b)(4)(A)(ii) of the Act, the Department provided representatives of the GOC, GOI, and GSO the opportunity for consultations with respect to the Petitions.[11] Consultations were held with the GOC on March 24, 2015. Consultations were held with the GSO on March 27, 2015. All memoranda regarding these consultations are on file electronically *via* ACCESS.

Determination of Industry Support for the Petitions

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[12] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[13]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petitions).

With regard to the domestic like product, Petitioners do not offer a definition of the domestic like product distinct from the scope of the investigations. Based on our analysis of the information submitted on the record, we have determined that PET resin constitutes a single domestic like product and we have analyzed industry support in terms of that domestic like product.[14]

[8] *See* General Issues Questionnaire; *see also* General Issues Supplement.

[9] *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[10] According to the Department practice, when a date falls on a weekend or a federal holiday, submissions become due the next business day; *see Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

[11] *See* Letters of Invitation from the Department to the GOC, GOI, and GSO dated March 10, 2015.

[12] *See* section 771(10) of the Act.

[13] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[14] For a discussion of the domestic like product analysis in this case, *see* Countervailing Duty Investigation Initiation Checklist: Certain Polyethylene Terephthalate Resin from the People's Republic of China (PRC CVD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Polyethylene Terephthalate Resin from Canada, the People's Republic of China, India, and the Sultanate of Oman (Attachment II); Countervailing Duty Investigation Initiation Checklist: Certain Polyethylene Terephthalate Resin from India (India CVD Initiation Checklist), at Attachment II; and Countervailing Duty Investigation Initiation Checklist: Certain Polyethylene Terephthalate Resin from the Sultanate of Oman (Oman CVD Initiation Checklist), at Attachment II. These checklists are dated concurrently with this notice and are on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central

In determining whether Petitioners have standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in Appendix I of this notice. Petitioners provided their own production of the domestic like product in 2014.[15] In addition, Petitioners estimated the total 2014 production of the domestic like product for the entire domestic industry.[16] To establish industry support, Petitioners compared their own production to total production of the domestic like product for the entire domestic industry.[17]

Our review of the data provided in the Petitions, supplemental submission, and other information readily available to the Department indicates that Petitioners have established industry support.[18] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support (*e.g.,* polling).[19] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[20] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[21] Accordingly, the Department determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.

The Department finds that Petitioners filed the Petitions on behalf of the domestic industry because they are interested parties as defined in section 771(9)(C) of the Act and they have demonstrated sufficient industry support with respect to the CVD investigations that they are requesting the Department initiate.[22]

Injury Test

Because India, Oman, and the PRC are ''Subsidies Agreement Countries'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to these investigations. Accordingly, the ITC must determine whether imports of the subject merchandise from India, Oman, and the PRC materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

Petitioners allege that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. Petitioners allege that subject imports exceed the negligibility threshold of three percent provided for under section 771(24)(A) of the Act.[23] In CVD petitions, section 771(24)(B) of the Act provides that imports of subject merchandise from least developed countries must exceed the negligibility threshold of four percent. Petitioners also demonstrate that subject imports from India, which has been designated as a least developed country under section 771(36)(B) of the Act, exceed the negligibility threshold provided for under section 771(24)(B) of the Act.[24]

Petitioners contend that the industry's injured condition is illustrated by reduced market share; underselling and price suppression or depression; lost sales and revenues; declining U.S. shipment and production trends and low capacity utilization rates; decline in production-related workers; and decline in financial performance.[25] We assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[26]

Initiation of Countervailing Duty Investigations

Section 702(b)(1) of the Act requires the Department to initiate a CVD investigation whenever an interested party files a CVD petition on behalf of an industry that: (1) Alleges the elements necessary for an imposition of a duty under section 701(a) of the Act; and (2) is accompanied by information reasonably available to Petitioners supporting the allegations.

Petitioners allege that producers/exporters of PET resin in the PRC, India, and Oman benefited from countervailable subsidies bestowed by the governments of these countries, respectively. The Department examined the Petitions and finds that they comply with the requirements of section 702(b)(1) of the Act. Therefore, in accordance with section 702(b)(1) of the Act, we are initiating CVD investigations to determine whether manufacturers, producers, or exporters of PET resin from the PRC, India, and Oman receive countervailable subsidies from the governments of these countries, respectively.

The PRC

Based on our review of the petition, we find that there is sufficient information to initiate a CVD investigation on 19 of the 21 alleged programs. For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* the PRC CVD Initiation Checklist.

India

Based on our review of the petition, we find that there is sufficient information to initiate a CVD investigation on all of the 24 alleged programs. For a full discussion of the basis for our decision to initiate or not initiate on each program, *see* the India CVD Initiation Checklist.

Sultanate of Oman

Based on our review of the petition, we find that there is sufficient information to initiate a CVD investigation on all of the seven alleged programs. For a full discussion of the

Records Unit, Room 7046 of the main Department of Commerce building.

[15] *See* Volume I of the Petitions, at Exhibit GEN–1.

[16] *Id.*

[17] *Id.* For further discussion, *see* PRC CVD Initiation Checklist, India CVD Initiation Checklist, and Oman CVD Initiation Checklist, at Attachment II.

[18] *See* PRC CVD Initiation Checklist, India CVD Initiation Checklist, and Oman CVD Initiation Checklist, at Attachment II.

[19] *See* section 732(c)(4)(D) of the Act; *see also* PRC CVD Initiation Checklist, India CVD Initiation Checklist, and Oman CVD Initiation Checklist, at Attachment II.

[20] *See* PRC CVD Initiation Checklist, India CVD Initiation Checklist, and Oman CVD Initiation Checklist, at Attachment II.

[21] *Id.*

[22] *Id.*

[23] *See* Volume I of the Petitions, at 12–13 and Exhibit GEN–7; *see also* General Issues Supplement, Attachment 1, at 7.

[24] *Id.*

[25] *See* Volume I of the Petitions, at 10, 12–21 and Exhibits GEN–4 and GEN–7 through GEN–11; *see also* General Issues Supplement, cover letter, at 2, Attachment 1, at 7, and Attachment 2, at Exhibit GEN–S9.

[26] *See* India CVD Initiation Checklist, Oman CVD Initiation Checklist, and PRC CVD Initiation Checklist at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Polyethylene Terephthalate Resin from Canada, the People's Republic of China, India, and the Sultanate of Oman.

basis for our decision to initiate or not initiate on each program, *see* the Oman CVD Initiation Checklist.

A public version of the initiation checklist for each investigation is available on ACCESS and at*http://trade.gov/enforcement/news.asp.*

In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 65 days after the date of this initiation.

Respondent Selection

Petitioners named 35 companies as producers/exporters of PET resin from the PRC, 13 companies as producers/exporters of PET resin from India, and one company as a producer/exporter of PET resin from Oman.[27] Regarding the PRC and India, following standard practice in CVD investigations, the Department will, where appropriate, select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports of PET resin during the periods of investigation under the following Harmonized Tariff Schedule of the United States (HTSUS) number: 3907.60.00.30. We intend to release CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO within five-business days of publication of this **Federal Register** notice. The Department invites comments regarding respondent selection within seven days of publication of this **Federal Register** notice.

Comments must be filed electronically using ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS, by 5 p.m. ET by the date noted above. We intend to make our decision regarding respondent selection within 20 days of publication of this notice. Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Department's Web site at *http://enforcement.trade.gov/apo.*

Regarding Oman, although the Department normally relies on import data from CBP to select a limited number of producers/exporters for individual examination in CVD investigations, if appropriate, these Petitions name only one company as a producer/exporter of PET resin from Oman: Octal Petrochemical, LLC FZC.[28] Furthermore, we know of no other producers/exporters of subject merchandise from Oman. Accordingly, the Department intends to examine the one known producer/exporter of PET resin in this investigation with regard to Oman (*i.e.,* the company identified above). We invite interested parties to comment on this issue. Parties wishing to comment must do so within seven days of the publication of this notice in the **Federal Register**.

Distribution of Copies of the Petitions

In accordance with section 702(b)(4)(A)(i) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the GOC, GOI, and GSO *via* ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each known exporter (as named in the Petitions), consistent with 19 CFR 351.203(c)(2).

ITC Notification

We notified the ITC of our initiation, as required by section 702(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of PET resin from the PRC, India, and/or Oman are materially injuring, or threatening material injury to, a U.S. industry.[29] A negative ITC determination for any country will result in the investigation being terminated with respect to that country;[30] otherwise, these investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The regulation requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Parties should review the regulations prior to submitting factual information in these investigations.

Extension of Time Limits Regulation

Parties may request an extension of time limits before the expiration of a time limit established under Part 351, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under Part 351 expires. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in this segment.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[31] Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as well as their representatives. Investigations initiated on the basis of petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule.*[32] The

[27] *See* Volume I of the Petitions, at Exhibit GEN–3.

[28] *Id.*

[29] *See* section 703(a) of the Act.

[30] *Id.*

[31] *See* section 782(b) of the Act.

[32] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at

Department intends to reject factual submissions if the submitting party does not comply with the applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in these investigations should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 702 and 777(i) of the Act.

Dated: March 30, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigations

The merchandise covered by these investigations is polyethylene terephthalate (PET) resin having an intrinsic viscosity of at least 0.70, but not more than 0.88, deciliters per gram. The scope includes blends of virgin PET resin and recycled PET resin containing predominantly virgin PET resin content, provided such blends meet the intrinsic viscosity requirements above. The scope includes all PET resin meeting the above specifications regardless of additives introduced in the manufacturing process.

Although the merchandise covered by these investigations is not defined by its end use, it is typically used in the production of plastic bottles, in packaging for beverage, food, and manufactured products, in containers for household and automotive products, and in industrial strapping, among other applications.

The merchandise subject to these investigations is properly classified under subheading 3907.60.00.30 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

[FR Doc. 2015–07835 Filed 4–3–15; 8:45 am]

BILLING CODE 3510–DS–P

http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–843]

Certain Lined Paper Products From India: Notice of Final Results of Antidumping Duty Changed Circumstances Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On July 14, 2014, the Department of Commerce (the Department) published the *Preliminary Results* of a changed circumstances review (CCR) of the antidumping duty order on certain lined paper products from India.[1] The Department preliminarily determined that Kokuyo Riddhi Paper Products Private Limited (Kokuyo) is the successor-in-interest to Riddhi Enterprises (Riddhi). We received comments from interested parties on the *Preliminary Results.* Based on our analysis of these comments, for the final results, the Department continues to find that Kokuyo is the successor-in-interest to Riddhi.

DATES: *Effective Date:* April 6, 2015.

FOR FURTHER INFORMATION CONTACT: Cindy Robinson or Eric B. Greynolds, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3797 and (202) 482–6071, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 28, 2006, the Department published in the **Federal Register** the antidumping duty order on certain lined paper from India.[2]

On May 14, 2014, Kokuyo requested that the Department conduct a CCR to determine whether it is the successor-in-interest to Riddhi, for purposes of determining antidumping duties due as a result of the *CLPP Order.* On July 14, 2014, the Department published its *Preliminary Results,* in which it determined that Kokuyo is the successor-in-interest to Riddhi.[3] The Department invited interested parties to comment on the *Preliminary Results.*[4] On August 11, 2014, Petitioners [5] submitted their post-preliminary comments.[6] On August 29, 2014, Kokuyo submitted its rebuttal comments.[7] On September 5, 2014, Petitioners submitted a case brief.[8] On September 18, 2014, Kokuyo submitted a rebuttal brief.[9]

Scope of the Order

The merchandise covered by the *CLPP Order* is certain lined paper products, typically school supplies (for purposes of this scope definition, the actual use of or labeling these products as school supplies or non-school supplies is not a defining characteristic) composed of or including paper that incorporates straight horizontal and/or vertical lines on ten or more paper sheets (there shall be no minimum page requirement for looseleaf filler paper). The products are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4811.90.9035, 4811.90.9080, 4820.30.0040, 4810.22.5044, 4811.90.9050, 4811.90.9090, 4820.10.2010, 4820.10.2020, 4820.10.2030, 4820.10.2040, 4820.10.2050, 4820.10.2060, and 4820.10.4000. Although the HTSUS numbers are provided for convenience and customs purposes, the written product description remains dispositive.[10]

Analysis of Comments Received

All issues raised in the post-preliminary and rebuttal comments, or in case and rebuttal briefs by parties to

[1] *See Certain Lined Paper Products From India: Initiation and Preliminary Results of Antidumping Duty Changed Circumstances Review,* 79 FR 40709 (July 14, 2014) (*Preliminary Results*), and the accompanying Preliminary Decision Memorandum.

[2] *See Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Lined Paper Products from the People's Republic of China; Notice of Antidumping Duty Orders: Certain Lined Paper Products from India, Indonesia and the People's Republic of China; and Notice of Countervailing Duty Orders: Certain Lined Paper Products from India and Indonesia,* 71 FR 56949 (September 28, 2006) (*CLPP Order*).

[3] *See Preliminary Results,* 79 FR 40709.

[4] *Id.*

[5] Petitioners are the Association of American School Paper Suppliers (AASPS) and its individual members, which consists of the following companies: ACCO Brands USA LLC, Norcom Inc., and Top Flight, Inc. *See* Petitioners' letter dated June 5, 2014.

[6] *See* Petitioners' August 11, 2014 comments (Post-Preliminary Comments).

[7] *See* Kokuyo's August 29, 2014 rebuttal comments (Post-Preliminary Rebuttal).

[8] *See* Petitioners' September 5, 2014 Case Brief.

[9] *See* Kokuyo's September 18, 2014 Rebuttal Brief.

[10] For a complete description of the scope of the *CLPP Order, see* the memorandum from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Issue and Decision Memorandum for Final Results of Changed Circumstances Review: Certain Lined Paper Products from India'' (Issues and Decision Memorandum), dated concurrently with these final results.

this changed circumstances review are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the issues which parties have raised, and to which we have responded in the Issues and Decision Memorandum, is attached to this notice as an Appendix.

The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS'').[11] ACCESS is available to registered users at *http://access.trade.gov* and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.ita.doc.gov/frn/index.html.* The signed and electronic version of the Issues and Decision Memorandum are identical in content.

Final Results of Changed Circumstances Review

For the *Preliminary Results,* the Department found that Kokuyo was the successor-in-interest to Riddhi based on evidence on the record. For these final results, the Department continues to find that the business transfer from Riddhi to Kokuyo resulted in no significant changes to management, production facilities, supplier relationships, and customers with respect to the production and sale of the subject merchandise. Thus, we determine that Kokuyo operates as essentially the same business entity as Riddhi with respect to the subject merchandise.

Accordingly, the Department determines that Kokuyo is the successor-in-interest to Riddhi for the purpose of determining antidumping duty liability.

Instructions to U.S. Customs and Border Protection

As a result of this determination, we find that Kokuyo should receive the cash deposit rate previously assigned to Riddhi in the most recently completed review of the antidumping duty order on certain lined paper products from India. Consequently, the Department will instruct U.S. Customs and Border Protection to collect estimated antidumping duties for all shipments of subject merchandise exported by Kokuyo and entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice in the **Federal Register** at the current cash deposit rate for Riddhi, which is *de minimis.*[12] This cash deposit requirement shall remain in effect until further notice.

Notification

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This notice is published in accordance with sections 751(b)(1) and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.216(e).

Dated: March 30, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of Interested Party Comments
Comment 1: Time Periods Analyzed When Conducting a Successor-in-Interest CCR Analysis
Comment 2: Whether Kokuyo's Management Structure Is Similar to That of Riddhi
Comment 3: Whether Kokuyo's Production Facilities Are Similar to Those of Riddhi
Comment 4: Whether Kokuyo's Customer Base Is the Same as Riddhi's
Comment 5: Whether Kokuyo's Supplier Base Is the Same as Riddhi's
V. Recommendation

[FR Doc. 2015–07826 Filed 4–3–15; 8:45 am]

BILLING CODE 3510–DS–P

[11] On November 24, 2014, Enforcement and Compliance changed the name of Enforcement and Compliance's AD and CVD Centralized Electronic Service System (''IA ACCESS'') to AD and CVD Centralized Electronic Service System (''ACCESS''). The Web site location was changed from *http://iaaccess.trade.gov* to *http://access.trade.gov.* The Final Rule changing the references to the Regulations can be found at 79 FR 69046 (November 20, 2014).

[12] *See Certain Lined Paper Products From India: Final Results of Antidumping Duty Administrative Review; 2010–2011,* 78 FR 22232 (April 15, 2013).

DEPARTMENT OF COMMERCE

Census Bureau

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: American Community Survey (ACS) Methods Panel Envelope Mandatory Messaging Test.

OMB Control Number: 0607–0936.

Form Number(s): ACS–1, ACS–1 (Spanish), ACS CATI, ACS CAPI, ACS Internet.

Type of Request: Emergency review.

Number of Respondents: 24,000.

Average Hours Per Response: 40 minutes.

Burden Hours: 16,000.

Needs and Uses:

The American Community Survey collects detailed socioeconomic data from about 3.5 million households in the United States and 36,000 in Puerto Rico each year. The ACS also collects detailed socioeconomic data from about 195,000 residents living in Group Quarter (GQ) facilities. An ongoing data collection effort with an annual sample of this magnitude requires that the ACS continue research, testing and evaluations aimed at improving data quality, achieving survey cost efficiencies, and improving ACS questionnaire content and related data collection materials. The ACS Methods Panel is a research program that is designed to address and respond to issues and survey needs. One of those issues relates to respondent concerns about the tone of the mandatory message on the ACS mail materials.

The outside of the envelopes that contain the instructions to respond online and the paper ACS questionnaire display the bold message, ''YOUR RESPONSE IS REQUIRED BY LAW.'' The prominent references to the mandatory participation in the ACS are concerning to many respondents. The Census Bureau developed the current presentation of the mandatory nature of participation based on previous research that identified a significant positive impact of these messages in encouraging high self-response rates and reducing the need for follow-up by phone or personal visits by Census Bureau interviewers. In order to be responsive to respondent concern with the prominence of the mandatory message on the envelopes, we are conducting the Envelope Mandatory Messaging Test.

This test will measure the impact of removing the phrase ''YOUR RESPONSE IS REQUIRED BY LAW'' from the envelopes (Attachment C) used to mail the initial package (second mailing) as well as the replacement package (fourth mailing). This phrase

does not appear on other envelopes. We will continue to examine other possible revisions to the presentation of the mandatory nature of participation in the ACS, and will make future recommendations for additional testing.

We have divided the monthly production sample of 295,000 addresses in 24 nationally representative groups of approximately 12,000 addresses each. For this test, planned for the May 2015 ACS panel, we will use two randomly assigned groups for the experimental treatment group. The total sample size for the experimental treatment group is approximately 24,000 addresses. The remaining cases in the May 2015 panel will comprise the control and receive all standard ACS mailings (envelopes with the mandatory language still included). As we are using production cases for the test, the test will run through the complete three-month data collection period.

Our primary evaluation measure for this test is the self-response rate. Comparing the self-response rates between the two treatments allows us to detect at least a 1.0 percentage point difference with 80% power and α=0.1; this calculation assumes a 50% self-response rate. Additional metrics of interest include total response rate, cost analysis and the impact on ACS estimates.

Affected Public: Individuals or households,

Frequency: One-time test as part of the monthly American Community Survey,

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code, Sections 141, 193, and 221.

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 16 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: April 1, 2015.

Sarah Brabson,

NOAA PRA Clearance Officer, submitting for Census.

[FR Doc. 2015–07862 Filed 4–3–15; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–837]

Certain Cut-to-Length Carbon-Quality Steel Plate From the Republic of Korea: Initiation of Countervailing Duty New Shipper Review

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* April 6, 2015.

SUMMARY: The Department of Commerce (the Department) received a timely request for a new shipper review of the countervailing duty order on certain cut-to-length carbon-quality steel plate from the Republic of Korea. The Department has determined that the request meets the statutory and regulatory requirements for initiation.

FOR FURTHER INFORMATION CONTACT: Eric Greynolds, AD/CVD Operations Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; Telephone: (202) 482–6071.

SUPPLEMENTARY INFORMATION:

Background

The countervailing duty order on certain cut-to-length carbon-quality steel plate from the Republic of Korea published in the **Federal Register** on February 10, 2000.[1] Pursuant to section 751(a)(2)(B)(i) of the Tariff Act of 1930, as amended (the Act), we received a timely request for a new shipper review of the order from Hyundai Steel Co., Ltd. (Hyundai).[2] Hyundai certified that it is both the producer and exporter of the subject merchandise upon which the request was based.[3]

Pursuant to section 751(a)(2)(B)(i)(I) of the Act and 19 CFR 351.214(b)(2)(i), Hyundai certified that it did not export subject merchandise to the United States during the period of investigation (POI).[4] In addition, pursuant to section 751(a)(2)(B)(i)(II) of the Act and 19 CFR 351.214(b)(2)(iii)(A), Hyundai certified that, since the initiation of the investigation, it has never been affiliated with any exporter or producer who exported subject merchandise to the United States during the POI, including those respondents not individually examined during the POI.[5]

In addition to the certifications described above, pursuant to 19 CFR 351.214(b)(2)(iv), Hyundai submitted documentation establishing the following: (1) The date on which it first shipped subject merchandise for export to the United States; (2) the volume of its first shipment; and (3) the date of its first sale to an unaffiliated customer in the United States.[6] Finally, pursuant to 19 CFE 351.214(b)(2)(v), Hyundai submitted a certification that it informed the government of the Republic of Korea that it will be required to provide a full response to the Department's questionnaire.[7]

Period of Review

In accordance with 19 CFR 351.214(g)(2), in countervailing duty proceedings, the period of review (POR) for new shipper reviews initiated in the month immediately following the anniversary month will be the most recently completed calendar year. Therefore, the POR is January 1, 2014, through December 31, 2014.

Initiation of New Shipper Review

Pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(d)(1), the Department finds that the request from Hyundai meets the threshold requirements for initiation of a new shipper review for shipments of certain cut-to-length carbon-quality steel plate from the Republic of Korea produced and exported by Hyundai.[8]

The Department intends to issue the preliminary results of this new shipper review no later than 180 days from the date of initiation and final results of the review no later than 90 days after the date the preliminary results are issued.[9]

We will instruct U.S. Customs and Border Protection to allow, at the option of the importer, the posting, until the completion of the review, of a bond or security in lieu of a cash deposit for each entry of the subject merchandise from Hyundai in accordance with section 751(a)(2)(B)(iii) of the Act and 19 CFR 351.214(e). Because Hyundai certified that it produced and exported

[1] *See Notice of Amendment of Final Determinations: Certain Cut-To-Length Carbon-Quality Steel Plate From India and the Republic of Korea; and Notice of Countervailing Duty Orders: Certain Cut-To-Length Carbon-Quality Steel Plate From France, India, Indonesia, Italy, and the Republic of Korea,* 65 FR 6587 (February 10, 2000) (*Order*).

[2] *See* Hyundai's new shipper request dated February 27, 2015.

[3] *Id.,* at Exhibit 1.

[4] *Id.*

[5] *Id.*

[6] *Id.,* at Exhibits 2, and 3.

[7] *Id.,* at Exhibit 1.

[8] *See* the memorandum to the file entitled ''Certain Cut-To-Length Carbon-Quality Steel Plate from the Republic of Korea: Initiation Checklist for Countervailing Duty New Shipper Review of Hyundai Steel Co., Ltd.'' dated concurrently with this notice.

[9] *See* section 751(a)(2)(B)(iv) of the Act.

subject merchandise, the sale of which is the basis for the request for a new shipper review, we will apply the bonding privilege to Hyundai only for subject merchandise which was produced and exported by Hyundai.

Interested parties requiring access to proprietary information in the new shipper review should submit applications for disclosure under administrative protective order in accordance with 19 CFR 351.305 and 351.306.

This initiation and notice are published in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214 and 351.221(c)(1)(i).

Dated: March 31, 2015.

Gary Taverman,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2015–07827 Filed 4–3–15; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–861, A–570–024, A–122–855, A–523–810]

Certain Polyethylene Terephthalate Resin From Canada, the People's Republic of China, India, and the Sultanate of Oman: Initiation of Less-Than-Fair-Value Investigations

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Effective April 6, 2015.

FOR FURTHER INFORMATION CONTACT: Karine Gziryan or James Martinelli at (202) 482–4081 and (202) 482–2923, respectively (Canada), Tyler Weinhold at (202) 482–1121 (the People's Republic of China (PRC)); Fred Baker at (202) 482–2924 (India); or Magd Zalok at (202) 482–4162 (the Sultanate of Oman (Oman)), AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petitions

On March 10, 2015, the Department of Commerce (the Department) received antidumping duty (AD) petitions concerning imports of certain polyethylene terephthalate (PET) resin from Canada, India, the PRC, and Oman filed in proper form on behalf of DAK Americas, LLC, M&G Chemicals, and Nan Ya Plastics Corporation, America (Petitioners).[1] The AD petitions were accompanied by three countervailing duty (CVD) petitions.[2] Petitioners are domestic producers of PET resin.[3]

On March 13, 2015, and March 19, 2015, the Department requested additional information and clarification of certain areas of the Petitions.[4] Petitioners filed responses to these requests on March 18, 2015,[5] March 19, 2015,[6] March 20, 2015,[7] and March 24, 2015.[8] Petitioners filed a revised scope on March 24, 2015, and March 27, 2015.[9]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), Petitioners allege that imports of PET resin from Canada, the PRC, India, and Oman are being, or are likely to be, sold in the United States at less-than-fair value within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, an industry in the United States. Also, consistent with section 732(b)(1) of the Act, the Petitions are accompanied by information reasonably available to Petitioners supporting their allegations.

The Department finds that Petitioners filed these Petitions on behalf of the domestic industry because Petitioners are interested parties as defined in section 771(9)(C) of the Act. The Department also finds that Petitioners demonstrated sufficient industry support with respect to the initiation of the AD investigations that Petitioners are requesting.[10]

Periods of Investigation

Because the Petitions were filed on March 10, 2015, the periods of investigation (POI) are, pursuant to 19 CFR 351.204(b)(1), as follows: January 1, 2014, through December 31, 2014, for Canada, India, and Oman, and July 1, 2014, through December 31, 2014, for the PRC.

Scope of the Investigations

The product covered by these investigations is PET resin from Canada, the PRC, India, and Oman. For a full description of the scope of these investigations, *see* the ''Scope of the Investigations,'' in Appendix I of this notice.

Comments on Scope of the Investigations

During our review of the Petitions, the Department issued questions to, and received responses from, Petitioners pertaining to the proposed scope to ensure that the scope language in the Petitions would be an accurate reflection of the products for which the domestic industry is seeking relief.[11]

As discussed in the preamble to the Department's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (scope). The period for scope comments is intended to provide the Department with ample opportunity to consider all comments and to consult with parties prior to the issuance of the preliminary determination. If scope comments include factual information (*see* 19 CFR 351.102(b)(21)), all such factual information should be limited to public information. All such comments must be filed by 5:00 p.m. Eastern Daylight Time (EDT) on Monday, April 20, 2015, which is 21 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. EDT on Thursday, April 30,

[1] *See* Petitions for the Imposition of Antidumping Duties on Imports of Certain Polyethylene Terephthalate Resin from Canada, the People's Republic of China, India, and the Sultanate of Oman, dated March 10, 2015 (the Petitions).

[2] *See* Petitions for the Imposition of Countervailing Duties on Imports of Certain Polyethylene Terephthalate Resin from the People's Republic of China, India, and the Sultanate of Oman, dated March 10, 2015

[3] *See* Volume I of the Petitions, at 1, 4, and Exhibit GEN–1.

[4] *See* Letter from the Department to Petitioners entitled ''Re: Petitions for the Imposition of Antidumping Duties on Imports of Certain Polyethylene Terephthalate Resin from Canada, the People's Republic of China, India, and the Sultanate of Oman, and Countervailing Duties on Imports of Certain Polyethylene Terephthalate Resin from the People's Republic of China, India, and the Sultanate of Oman: Supplemental Questions'' dated March 13, 2015 (General Issues Supplemental Questionnaire), and Letters from the Department to Petitioners entitled ''Re: Petition for the Imposition of Antidumping Duties on Imports of Certain Polyethylene Terephthalate Resin from {country}: Supplemental Questions'' on each of the country-specific records, dated March 13, 2015.

[5] *See* Supplement to the Canada Petition, dated March 18, 2015 (Canada Supplement); Supplement to the PRC AD Petition, dated March 18, 2015 (PRC AD Supplement); Supplement to the India AD Petition, dated March 18, 2015 (India AD Supplement); Supplement to the Oman AD Petition, dated March 18, 2015 (Oman AD Supplement).

[6] *See* General Issues Supplement to the Petitions, dated March 19, 2015 (General Issues Supplement).

[7] *See* Second Supplement to the Canada Petition, dated March 20, 2015 (Second Canada Supplement); Second Supplement to the PRC AD Petition, dated March 20, 2015 (Second PRC AD Supplement).

[8] *See* Second Supplement to the India AD Petition, dated March 24, 2015 (Second India AD Supplement); Second Supplement to the Oman AD Petition, dated March 24, 2015 (Second Oman AD Supplement).

[9] *See* Scope Supplement to the Petitions, dated March 24, 2015 (Scope Supplement); and Second Scope Supplement to the Petitions, dated March 27, 2015 (Second Scope Supplement).

[10] *See* the ''Determination of Industry Support for the Petitions'' section below.

[11] *See* General Issues Supplemental Questionnaire; *see also* General Issues Supplement and Scope Supplement.

2015, which is 10 calendar days after the initial comments.

The Department requests that any factual information the parties consider relevant to the scope of the investigations be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigations may be relevant, the party may contact the Department and request permission to submit the additional information. All such comments must be filed on the records of each of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).[12] An electronically filed document must be received successfully in its entirety by the time and date when it is due. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Comments on Product Characteristics for AD Questionnaires

The Department requests comments from interested parties regarding the appropriate physical characteristics of PET resin to be reported in response to the Department's AD questionnaires. This information will be used to identify the key physical characteristics of the subject merchandise in order to report the relevant factors and costs of production accurately as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) General product characteristics and (2) product-comparison criteria. We note that it is not always appropriate to use all product characteristics as product-comparison criteria. We base product-comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe PET resin, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, the Department attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all comments must be filed by 5:00 p.m. EDT on Monday, April 20, 2015, which is 21 calendar days from the signature date of this notice. Any rebuttal comments must be filed by 5:00 p.m. EDT on Monday, April 27, 2015. All comments and submissions to the Department must be filed electronically using ACCESS, as explained above, on the records of the Canada, the PRC, India, and Oman less-than-fair-value investigations.

Determination of Industry Support for the Petitions

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[13] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[14]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petitions).

With regard to the domestic like product, Petitioners do not offer a definition of the domestic like product distinct from the scope of the investigations. Based on our analysis of the information submitted on the record, we have determined that PET resin constitutes a single domestic like product and we have analyzed industry support in terms of that domestic like product.[15]

[12] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011) for details of the Department's electronic filing requirements, which went into effect on August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[13] *See* section 771(10) of the Act.

[14] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[15] For a discussion of the domestic like product analysis in this case, *see* Antidumping Duty Investigation Initiation Checklist: Certain Polyethylene Terephthalate Resin from Canada (Canada AD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Certain Polyethylene Terephthalate Resin from Canada, the People's Republic of China, India, and the Sultanate of Oman (Attachment II); Antidumping Duty Investigation Initiation Checklist: Certain Polyethylene Terephthalate Resin from the People's Republic of China (PRC AD Initiation Checklist), at Attachment II; Antidumping Duty Investigation Initiation Checklist: Certain Polyethylene Terephthalate Resin from India (India AD Initiation Checklist), at Attachment II; and Antidumping Duty Investigation Initiation Checklist: Certain Polyethylene Terephthalate Resin from the Sultanate of Oman (Oman AD Initiation Checklist), at Attachment II. These checklists are dated concurrently with this notice and on file

Continued

In determining whether Petitioners have standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petitions with reference to the domestic like product as defined in the ''Scope of the Investigations,'' in Appendix I of this notice. Petitioners provided their own production of the domestic like product in 2014.[16] In addition, Petitioners estimated the total 2014 production of the domestic like product for the entire domestic industry.[17] To establish industry support, Petitioners compared their own production to total production of the domestic like product for the entire domestic industry.[18]

Our review of the data provided in the Petitions, supplemental submission, and other information readily available to the Department indicates that Petitioners have established industry support.[19] First, the Petitions established support from domestic producers (or workers) accounting for more than 50 percent of the total production of the domestic like product and, as such, the Department is not required to take further action in order to evaluate industry support (*e.g.,* polling).[20] Second, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petitions account for at least 25 percent of the total production of the domestic like product.[21] Finally, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petitions account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petitions.[22] Accordingly, the Department determines that the Petitions were filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.

The Department finds that Petitioners filed the Petitions on behalf of the domestic industry because they are interested parties as defined in section 771(9)(C) of the Act and they have demonstrated sufficient industry support with respect to the AD investigations that they are requesting the Department initiate.[23]

Allegations and Evidence of Material Injury and Causation

Petitioners allege that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at less than normal value (NV). In addition, Petitioners allege that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[24] Petitioners contend that the industry's injured condition is illustrated by reduced market share; underselling and price suppression or depression; lost sales and revenues; declining U.S. shipment and production trends and low capacity utilization rates; decline in production-related workers; and decline in financial performance.[25] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[26]

Allegations of Sales at Less-Than-Fair Value

The following is a description of the allegations of sales at less-than-fair value upon which the Department based its decision to initiate investigations of imports of PET resin from Canada, the PRC, India, and Oman. The sources of data for the deductions and adjustments relating to U.S. price and NV are discussed in greater detail in the country-specific initiation checklists.

Export Price

For India, Petitioners based EP on the average unit value (AUV) of imports from India under Harmonized Tariff Schedule of the United States (HTSUS) subheading 3907.60.0030 (which covers the subject merchandise), using import statistics obtained from the ITC's Dataweb for the period of January–December 2014 (*i.e.,* the prospective POI).[27] Because the AUV represents free-on-board (FOB) India port terms, Petitioners made deductions from U.S. price for foreign movement expenses.[28]

For the PRC, Petitioners based EP on sales/offers for sale to U.S. customers from producers/exporters in the PRC. Petitioners made deductions from U.S. price for movement expenses and un-rebated Value Added Tax, consistent with the delivery terms. Petitioners also deducted from U.S. price trading company/reseller selling expenses estimated using the financial statements of a U.S. distributor of chemical and plastic products.[29]

Constructed Export Price

For Canada and Oman, Petitioners calculated constructed export price (CEP) based on offers for sales of PET resin from producers of subject merchandise produced in, and exported from, the subject country. Petitioners contend that these price quotes should be considered CEP sales based on information that indicates the producers in these subject countries likely conducted the sales through their respective sales offices located in the United States. Petitioners made deductions for movement and other expenses consistent with the sales and delivery terms of the applicable price. Petitioners also deducted U.S. selling expenses estimated using the financial statements of a U.S. distributor of chemical and plastic products.[30]

Normal Value

For Canada, Petitioners alleged that sales of PET resin in Canada were made at prices substantially below the cost of production (COP).[31] For India and Oman, Petitioners attempted to obtain home market prices, but were unable to demonstrate the home market pricing information they obtained was for PET

electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit, Room 7046 of the main Department of Commerce building.

[16] *See* Volume I of the Petitions, at Exhibit GEN–1.

[17] *Id.*

[18] *Id.* For further discussion, *see* Canada AD Initiation Checklist, PRC AD Initiation Checklist, India AD Initiation Checklist, and Oman AD Initiation Checklist, at Attachment II.

[19] *See* Canada AD Initiation Checklist, PRC AD Initiation Checklist, India AD Initiation Checklist, and Oman AD Initiation Checklist, at Attachment II.

[20] *See* section 732(c)(4)(D) of the Act; *see also* Canada AD Initiation Checklist, PRC AD Initiation Checklist, India AD Initiation Checklist, and Oman AD Initiation Checklist, at Attachment II.

[21] *See* Canada AD Initiation Checklist, PRC AD Initiation Checklist, India AD Initiation Checklist, and Oman AD Initiation Checklist, at Attachment II.

[22] *Id.*

[23] *Id.*

[24] *See* Volume I of the Petitions, at 12–13 and Exhibit GEN–7; *see also* General Issues Supplement, Attachment 1, at 7.

[25] *See* Volume I of the Petitions, at 10, 12–21 and Exhibits GEN–4 and GEN–7 through GEN–11; *see also* General Issues Supplement, cover letter, at 2, Attachment 1, at 7, and Attachment 2, at Exhibit GEN–S9.

[26] *See* Canada AD Initiation Checklist, PRC AD Initiation Checklist, India AD Initiation Checklist, and Oman AD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Polyethylene Terephthalate Resin from Canada, the People's Republic of China, India, and the Sultanate of Oman.

[27] *See* India AD Initiation Checklist.

[28] *Id.*

[29] *See* PRC AD Initiation Checklist.

[30] *See* Canada AD Initiation Checklist and Oman AD Initiation Checklist.

[31] *See* Canada AD Initiation Checklist.

resin offered for sale in and produced in India and Oman, respectively. Petitioners also provided PET resin prices for the two countries' largest third-country export markets and alleged that those third country prices are below the COP.[32] The largest third-country markets for India and Oman were Bangladesh and Belgium, respectively. The prices Petitioners submitted for these countries were derived from the *Global Trade Atlas* (GTA), and were for an Indian and Omani HTS subheading under which PET resin was exported.[33]

Sales-Below-Cost Allegation

Petitioners provided information demonstrating reasonable grounds to believe or suspect that sales of PET resin in the Canadian market and certain third-country sales made by Indian and Omani producers were made at prices below the COP within the meaning of section 773(b) of the Act, and requested that the Department conduct a country-wide sales-below-cost investigation of PET resin imports from Canada, India, and Oman.[34]

With respect to sales-below-cost allegations in the context of investigations, the Statement of Administrative Action (SAA) accompanying the Uruguay Round Agreements Act states that an allegation of sales below COP need not be specific to individual exporters or producers.[35] The SAA states further that ''Commerce will consider allegations of below-cost sales in the aggregate for a foreign country . . . on a country-wide basis for purposes of initiating an antidumping investigation.'' [36] Consequently, the Department intends to consider Petitioners' allegations on a country-wide basis for each respective country for purposes of this initiation.

Finally, the SAA provides that section 773(b)(2)(A) of the Act retains the requirement that the Department have ''reasonable grounds to believe or suspect that below-cost sales have occurred before initiating such an investigation.'' [37] ''Reasonable grounds'' will exist when an interested party provides specific factual information on costs and prices, observed or constructed, indicating that sales in the foreign market in question are at below-cost prices.[38] As explained in the ''Cost of Production'' section below, we find reasonable grounds exist that indicate home market sales in Canada and third-country sales made by producers in India and Oman were made at below-cost prices.

Cost of Production

Pursuant to section 773(b)(3) of the Act, COP consists of the cost of manufacturing (COM); selling, general, and administrative (SG&A) expenses; and packing expenses.

For Canada, Petitioners calculated COM (except for depreciation) based on the weighted-average of the U.S. producers' experience adjusted for known differences between the United States and Canada, during the proposed POI. Petitioners multiplied the weighted-average of their respective usage by publicly-available data to value all of the significant inputs used to manufacture PET resin in Canada.[39] For other inputs in Canada, Petitioners multiplied the weighted-average of their respective usage rates by their own cost experience to value the input's cost. To determine depreciation, SG&A, and financial expense rates, Petitioners relied on financial statements of a producer of comparable merchandise (plastics, such as specialized polyethylene resin) in Canada.[40]

For India, Petitioners calculated COM (except for manufacturing overhead) based on the weighted-average of the U.S. producers' experience adjusted for known differences between the United States and India, during the proposed POI. Petitioners multiplied the weighted-average of their respective usage by publicly-available data to value all of the significant inputs used to manufacture PET resin in India.[41] To determine manufacturing overhead, SG&A, and financial expense rates, Petitioners relied on financial statements of producers of PET resin in India.[42]

For Oman, Petitioners calculated COM (except for manufacturing overhead) based on the weighted-average of the U.S. producers' experience adjusted for known differences between the United States and Oman, during the proposed POI. Petitioners multiplied the weighted-average of their respective usage by publicly-available data to value all of the significant inputs used to manufacture PET resin in Oman.[43] For other inputs in Oman, Petitioners multiplied the weighted-average of their respective usage rates by their own cost experience to value the inputs' cost. To determine depreciation, SG&A, and financial expense rates, Petitioners relied on financial statements of a producer of comparable merchandise (plastic) in Oman.[44]

Petitioners obtained a price for a home market sale/offer for sale of PET resin by the only known producer of PET resin in Canada.[45] For India and Oman, Petitioners attempted to obtain home market prices. Because Petitioners were unable to demonstrate that the home market pricing information was for PET resin offered for sale in and produced in India and Oman, respectively, we are relying on the prices provided by Petitioners for the two countries' respective largest third-country export markets.[46]

For Canada and India, Petitioners made deductions for domestic inland freight and packing for purposes of comparing the respective prices to COP. For Oman, Petitioners made adjustments for Oman inland freight, ocean freight, insurance, and packing to calculate net third-country price for purposes of comparing the price to COP.[47]

Based upon a comparison of the ex-factory price of the foreign like product in the respective comparison markets to the COP of the product for Canada, India and Oman, we find reasonable grounds to believe or suspect that sales of the foreign like product in the respective comparison markets were made below the COP, within the meaning of section 773(b)(2)(A)(I) of the Act. Accordingly, the Department is initiating country-wide cost investigations relating to sales of PET resin in Canada and in Oman's and India's third-country markets (*i.e.,* Belgium and Bangladesh, respectively).

Normal Value Based on Constructed Value

For Canada, because they alleged sales below cost, pursuant to sections 773(a)(4), 773(b), and 773(e) of the Act, Petitioners calculated NV based on constructed value (CV). Petitioners calculated CV using the same average

[32] *See* India AD Initiation Checklist and Oman AD Initiation Checklist.

[33] *See* Second India AD Supplement, at AD Exhibit I–SS4b; Second Oman AD Supplement, at AD Exhibit O–SS12b.

[34] *See* Canada AD Initiation Checklist; India AD Initiation Checklist; and Oman AD Initiation Checklist.

[35] *See* SAA, H.R. Doc. No. 103–316, at 833 (1994).

[36] *Id.*

[37] *Id.*

[38] *Id.*

[39] *See* Canada AD Initiation Checklist.

[40] *Id.*

[41] *See* Canada AD Initiation Checklist; India AD Initiation Checklist; Oman AD Initiation Checklist.

[42] *See* Canada AD Initiation Checklist; Oman AD Initiation Checklist.

[43] *See* Canada AD Initiation Checklist; India AD Initiation Checklist; Oman AD Initiation Checklist.

[44] *See* Canada AD Initiation Checklist; Oman AD Initiation Checklist.

[45] *See* Canada AD Initiation Checklist.

[46] *See* India AD Initiation Checklist; Oman AD Initiation Checklist.

[47] *See* Canada AD Initiation Checklist, India AD Initiation Checklist; Oman AD Initiation Checklist.

COM, SG&A, financial, and packing expenses used to calculate COP. Petitioners relied on the same financial statements used as a basis for manufacturing overhead, SG&A, and financial expenses to calculate the profit rate.[48]

For India, because they alleged sales below cost, pursuant to sections 773(a)(4), 773(b), and 773(e) of the Act, Petitioners calculated NV based on CV. Petitioners calculated CV using the same average COM, SG&A, financial, and packing expenses used to calculate COP. Petitioners relied on the same financial statements used as a basis for manufacturing overhead, SG&A, and financial expenses to calculate the profit rate.[49]

For Oman, because they alleged sales below cost, pursuant to sections 773(a)(4), 773(b), and 773(e) of the Act, Petitioners calculated NV based on CV. Petitioners calculated CV using the same average COM, SG&A, financial, and packing expenses used to calculate COP. Petitioners relied on the same financial statements used as a basis for manufacturing overhead, SG&A, and financial expenses to calculate the profit rate.[50]

Normal Value Based on Factors of Production

With respect to the PRC, Petitioners assert that the Department has long treated the PRC as a non-market-economy (NME) country.[51] In accordance with section 771(18)(C)(i) of the Act, the presumption of NME status remains in effect until revoked by the Department. As the presumption of NME status for the PRC has not been revoked by the Department, it remains in effect for purposes of the initiation of the investigation of PET resin from the PRC. Accordingly, the NV of the product is appropriately based on factors of production (FOPs), valued in a surrogate market-economy country in accordance with section 773(c) of the Act. In the course of this investigation, all parties, including the public, will have the opportunity to provide relevant information related to the issues of the PRC's NME status and the granting of separate rates to individual exporters.

Petitioners state that South Africa is an appropriate surrogate country because it is a market economy that is at a level of economic development comparable to that of the PRC, it is a significant producer of identical merchandise, and the data for valuing FOPs are both available and reliable.[52]

Based on the information provided by Petitioners, we believe it is appropriate to use South Africa as a surrogate country for initiation purposes. Interested parties will have the opportunity to submit comments regarding surrogate-country selection and will be provided an opportunity to submit publicly available information to value FOPs within 30 days before the scheduled date of the preliminary determination.[53]

Factors of Production

Petitioners based the FOPs for materials, labor, and energy on the petitioning U.S. producers' consumption rates for producing certain PET resin as they did not have access to the consumption rates of PRC producers of PET resin.[54] Petitioners valued the estimated factors of production using surrogate values from South Africa.[55] Where it was necessary to rely on surrogate value data from a period preceding the POI, Petitioners inflated such values to reflect current prices using the consumer price inflation index (CPI) data for South Africa published by the IMF.[56]

Valuation of Raw Materials

For the PRC producer's costs of direct materials Purified Terephthalic Acid (PTA) and Mono-Ethyline Glycol (MEG), the major input raw materials used to produce the subject merchandise, Petitioners relied upon South African import statistics for Harmonized Tariff Schedule (HTS) 2917.36 and HTS 2905.31, respectively, for the period July through December 2014, published by GTA. These values were reported on a FOB basis at the port of exit of South Africa's trading partners.[57] Petitioners therefore added the average South African inland freight charges reported for importing goods into South Africa reported in *Doing Business 2015: South Africa,* published by the World Bank, and average ocean freight based on public quotes for the POI from Maersk.[58] In its calculations of surrogate values based on these data, Petitioners excluded all import data from countries previously determined by the Department to maintain broadly available, non-industry-specific export subsidies and from countries previously determined by the Department to be NME countries. In addition, in accordance with the Department's practice, the average import value excludes imports that were labeled as originating from an unidentified country.[59] For certain other minor inputs (*i.e.,* additives, which Petitioners claim are proprietary from producer to producer) Petitioners did not value such inputs, as a conservative measure.[60] Petitioners valued recoverable PET resin scrap using South African imports of plastic waste and scrap under HTS 3915.90.[61]

Valuation of Energy and Water

Petitioners used public information, as compiled by Eskom (a South African electricity public utiliy), to value electricity.[62] The cost of natural gas in South Africa was calculated from the average unit value of imports of liquid natural gas for the period.[63] Using universal conversion factors, Petitioners converted that cost to an equivalent U.S. $2.59 per mmbtu of natural gas.[64] For purchased steam, Petitioners calculated a price of $19.74/short ton by multiplying the natural gas cost of $135.95/per short ton by 0.1452, a conversion factor previously used by the Department when benchmarking steam to the price of natural gas.[65] For water, Petitioners used data compiled by Statistics South Africa.[66] For certain other minor energy inputs consumed by the petitioning U.S. producers, Petitioners did not provide a surrogate value, as a conservative measure.[67]

Valuation of Labor

Petitioners calculated labor for PET resin using industry-specific wage rates for South Africa from LABORSTA, a labor database compiled by the International Labor Organization. Petitioners adjusted this value for

[48] *Id.*

[49] *Id.*

[50] *Id.*

[51] *See* Volume II–B of the Petition, at 9.

[52] *Id.* at 9–11.

[53] *See* 19 CFR 351.301(c)(3)(i).

[54] *See* Volume II–B of the Petition, at 11 and AD Exhibit B; *see also* PRC AD Supplement, at 5–6.

[55] *See* Volume II–B of the Petition, at 11 and AD Exhibit PRC–15; *see also* PRC AD Supplement at AD Exhibit PRC–S15.

[56] *See* Volume II–B of the Petition, at 12.

[57] *See* Volume II–B of the Petition, at 12 and AD Exhibit PRC–11.

[58] *See* Volume II–B of the Petition, at 12 and AD PRC-Exhibit 11; *see also* PRC AD Supplement, at 8 and AD Exhibit PRC–S11.

[59] *See* Volume II–B of the Petition, at 12 and AD Exhibit PRC–11.

[60] *See* PRC AD Supplement, at 9 and AD Exhibit PRC–S15.

[61] *See* Volume II–B of the Petitions, at 12 and AD Exhibit PRC–11.

[62] *See* Volume II–B of the Petitions, at 13 and AD Exhibit PRC–12A.

[63] *See* Volume II–B of the Petitions, at 13 and AD Exhibit PRC–12B.

[64] *See* Volume II–B of the Petitions, at 13 and footnote 14.

[65] *See* Volume II–B of the Petitions, at 13 and AD Exhibit PRC–12C.

[66] *See* Volume II–B of the Petitions, at 14 and AD Exhibit PRC–12D.

[67] *See* PRC AD Supplement, at 9 and AD Exhibit PRC–S15.

inflation to 71.26 Rand per hour in the POI.[68]

Valuation of Factory Overhead, Selling, General and Administrative Expenses, and Profit

Petitioners calculated surrogate financial ratios (*i.e.,* manufacturing overhead, selling, general and administrative (SG&A) expenses, and profit) using the 2012–2013 audited, consolidated financial statement of KAP Industrial Holdings, Ltd. (KAP), a South African producer of identifical merchandise (PET resin).[69]

Valuation of Packing Expenses

Petitioners used the average petitioning U.S. producers' unit consumption of export packing materials reported and valued those materials using surrogate values for packing.[70]

Fair Value Comparisons

Based on the data provided by Petitioners, there is reason to believe that imports of PET resin from Canada, the PRC, India, and Oman are being, or are likely to be, sold in the United States at less-than-fair value. Based on comparisons of EP or CEP to NV in accordance with section 773(a) of the Act, the estimated dumping margin(s) for PET resin from: (1) Canada range from 96.30 to 102.99 percent;[71] (2) India is 19.41 percent;[72] (3) Oman range from 116.91 to 120.05 percent.[73]

Based on comparisons of EP to NV, in accordance with section 773(c) of the Act, the estimated dumping margins for PET resin from the PRC range from 193.48 to 206.42 percent.[74]

Initiation of Less-Than-Fair-Value Investigations

Based upon the examination of the AD Petitions on PET resin from Canada, the PRC, India, and Oman, we find that the Petitions meet the requirements of section 732 of the Act. Therefore, we are initiating AD investigations to determine whether imports of PET resin from Canada, the PRC, India, and Oman are being, or are likely to be, sold in the United States at less-than-fair value. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determinations no later than 140 days after the date of this initiation.

Respondent Selection

Petitioners named one company from Canada, 35 companies from the PRC, 13 companies from India, and one company from Oman, as producers/exporters of PET resin.[75] Although the Department normally relies on import data from U.S. Customs and Border Protection (CBP) to select a limited number of producers/exporters for individual examination in AD investigations, the Petitions for Canada and Oman name only one company as a producer/exporter. Furthermore, we currently know of no additional producers/exporters of subject merchandise from Canada or Oman. Accordingly, the Department intends to examine all known producers/exporters in the investigations for Canada and Oman (*i.e.,* the company identified in the respective Petitions).

We invite interested parties to comment on this issue. Parties wishing to comment must do so within five days of the publication of this notice in the **Federal Register**. Comments must be filed electronically using ACCESS. An electronically-filed document must be received successfully in its entirety by the Department's electronic records system, ACCESS, by 5 p.m. EDT by the date noted above.

However, for India, because Petitioners identified 13 companies as potential respondents, we intend to follow our standard practice in AD investigations involving market-economy countries, and select respondents based on CBP data for U.S. imports of PET resin under HTSUS subheading 3907.60.0030. We also intend to release CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO within five-business days of publication of this **Federal Register** notice, and to invite comments regarding respondent selection within seven days of publication of this **Federal Register** notice.

With respect to the PRC, in accordance with our standard practice for respondent selection in cases involving NME countries, we intend to issue quantity-and-value (Q&V) questionnaires to each potential respondent and base respondent selection on the responses received. In addition, the Department will post the Q&V questionnaire along with filing instructions on the Enforcement and Compliance Web site at *http://www.trade.gov/enforcement/news.asp.*

Exporters/producers of PET resin from the PRC that do not receive Q&V questionnaires by mail may still submit a response to the Q&V questionnaire and can obtain a copy from the Enforcement and Compliance Web site. The Q&V response must be submitted by all PRC exporters/producers no later than April 13, 2015, which is two weeks from the signature date of this notice. All Q&V responses must be filed electronically *via* ACCESS.

Separate Rates

In order to obtain separate-rate status in an NME investigation, exporters and producers must submit a separate-rate application.[76] The specific requirements for submitting a separate-rate application in the PRC investigation are outlined in detail in the application itself, which is available on the Department's Web site at *http://enforcement.trade.gov/nme/nme-sep-rate.html.* The separate-rate application will be due 30 days after publication of this initiation notice.[77] Exporters and producers who submit a separate-rate application and have been selected as mandatory respondents will be eligible for consideration for separate-rate status only if they respond to all parts of the Department's AD questionnaire as mandatory respondents. The Department requires that respondents from the PRC submit a response to both the Q&V questionnaire and the separate-rate application by their respective deadlines in order to receive consideration for separate-rate status.

Use of Combination Rates

The Department will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

> {w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME Investigation will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which

[68] *See* Volume II–B of the Petitions, at 14 and AD Exhibit PRC–13.

[69] *See* Volume II–B of the Petitions, at 10, 15 to 16 and AD Exhibit PRC–14.

[70] *See* Volume II–B of the Petitions, at 15 and AD Exhibit PRC–11.

[71] *See* Canada AD Initiation Checklist.

[72] *See* India AD Initiation Checklist.

[73] *See* Oman AD Initiation Checklist.

[74] *See* PRC AD Initiation Checklist.

[75] *See* the Volume I of the Petitions, at 10 and Exhibit GEN–3.

[76] *See* Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation involving Non-Market Economy Countries (April 5, 2005), available at *http://enforcement.trade.gov/policy/bull05-1.pdf* (Policy Bulletin 05.1).

[77] Although in past investigations this deadline was 60 days, consistent with section 351.301 (a) of the Department's regulations, which states that ''the Secretary may request any person to submit factual information at any time during a proceeding,'' this deadline is now 30 days.

supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question *and* produced by a firm that supplied the exporter during the period of investigation.[78]

Distribution of Copies of the Petitions

In accordance with section 732(b)(3)(A) of the Act and 19 CFR 351.202(f), copies of the public version of the Petitions have been provided to the governments of Canada, the PRC, India, and Oman *via* ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petitions to each exporter named in the Petitions, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We have notified the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petitions were filed, whether there is a reasonable indication that imports of PET resin from Canada, the PRC, India, and/or Oman are materially injuring or threatening material injury to a U.S. industry.[79] A negative ITC determination for any country will result in the investigation being terminated with respect to that country;[80] otherwise, these investigations will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The regulation requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Please review the regulations prior to submitting factual information in these investigations.

New Section Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under Part 351, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under Part 351 expires. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in this segment.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[81] Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as well as their representatives. Investigations initiated on the basis of petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule.*[82] The Department intends to reject factual submissions if the submitting party does not comply with applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in these investigations should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed in 19 CFR 351.103(d)).

This notice is issued and published pursuant to section 777(i) of the Act.

Dated: March 30, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigations

The merchandise covered by these investigations is polyethylene terephthalate (PET) resin having an intrinsic viscosity of at least 0.70, but not more than 0.88, deciliters per gram. The scope includes blends of virgin PET resin and recycled PET resin containing 50 percent or more virgin PET resin content by weight, provided such blends meet the intrinsic viscosity requirements above. The scope includes all PET resin meeting the above specifications regardless of additives introduced in the manufacturing process.

The merchandise subject to these investigations is properly classified under subheading 3907.60.00.30 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise under investigation is dispositive.

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[78] *See* Policy Bulletin 05.1 at 6 (emphasis added).

[79] *See* section 733(a) of the Act.

[80] *Id.*

[81] *See* section 782(b) of the Act.

[82] *See Certification of Factual Information to Import Administration during Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–890]

Wooden Bedroom Furniture From the People's Republic of China: Final Results of Changed Circumstances Review, and Revocation of Antidumping Duty Order, in Part

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On February 6, 2015, the Department of Commerce (the ''Department'') published its *Preliminary Results* of a changed circumstances review and intent to revoke, in part, the antidumping duty (''AD'') order on wooden bedroom furniture from the People's Republic of China (''PRC'') [1] with respect to certain shoe cabinets.[2] The Department preliminarily determined that the producers accounting for substantially all of the production of the domestic like product to which the *Order* pertains lack interest in the relief provided by the *Order* with respect to certain shoe cabinets. We invited interested parties to comment on the *Preliminary Results.* As no parties submitted comments, the Department is making no changes to the *Preliminary Results.*

DATES: *Effective Date:* April 6, 2015.

FOR FUTHER INFORMATION CONTACT: Thomas Martin or Howard Smith, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–3936 or (202) 482–5193, respectively.

Background

On January 4, 2005, the Department published the *Order* in the **Federal Register**. On June 2, 2014, the Department received a request on behalf of Elements International Group LLC (''Elements'') for a changed circumstances review to revoke, in part, the *Order* with respect to certain shoe cabinets.[3] On July 15, 2014, we published the *Initiation Notice* in the **Federal Register**.[4] On February 6, 2015, the Department made a preliminary determination that producers accounting for substantially all of the production of the domestic like product lack interest in the relief afforded by the *Order* with respect to the certain shoe cabinets described in Elements' Request.[5] We invited interested parties to submit comments in accordance with 19 CFR 351.309(c)(1)(ii). We received no comments.

Final Results of Changed Circumstances Review, and Revocation of the Order, in Part

Because no party submitted comments opposing the Department's *Preliminary Results,* and the record contains no other information or evidence that calls into question the *Preliminary Results,* the Department determines that there are changed circumstances that warrant revocation of the *Order,* in part. Specifically, because the producers accounting for substantially all of the production of the domestic like product to which the *Order* pertains [6] lack interest in the relief provided by the *Order* with respect to certain shoe cabinets, we are revoking the *Order,* in part, with respect to certain shoe cabinets by including the following language in the scope of the *Order:*

Also excluded from the scope are certain shoe cabinets 31.5–33.5 inches wide by 15.5–17.5 inches deep by 34.5–36.5 inches high. They are designed strictly to store shoes, which are intended to be aligned in rows perpendicular to the wall along which the cabinet is positioned. Shoe cabinets do not have drawers, rods, or other indicia for the storage of clothing other than shoes. The cabinets are not designed, manufactured, or offered for sale in coordinated groups or sets and are made substantially of wood, have two to four shelves inside them, and are covered by doors. The doors often have blinds that are designed to allow air circulation and release of bad odors. The doors themselves may be made of wood or glass. The depth of the shelves does not exceed 14 inches. Each shoe cabinet has doors, adjustable shelving, and ventilation holes.

The scope description below includes this exclusion language.

Scope of the Order

The product covered by the order is wooden bedroom furniture. Wooden bedroom furniture is generally, but not exclusively, designed, manufactured, and offered for sale in coordinated groups, or bedrooms, in which all of the individual pieces are of approximately the same style and approximately the same material and/or finish. The subject merchandise is made substantially of wood products, including both solid wood and also engineered wood products made from wood particles, fibers, or other wooden materials such as plywood, strand board, particle board, and fiberboard, with or without wood veneers, wood overlays, or laminates, with or without non-wood components or trim such as metal, marble, leather, glass, plastic, or other resins, and whether or not assembled, completed, or finished.

The subject merchandise includes the following items: (1) Wooden beds such as loft beds, bunk beds, and other beds; (2) wooden headboards for beds (whether stand-alone or attached to side rails), wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds; (3) night tables, night stands, dressers, commodes, bureaus, mule chests, gentlemen's chests, bachelor's chests, lingerie chests, wardrobes, vanities, chessers, chifforobes, and wardrobe-type cabinets; (4) dressers with framed glass mirrors that are attached to, incorporated in, sit on, or hang over the dresser; (5) chests-on-chests,[7] highboys,[8] lowboys,[9] chests

[1] *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Wooden Bedroom Furniture From the People's Republic of China,* 70 FR 329 (January 4, 2005) (''*Order*'').

[2] *See Wooden Bedroom Furniture From the People's Republic of China: Preliminary Results of Changed Circumstances Review, and Intent To Revoke Antidumping Duty Order in Part,* 80 FR 6690 (February 6, 2015) (''*Preliminary Results*'').

[3] *See* Submission from Elements, ''Wooden Bedroom Furniture from the People's Republic of China: Request for a Changed Circumstance Review Regarding Shoe Cabinets,'' dated June 2, 2014 (''Elements' Request'').

[4] *See Wooden Bedroom Furniture from the People's Republic of China: Notice of Initiation of Changed Circumstances Review, and Consideration of Revocation of the Antidumping Duty Order in Part,* 79 FR 41260 (July 15, 2014) (''*Initiation Notice*'')

[5] *See Preliminary Results.*

[6] On June 3, 2014, the American Furniture Manufacturers Committee for Legal Trade and Vaughan-Bassett Furniture Company, Inc. (''Petitioners'') submitted a letter to the Department stating that it agreed with the proposed scope exclusion language. *See* Submission from Petitioners, ''Wooden Bedroom Furniture From The People's Republic of China/Petitioners' Response to Elements' Letter of June 2, 2014,'' dated June 3, 2014. The American Furniture Manufacturers Committee for Legal Trade filed the original petition in this proceeding. *See Initiation of Antidumping Duty Investigation: Wooden Bedroom Furniture from the People's Republic of China,* 68 FR 70228 (December 17, 2003).

[7] A chest-on-chest is typically a tall chest-of-drawers in two or more sections (or appearing to be in two or more sections), with one or two sections mounted (or appearing to be mounted) on a slightly larger chest; also known as a tallboy.

[8] A highboy is typically a tall chest of drawers usually composed of a base and a top section with drawers, and supported on four legs or a small chest (often 15 inches or more in height).

[9] A lowboy is typically a short chest of drawers, not more than four feet high, normally set on short legs.

of drawers,[10] chests,[11] door chests,[12] chiffoniers,[13] hutches,[14] and armoires; [15] (6) desks, computer stands, filing cabinets, book cases, or writing tables that are attached to or incorporated in the subject merchandise; and (7) other bedroom furniture consistent with the above list.

The scope of the order excludes the following items: (1) Seats, chairs, benches, couches, sofas, sofa beds, stools, and other seating furniture; (2) mattresses, mattress supports (including box springs), infant cribs, water beds, and futon frames; (3) office furniture, such as desks, stand-up desks, computer cabinets, filing cabinets, credenzas, and bookcases; (4) dining room or kitchen furniture such as dining tables, chairs, servers, sideboards, buffets, corner cabinets, china cabinets, and china hutches; (5) other non-bedroom furniture, such as television cabinets, cocktail tables, end tables, occasional tables, wall systems, book cases, and entertainment systems; (6) bedroom furniture made primarily of wicker, cane, osier, bamboo or rattan; (7) side rails for beds made of metal if sold separately from the headboard and footboard; (8) bedroom furniture in which bentwood parts predominate; [16] (9) jewelry armories; [17] (10) cheval mirrors; [18] (11) certain metal parts; [19] (12) mirrors that do not attach to, incorporate in, sit on, or hang over a dresser if they are not designed and marketed to be sold in conjunction with a dresser as part of a dresser-mirror set; (13) upholstered beds [20] ; and (14) toy boxes.[21] Also excluded from the scope are certain enclosable wall bed units, also referred to as murphy beds, which are composed of the following three major sections: (1) A metal wall frame, which attaches to the wall and uses coils or pistons to support the metal mattress frame; (2) a metal frame, which has euro slats for supporting a mattress and two legs that pivot; and (3) wood panels, which attach to the metal wall frame and/or the metal mattress frame to form a cabinet to enclose the wall bed when not in use. Excluded enclosable wall bed units are imported in ready-to-assemble format with all parts necessary for assembly. Enclosable wall bed units do not include a mattress. Wood panels of enclosable wall bed units, when imported separately, remain subject to the order.

Also excluded from the scope are certain shoe cabinets 31.5–33.5 inches wide by 15.5–17.5 inches deep by 34.5–36.5 inches high. They are designed strictly to store shoes, which are intended to be aligned in rows perpendicular to the wall along which the cabinet is positioned. Shoe cabinets do not have drawers, rods, or other indicia for the storage of clothing other than shoes. The cabinets are not designed, manufactured, or offered for sale in coordinated groups or sets and are made substantially of wood, have two to four shelves inside them, and are covered by doors. The doors often have blinds that are designed to allow air circulation and release of bad odors. The doors themselves may be made of wood or glass. The depth of the shelves does not exceed 14 inches. Each shoe cabinet has doors, adjustable shelving, and ventilation holes.

Imports of subject merchandise are classified under subheadings 9403.50.9042 and 9403.50.9045 of the HTSUS as ''wooden . . . beds'' and under subheading 9403.50.9080 of the HTSUS as ''other . . . wooden furniture of a kind used in the bedroom.'' In addition, wooden headboards for beds, wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds may also be entered under subheading 9403.50.9042 or 9403.50.9045 of the HTSUS as ''parts of wood.'' Subject merchandise may also be entered under subheadings 9403.50.9041, 9403.60.8081, 9403.20.0018, or 9403.90.8041. Further, framed glass mirrors may be entered under subheading 7009.92.1000 or 7009.92.5000 of the HTSUS as ''glass mirrors . . . framed.'' The order covers all wooden bedroom furniture meeting the above description, regardless of

[10] A chest of drawers is typically a case containing drawers for storing clothing.

[11] A chest is typically a case piece taller than it is wide featuring a series of drawers and with or without one or more doors for storing clothing. The piece can either include drawers or be designed as a large box incorporating a lid.

[12] A door chest is typically a chest with hinged doors to store clothing, whether or not containing drawers. The piece may also include shelves for televisions and other entertainment electronics.

[13] A chiffonier is typically a tall and narrow chest of drawers normally used for storing undergarments and lingerie, often with mirror(s) attached.

[14] A hutch is typically an open case of furniture with shelves that typically sits on another piece of furniture and provides storage for clothes.

[15] An armoire is typically a tall cabinet or wardrobe (typically 50 inches or taller), with doors, and with one or more drawers (either exterior below or above the doors or interior behind the doors), shelves, and/or garment rods or other apparatus for storing clothes. Bedroom armoires may also be used to hold television receivers and/or other audio-visual entertainment systems.

[16] As used herein, bentwood means solid wood made pliable. Bentwood is wood that is brought to a curved shape by bending it while made pliable with moist heat or other agency and then set by cooling or drying. *See* CBP's Headquarters Ruling Letter 043859, dated May 17, 1976.

[17] Any armoire, cabinet or other accent item for the purpose of storing jewelry, not to exceed 24 inches in width, 18 inches in depth, and 49 inches in height, including a minimum of 5 lined drawers lined with felt or felt-like material, at least one side door (whether or not the door is lined with felt or felt-like material), with necklace hangers, and a flip-top lid with inset mirror. *See* Issues and Decision Memorandum from Laurel LaCivita to Laurie Parkhill, Office Director, concerning ''Jewelry Armoires and Cheval Mirrors in the Antidumping Duty Investigation of Wooden Bedroom Furniture from the People's Republic of China,'' dated August 31, 2004. *See also Wooden Bedroom Furniture From the People's Republic of China: Final Changed Circumstances Review, and Determination To Revoke Order in Part,* 71 FR 38621 (July 7, 2006).

[18] Cheval mirrors are any framed, tiltable mirror with a height in excess of 50 inches that is mounted on a floor-standing, hinged base. Additionally, the scope of the order excludes combination cheval mirror/jewelry cabinets. The excluded merchandise is an integrated piece consisting of a cheval mirror, *i.e.,* a framed tiltable mirror with a height in excess of 50 inches, mounted on a floor-standing, hinged base, the cheval mirror serving as a door to a cabinet back that is integral to the structure of the mirror and which constitutes a jewelry cabinet line with fabric, having necklace and bracelet hooks, mountings for rings and shelves, with or without a working lock and key to secure the contents of the jewelry cabinet back to the cheval mirror, and no drawers anywhere on the integrated piece. The fully assembled piece must be at least 50 inches in height, 14.5 inches in width, and 3 inches in depth. *See Wooden Bedroom Furniture From the People's Republic of China: Final Changed Circumstances Review and Determination To Revoke Order in Part,* 72 FR 948 (January 9, 2007).

[19] Metal furniture parts and unfinished furniture parts made of wood products (as defined above) that are not otherwise specifically named in this scope (*i.e.,* wooden headboards for beds, wooden footboards for beds, wooden side rails for beds, and wooden canopies for beds) and that do not possess the essential character of wooden bedroom furniture in an unassembled, incomplete, or unfinished form. Such parts are usually classified under HTSUS subheadings 9403.90.7005, 9403.90.7010, or 9403.90.7080.

[20] Upholstered beds that are completely upholstered, *i.e.,* containing filling material and completely covered in sewn genuine leather, synthetic leather, or natural or synthetic decorative fabric. To be excluded, the entire bed (headboards, footboards, and side rails) must be upholstered except for bed feet, which may be of wood, metal, or any other material and which are no more than nine inches in height from the floor. *See Wooden Bedroom Furniture from the People's Republic of China: Final Results of Changed Circumstances Review and Determination to Revoke Order in Part,* 72 FR 7013 (February 14, 2007).

[21] To be excluded the toy box must: (1) Be wider than it is tall; (2) have dimensions within 16 inches to 27 inches in height, 15 inches to 18 inches in depth, and 21 inches to 30 inches in width; (3) have a hinged lid that encompasses the entire top of the box; (4) not incorporate any doors or drawers; (5) have slow-closing safety hinges; (6) have air vents; (7) have no locking mechanism; and (8) comply with American Society for Testing and Materials (''ASTM'') standard F963–03. Toy boxes are boxes generally designed for the purpose of storing children's items such as toys, books, and playthings. *See Wooden Bedroom Furniture from the People's Republic of China: Final Results of Changed Circumstances Review and Determination to Revoke Order in Part,* 74 FR 8506 (February 25, 2009). Further, as determined in the scope ruling memorandum ''Wooden Bedroom Furniture from the People's Republic of China: Scope Ruling on a White Toy Box,'' dated July 6, 2009, the dimensional ranges used to identify the toy boxes that are excluded from the wooden bedroom furniture order apply to the box itself rather than the lid.

tariff classification. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Instructions to U.S. Customs and Border Protection

Because we determine that there are changed circumstances that warrant the revocation of the *Order,* in part, we will instruct U.S. Customs and Border Protection (''CBP'') to liquidate without regard to antidumping duties, and to refund any estimated antidumping duties on, all unliquidated entries of the merchandise covered by the revocation that are not covered by the final results of an administrative review or automatic liquidation.

Notification

This notice serves as a reminder to parties subject to an administrative protective order (''APO'') of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.306. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We are issuing and publishing these final results and revocation, in part, and notice in accordance with sections 751(b) and 777(i) of the Tariff Act of 1930, as amended, and 19 CFR 351.216, 19 CFR 351.221(c)(3), and 19 CFR 351.222.

Dated: March 30, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2015–07831 Filed 4–3–15; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability and Notice of Public Meetings for the Draft Environmental Impact Statement/ Overseas Environmental Impact Statement for Commonwealth of the Northern Mariana Islands Joint Military Training

AGENCY: Department of the Navy, Department of Defense.

ACTION: Notice.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, and regulations implemented by the Council on Environmental Quality (40 Code of Federal Regulations parts 1500–1508), Presidential E. O. 12114, Department of the Navy Procedures for Implementing NEPA (32 CFR part 775), and United States (U.S.) Marine Corps NEPA implementing regulations (Marine Corps Order P5090.2A), the U.S. Marine Corps Forces, Pacific (MARFORPAC) has prepared and filed with the U.S. Environmental Protection Agency a Draft Environmental Impact Statement/ Overseas Environmental Impact Statement (EIS/OEIS). The Draft EIS/ OEIS evaluates the potential environmental impacts associated with the establishment of a series of live-fire ranges, training courses and maneuver areas in the Commonwealth of the Northern Mariana Islands (CNMI) to reduce existing joint service training deficiencies and meet U.S. Pacific Command (PACOM) Service Components' unfilled unit and combined level training requirements in the Western Pacific. The Federal Aviation Administration (FAA); International Broadcasting Bureau (IBB); U.S. Army Corps of Engineers (USACE); National Marine Fisheries Service; U.S. Air Force; and U.S. Department of Interior, Office of Insular Affairs are cooperating agencies for this Draft EIS/ OEIS. MARFORPAC has also developed a Memorandum of Understanding with the PACOM Service Components regarding their support and engagement in the development of the EIS/OEIS.

With the filing of the Draft EIS/OEIS, the Department of Defense (DoD) is initiating a 60-day public comment period and has scheduled three public comment meetings to receive oral and written comments on the Draft EIS/ OEIS. Federal, state and local agencies and interested parties are encouraged to provide comments in person at any of the public comment meetings, or in writing anytime during the public comment period. This Notice announces the dates and locations of the public meetings and provides supplementary information about the environmental planning effort.

DATES: Three public meetings will be held, each including an informational open house followed by a public hearing. Each meeting will begin with a two-hour open house session where the public can learn more about the proposed action and potential environmental impacts from project team members and subject matter experts. A public hearing will follow the open house. The public is encouraged to attend the meetings, which will be held on the following dates, times, and locations:

- Wednesday, April 29, 2015, 5:00p.m.–8:00p.m., Saipan Southern High School, Saipan
- Thursday, April 30, 2015, 5:00p.m.–8:00p.m., Tinian Junior Senior High School, Tinian
- Friday, May 1, 2015, 5:00p.m.–8:00p.m., Garapan Elementary School, Saipan

Informational posters will be displayed and project team members and subject matter experts will be available during the open house portion of the meetings to discuss the proposed action, answer questions, and to accept written comments from the public. A Chamorro and Carolinian interpreter will be available. Oral comments will be recorded by a court reporter during the public hearing portion of the meetings. In the interest of available time, speakers at the public hearing will be limited to three (3) minutes to ensure all who wish to speak have an opportunity to do so. If a long statement is to be presented, it should be summarized at the public hearing and the full text submitted in writing. Full and equal consideration will be given to oral and written statements. Concurrent with the NEPA process, the DoD is conducting National Historic Preservation Act (NHPA) section 106 consultation regarding potential effects of the proposed action on historic properties. During each of the above meetings, the DoD will hold NHPA section 106 information sessions in a separate area where subject matter experts will explain the NHPA section 106 process and solicit public input on the effects of the proposed action on historic properties.

Comments: Comments on the Draft EIS/OEIS may be submitted during the 60-day public comment period starting on April 3, 2015 Hawaii Standard Time (HST) (April 4, 2015 Chamorro Standard Time [ChST]). Comments should be postmarked or received by June 2, 2015 HST (June 3, 2015 ChST). There are three ways to submit written comments: (1) providing comments at one of the public meetings; (2) submitting comments through the project Web site: *www.CNMIJointMilitaryTraining EIS.com;* and (3) mailing comments to the following addresses: Naval Facilities Engineering Command, Pacific, Attn: 09PA, Public Affairs Office, 258 Makalapa Drive, Suite 100, JBPHH, HI 96860–3134.

The Draft EIS/OEIS was distributed to federal and local agencies, elected officials, and other interested individuals and organizations. The Draft EIS/OEIS is available for public review

at *www.CNMIJointMilitaryTraining EIS.com,* and at the following libraries:

1. Joeten Kiyu Public Library, Saipan.
2. Northern Marianas College Olympio T. Borja Memorial Library, Saipan.
3. Tinian Public Library, Tinian.
4. Antonio C. Atalig Memorial Rota Public Library, Rota.

SUPPLEMENTARY INFORMATION: The U.S. Marine Corps Forces, Pacific issued its Notice of Intent (NOI) to prepare the EIS/OEIS in March 2013 in the **Federal Register** (78 FR 16257, March 14, 2013).

Proposed Action: The proposed action is to establish live-fire Range Training Areas (RTAs) within the CNMI to address the U.S. Pacific Command Service Components' unfilled unit level and combined level training requirements in the Western Pacific. To meet the purpose and need for the proposed action, the DoD proposes a unit level RTA on Tinian and a combined level RTA on Pagan.

Purpose and Need: The purpose of the proposed action is to reduce joint training deficiencies for military services in the Western Pacific. Existing U.S. military live-fire, unit and combined level training ranges, training areas, and support facilities are insufficient to support U.S. Pacific Command Service Components' training requirements in the Western Pacific, specifically in the Mariana Islands. The proposed action is needed to enable U.S. Pacific Command forces to meet their U.S. Code title 10 (Armed Forces) requirements to maintain, equip, and train combat and humanitarian forces in the Western Pacific. The proposed action assists in correcting these training deficiencies by establishing live-fire unit and combined level RTAs in the CNMI. Establishing unit and combined level RTAs in the CNMI would support ongoing operational requirements, changes to U.S. force structure, geographic repositioning of forces and U.S. training relationships with allied nations.

Alternatives Considered: The Draft EIS/OEIS evaluates the potential environmental impacts of three action alternatives on Tinian, two action alternatives on Pagan, and the No Action Alternative. The No Action Alternative would continue existing non-live-fire training activities on Tinian and Pagan, and construction and use of four live fire training ranges on Tinian as identified in the 2010 Record of Decision for the Guam Relocation EIS. For the action alternatives, a combination of one Tinian unit level alternative and one Pagan combined level alternative is required to meet the purpose and need for addressing unfilled training requirements in the Western Pacific. All Tinian action alternatives include common elements for unit level land, sea, and training operations that consist of ranges, training beaches, High Hazard Impact Areas and associated targets, infrastructure and facility construction; utilization of all DoD-leased land; and minimal real estate interest outside the Military Lease Area. Tinian Alternative 1 consists of a live-fire unit level RTA which includes a single Battle Area Complex and Convoy Course with some limitations on the range of weapons that can be employed due to the presence of the IBB facility. Tinian Alternative 2 (Preferred Alternative) consists of two Battle Area Complexes and a Convoy Course with a greater number of engagement zones than Tinian Alternative 1. Under Alternative 2, the IBB facility is absent, thus allowing for full range of weapons employment. Tinian Alternative 3 provides a similar level of training capability as Alternative 1, but with a single Battle Area Complex in a different location, and the same Convoy Course and range of weapons employment as Tinian Alternative 2. Both Pagan action alternatives include elements for combined level land, sea, and air training operations; infrastructure construction to support expeditionary military training; require the acquisition of real estate interest in Pagan; and allow for maneuvering and live-fire engagement. Pagan Alternative 1 consists of a live-fire combined level RTA to support proposed training and operations which includes two High Hazard Impact Areas, 11 landing zones, and 5 Mortar Range firing positions. Pagan Alternative 2 (Preferred Alternative) consists of a single, smaller High Hazard Impact Area, 13 landing zones, and 6 Mortar Firing Positions and provides greater ground maneuver flexibility as compared to Pagan Alternative 1.

The Draft EIS/OEIS provides information on the affected environment and impacts of the proposed actions for 16 distinct resource areas. Resources evaluated include geology and soils, water resources, air quality, noise, airspace, land and submerged land use, recreation, terrestrial biology, marine biology, cultural resources, visual resources, transportation, utilities, socioeconomics and environmental justice, hazardous materials and waste, and public health and safety. In accordance with section 7 of the Endangered Species Act, the DoD is consulting with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service on the potential impacts of training activities on federally listed species. In accordance with the Marine Mammal Protection Act and Magnuson-Stevens Fishery Conservation and Management Act, the DoD is consulting with NMFS on federally managed species and their essential fish habitat.

Preferred Alternative: Based on the analysis presented in this Draft EIS/OEIS, DoD has identified Tinian Alternative 2 and Pagan Alternative 2 as its preferred alternative. This combination of alternatives best fulfills DoD's statutory mission and responsibilities, giving consideration to economic, environmental, technical, and other factors. DoD considered military requirements, infrastructure and environmental impacts and constraints, and scoping input from the public, resource agencies, and the CNMI Government during the process of identifying a preferred alternative. The combination of alternatives best meets the minimum U.S. Pacific Command Service Components' unfilled unit level and combined level training requirements in the Western Pacific (size and layout), and maximizes the use of federal land on Tinian.

FOR FURTHER INFORMATION CONTACT: Please visit the project Web site (*www.CNMIJointMilitaryTraining EIS.com*) or contact the CNMI Joint Military Training EIS/OEIS Project Manager by email via the project Web site. Please submit requests for special assistance, sign language interpretation for the hearing impaired, or other auxiliary aids needed at the public meeting directly to NAVFAC Pacific Public Affairs Office at 808–472–1007/472–1008 by April 16, 2015.

Dated: March 31, 2015.

N. A. Hagerty-Ford,

Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2015–07729 Filed 4–3–15; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Office of Economic Adjustment; Announcement of Federal Funding Opportunity

AGENCY: Office of Economic Adjustment (OEA), Department of Defense (DoD).

ACTION: Federal Funding Opportunity (FFO) announcement.

SUMMARY: This notice announces the opportunity to enter into a cooperative agreement with the Office of Economic Adjustment (OEA), a Department of Defense (DoD) Field Activity, to undertake a research project to assess and evaluate the design and effect of OEA's Defense Industry Adjustment (DIA) program and the assistance that its Grantees provide to affected communities, workers, and businesses. This notice includes proposal submission requirements and instructions, eligibility requirements, and selection criteria that will be used to evaluate proposals from eligible respondents.

SUPPLEMENTARY INFORMATION:

a. Federal Awarding Agency: Office of Economic Adjustment (OEA), Department Of Defense (DoD).

b. Funding Opportunity Title: FY 2015 Project to Assess and Evaluate Defense Industry Adjustment Activities by Grantees under section 2391, part (b)(2), of United States Code, Title 10 (10 U.S.C. 2391).

c. Announcement Type: Initial Federal Funding Opportunity Announcement.

d. Catalog Of Federal Domestic Assistance (CFDA) Number & Title: 12.615, Research & Technical Assistance.

e. Key Dates: Written/electronic submissions must be received by OEA by 5:00 p.m., May 8, 2015 Eastern Daylight Savings Time. OEA will hold an informational teleconference at 1:00 p.m. Eastern Daylight Savings Time on April 15, 2015 to review the goals and objectives of this FFO and answer questions from interested respondents. For the teleconference number and passcode, interested respondents should pre-register for the teleconference no later than April 13, 2015 by 5:00 p.m. Eastern Daylight Savings Time. Pre-registration may be accomplished by contacting OEA via email at *oea.ncr.OEA.mbx.research-and-technical-assistance@mail.mil* with a courtesy copy to *elizabeth.a.chimienti.civ@mail.mil.* OEA expects to notify the respondent selected through this FFO by June 19, 2015.

I. Period Of Funding Opportunity

30 days.

II. Funding Opportunity Description

a. Program Description

OEA is authorized by 10 U.S.C. 2391 to conclude cooperative agreements with a State or local government or any private entity to conduct research and provide technical assistance in support of the Defense Economic Adjustment Program, and to assist communities, businesses and workers responding to Defense changes under 10 U.S.C. 2391 and Executive Order 12788, as amended. OEA is DoD's primary source for assisting communities that are adversely impacted by Defense program changes. Founded in 1961, OEA has helped communities in all 50 States and major United States territories develop comprehensive strategies to adjust to defense industry cutbacks, base closures, force structure realignments, base expansions, and incompatibilities between military operations and local development. Awards provided under this announcement support the Defense Economic Adjustment Program by providing: (1) Analysis and dissemination of information; and (2) support to innovative approaches.

The objective of OEA's DIA Program is to assist States and local governments to plan and carry out community adjustments and economic diversification activities in response to reductions in defense industry employment. Unlike base closures, where surplus property can be reused as part of a broader program to replace lost jobs and expand the local tax base, OEA's support for communities affected by factory closures and laid-off employees focuses on developing community adjustments and diversification strategies concentrating on workforce skills, opportunities for manufacturing investment/expansion, and adaptability of local plant and capital.

These strategies usually focus on regional job creation through business development, attraction, and expansion; workforce development; and community economic diversification. Additionally, during the planning process, OEA also coordinates with and provides information on other relevant federal assistance programs that can support coordinated economic development efforts.

On June 17, 2013, OEA released a Federal Funding Opportunity (FFO) announcing the availability of funding under its DIA program to support local adjustment activities in response to reduced DoD procurement (*Federal Register* 78 FR 36171). OEA currently provides technical and financial assistance to over 30 States, local governments, and instrumentalities of local government under this FFO, which was reissued on May 20, 2014. Additional applications are anticipated in 2015. Each project has been developed by a Grantee to respond to the particular circumstances of a State or region. Funded projects include a range of planning and economic adjustment activities to assist vulnerable or affected workers, businesses, and communities. Projects often differ substantially from one another, and thus performance measures and project outcomes vary across the portfolio. Grantees periodically report performance measures to OEA for the term of their grant.

OEA now seeks proposals to develop, test, and carry out quantitative and qualitative methodologies to help its DIA Grantees more effectively assess, evaluate, and report the full effect of their projects. Research findings will primarily help current Grantees adjust their projects to achieve better outcomes and secondarily inform the design of OEA's program of financial and technical assistance. Proposals will be evaluated against the eligibility criteria provided in section II.c. of this notice, and the selection criteria provided in section II.e. of this notice, by OEA, as well as other Federal agency staff as invited by OEA. OEA will notify the respondent within thirty (30) days of receipt of a proposal whether the proposal was successful. The successful respondent will then be invited to submit an application through OEA's eGrants system for a cooperative agreement. Additional details about the review and selection process is provided in section II.e. of the FFO.

The final amount of the cooperative agreement will be determined by OEA based upon a review of the final grant application and will be subject to availability of funds.

More information about the DIA program is available on the following Web site: *http://www.oea.gov/programs/dia/start.*

b. Federal Award Information

OEA intends to award one cooperative agreement under this FFO. In accordance with 31 U.S.C. 6305, a cooperative agreement is a legal instrument reflecting a relationship between the United States Government and a State, a local government, or other recipient when the principal purpose of the relationship is to transfer a thing of value to the State, local government, or other recipient to carry out a public purpose of support or stimulation authorized by a law of the United States instead of acquiring (by purchase, lease, or barter) property or services for the direct benefit or use of the United States Government, and substantial involvement is expected between the executive agency and the State, local government, or other recipient when carrying out the activity contemplated

in the agreement. *See* Public Law 97–258, Sept. 13, 1982, 96 Stat. 1004.

The project period is for one year. OEA reserves the right to continue this effort with the selected respondent for up to 3 additional years without further competition, subject to the availability of appropriated funds, OEA policy, and satisfactory performance under the award.

c. Eligibility Information

i. Eligible Respondents

Eligible respondents include any State, tribal, or local governments, Institutions of Higher Education, non-profit entities, or for-profit organizations.

ii. Cost Sharing or Matching

Not applicable.

iii. Eligible Activities

Eligible activities include research and technical assistance in support of Defense Economic Adjustment Program activities under 10 U.S.C. 2391 and Executive Order 12788, as amended, to assist communities, businesses, and workers adversely affected by defense program changes. Proposals that do not address the Expected Proposal Elements (see section II, part d (iii)) will not be considered.

d. Proposal and Submission Information

i. Submission of a Proposal

Proposals can be submitted electronically to: Director, OEA, using the following electronic address: *oea.ncr.OEA.mbx.ffo-submit@mail.mil with a courtesy copy to elizabeth.a.chimienti.civ@mail.mil.* Include ''Research Proposal for Defense Industry Adjustment Communities'' on the subject line of the message and request delivery/read confirmation to ensure receipt.

Proposals may also be mailed or hand-delivered to: Director, Office of Economic Adjustment, 2231 Crystal Drive, Suite 520, Arlington, VA 22202–3711.

OEA will review all proposals for which receipt has been confirmed prior to the submission deadline.

ii. Content and Form of Proposal Submission

Proposals must include the following information:

1. Point of Contact: Name, phone number, email address, and organization address of the respondent's primary point of contact;

2. Project Description: A description of all elements of the proposed project, including how the project will assist OEA and DIA Grantees at the State/local level;

3. Project Parties: A description of the evaluation experience of the respondent and associated partner organizations/agencies, as well as their roles and responsibilities, which will execute the proposed project;

4. Work Breakdown Structure and Project Schedule: A sufficiently detailed project schedule, including milestones, over the course of the project;

5. Budget: Detailed proposed budget for the one-year project period. This section should also include narrative sufficient to explain each budget line item;

6. Funds Management: Evidence of the respondent's ability and authority to manage Federal funds;

7. Submitting Official: Documentation that the Submitting Official is authorized by the respondent to submit a proposal and subsequently apply for funding.

Proposals should be submitted in Microsoft Word or Adobe Acrobat PDF and emailed to the account stated in section II.d. OEA reserves the right to ask any respondent to supplement the information in its proposal, but expects proposals to be complete upon submission. To the extent practicable, OEA encourages respondents to provide data and evidence of all project merits in a form that is publicly available and verifiable.

OEA will invite the successful respondent to submit a full application to enter into a cooperative agreement under this announcement following the review and selection process (for more details, see section II, part e, Proposal Review Information).

iii. Expected Proposal Elements

OEA solicits competitive applications from organizations or consortia that will design, pilot, and carry out program evaluation methodologies to capture and share the effect of planning and economic adjustment activities by OEA's DIA Grantees and assess the responsiveness of OEA's program of assistance for Fiscal Years (FY) 2014 and 2015. Competitive proposals from qualified researchers will address the following project tasks at a minimum:

1. Data Collection

OEA currently provides technical and financial assistance to over 30 States, local governments, and instrumentalities of local government through the Defense Industry Adjustment program. Additional DIA grantees are anticipated in FY 2015. DIA Grantees report performance and financial data on a periodic basis for the term of their grant. Performance reports contain information on the following:

a. A comparison of actual accomplishments to the objectives established for the period;

b. Reasons for slippage if established objectives were not met;

c. Additional pertinent information when appropriate;

d. A comparison of actual and projected quarterly expenditures in the grant; and

e. Amount of Federal cash on hand at the beginning and end of the reporting period.

The final performance report contains a summary of activities for the entire grant period.

This evaluation project will likely require additional sources of information. Respondents should discuss how they will supplement what OEA currently collects to understand the range of supported grant activities across the DIA portfolio and the evaluation needs of each Grantee (*e.g.,* surveys, in-person interviews, etc.).

OEA will work closely with the successful respondent to share existing performance information and project points of contact.

2. Project Methodology

DIA Grantees include States, local governments and instrumentalities of State and local government. Grants have ranged from $245,000 to $8 million. Some Grantees are planning in anticipation of announced defense acquisition cuts, while others are responding to actual reductions. Respondents should describe how they anticipate addressing the diversity of Grantee types and activities as they design the methodology for the program evaluation. OEA will work closely with the successful respondent to design the project. The successful respondent will be expected to meet with OEA at least quarterly as the methodology is being refined and tested.

3. Reports and Outreach

The successful respondent will be expected to prepare and present one report during the project period using the project design developed in paragraph (2). This report will cover findings for FY 2014–15. It will summarize the evaluation methodology, assess DIA project performance and outcomes to date, offer ''best practices'' or ''common pitfalls to avoid,'' and recommend additional metrics or indicators OEA could use in future evaluations of DIA projects. The report should present project findings in a visually appealing format appropriate for print or electronic media, and use

easily accessible language. A minimum of five (5) hard copies and one (1) electronic version should be provided to OEA.

The successful respondent shall submit a draft research report to OEA at least 90 days before the end of the project period. If OEA approves the draft research report, it will approve publication of a final research report, and the successful respondent will brief OEA leadership on the research methods and report results.

OEA will work closely with the successful respondent to share the report's findings with DIA Grantees and other relevant stakeholders in order to refine the evaluation design and offer programmatic recommendations to project leaders in the field.

4. Technical Assistance Materials and Presentations

During the term of the cooperative agreement, OEA may request the successful respondent to develop case studies or attend events to present on ''best practices'' or ''lessons learned'' through this project. OEA will provide advanced notification when these products or events may be necessary. Respondents should budget for up to ten (10) case studies and travel for three (3) conference presentations in the Washington, DC area.

All items produced under the OEA-approved scope of work for this project may be posted on or linked to OEA's Web site at *http://www.oea.gov.*

Respondents must specify in their proposals and budgets how they propose to complete the scope of work, which consists of carrying out the tasks outlined above or enumerated in the respondent's proposal and final award, within the initial one-year project period.

This cooperative agreement may result in up to a four-year project period, subject to the availability of appropriated funds, OEA policy, and satisfactory performance under the award.

OEA anticipates a close working partnership with the successful respondent. OEA will exercise substantial involvement under this cooperative agreement in the following ways:

1. Approval of the Recipient's project schedule.
2. OEA and Recipient joint participation in communications/engagement with OEA Grantees.
3. OEA and Recipient collaboration on project methodology over the course of the project period.
4. Approval of draft reports, technical assistance materials and presentations.

iv. Unique Entity Identifier and System for Award Management (SAM)

Each respondent is required to: (a) Provide a valid Dun and Bradstreet Universal Numbering System (DUNS) number; (b) be registered in SAM before submitting its application; and (c) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. OEA may not make a Federal award to a respondent until the respondent has complied with all applicable unique entity identifier and SAM requirements and, if a respondent has not fully complied with the requirements by the time OEA is ready to issue a Federal award, OEA may determine that the respondent is not qualified to receive a Federal award and use that determination as a basis for making a Federal award to another respondent.

v. Submission Dates and Times

Electronic submissions must be received by OEA by 5:00 p.m., May 8, 2015 Eastern Daylight Savings Time. Proposals sent after this time will not be reviewed.

vi. Intergovernmental Review

Not applicable.

vii. Funding Restrictions

OEA reserves the right to decline to fund pre-Federal award costs. Final awards may include pre-Federal award costs at the discretion of OEA; however, this must be specifically requested in the grantee's application.

The recipient may not earn or keep any profit resulting from Federal financial assistance.

Funding may not be used for direct hard- or soft-construction activities.

viii. Other Submission Requirements

Each proposal shall consist of no more than ten (10) single-sided pages typed in a minimum 11-point common typeface, with no less than 1'' margins, exclusive of appendices, attachments, and cover sheet and/or transmittal letter. Electronically submitted materials should be sent in Microsoft Word or Adobe Acrobat PDF format.

e. Proposal Review Information

i. Selection Criteria

In reviewing proposals under this notice, OEA considers and weights equally each of the following factors:

1. Overall conformance with proposal requirements;
2. Overall quality of proposed research plan;
3. Overall expertise, experience, qualifications and ability of investigators;
4. Previous Federal grant management experience; and
5. Overall cost.

ii. Review and Selection Process

Proposals will be reviewed by OEA staff for completeness and accuracy as they are received. After the submission deadline, a panel of Federal agency staff will convene to review and rate the proposals using the criteria in section II, part e, Selection Criteria. Each panelist convened for this competition will evaluate each and every proposal.

Once a successful proposal has been selected, OEA will notify the respondent and assign a Project Manager to advise and assist with the preparation and submission of an application for a cooperative agreement in OEA's proprietary electronic grant management system.

A typical research project period begins with an initial meeting between the successful respondent and OEA staff to discuss the project scope of work and to ensure that all parties are in agreement as to the project terms. The successful respondent will then submit an application. The application will be reviewed for its completeness and accuracy, and, to the extent possible, an award notification will be issued within fourteen (14) days of the receipt of a complete application.

Unsuccessful respondents will be notified that their proposals were not selected for further action and funding, and may request a debriefing on their submitted proposal. Requests for debriefing must be submitted in writing within 3 calendar days of notification of an unsuccessful proposal.

f. Federal Award Administration Information

i. Federal Award Notices

In the event a cooperative agreement is awarded, the successful respondent (Recipient) will receive a notice of award in the form of a Cooperative Agreement, signed by the Director, OEA (Grantor), on behalf of DoD. The Cooperative Agreement will be transmitted electronically or, if necessary, by U.S. Mail. The Recipient must review the award agreement and indicate their consent to its terms by signing and returning it to OEA.

ii. Administrative and National Policy Requirements

Any cooperative agreement awarded under this program will be governed by the provisions of the OMB circulars

applicable to financial assistance and DoD's implementing regulations in place at the time of the award. A Recipient receiving funds under this opportunity and any consultant or pass-thru entity operating under the terms of a cooperative agreement shall comply with all Federal, State, and local laws applicable to its activities. Federal regulations that will apply to an OEA cooperative agreement include administrative requirements and provisions governing allowable costs as stated in:

- 2 CFR part 200, ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards'';
- 2 CFR part 1103, ''Interim Grants and Cooperative Agreements Implementation of Guidance in 2 CFR part 200, ''Uniform Administrative Requirements, Cost Principles, And Audit Requirements for Federal Awards'';
- 2 CFR part 25, ''Universal Identifier and System for Award Management'';
- 2 CFR part 170, ''Reporting Subaward and Executive Compensation Information'';
- 2 CFR part 180, OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement), as implemented by DoD in 2 CFR part 1125, Department of Defense Nonprocurement Debarment and Suspension; and
- 32 CFR part 28, ''New Restrictions on Lobbying''.

iii. Reporting

OEA requires periodic performance reports, an interim financial report for each 12 months a cooperative agreement is active, and one final performance report. Performance reports will contain information on the following:

a. A comparison of actual accomplishments to the objectives established for the period;

b. Reasons for slippage if established objectives were not met;

c. Additional pertinent information when appropriate;

d. A comparison of actual and projected quarterly expenditures in the cooperative agreement; and,

e. Amount of Federal cash on hand at the beginning and end of the reporting period.

The final performance report must contain a summary of activities for the entire project period. All required deliverables should be submitted with the final performance report.

The final SF 425, ''Federal Financial Report,'' must be submitted to OEA within 90 days after the end of the cooperative agreement.

Any funds actually advanced and not needed for project purposes shall be returned immediately to OEA. OEA will provide a schedule for reporting periods and report due dates in the Cooperative Agreement.

g. Federal Awarding Agency Contact

For further information, to answer questions, or for help with problems, contact: Ms. Elizabeth Chimienti, Project Manager, Office of Economic Adjustment, 2231 Crystal Drive, Suite 520, Arlington, VA 22202–3711, Office: (703) 697–2075. Email: *elizabeth.a.chimienti.civ@mail.mil.* The OEA homepage address is: *http://www.oea.gov.*

h. Other Information

i. Cooperative Agreement Award Determination

Selection of an organization under this FFO does not constitute approval of a cooperative agreement for the proposed project as submitted. Before any funds are awarded, OEA may enter into negotiations about such items as program components, staffing and funding levels, and administrative systems in place to support implementation of the award. The amount of available funding may require the final award amount to be less than that originally requested by the respondent. If the negotiations do not result in a mutually acceptable submission, OEA reserves the right to terminate the negotiations and decline to fund an application. OEA further reserves the right not to fund any application received under this FFO.

In the event the respondent is awarded a cooperative agreement that is less than the amount requested, the respondent will be required to modify its grant application to conform to the reduced amount before execution of the cooperative agreement. OEA reserves the right to reduce or withdraw the award if acceptable modifications are not submitted by the respondent within 15 business days from the date the request for modification is made. Any modifications must be within the scope of the original application.

ii. No Obligation for Future Funding

Amendment or renewal of an award to increase funding or to extend the period of performance is at the discretion of OEA. If a respondent is awarded funding under this FFO, neither OEA, DoD nor any Federal agency are under any obligation to provide any additional future funding in connection with that award or to make any future award(s).

iii. Submission of Proprietary Information

Given the subject matter, some submissions may include proprietary information as it relates to confidential commercial information. The Freedom of Information Act defines ''confidential commercial information'' as information the disclosure of which could reasonably be expected to cause substantial competitive harm. Respondents may wish to request that OEA not disclose what they regard as confidential commercial information.

To assist OEA in making a determination on a non-disclosure request, respondents are encouraged to identify any specific confidential commercial information their proposals, or to email OEA directly with questions on this matter. Please list the information by page and paragraph numbers.

The documents and information submitted in response to this FFO become the property of the U.S. Government and will not be returned.

iv. Intellectual Property Rights

In the event of a cooperative agreement award, the Recipient may copyright any work that is subject to copyright and was developed, or for which ownership was purchased, under an award. The Federal awarding agencies reserve a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so. Such uses include, but are not limited to, the right to modify and distribute such products worldwide by any means, electronically or otherwise. The Recipient may not use Federal funds to pay any royalty or license fee for use of a copyrighted work, or the cost of acquiring by purchase a copyright in a work, where DoD has a license or rights of free use in such work. If revenues are generated through selling products developed with cooperative agreement funds, including intellectual property, these revenues are program income and shall be added to the cooperative agreement and must be expended for allowable cooperative agreement activities.

Dated: April 1, 2015.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2015–07793 Filed 4–3–15; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14628–001]

Minneapolis Leased Housing Associates IV Limited Partnership; Notice of Application Tendered for Filing With the Commission

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Minor License.

b. Project No.: 14628–001.

c. Date filed: March 20, 2015.

d. *Applicant:* Minneapolis Leased Housing Associates IV, Limited Partnership (Minneapolis Housing Associates).

e. *Name of Project:* A-Mill Artist Lofts Hydroelectric Project (A-Mill Project).

f. *Location:* On the Mississippi River, in the City of Minneapolis, Hennepin County, Minnesota. No federal lands are occupied by the project works or located within the project boundary.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Owen Metz, 2905 Northwest Blvd., Suite 150, Plymouth, MN 55441; (763) 354–5618; email *ometz@dominiuminc.com.*

i. *FERC Contact:* Shana Murray at (202) 502–8333; or email at *shana.murray@ferc.gov.*

j. The application is not ready for environmental analysis at this time.

k. The A-Mill Project consists of: (1) Removal of an existing concrete bulkhead blocking the existing intake structure; (2) an existing headrace tunnel rehabilitated and sleeved with a new 616-foot-long, 5-foot-diameter steel penstock; (3) a new vertical steel pipe installed in the existing downstream drop-shaft; (4) a new 600-kilowatt turbine generator; (5) a new 6-foot-wide by 4-foot-tall concrete outlet structure at the existing downstream tailrace; and (6) appurtenant facilities. The average annual generation is estimated to be 3,400 megawatt-hours.

l. 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.

m. *Procedural schedule:* The application will be processed according to the following preliminary Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Issue Notice of Acceptance: April 2015.

Issue notice soliciting final terms and conditions: May 2015.

Commission issues EA: July 2015.

Dated: March 31, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–07797 Filed 4–3–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–116–000]

Southwest Gas Storage Company; Notice of Request Under Blanket Authorization

Take notice that on March 18, 2015, Southwest Gas Storage Company (Southwest), 1300 Main Street, Houston, Texas 77002, filed in Docket No. CP15–116–000 a prior notice request pursuant to sections 157.205 and 157.216(b) of the Commission's regulations under the Natural Gas Act (NGA), as amended, requesting authorization to plug and abandon 11 wells, associated lateral pipelines, and appurtenances at its Waverly Storage Field in Morgan County, Illinois, 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.

Specifically, Southwest proposes to plug and abandon seven inactive injection/withdrawal wells (Carr 2–9, Staton 2–15, Mosley 2–16, Rogers 1–16, Stenemeyer 2–15, Edwards 1–16, and Wheeler 2–15). Southwest further proposes to abandon the related laterals, totaling 5,362 feet of 4-, 6-, and 8-inch diameter pipeline, with appurtenances. Additionally, Southwest proposes to plug and abandon four observation wells (Dora Hubbs 1–33, Burnett 1–4, B.J. Stenemeyer 1–22, and Wheeler 1–22). Southwest states that the working gas at the Waverly Storage Field has been reduced, leaving a number of wells too far from the gas bubble to provide useful service. Also, Southwest asserts that there have been integrity problems in the lateral pipelines, well site facilities, and wellheads due to corrosion. Southwest states that it does not anticipate storage field operation to change to where the subject wells would be needed for injection/withdrawal service. Southwest avers that the proposed abandonment project will have no effect on the certificated physical parameters of the Waverly Storage Field, including total inventory, reservoir pressure, reservoir and buffer boundaries, and certificated capacity. Southwest estimates the cost of the proposed abandonment to be approximately $853,000.

Any questions concerning this application may be directed to Stephen Veatch, Sr. Director of Certificates, Southwest Gas Storage Company, 1300 Main Street, Houston, Texas 77002, by telephone at (713) 989–2024, by facsimile at (713) 989–1205, or by email at *stephen_veatch@energytransfer.com.*

Any person or the Commission's staff may, within 60 days after 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 and pursuant to section 157.205 of the regulations under the NGA (18 CFR 157.205), 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 filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time 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 EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental

Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's EA.

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 commenter's 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 commenter's will not be required to serve copies of filed documents on all other parties. However, the non-party commentary, 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 7 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Dated: March 30, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–07760 Filed 4–3–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Records Governing Off-the-Record Communications; Public Notice

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. The communications listed are grouped by docket numbers in ascending order. These filings are available for electronic review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket No.	File date	Presenter or requester
Prohibited:		
1. CP14–96–000	3–23–15	Charles Martinelli.
Exempt:		
1. CP14–347–000	3–19–15	Hon. Bill Cassidy.
2. CP14–347–000	3–20–15	Hon. Charles W. Boustany Jr.
3. CP13–483–000	3–20–15	Hon. Roy Blunt.
4. CP13–483–000, CP13–492–000	3–25–15	FERC Staff.[1]

[1] Phone record.

Dated: March 31, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–07796 Filed 4–3–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP15–115–000; PF14–18–000]

Notice of Application: National Fuel Gas Supply Corporation and Empire Pipeline, Inc.

Take notice that on March 17, 2015, National Fuel Gas Supply Corporation (National Fuel) and Empire Pipeline, Inc. (Empire) (collectively, Applicants) 6363 Main Street, Williamsville, New York 14221, filed an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act (NGA) and Part 157 of the Commission's Regulations, for a certificate of public convenience and necessity to construct and operate the Northern Access 2016 Project (the Project), and authorization to abandon and acquire certain related facilities. The Project will be located in McKean County, Pennsylvania and Alleghany, Cattaraugus, Erie and Niagara Counties, New York. The filing may 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, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application should be directed to Kenneth E. Webster, Attorney for National Fuel and Empire, 6363 Main Street, Williamsville, New York 14221, or call at (716) 857–7067.

Specifically, National Fuel requests authorization: (i) To construct 96.65 miles of 24-inch diameter pipeline; (ii) to add 5,350 horsepower (hp) of compression at the Porterville, New York compressor station; (iii) to construct an interconnect meter and regulation (M&R) station with Tennessee Gas Pipeline Company, L.L.C.'s 200 Line; (iv) to construct an M&R station and tie-in in Hinsdale, New York; (v) to construct an interconnection with NFG Midstream Clermont, L.L.C.; (vi) to modify an existing tie-in; (vii) to construct a pressure reduction station; (viii) to abandon, via sale to Empire, all 3.09 miles of National Fuel's existing Line XM–10 pipeline and certain other existing facilities; (ix) to charge an initial incremental firm recourse rate for the Project; and (x) for a limited waiver of General Terms and Conditions Section 31.1 of National Fuel's tariff to permit the Project's Foundation Shipper to shift its primary delivery point for a portion of the Project's incremental capacity more than ninety days after its initial request. National Fuel proposes to provide 497,000 dekatherms per day of new firm natural gas transportation capacity.

Empire requests authorization to: (i) Construct a new 22,214 hp compressor station in Pendleton, New York; (ii) construct 3.05 miles of 24-inch pipeline, replacing 3.05 miles of existing National Fuel 16-inch XM–10 pipeline; (iii) construct a new dehydration facility; (iv) modify two existing tie-ins; and (v) acquire from National Fuel the aforementioned 3.09 miles of Line XM–10. Empire proposes to provide 350,000 dekatherms per day of new firm natural gas transportation capacity.

The total cost of the Project would be approximately $376,670,388 (National Fuel) and $74,348,362 (Empire).

On July 24, 2014, the Commission staff granted the Applicants' request to use the National Environmental Policy Act (NEPA) Pre-Filing Process and assigned Docket No. PF14–18–000 to staff activities involving the proposed facilities. Now, as of the filing of this application on March 17, 2015, the NEPA Pre-Filing Process for this project has ended. From this time forward, this proceeding will be conducted in Docket No. CP15–115–000, as noted in the caption of this Notice.

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 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 5 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.

Motions to intervene, protests and comments may be filed electronically via the internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Comment Date: April 17, 2015.

Dated: March 27, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–07769 Filed 4–3–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board Chairs

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) Chairs. 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 22, 2015—8 a.m.–4:30 p.m., Thursday, April 23, 2015—8 a.m.–12:30 p.m.

ADDRESSES: Doubletree, 2561 Perimeter Parkway, Augusta, Georgia 30909.

FOR FURTHER INFORMATION CONTACT: David Borak, Designated Federal Officer, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; Phone: (202) 586–9928.

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 Topics:

Wednesday, April 22, 2015

- EM Program Update
- EM SSAB Chairs' Round Robin: Topics, Achievements, and Accomplishments
- EM Budget Update
- Roundtable Discussion: DOE Communication Strategies
- Public Comment Period

Thursday, April 23, 2015

- DOE Headquarters News and Views
- EM Headquarters Waste Disposition Update
- EM Safety Culture Presentation
- Public Comment

Public Participation: The EM SSAB Chairs welcome the attendance of the public at their 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 David Borak at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed either before or after the meeting with the Designated Federal Officer, David Borak, at the address or telephone listed above. Individuals who wish to make oral statements pertaining to agenda items should also contact David Borak. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The 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 comment will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling David Borak at the address or phone number listed above. Minutes will also be available at the following Web site: *http://www.em.doe.gov/stakepages/ssabchairs.aspx.*

Issued at Washington, DC, on March 30, 2015.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2015–07804 Filed 4–3–15; 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 Intent To Prepare an Environmental Assessment for the Proposed Union Meter Station Upgrade Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Union Meter Station Upgrade Project involving construction and operation of facilities by Northwest Pipeline LLC (Northwest) in Union County, Oregon. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Please note that the scoping period will close on April 27, 2015.

You may submit comments in written form or verbally. Further details on how to submit written comments are in the Public Participation section of this notice. If you sent comments on this project to the Commission before the opening of this docket on March 6, 2015, you will need to file those comments in Docket No. CP15–110–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this proposed project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

Northwest provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' This fact sheet addresses a number of typically asked questions, including how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site (*www.ferc.gov*).

Summary of the Proposed Project

Northwest proposes to modify its existing meter station in Grande Ronde Valley, southeast of La Grande, Union County, Oregon. The Union Meter Station Upgrade Project would increase the existing Union Meter Station's capacity from approximately 3,120,000 to 5,500,000 standard cubic feet per day of natural gas in accordance with a Facility Agreement between Northwest and Avista Corporation, a local distribution company.

The general location of the project facilities is shown in appendix 1.[1]

Land Requirements for Construction

The project would require approximately 0.2 acre of total surface use occurring on previously disturbed and graveled land. Project construction would occur within the existing 50-foot-wide by 100-foot-long Union Meter Station property.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us[2] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- geology and soils;
- land use;
- water use and quality;
- cultural resources;
- vegetation and wildlife;
- air quality and noise;
- endangered and threatened species; and
- public safety.

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section beginning on page 4.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate with us in the preparation of the EA.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for Section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under Section 106.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before April 27, 2015.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the project docket number (CP15–110–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.''* You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) whose property may be used temporarily for project purposes, or who own property within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* CP15–110). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, Part 1501.6.

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: March 27, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–07768 Filed 4–3–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 803–105]

Pacific Gas and Electric Company; Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Application for Temporary Variance of Minimum Flow Requirement

b. *Project No.:* 803–105

c. *Date Filed:* March 25, 2015

d. *Applicant:* Pacific Gas and Electric Company (licensee)

e. *Name of Project:* DeSabla Centerville

f. *Location:* Butte Creek and West Branch Feather River in Butte County, California

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Rich Doble, Senior License Coordinator, Pacific Gas and Electric Company, Mail Code: N11C, P.O. Box 770000, San Francisco, CA 94177. Phone (415) 973–4480

i. *FERC Contact:* Mr. John Aedo, (415) 369–3335, or *john.aedo@ferc.gov*

j. Deadline for filing comments, motions to intervene, protests, and recommendations is 15 days from the issuance date of this notice by the Commission (April 14, 2015). The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, or recommendations using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P–803–105) on any comments, motions to intervene, protests, or recommendations filed.

k. *Description of Request:* The licensee requests Commission approval for a temporary variance of the minimum flow requirements of Article 39 of the project license. The licensee proposes to reduce flows from Philbrook Reservoir to 0.8 cubic feet per second (cfs) (with an additional 0.2 cfs flow buffer) to ensure the availability of cold water storage for spring-run Chinook salmon during the fish holding period in the summer. The licensee explains that current drought conditions have resulted in depressed storage levels in Philbrook Reservoir and that spring-run Chinook salmon have already entered Butte Creek. The licensee requests the above variance until June 1, 2015, or until conditions improve, as determined by the licensee and resource agencies at monthly meetings.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. 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, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the variance. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener 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. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: March 30, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–07763 Filed 4–3–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2179–043—California; Project No. 2467–020—California]

Merced Irrigation District, Pacific Gas and Electric Company; Notice of Availability of the Draft Environmental Impact Statement for the Merced River and Merced Falls Hydroelectric Projects

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission (Commission or FERC) regulations contained in the Code of Federal Regulations (CFR) (18 CFR part 380 [FERC Order No. 486, 52 FR 47897]), the Office of Energy Projects has reviewed the applications for license for the Merced River Hydroelectric Project (FERC No. 2179), and the Merced Falls Hydroelectric Project (FERC No. 2467) and prepared a draft multi-project environmental impact statement (EIS) for the projects.

Both projects are located on the Merced River. The Merced River Project is located at river mile (RM) 62.5 and 56.3, respectively, about 23 miles northeast of the city of Merced in Mariposa County, California. The Merced River Project occupies 3,154.9 acres of federal land administered by the U.S. Department of the Interior, Bureau of Land Management (BLM). The Merced Falls Project is located at RM 55 on the border of Merced and Mariposa Counties, California. The Merced Falls Project occupies 1.0 acre of federal land administered by BLM.

The draft EIS contains staff's analysis of the applicants' proposals and the alternatives for relicensing the Merced River and Merced Falls projects. The draft EIS documents the views of governmental agencies, non-governmental organizations, affected Indian tribes, the public, the license applicants, and Commission staff.

A copy of the draft EIS is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov,* using the ''e-Library'' link. Enter the docket number, excluding the last three digits, to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, contact (202) 502–8659.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

All comments must be filed by Friday, May 29, 2015, and should reference Project Nos. 2179–043 and 2467–020. The Commission strongly encourages electronic filing. Please file comments using the Commission's efiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support. In lieu of electronic filing, please send a paper copy to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Anyone may intervene in this proceeding based on this draft EIS (18 CFR 380.10). You must file your request to intervene as specified above. You do not need intervenor status to have your comments considered.

Commission staff will hold two public meetings for the purpose of receiving comments on the draft EIS. The daytime meeting will focus on resource agency, Indian tribe, and non-governmental organization comments, while the evening meeting is primarily for receiving input from the public. All interested individuals and entities will be invited to attend the public meeting. A notice detailing the exact date, time, and location of the public meetings will be forthcoming.

For further information, please contact Matt Buhyoff at (202) 502–6824 or at *matt.buhyoff@ferc.gov.*

Dated: March 30, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–07764 Filed 4–3–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–61–000]

Northern Natural Gas Company; Notice of Staff Protest to Proposed Blanket Certificate Activity

Commission staff (Protestor) hereby protests the prior notice request filed under the provisions of part 157, subpart F, of the Commission's regulations, by Northern Natural Gas Company (Northern) on January 20, 2015 in the above referenced docket. Pursuant to its part 157, subpart F, blanket certificate authority, Northern proposes to construct and abandon facilities in Clark and Codington Counties, South Dakota. Protestor seeks to have this prior notice request processed as a case-specific application filed under section 7(c) of the Natural Gas Act and part 157, subpart A, of the Commission's regulations.[1]

Protestor notes that on February 27, 2015, Northern filed a data response which described communication with the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation (tribe). The tribe indicated that it would be necessary to conduct a Traditional Cultural Properties (TCP) survey to ensure that no TCPs would be affected by construction. Northern has not yet provided the results of the TCP survey. Northern must file with the FERC the results of the TCP survey and/or updated communication with the tribe to ensure the project's compliance with the National Historic Preservation Act, as required under Appendix II to Subpart F of Part 157 of the Commission's regulations. Without this information, environmental concerns cannot be adequately assessed before the protest period expires today.

Dated: March 31, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–07795 Filed 4–3–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Attendance at PJM Interconnection, LLC Meetings

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission and Commission staff may attend upcoming PJM Interconnection, LLC (PJM) Members Committee and Markets and Reliability Committee meetings, as well as other PJM committee, subcommittee or task force meetings.[1]

[1] Section 157.205(f) provides that a protested prior notice filing shall be treated as though it had filed a case-specific application under NGA section 7, unless, pursuant to section 157.205(g) the protestor withdraws its protest within 30 days after protests were due.

[1] For example, PJM subcommittees and task forces of the standing committees (Operating, Planning and Market Implementation) and senior standing committees (Members and Markets and Reliability) meet on a variety of different topics; they convene and dissolve on an as-needed basis.

Continued

The Commission and Commission staff may attend the following meetings:

PJM Members Committee

- April 23, 2015 (Wilmington, DE)
- May 19–21, 2015 (Atlantic City, NJ)
- June 25, 2015 (TBD)
- August, 27, 2015 (TBD)
- September 24, 2015 (TBD)
- October 22, 2015 (TBD)
- November 19, 2015 (TBD)

PJM Markets and Reliability Committee

- April 23, 2015 (Wilmington, DE)
- May 28, 2015 (Wilmington, DE)
- June 25, 2015 (Wilmington, DE)
- July 23, 2015 (Wilmington, DE)
- August 27, 2015 (Wilmington, DE)
- September 24, 2015 (TBD)
- October 22, 2015 (TBD)
- November 19, 2015 (TBD)
- December 17, 2015 (TBD)

PJM Market Implementation Committee

- April 8, 2015 (Audubon, PA)
- May 6, 2015 (Audubon, PA)
- June 10, 2015 (Audubon, PA)
- July 8, 2015 (Audubon, PA)
- August 12, 2015 (Audubon, PA)
- September 9, 2015 (Audubon, PA)
- October 7, 2015 (Audubon, PA)
- November 4, 2015 (Audubon, PA)
- December 2, 2015 (Audubon, PA)

The discussions at each of the meetings described above may address matters at issue in pending proceedings before the Commission, including the following currently pending proceedings:

Docket No. EL05–121, *PJM Interconnection, L.L.C.*

Docket No. EL08–14, *Black Oak Energy LLC, et al.,* v. *FERC*

Docket No. ER09–1148, *PPL Electric Utilities Corporation*

Docket No. ER09–1256, *Potomac-Appalachian Transmission Highline, L.L.C.*

Docket Nos. ER09–1589 and EL10–6, *FirstEnergy Service Company*

Docket No. EL10–52, *Central Transmission, L.L.C.* v. *PJM Interconnection, L.L.C.*

Docket No. EL11–54, *Buckeye Power, Inc.* v. *American Transmission Systems Incorporated*

Docket No. ER11–1844, *Midwest Independent Transmission System Operator, Inc.*

Docket No. AD12–1 and ER11–4081, *Midwest Independent Transmission*

System Operator, Inc.

Docket No. AD12–16, *Capacity Deliverability Across the Midwest Independent Transmission System Operator, Inc./PJM Interconnection, L.L.C. Seam*

Docket No. EL12–54, *Viridity Energy, Inc.* v. *PJM Interconnection, L.L.C.*

Docket No. ER12–91, *PJM Interconnection, L.L.C.*

Docket No. ER12–92, *PJM Interconnection, L.L.C., et al.*

Docket No. ER12–2399, *PJM Interconnection, L.L.C.*

Docket No. ER12–2708, *PJM Interconnection, L.L.C.*

Docket No. EL13–47, *FirstEnergy Solutions Corporation* v. *PJM Interconnection, L.L.C. et al.*

Docket No. ER13–90, *Public Service Electric and Gas Company and PJM Interconnection, L.L.C.*

Docket No. ER13–195, *Indicated PJM Transmission Owners*

Docket No. ER13–198, *PJM Interconnection, L.L.C.*

Docket No. ER13–349–001, *PJM Interconnection, L.L.C.*

Docket No. ER13–535, *PJM Interconnection, L.L.C.*

Docket No. ER13–1654, *PJM Interconnection, L.L.C.*

Docket No. ER13–1924, *PJM Interconnection, L.L.C.*

Docket No. ER13–1926, *PJM Interconnection, L.L.C.*

Docket No. ER13–1927, *PJM Interconnection, L.L.C.*

Docket No. ER13–1936, *PJM Interconnection, L.L.C.*

Docket No. ER13–1944, *PJM Interconnection, L.L.C.*

Docket No. ER13–1947, *PJM Interconnection, L.L.C.*

Docket No. ER13–2108, *PJM Interconnection, L.L.C.*

Docket No. EL14–20, *Independent Market Monitor* v. *PJM Interconnection, L.L.C.,*

Docket No. EL14–45, *Duke Energy Corporation, et al.,* v. *PJM Interconnection, L.L.C.*

Docket No. EL14–55, *FirstEnergy Service Company* v. *PJM Interconnection, L.L.C.*

Docket Nos. EL14–94, EL14–36, *FirstEnergy Solutions Corporation and PJM Interconnection, L.L.C.*

Docket No. ER14–972, *PJM Interconnection, L.L.C.*

Docket No. ER14–503, *PJM Interconnection, L.L.C.*

Docket No. ER14–504, *PJM Interconnection, L.L.C.*

Docket No. ER15–746, *RC Cape May Holdings, LLC*

Docket No. ER14–822, *PJM Interconnection, L.L.C.*

Docket No. ER14–1144, *PJM Interconnection, L.L.C.*

Docket No. ER14–1145, *PJM Interconnection, L.L.C.*

Docket No. ER14–1461, *PJM Interconnection, L.L.C.*

Docket No. ER14–1485, *PJM Interconnection, L.L.C.*

Docket No. ER14–2242, *Old Dominion Electric Cooperative*

Docket Nos. ER14–2864, ER14–2867, *PJM Interconnection, L.L.C., and Baltimore Gas & Electric Company, et al.*

Docket No. ER14–2940, *PJM Interconnection, L.L.C.*

Docket No. EL15–15, ER15–696, *PJM Interconnection, L.L.C.*

Docket No. EL15–18, *Consolidated Edison Company of New York, Inc.* v. *PJM Interconnection, L.L.C.*

Docket No. EL15–31, *PJM Interconnection, L.L.C.*

Docket No. EL15–38, *RTO Energy Trading, LLC*

Docket No. EL15–40, *Public Service Electric and Gas Company* v. *PJM Interconnection, L.L.C.*

Docket No. EL15–41, *Essential Power Rock Springs, LLC, et al.,* v. *PJM Interconnection, L.L.C.*

Docket No. EL15–46, *Champion Energy Marketing LLC* v. *PJM Interconnection, L.L.C.*

Docket No. ER15–61, *PJM Interconnection, L.L.C., and American Transmission Systems, Incorporated*

Docket No. ER15–135, *PJM Interconnection, L.L.C.*

Docket Nos. ER15–623, EL15–29, *PJM Interconnection, L.L.C.*

Docket No. ER15–643, *PJM Interconnection, L.L.C.*

Docket No. ER15–738, *PJM Interconnection, L.L.C.*

Docket No. ER15–739, *PJM Interconnection, L.L.C.*

Docket No. ER15–834, *Illinois Municipal Electric Agency*

Docket No. ER15–852, *PJM Interconnection, L.L.C.*

Docket No. ER15–952, *New Jersey Energy Associates, A Limited Partnership*

Docket No. ER15–1193, *PJM Interconnection, L.L.C.*

Docket No. ER15–1232, *Illinois Municipal Electric Agency*

Docket No. ER13–1957, *ISO New England Inc., New York Independent System Operator, Inc., and PJM Interconnection, L.L.C.*

Docket No. ER13–1942, *New York Independent System Operator, Inc.*

Docket No. ER13–1946, *New York Independent System Operator, Inc.*

Docket No. ER13–1947, *PJM Interconnection, L.L.C.*

Docket No. ER13–1960, *ISO New England Inc. and New England Power Pool Participants Committee*

Docket No. ER13–1926, *PJM Interconnection, L.L.C. and Duquesne Light Company*

Docket No. ER13–1944, *PJM Interconnection, L.L.C.*

Therefore, the Commission and Commission staff may monitor the various meetings posted on the PJM Web site.

Docket No. ER13–1943, *Midcontinent Independent System Operator, Inc.*

Docket No. ER13–1924, *PJM Interconnection, L.L.C. and Duquesne Light Company*

Docket No. ER13–1945, *Midcontinent Independent System Operator, Inc.*

Docket No. ER13–1955, *Entergy Services, Inc.*

Docket No. ER13–1956, *Cleco Power LLC*

Docket No. ER15–376, *Calpine Energy Services, L.P.*

For additional meeting information, see: *http://www.pjm.com/committees-and-groups.aspx* and *http://www.pjm.com/Calendar.aspx*.

The meetings are open to stakeholders. For more information, contact Valerie Martin, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (202) 502–6139 or *Valerie.Martin@ferc.gov*.

Dated: March 30, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–07761 Filed 4–3–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 516–482]

South Carolina Electric and Gas Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Lands and Waters.

b. *Project No:* 516–482.

c. *Date Filed:* March 19, 2015.

d. *Applicant:* South Carolina Electric and Gas Company.

e. *Name of Project:* Saluda Project.

f. *Location:* Saluda River in Richland, Lexington, Saluda, and Newberry counties, South Carolina.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r

h. *Applicant Contact:* Tommy Boozer, Manager, Lake Management Programs, South Carolina Electric and Gas Company, 6248 Bush River Road, Columbia, South Carolina 29212; Telephone: (803) 217–9007.

i. *FERC Contact:* Shana High at (202) 502–8674, or email: *shana.high@ferc.gov*.

j. *Deadline for filing comments, motions to intervene, and protests:* April 29, 2015.

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P–516–482) on any comments, motions, or recommendations filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears 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. *Description of Request:* South Carolina Electric and Gas Company requests Commission approval to permit the South Carolina Department of Parks, Recreation, and Tourism to replace and expand its existing 33-slip Dreher Island Marina at Dreher Island State Park with a facility that would accommodate 100 boats.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also 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 (P–516) to access the document. 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, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: March 30, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–07762 Filed 4–3–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD15–5–000]

Available Transfer Capability Standards for Wholesale Electric Transmission Services; Supplemental Notice of Workshop—New Date

As discussed in prior notices, the Federal Energy Regulatory Commission (Commission) staff will hold a workshop to discuss standards for calculating Available Transfer Capability (ATC) for wholesale electric transmission services.[1] In light of the inclement weather occurring on the originally proposed date, the workshop is rescheduled for Tuesday, April 21, 2015.

The workshop is prompted by the filing by the North American Electric Reliability Corporation (NERC) proposing changes to its ATC-related reliability standards,[2] and the initiative to replace these standards with similarly focused business practice standards to be developed by the North American Energy Standards Board (NAESB).[3]

The workshop will commence at 12:00 noon and conclude by 4:15 p.m., EST. The workshop will be held in the Commission Meeting Room at the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC, 20426. Commission members may participate in the workshop.

This Notice contains an Agenda that is materially the same as the Updated Agenda previously issued in this docket. However, specific details may change as Commission staff finalizes the agenda, including the list of featured speakers, times of the session discussions or details of the topics to be discussed. The Commission will issue an additional Notice as needed. This workshop is free of charge and open to the public. Commission members may participate in the workshop.

Those who plan to attend the workshop are encouraged to complete the registration form located at: *https://www.ferc.gov/whats-new/registration/04-21-15-form.asp.* There is no registration deadline.

Transcripts of the workshop will be available for a fee from Ace-Federal Reporters, Inc. (202–347–3700). Additionally, there will be a free webcast of the workshop. Anyone with Internet access who wants to listen to the workshop can do so by navigating to the Calendar of Events at *www.ferc.gov*, locating the technical workshop in the Calendar, and clicking on the webcast link. The Capitol Connection provides technical support for the webcast and offers the option of listening to the workshop via phone-bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or call 703–993–3100.

Commission workshops are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–502–8659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

For further information on this workshop, please contact: *Logistical Information*, Sarah McKinley, Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8368, *sarah.mckinley@ferc.gov*; *Technical Information*, Christopher Young, Office of Energy Policy and Innovation, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6403, *christopher.young@ferc.gov*; *Legal Information*, Richard Wartchow, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–8744, *richard.wartchow@ferc.gov*.

Dated: March 31, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–07794 Filed 4–3–15; 8:45 am]

BILLING CODE 6717–01–P

[1] Prior Notices were issued on December 30, 2014, and January 30 and February 27, 2015.

[2] NERC's proposal is currently pending before the Commission in the rulemaking: *Modeling, Data, and Analysis Reliability Standards*, Notice of Proposed Rulemaking, Docket No. RM14–7–000; 79 FR 36269 (June 26, 2014). While this workshop is not convened for the purpose of discussing specific cases, the workshop may address matters that are at issue in the NERC proceeding.

[3] *See, e.g.*, the December 18, 2014 status report filed by NAESB in Docket Nos. RM05–5–000 and RM14–7–000.

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–RCRA–2014–0839; FRL–9924–11–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; State Program Adequacy Determination: Municipal Solid Waste Landfills (MSWLFs) and Non-Municipal, Non-Hazardous Waste Disposal Units that Receive Conditionally Exempt Small Quantity Generator (CESQG) Hazardous Waste (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), ''State Program Adequacy Determination: Municipal Solid Waste Landfills (MSWLFs) and Non-Municipal, Non-Hazardous Waste Disposal Units that Receive Conditionally Exempt Small Quantity Generator (CESQG) Hazardous Waste (Renewal)'' (EPA ICR No. 1608.07, OMB Control No. 2050–0152) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through April 30, 2015. Public comments were previously requested via the **Federal Register** (79 FR 73574) on December 11, 2014 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before May 6, 2015.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–RCRA–2014–0839, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *rcra-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public

docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Craig Dufficy, Materials Recovery and Waste Management Division, Office of Resource Conservation and Recovery, mail code 5304P, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (703) 308–9037; fax number: (703) 308–8686; email address: *dufficy.craig@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: Section 4010(c) of the Resource Conservation and Recovery Act (RCRA) of 1976 requires that EPA revise the landfill criteria promulgated under paragraph (1) of Section 4004(a) and Section 1008(a)(3). Section 4005(c) of RCRA, as amended by the Hazardous Solid Waste Amendments (HSWA) of 1984, requires states to develop and implement permit programs to ensure that MSWLFs and non-municipal, non-hazardous waste disposal units that receive household hazardous waste or CESQG hazardous waste are in compliance with the revised criteria for the design and operation of non-municipal, non-hazardous waste disposal units under 40 CFR part 257, subpart B and MSWLFs under 40 CFR part 258 (revised federal criteria). Section 4005(c) of RCRA further mandates the EPA Administrator to determine the adequacy of state permit programs to ensure owner and/or operator compliance with the revised federal criteria.

In response to the statutory requirement in § 4005(c), EPA developed 40 CFR part 239, commonly referred to as the State Implementation Rule (SIR). The SIR describes the state application and EPA review procedures and defines the elements of an adequate state permit program.

The collection of information from the state during the permit program adequacy determination process allows EPA to evaluate whether a program for which approval is requested is appropriate in structure and authority to ensure owner or operator compliance with the revised federal criteria. Section 239.3 of the SIR, requires that all state applications contain the following five components:

(1) A transmittal letter requesting permit program approval.

(2) A narrative description of the state permit program, including a demonstration that the state's standards for non-municipal, non-hazardous waste disposal units that receive CESQG hazardous waste are technically comparable to the Part 257, Subpart B criteria and/or that its MSWLF standards are technically comparable to the Part 258 criteria.

(3) A legal certification demonstrating that the state has the authority to carry out the program.

(4) Copies of state laws, regulations, and guidance that the state believes demonstrate program adequacy.

(5) Copies of relevant state-tribal agreements if the state has negotiated with a tribe for the implementation of a permit program on tribal lands.

The EPA Administrator has delegated the authority to make determinations of adequacy to the EPA Regional Administrator. The appropriate EPA Regional Office, therefore, will use the information provided by each state to determine whether the state's permit program satisfies the statutory test reflected in the requirements of 40 CFR part 239.

Form Numbers: None.

Respondents/affected entities: State, Local, or Tribal Governments.

Respondent's obligation to respond: Mandatory under Section 4005(c) of RCRA.

Estimated number of respondents: 12.

Frequency of response: On occasion.

Total estimated burden: 968 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $54,374 (per year), includes $0 for annualized capital or operation & maintenance costs.

Changes in the Estimates: There is no change in the total estimated respondent burden compared with the ICR currently approved by OMB.

Courtney Kerwin,

Acting Director, Collection Strategies Division.

[FR Doc. 2015–07733 Filed 4–3–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2014–0667 FRL–9925–67]

Pesticide Experimental Use Permit; Receipt of Application; Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's receipt of an application 59639–EUP–RI from Valent U.S.A. Corp., requesting an experimental use permit (EUP) for Clothianidin. The Agency has determined that the permit may be of regional and national significance. Therefore, because of the potential significance, EPA is seeking comments on this application.

DATES: Comments must be received on or before May 6, 2015.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2014–0667, 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: 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?

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, the Agency has not

attempted to describe all the specific entities that may be affected by this action.

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.*

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticide(s) discussed in this document, compared to the general population.

II. What action is the Agency taking?

Under section 5 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), 7 U.S.C. 136c, EPA can allow manufacturers to field test pesticides under development. Manufacturers are required to obtain an EUP before testing new pesticides or new uses of pesticides if they conduct experimental field tests on 10 acres or more of land or one acre or more of water.

Pursuant to 40 CFR 172.11(a), the Agency has determined that the following EUP application may be of regional and national significance, and therefore is seeking public comment on the EUP application:

Submitter: Valent U.S.A. Corp., (59639–EUP–RI).

Pesticide Chemical: Clothianidin.

Summary of Request: Valent has submitted an application for an Experimental Use Permit (EUP) registration for Clothianidin as a Soil Applied Treatment for Corn (field, pop, sweet) to evaluate the effectiveness on Corn Rootworm. The proposed use dates are May 15, 2015 through May 16, 2016. The registrant is requesting use on a combined total of 500 Acres in Minnesota, South Dakota and Wisconsin.

Following the review of the application and any comments and data received in response to this solicitation, EPA will decide whether to issue or deny the EUP request, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

Authority: 7 U.S.C. 136 *et seq.*

Dated: March 27, 2015.

Susan Lewis,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2015–07823 Filed 4–3–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9925–22–OA]

Notice of Meeting of the EPA's Children's Health Protection Advisory Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the next meeting of the Children's Health Protection Advisory Committee (CHPAC) will be held April 21 and 22, 2015 at the Sheraton Silver Spring, 8777 Georgia Avenue, Silver Spring, Maryland 20910. The CHPAC was created to advise the Environmental Protection Agency on science, regulations, and other issues relating to children's environmental health.

DATES: The CHPAC will meet April 21 and 22, 2015.

ADDRESSES: 8777 Georgia Avenue, Silver Spring, Maryland, 20910.

FOR FURTHER INFORMATION CONTACT: Martha Berger, Office of Children's Health Protection, USEPA, MC 1107A, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 564–2191 or *berger.martha@epa.gov.*

SUPPLEMENTARY INFORMATION: The meetings of the CHPAC are open to the public. The CHPAC will meet on April 21 from 12:30 p.m. to 5:00 p.m., and April 22 from 9:00 a.m. to 4:00 p.m. at the Sheraton Silver Spring, 8777 Georgia Avenue, Silver Spring, Maryland 20910. An agenda will be posted at *epa.gov/children.*

Access and Accommodations: For information on access or services for individuals with disabilities, please contact Martha Berger at 202–564–2191 or *berger.martha@epa.gov.*

Dated: March 12, 2015.

Martha Berger,

Designated Federal Official.

[FR Doc. 2015–06876 Filed 4–3–15; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Comment Request Regarding the National Survey of Unbanked and Underbanked Households (3064–0167)

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: The FDIC, as part of its continuing effort to reduce paperwork and respondent burden and as required by the Paperwork Reduction Act of 1995, invites the general public and other Federal agencies to comment on the survey collection instrument for its fourth National Survey of Unbanked and Underbanked Households (2015 Household Survey), currently approved under OMB Control No. 3064–0167, scheduled to be conducted in partnership with the U.S. Census Bureau as a supplement to its June 2015 Current Population Survey (CPS). The survey seeks to estimate the proportions of unbanked and underbanked households in the U.S. and to identify the factors that inhibit the participation of these households in the mainstream banking system, and opportunities to expand the use of banking services among underserved consumers. The results of these ongoing surveys will help policymakers and bankers understand the issues and challenges underserved households perceive when deciding how and where to conduct financial transactions.

DATES: Comments must be submitted on or before May 6, 2015.

ADDRESSES: Interested parties are invited to submit written comments by any of the following methods. All comments should refer to ''National Survey of Unbanked and Underbanked Households'':

- *http://www.FDIC.gov/regulations/laws/federal/.*
- *Email: comments@fdic.gov.* Include the name and number of the collection in the subject line of the message.
- *Mail:* Gary Kuiper, Counsel, (202.898.3877), MB–3074, or John Popeo, Counsel, (202.898.6923), MB–3007, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Interested members of the public may obtain a copy of the survey and related instructions by clicking on the link for the *National Unbanked and Underbanked Household Survey* on the following Web page: *http://www.fdic.gov/regulations/laws/federal/.* Interested members of the public may also obtain additional information about the collection, including a paper copy of the proposed collection and related instructions, without charge, by contacting Gary Kuiper or John Popeo at the address or telephone numbers identified above.

SUPPLEMENTARY INFORMATION: The FDIC is requesting OMB approval to revise the following collection of information:

Title: National Unbanked and Underbanked Household Survey.

OMB Number: 3064–0167.

Frequency of Response: Once.

Affected Public: U.S. households.

Estimated Number of Respondents: 42,000.

Average Time per Response: 12 minutes (0.2 hours) per respondent.

Estimated Total Annual Burden: 0.2 hours × 42,000 respondents = 8,400 hours.

General Description of Collection

The FDIC recognizes that public confidence in the banking system is strengthened when banks effectively serve the broadest possible set of consumers. As a result, the agency is committed to increasing the participation of unbanked and underbanked households in the financial mainstream by ensuring that all Americans have access to safe, secure, and affordable banking services. These National Surveys of Unbanked and Underbanked Households are one contribution to this end.

These National Surveys of Unbanked and Underbanked Households are also a key component of the FDIC's efforts to comply with a Congressional mandate contained in section 7 of the Federal Deposit Insurance Reform Conforming Amendments Act of 2005 (''Reform Act'') (Pub. L. 109–173), which calls for the FDIC to conduct ongoing surveys ''on efforts by insured depository institutions to bring those individuals and families who have rarely, if ever, held a checking account, a savings account or other type of transaction or check cashing account at an insured depository institution (hereafter in this section referred to as the 'unbanked') into the conventional finance system.'' Section 7 further instructs the FDIC to consider several factors in its conduct of the surveys, including: (1) ''what cultural, language and identification issues as well as transaction costs appear to most prevent 'unbanked' individuals from establishing conventional accounts,'' and (2) ''what is a fair estimate of the size and worth of the 'unbanked' market in the United States.'' The 2015 Household Survey is designed to address these factors and provide a factual basis on the proportions of unbanked households. Such a factual basis is necessary to adequately assess banks' efforts to serve these households as required by the statutory mandate.

To obtain this information, the FDIC partnered with the U.S. Census Bureau, which administered the Household Survey supplement (''FDIC Supplement') to households that participated in the January 2009, June 2011, and June 2013 CPS. The results of these surveys were released to the public in December 2009, September 2012, and October 2014, respectively.

The FDIC supplement has yielded nationally-representative data, not otherwise available, on the size and characteristics of the population that is unbanked or underbanked, the use by this population of alternative financial services, and the reasons why some households do not make greater use of mainstream banking services. These National Surveys of Unbanked and Underbanked Households are the only population-representative surveys conducted at the national level that provides state-level estimates of the size and characteristics of unbanked and underbanked households for all 50 states and the District of Columbia. An executive summary of the results of the first three Household Surveys, the full reports, and the survey instruments can be accessed through the following link: *http://www.economicinclusion.gov/surveys/.*

Consistent with the statutory mandate to conduct the surveys on an ongoing basis, the FDIC already has in place arrangements for conducting the fourth Household Survey as a supplement to the June 2015 CPS. However, prior to finalizing the next survey instrument, the FDIC seeks to solicit public comment on whether changes to the existing instrument are desirable and, if so, to what extent. It should be noted that, as a supplement of the CPS survey, the 2015 Household Survey needs to adhere to specific parameters that include limits in the length and sensitivity of the questions that can be asked of CPS respondents. Specifically, there is a strict limitation on the average time required to complete the survey.

Comment Discussion

On January 22, 2015 (80 FR 3234), the FDIC issued a request for comment on possible revisions to the 2015 Household Survey. The FDIC received three comments related to this survey effort. One of the commenters suggested that the FDIC collect information on household asset levels. The commenter noted that this would allow retail banks that use asset levels in their segmentation and strategy work to easily incorporate data from the 2015 Household Survey into their analyses. The FDIC seeks to provide insights from the 2015 Household Survey to inform efforts to better meet the needs of underserved consumers, and strongly encourages use of the survey data by financial institutions and other stakeholders. The FDIC is concerned that households' asset holdings may be sensitive information for many households and that asking for this information may reduce participation in the survey. In all of the surveys to date, including the 2015 Household Survey, there are no survey questions that ask households for specific dollar amounts regarding saving, assets or spending. The 2015 Household Survey does contain some new questions that will help the FDIC better understand households' savings behavior, including ways in which households save money, and about their ability to meet their monthly obligations. Detailed data on households' asset holdings are available from other sources, such as the Federal Reserve's Survey of Consumer Finances.

One commenter cautioned against the use of online methods for conducting the 2015 Household Survey. The 2015 Household Survey is an interviewer-administered survey conducted by the Census Bureau in-person or by telephone.

One commenter recommended that the 2015 Household Survey retain as

many questions as possible from the 2013 Survey, including questions on prepaid cards, direct deposit and reasons for not having a bank account, to allow local and national Bank-On programs to measure the impact of their efforts. The FDIC values the ability to compare results over time and the 2015 Household Survey retains successful elements of the previous surveys, including the core unbanked and underbanked measurements, while also reorganizing and adding questions to gain new insights relevant to serving a diverse range of consumers. The 2015 Household Survey retains many questions from previous surveys and continues to collect information on the use of prepaid cards, direct deposits, and the reasons for not having a bank account.

One commenter suggested the addition of specific questions to measure household financial fragility to help understand the connections between emergency savings and banking access (*i.e.,* household's ability to access $2000). The 2015 Household Survey does not include this particular question due to the need to keep the average length short to reduce non-response. However, it contains a number of new questions that will help the FDIC better understand households' financial condition. Specifically, the survey will ask about ways in which households save money, their ability to meet their monthly obligations, their income volatility, and their access to mainstream credit.

One commenter suggested collecting information on a wider range of credit products. The 2015 questionnaire added a new section on the use of credit products, including mainstream banking credit products (*e.g.,* credit cards, line of credits) to capture a more complete picture of households' use of credit. However, due to space constraints, questions are focused on mainstream credit products that are more likely to be substitutes for the small-dollar, short-term credit available from alternative financial service providers. The commenter also suggested collecting more information on the frequency of use of credit and transaction products in order to better understand households' varying intensity of use of these products. This suggestion is in part addressed by the revisions made in the 2015 survey. In addition to the use of financial products in the last 12 months, the proposed survey also asks households about their typical use of these products to better differentiate regular users from one-time users.

The commenter also made suggestions to improve the usability of the online tool for analyzing the survey data that is currently available at *www.economicinclusion.gov.* These comments are helpful and will be taken into account the next time we consider revising the tools.

One commenter encouraged the FDIC to offer training to municipalities and others on how to use and maximize the opportunities offered by the custom table generator at: *www.economicinclusion.gov.* The FDIC's Community Affairs staff work with local stakeholders to disseminate information about how to use and access the survey data, including the use of the table generator tool at: *www.economicinclusion.gov.* The FDIC will continue to make sure that this information is regularly shared in presentations and outreach materials.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

The FDIC will consider all comments to determine the extent to which the information collection should be modified prior to submission to OMB for review and approval. After the comment period closes, comments will be summarized and/or included in the FDIC's request to OMB for approval of the collection. All comments will become a matter of public record.

Dated at Washington, DC, this 1st day of April 2015.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2015–07798 Filed 4–3–15; 8:45 am]

BILLING CODE 6714–01–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 May 1, 2015.

A. Federal Reserve Bank of San Francisco (Gerald C. Tsai, Director, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. *PacWest Bancorp, and Pacific Western Bank,* both in Los Angeles, California; merge with Square 1 Financial, Inc., and thereby indirectly acquire Square 1 Bank, both in Durham, North Carolina.

In connection with this application, Applicants have also applied to acquire Square 1 Venture Management 1, L.P., Durham, North Carolina, and thereby engage in funds management, investment advisory, and private placement activities, pursuant to sections 225.28(b)(6)(i), (b)(7)(i) and (b)(7)(iii), respectively.

Board of Governors of the Federal Reserve System, April 1, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–07792 Filed 4–3–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo,* or to

acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in section 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 21, 2015.

A. Federal Reserve Bank of Philadelphia (William Lang, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521:

1. *The Bancorp, Inc.,* Wilmington, Delaware; to retain 49 percent of the voting shares of Walnut Street 2014-Issuer, LLC, Gladwyne, Pennsylvania, and thereby engage in extending credit and servicing loans, pursuant to section 225.28(b)(1).

Board of Governors of the Federal Reserve System, April 1, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–07791 Filed 4–3–15; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–MA–2015–01; Docket No. 2015–0002, Sequence No. 5]

Federal Travel Regulation (FTR); Relocation Allowances—Relocation Income Tax (RIT) Allowance Tables

AGENCY: Office of Government-wide Policy, U.S. General Services Administration (GSA).

ACTION: Notice of a bulletin.

SUMMARY: The purpose of this notice is to inform agencies that FTR Bulletin 15–03 pertaining to Relocation Allowances—Relocation Income Tax (RIT) Allowance Tables is now available online at *www.gsa.gov/ftrbulletin.*

DATES: *Effective:* April 6, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Miller, Office of Asset and Transportation Management (MA), Office of Government-wide Policy, GSA, at 202–501–3822 or via email at *rodney.miller@gsa.gov.* Please cite FTR Bulletin 15–03.

SUPPLEMENTARY INFORMATION: The GSA published FTR Amendment 2008–04 in the **Federal Register** at 73 FR 35952 on June 25, 2008, specifying that GSA would no longer publish the RIT Allowance tables in Title 41 of the Code of Federal Regulation Part 302–17, Appendices A through D; instead, the tables would be available on a GSA Web site. FTR Bulletin 15–03: Relocation Allowances—Relocation Income Tax (RIT) Allowance Tables is now available and provides the annual changes to the RIT allowance tables necessary for calculating the amount of a transferee's increased tax burden due to his or her official permanent change of station. FTR Bulletin 15–03 and all other FTR Bulletins can be found at *www.gsa.gov/ftrbulletin.*

Dated: March 30, 2015.

Giancarlo Brizzi,

Acting Associate Administrator, Office of Government-wide Policy.

[FR Doc. 2015–07866 Filed 4–3–15; 8:45 am]

BILLING CODE 6820–14–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 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 section 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Eunice Kennedy Shriver National Institute of Child Health and Human Development Special Emphasis Panel; Academic-Community Partnership Conference Series (R13).

Date: April 13, 2015.

Time: 9:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance M Street Hotel, 1143 New Hampshire Avenue NW., Washington, DC 20037.

Contact Person: Marita R. Hopmann, 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) 435–6911, *hopmannm@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(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 31, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–07741 Filed 4–3–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Solicitation of Written Comments on the Human Papillomavirus Working Group's Draft Report and Draft Recommendations for Improving Vaccination Rates in Adolescents for Consideration by the National Vaccine Advisory Committee

AGENCY: National Vaccine Program Office, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: The National Vaccine Advisory Committee (NVAC) was established in 1987 to comply with Title XXI of the Public Health Service Act (Pub. L. 99–660) (§ 2105) (42 U.S. Code 300aa–5 (PDF—78 KB)). Its purpose is to advise and make recommendations to the Director of the National Vaccine Program on matters related to program responsibilities. The Assistant Secretary for Health (ASH) has been designated by the Secretary of Health and Human Services (HHS) as the Director of the National Vaccine Program. The National Vaccine Program Office (NVPO) is located within the Office of the Assistant Secretary for Health (OASH), Office of the Secretary, U.S. Department of Health and Human Services (HHS). NVPO provides leadership and fosters collaboration among the various federal

agencies involved in vaccine and immunization activities. The NVPO also supports the National Vaccine Advisory Committee (NVAC). The NVAC advises and makes recommendations to the ASH in her capacity as the Director of National Vaccine Program on matters related to vaccine program responsibilities.

In February 2013, the NVAC created a working group to review the current state of HPV immunization, to understand the root cause(s) for the observed low vaccine uptake, both in initiation and in series completion, and to identify existing best practices to increase the use of the HPV vaccine in young adolescents.

Through a series of teleconferences, electronic communications, and public discussions during the NVAC meetings, a working group identified a number of draft recommendations categorized into five priority areas of opportunity for improving vaccination coverage among adolescents. The draft report and draft recommendations from the working group will inform NVAC deliberations as the NVAC finalizes their recommendations for transmittal to the ASH.

On behalf of NVAC, NVPO is soliciting public comment on the draft report and draft recommendations from a variety of stakeholders, including the general public. Comments will be considered by the NVAC as it develops its final recommendations to the ASH. It is anticipated that the draft report and draft recommendations, as revised with consideration given to public comment and stakeholder input, will be presented to the NVAC for discussion and adoption in NVAC meeting in June 2015.

DATES: Comments for consideration by the NVAC should be received no later than 5:00 p.m. EDT on May 6, 2015.

ADDRESSES:

(1) The draft report and draft recommendations are available on the web at *http://www.hhs.gov/nvpo/nvac/subgroups/nvac-hpv-wg.html.*

(2) Electronic responses are preferred and may be addressed to: *HPVwg@hhs.gov.*

(3) Written responses should be addressed to: National Vaccine Program Office, U.S. Department of Health and Human Services, 200 Independence Avenue SW., Room 715H, Washington, DC 20201. Attn: HHS HPV Immunizations.

FOR FURTHER INFORMATION CONTACT: National Vaccine Program Office, Office of the Assistant Secretary for Health, Department of Health and Human Services; telephone (202) 690–5566; fax (202) 690–4631; email: *HPVwg@hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

There are an average of 25,900 newly diagnosed cases per year of human papillomavirus (HPV)-associated cancer in the United States. An estimated 14 million people are newly infected with HPV each year and nearly half of these infections occur in people between the ages of 14–25 years. While most infections resolve over time, persistent infection with oncogenic HPV types is associated with a variety of cancers. Virtually all cervical cancers are due to HPV along with 90 percent of anal, 69 percent of vaginal, 60 percent of oropharyngeal, 51 percent of vulvar, and 40 percent of penile cancers. Further, 87 percent of anal, 76 percent of cervical, 60 percent of oropharyngeal, 55 percent of vaginal, 44 percent of vulva and 29 percent of penile cancers are caused by oncogenic HPV types 16 or 18. Of the 35,000 HPV cancers reported in 2009 in the U.S., 39 percent occurred in males.

Through their analysis and discussion, the NVAC identified five major areas of opportunity:

(1) Endorsing the President's Cancer Panel (PCP) report, Accelerating HPV Vaccine Uptake: Urgency for Action to Prevent Cancer, and adopt the recommendations outlined therein.

(2) Monitoring ''the status of uptake and implementation of the recommendations'' through an annual progress report from HPV vaccination stakeholders identified in the PCP report.

(3) Working with relevant agencies and stakeholders to develop evidence-based, effective, coordinated communication strategies to increase the strength and consistency of clinician recommendations for HPV vaccination to adolescents (both males and females) in the recommended age groups and to improve acceptance among parents/guardians, adolescents and young adults.

(4) Working with the relevant agencies and stakeholders to strengthen the immunization system in order to maximize access to and support of adolescent vaccinations, including HPV vaccines.

(5) Encouraging the review or development of available data that could lead to a simplified HPV vaccination schedule. In addition to a review that could impact existing vaccines, manufacturers of HPV vaccines in development should also consider opportunities to support the simplest HPV immunization schedule while maintaining vaccine effectiveness, safety, and long-term protection.

II. Request for Comment

NVPO, on behalf of the NVAC HPV Working Group, requests input on the draft report and draft recommendations. In addition to general comments on the draft report and draft recommendations, NVPO is seeking input on efforts or barriers to HPV immunization not represented in the report where HHS efforts could advance adolescent immunization efforts. Please limit your comments to six (6) pages.

III. Potential Responders

HHS invites input from a broad range of stakeholders including individuals and organizations that have interests in HPV immunization efforts and the role of HHS in advancing those efforts.

Examples of potential responders include, but are not limited to, the following:

—General public;

—advocacy groups, non-profit organizations, and public interest organizations;

—academics, professional societies, and healthcare organizations;

—public health officials and immunization program managers;

—adolescent provider groups including all physician and non-physician providers that administer healthcare services to adolescents, including pharmacists; and

—representatives from the private sector.

When responding, please self-identify with any of the above or other categories (include all that apply) and your name. Anonymous submissions will not be considered. Written submissions should not exceed six (6) pages. Please do not send proprietary, commercial, financial, business, confidential, trade secret, or personal information.

Dated: March 20, 2015.

Bruce Gellin,

Deputy Assistant Secretary for Health, Director, National Vaccine Program Office, Executive Secretary, National Vaccine Advisory Committee.

[FR Doc. 2015–07777 Filed 4–3–15; 8:45 am]

BILLING CODE 4150–44–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute of Dental and Craniofacial Research.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Dental & Craniofacial Research, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Dental and Craniofacial Research.

Date: May 28–29, 2015.

Time: May 28, 2015, 12:00 p.m. to 5:40 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 30, Room 117, NIH Campus, Bethesda, MD 20892.

Time: May 29, 2015, 8:00 a.m. to Adjournment.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 30, Room 117, NIH Campus, Bethesda, MD 20892

Contact Person: Alicia J. Dombroski, Ph.D., Director, Division of Extramural Activities, Natl Inst of Dental and Craniofacial Research, National Institutes of Health, Bethesda, MD 20892, (301) 594–4805.

Information is also available on the Institute's/Center's home page: *http://www.nidcr.nih.gov/about/CouncilCommittees.asp*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: March 31, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–07738 Filed 4–3–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0554]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Comparative Price Information in Direct-to-Consumer and Professional Prescription Drug Advertisements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by May 6, 2015.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910-New and title, ''Comparative Price Information in Direct-to-Consumer and Professional Prescription Drug Advertisements.'' Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Comparative Price Information in Direct-to-Consumer and Professional Prescription Drug Advertisements—(0910–NEW)

Section 1701(a)(4) of the Public Health Service Act (42 U.S.C. 300u(a)(4)) authorizes the FDA to conduct research relating to health information. Section 1003(d)(2)(C) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 393(d)(2)(C)) authorizes FDA to conduct research relating to drugs and other FDA regulated products in carrying out the provisions of the FD&C Act.

By their very nature, medical and health decisions are comparative (*e.g.,* treat versus not treat). For consumers, these decisions may include the use of prescription drug products versus over the counter products versus herbal supplements, as well as one prescription brand versus another prescription brand. Similarly, advertising is often comparative. In prescription drug advertising, sponsors are permitted to include truthful, non-misleading information about the price of their products in promotion. This may extend to price comparison information, wherein sponsors may include information about the price of a competing product in order to make advantageous claims. Currently, when price comparisons are made, the advertisement (ad) should also include context that the two drugs may not be comparable in terms of efficacy and safety and that the acquisition costs presented do not necessarily reflect the actual prices paid by consumers, pharmacies, or third party payers. Despite the inclusion of this additional information, there is concern that adding contextual information about efficacy or safety is not sufficient to correct the impression that the products are interchangeable and that price is the main factor to consider. The Office of Prescription Drug Promotion plans to investigate, through empirical research, the impact of price comparison information and additional contextual information on prescription drug product perceptions. This will be investigated in direct-to-consumer (DTC) and healthcare-directed professional advertising for prescription drugs.

Design Overview and Procedure

The design consists of two pretests and a main study. We will conduct two sequential pretest waves prior to main data collection. The purpose the pretests are to: (1) Ensure the stimuli are understandable and viewable; (2) identify and address any challenges to embedding the stimuli within the online survey; and (3) ensure the study questions are appropriate and meet the study's goals. Participants in the pretests will be randomly assigned to one of two versions of an ad. One version will present information about the price of the product relative to a competitor for the same indication (Price Comparison). Another version will present this information with additional contextual information that the two drugs may not be comparable in

terms of efficacy and safety and that the acquisition costs do not necessarily reflect actual prices paid (Price Comparison + Additional Context).

Participants in Pretest 1 will be consumers (n=400) who self-identify as having been diagnosed with diabetes. Pretest 2 will be conducted with physicians (n=1,000) who are General Practitioners (*e.g.,* Family Practice, General Practice, Internal Medicine) and Specialists (*e.g.,* Endocrinology, Pain Management). Pretest 2 has a two-fold purpose. In addition to the measurement and stimuli verification issues identified above, we will also conduct an experiment to evaluate the impact of incentive level (level 1 vs. level 2) and study sponsorship (FDA vs. Public Health Agency) disclosure on physician response rates (see Exhibit 1). Pretest 2 will therefore provide a comparison of recruitment approaches, identify ways to optimize response rates, and provide a ''dry run'' of experimental study recruitment procedures.

EXHIBIT 1—PRETEST 2 DESIGN, INCENTIVE LEVEL BY STUDY SPONSORSHIP BY TYPE OF AD

Study sponsor		Type of ad				Total
		Price comparison		Price comparison + additional context		
		FDA	Public Health Agency	FDA	Public Health Agency	
Incentive Level	Level 1	125	125	125	125	500
	Level 2	125	125	125	125	500
Total		250	250	250	250	1,000

In the main study phase, physician (n=1440) and consumer (n=1,500) participants will be randomly assigned to view one of three possible versions of a DTC or professional ad for a fictitious prescription drug for diabetic neuropathy and will be asked to complete an online survey to assess their perceptions and understanding of product safety and efficacy, perceptions and understanding of the additional contextual information, perceptions of comparative safety and efficacy, perceptions of the comparator product, and intention to seek more information about the product (see Exhibit 2). This sample size will provide us with sufficient power to detect small-to-medium sized effects.

In addition to the Price Comparison and Price Comparison + Additional Context ads used in pretesting, a third ad version will have a claim about the price of the product but will not present information about the price relative to a competitor, and will act as a control.

EXHIBIT 2—MAIN STUDY DESIGN

Sample	Type of price comparison			
	Price comparison	Price comparison + additional context	Price information only (no comparison/ control)	Total
Consumers (DTC ad)	500	500	500	1,500
Physicians (Professional ad)	480	480	480	1,440
Total	980	980	980	2,940

Participants will be consumers who self-identify as having been diagnosed with diabetes and physicians who are General Practitioners (*e.g.,* Family Practice, General Practice, Internal Medicine) and Specialists (*e.g.,* Endocrinology, Pain Management). All participants will be 18 years of age or older. We will exclude individuals from the consumer sample who work in healthcare, pharmaceutical, or marketing settings because their knowledge and experiences may not reflect those of the average consumer. Recruitment and administration of the study will take place over the Internet. Participation is estimated to take approximately 30 minutes.

In the **Federal Register** of May 7, 2014 (79 FR 26255), FDA published a 60-day notice requesting public comment on the proposed collection of information. Two submissions were received; one from Ms. Lenisse Lippert of Quality Matrix Solutions, and one from AbbVie biopharmaceutical company, which contained multiple comments. We summarize and respond to these comments below.

(Comment 1 from Lenisse Lippert, Quality Matrix Solutions) ''I would like to participate in the industry feedback on a proposed study to better understand direct-to-consumer advertisements that compare drug pricing, and how that information affects a consumer's perception of a drug's overall safety and efficacy versus the comparator product.''

(Response) We thank Ms. Lippert for her comment.

(Comment 2 from AbbVie) To prevent fatigue, online market research surveys do not generally exceed 20 minutes. Given that FDA is trying to make the most of their survey opportunity by asking many questions, it would be wise to place the meatier pricing related questions earlier in the survey when respondents are still engaged.

(Response) We take the survey length very seriously. We are sensitive to issues regarding respondent fatigue and its impact upon completion rates and thus have placed items that are most likely to be influenced by respondent fatigue (open-ended questions) at the beginning of the survey. We have employed similar online surveys on

several previous studies, and we have obtained high completion rates, typically 90 percent or higher. For example, on a recent study (Experimental Study: Examination of Corrective Direct-to-Consumer Television Advertising [OMB control number 0910–0737]), we had a pool of 1,071 eligible respondents, and only 14 of those respondents failed to complete the survey. We anticipate that the completion rate for this study will be similar.

(Comment 3 from AbbVie) In both surveys, respondents are asked many questions about product X that appear positively stated. Therefore, there is a risk of a bias by asking the critical pricing and language questions after the respondent has already been exposed to many product X questions and supposed attributes. To avoid bias, the most critical questions should appear as up front in the surveys as possible.

(Response) Of greatest interest to FDA is the question of whether presence or absence of price comparison information and contextual information influences outcomes such as perceptions of comparative safety and efficacy, perceptions of the comparator product, and intentions to seek more information about the advertised product. Placing pricing related questions near the beginning of the survey would likely bias participants to think about pricing information more than they would under natural conditions, which may influence their responses to the aforementioned critical dependent variables. Although current question ordering may bias responses to pricing related questions, we believe this outcome is less consequential than the reverse, as suggested in this comment. Consequently, we intend to retain the current order of questions in the survey.

(Comment 4 from AbbVie) It is unclear if the drug examples (X and Y) are real world medicines that could be taken by the patient respondents. If so, do respondents need to be aware of each product? If they need not be aware, you will need to balance the samples for any differences between cells. In addition, the cells will also need to be balanced for current drug usage to prevent additional bias.

(Response) We have constructed a fictional product for use in this study to control for effects that might result as a consequence of having taken the product in the past. The comparator is a real product. We will measure participants' experience with medication for this condition, prior exposure to advertising for the comparator, and prior experience taking the comparator. Responses to these questions can be used as covariates in analysis.

(Comment 5 from AbbVie) The questions on the physician survey should be at a higher level language versus the general population. We note the questions in the patient questionnaire seem to vary in reading level required to comprehend them. We recommend that FDA review the questions for consistency so as not [to] introduce a reading bias.

(Response) We appreciate this comment. We have conducted cognitive interviews (OMB control number 0910–0695) to refine and improve the survey questions. We will also be conducting two rounds of pretesting which will provide an additional opportunity to identify and remove questions that do not function as intended, further refining the questionnaire prior to the main study. These activities include consideration of language level and whether it is appropriate for the participants being surveyed.

(Comment 6 from AbbVie) We recommend this ad explicitly present contextual information that the two drugs may not be comparable in terms of efficacy and safety (*i.e.,* the products are not interchangeable) notwithstanding price comparisons. This would permit FDA to assess whether it has provided enough contextual information so that the audience understands that the products are not interchangeable. Consequently, there would be a response choice in the questionnaire that allows a respondent to acknowledge the products are not interchangeable. AbbVie suggests that an option be added that reads, ''The brochure left the impression that Drug X's efficacy (and safety) should not be compared to Drug Y's; the products are not interchangeable.''

(Response) The context language is based on feedback from the cognitive interviews. We appreciate the comment and have added a question to assess participants' attitudes about the context with regard to interchangeability of the products being compared.

(Comment 7 from AbbVie) It is not clear what type of cost information is being presented in these ads. We suggest that the advertisement should make clear what costs are being presented, for what doses, and over what time frames so that readers are comparing 'apples to apples' when viewing the ads. If study budget allows, it would be ideal to test a variety of cost information.

(Response) The price comparison is for the same indication on a yearly basis. We agree that it would be informative to expand the study to test a variety of cost information but do not have the resources to do so.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual respondents	Average burden per response	Total hours
Sample outgo (pretests and main survey)	41,110				
Screener completes	7,400	1	7,400	0.03 (2 minutes)	222
Eligible	4,933				
Completes, Pretests Phase 1	400	1	400	0.5 (30 minutes)	200
Completes, Pretest Phase 2	1,000	1	1,000	0.5 (30 minutes)	500
Completes, Main Study	2,940	1	2,940	0.5 (30 minutes)	1,470
Total					2,392

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: March 31, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–07818 Filed 4–3–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–1219]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Survey of Health Care Practitioners for Device Labeling Format and Content

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by May 6, 2015.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the title Survey of Health Care Practitioners for Device Labeling Format and Content. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 8455 Colesville Rd., COLE–14526, Silver Spring, MD 20993–0002, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Survey of Health Care Practitioners for Device Labeling Format and Content—21 CFR Part 801 (OMB Control Number 0910–NEW)

The purpose of this study is to compare existing device labeling from approximately six different types of medical devices with a standard content and format of the same labeling that FDA researchers will develop using the existing labeling as their source of the information.

Building upon the research methodology and success of the approach FDA used to evaluate drug labeling, we propose to measure the usability and usefulness of a draft standard content and format of device labeling against existing manufacturer labeling of the same device. This will support our research that has already been done to assess whether health care practitioners (HCPs) find the format and content of device labeling to be clear, understandable, useful, and user friendly (OMB control number 0910–0715). Findings will provide evidence to inform FDA's planned regulatory approach to standardizing medical device labeling across the United States.

In the **Federal Register** of September 12, 2014 (79 FR 54727), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA used comments from the medical device industry, health care professionals, caregivers, and patients to help formulate the objectives and define the scope of this study. The received comments are followed by FDA's responses as follows:

(Comment 1) One comment stated that FDA should coordinate with the American Society for Testing and Materials (ASTM) as they already have published a consensus standard (F2943) on this topic. This standard resulted from the work of a multi-stakeholder working group.

(Response) FDA reviewed the consensus standard (F2943) when we drafted the outline for this study. We consulted with a member of the ASTM committee. We also requested a member of the committee to be on our strategic planning committee for this study.

(Comment 2) A comment stated that FDA does not follow the guidance on formative human factors and usability studies. The guidance provides good direction on appropriately choosing representative end users, replicating the intended user environment, and evaluating the user-product interface (see FDA draft guidance ''Applying Human Factors and Usability Engineering to Optimize Medical Device Design'' issued on June 22, 2011).

(Response) FDA had designed the protocol for this study with a human factors expert and a social scientist. In this particular study, we will be doing a cognitive test of the health care practitioners. They will be asked to find a piece of information in the draft outline of standard content of labeling, or in the manufacturer's existing labeling. They will not be interacting with the device and this will be a usability test; they will be responding to scenarios to search for information.

(Comment 3) One comment stated that FDA should ask the question, particularly to physicians, whether the standard of care requires them to read the user instructions and understand the product's warning.

(Response) This study is the third part of a three-part study. FDA performed focus groups of health care practitioners asking them what they want in labeling, where do they find labeling, what are the most important sections of labeling, and whether they even look at labeling. Their responses indicated that they do not look at labeling because it is complicated and they typically cannot find the information they want in one section. They stated they would like an abbreviated version of labeling in order to find use information more easily, they would like a standard content of labeling, and they also would like to find it electronically and in one place if possible.

FDA does not regulate the practice of medicine; we do, however, regulate labeling that accompanies a device. Based on the previous phases of the studies already done, we now want to test a standard content of labeling against an existing piece of the same labeling to see if health care practitioners can find what they need in a consistent and easy way. This is a cognitive testing of a standard content of labeling and does not include questions regarding whether or not someone is required to read the labeling before using the device.

We will be using outside experts to develop the protocol, develop the scenarios, develop the draft standardized labeling, perform the testing, and provide a summary of the study. This is being done through the Entrepreneurs in Residence program that is funded by the White House to use outside experts and their special knowledge and skills to work on an innovative idea that helps the government when faced with a unique problem. Dr. Daryle Gardner-Bonneau is a renowned social scientist and human factors specialist who has worked with the device industry, standards organizations, and the National Research Council on issues with medical device labeling. Patricia Kingsley is a former FDA employee who worked on medical device labeling issues. Nancy Ostrove is a former FDA employee who worked on surveys and studies with drug community when the Center for Drug Evaluation and Research was developing standardized labeling

for drugs. Dr. Ruth Day, a social scientist researcher at Duke University, has worked as a special government employee on the labeling for drugs. Ron Charnock is CEO of Kwikpoint, which is a visual language developer for instructions for use. His company worked on a Cooperative Research and Development Agreement with the Center for Devices and Radiological Health to determine if visual language could be used in lieu of words on certain portions of device labeling.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

Type of respondent	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours [1]	Capital costs
Screener	60	1	60	0.08	5	.....
Health care professionals participating at a hospital	24	1	24	1.5	36	.....
Health care professionals participating at FDA	12	1	12	3.5	42	$240
Total	.....	.....	.....	.....	83	$240

[1] Numbers have been rounded.

We plan to screen approximately 60 potential respondents prior to being included in the study. The screener will be done using email. We estimate that the screener will only take approximately 5 minutes per person.

We will conduct the studies at three different sites including two area hospitals using their devices, existing labeling, and HCPs. We expect that the maximum time for testing will be 1.5 hours. Given a sample of 6 devices with 2 different labeling types, there will be 12 different labeling types to be tested. We plan to have 24 people test each type of the labeling.

We will also conduct the studies on FDA's campus using medical devices received from medical device industry representatives through a material transfer agreement. To account for travel time we have included 2 additional hours per response in the burden estimate for the 12 health care professionals participating at FDA.

Dated: March 31, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–07817 Filed 4–3–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; RFA–OD–15–001: Building Interdisciplinary Research Careers in Women's Health K12s.

Date: April 28, 2015.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health; 6701 Rockledge Drive; Bethesda, MD 20892; (Virtual Meeting).

Contact Person: Suzanne Ryan, Ph.D.; Scientific Review Officer; Center for Scientific Review; National Institutes of Health; 6701 Rockledge Drive, Room 3139, MSC 7770; Bethesda, MD 20892; (301) 435–1712; *ryansj@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Conference and Meetings: Office of Research Infrastructure Programs (ORIP).

Date: April 29, 2015.

Time: 3:00 p.m. to 4:40 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: Cathleen L Cooper, Ph.D.; Scientific Review Officer; Center for Scientific Review; National Institutes of Health; 6701 Rockledge Drive, Room 4208, MSC 7812; Bethesda, MD 20892; 301–443–4512; *cooperc@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 31, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–07740 Filed 4–3–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed 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 Dental and Craniofacial Research Special Emphasis Panel Review of UH2 grant applications.

Date: May 5–6, 2015.

Time: 8:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crowne Plaza Washington National Airport, 1489 Jefferson Davis Hwy, Arlington, VA 20220.

Contact Person: Savvas C Makrides, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Dental and Craniofacial Research, National Institutes of Health, 6701 Democracy Boulevard, Suite

672, Bethesda, MD 20892, 301–594–4859, *makridessc@mail.nih.gov.*

Name of Committee: National Institute of Dental and Craniofacial Research; Special Emphasis Panel, Oral Health Disparities in Children: Data Coordinating Center (U01).

Date: May 6, 2015.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crowne Plaza Washington National Airport, 1489 Crystal Drive, Arlington, VA 20220.

Contact Person: Jayalakshmi Raman, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute of Dental and Craniofacial Research, One Democracy Plaza, Room 670, Bethesda, MD 20892–4878, 301–594–2904, *ramanj@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: March 31, 2015.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–07739 Filed 4–3–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–0001]

Blood Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Blood Products Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on May 13, 2015, from 8 a.m. to 5:30 p.m.

Location: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm.1503), Silver Spring, MD 20993–0002. For those unable to attend in person, the meeting will also be available via Web cast. The Web cast will be available at the following link: *https://collaboration.fda.gov/bpac2015/.* When accessing the Web cast please enter as a guest. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

Contact Person: Bryan Emery or Joanne Lipkind, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 6132, Silver Spring, MD 20993–0002, 240–402–8054 or 240–402–8129, or FDA Advisory Committee Information Line, (1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: On May 13, 2015, the Blood Products Advisory Committee will meet in open session to discuss strategies for implementation of serological and nucleic acid testing for *Babesia microti* in blood donors. In the afternoon, the committee will hear update presentations on the following topics: (1) FDA considerations for Hemoglobin S Testing in blood donors; and (2) FDA considerations for a revised blood donor deferral policy for men who have sex with men. Following the update presentations, the committee will hear presentations on the research programs of the Laboratory of Cellular Hematology, Division of Hematology Research and Review, Office of Blood Research and Review, Center for Biologics Evaluation and Research, FDA.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: On May 13, 2015, from 8:30 a.m. to approximately 5 p.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before May 6, 2015. Oral presentations from the public on May 13, 2015, will be scheduled between approximately 11:15 a.m. and 12:15 p.m. and 4:30 p.m. until 5 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before April 28, 2015. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by April 29, 2015.

Closed Committee Deliberations: On May 13, 2015, from approximately 5 p.m. to 5:30 p.m., the meeting will be closed to the public to permit discussion where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c) (6)). The committee will discuss the site visit report of the intramural research programs of the Laboratory of Cellular Hematology and make recommendations regarding personnel staffing decisions.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets. Seating for this meeting may be limited, so the public is encouraged to watch the free Web cast if you are unable to attend. The Web cast will be available at 8:30 a.m. on May 13, 2015, at the link provided.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Bryan Emery at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: March 31, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–07816 Filed 4–3–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–N–0001]

Society of Clinical Research Associates—Food and Drug Administration Clinical Trial Requirements, Regulations, Compliance and Good Clinical Practice

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public conference.

SUMMARY: The Food and Drug Administration (FDA) is announcing an educational conference cosponsored with the Society of Clinical Research Associates (SOCRA). The public conference regarding FDA's clinical trial requirements is designed to aid the clinical research professional's understanding of the mission, responsibilities, and authority of FDA and to facilitate interaction with FDA representatives. The program will focus on the relationships among FDA and clinical trial staff, investigators, and institutional review boards (IRBs). Individual FDA representatives will discuss the informed consent process including informed consent documents, regulations relating to drugs, devices, and biologics, as well as inspections of clinical investigators, IRBs, and research sponsors.

Date and Time: The public conference will be held on May 13 and 14, 2015, from 8 a.m. to 5 p.m.

Location: The conference will be held at The Westin Cincinnati, 21 East Fifth Street, Cincinnati, OH 45202; 513–621–7700. Attendees are responsible for their own accommodations. Please mention SOCRA to receive the hotel room rate of $169 plus applicable taxes (available until April 15, 2015, or until the SOCRA room block is filled).

Contact: John Fraser, Cincinnati District Office, Food and Drug Administration, 6751 Steger Dr., Cincinnati OH 45237, 513–679–2700, FAX: 513–679–2771 or Society of Clinical Research Associates (SOCRA), 530 West Butler Ave., Suite 109, Chalfont, PA 18914, 800–762–7292 or 215–822–8644, FAX: 215–822–8633, email: *Office@socra.org*, Web site: *http://www.socra.org*. (FDA has verified the Web site addresses throughout this document, but we are not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

Registration: The registration fee will cover actual expenses including refreshments, lunch, materials, and speaker expenses. Seats are limited; please submit your registration as soon as possible. Workshop space will be filled in order of receipt of registration. Those accepted into the workshop will receive confirmation. The cost of the registration is as follows: SOCRA member, $575; SOCRA nonmember (includes membership), $650; Federal Government member, $450; Federal Government nonmember, $525; FDA employee, free (fee waived).

If you need special accommodations due to a disability, please contact SOCRA (see *Contact*) at least 21 days in advance.

Extended periods of question and answer and discussion have been included in the program schedule. SOCRA designates this education activity for a maximum of 13.3 Continuing Education (CE) Credits for SOCRA CE and Continuing Nurse Education (CNE). SOCRA designates this live activity for a maximum of 13.3 American Medical Association Physicians Recognition Award Category 1 Credit(s)™. Physicians should claim only the credit commensurate with the extent of their participation. *Continuing Medical Education for physicians:* SOCRA is accredited by the Accreditation Council for Continuing Medical Education to provide continuing medical education for physicians. *CNE for nurses:* SOCRA is an approved provider of continuing nursing education by the Pennsylvania State Nurses Association (PSNA), an accredited approver by the American Nurses Credentialing Center's Commission on Accreditation(ANCC). ANCC/PSNA Provider Reference Number: 205–3–A–09.

Registration Instructions: To register, please submit a registration form with your name, affiliation, mailing address, telephone, fax number, and email, along with a check or money order payable to ''SOCRA''. Mail to: SOCRA (see *Contact* for address). To register via the Internet, go to *http://www.socra.org/html/FDA_Conference.htm*. Payment by major credit card is accepted (Visa/MasterCard/AMEX only). For more information on the meeting registration, or for questions on the workshop, contact SOCRA (see *Contact*).

SUPPLEMENTARY INFORMATION: The public workshop helps fulfill the Department of Health and Human Services' and FDA's important mission to protect the public health. The workshop will provide those engaged in FDA-regulated (human) clinical trials with information on a number of topics concerning FDA requirements related to informed consent, clinical investigation requirements, institutional review board inspections, electronic record requirements, and investigator-initiated research.

Topics for discussion include the following: (1) The Role of the FDA District Office Relative to the Bioresearch Monitoring Program; (2) Modernizing FDA's Clinical Trials/BIMO Programs; (3) What FDA Expects in a Pharmaceutical Clinical Trial; (4) Medical Device Aspects of Clinical Research; (5) Adverse Event Reporting—Science, Regulation, Error and Safety; (6) Working with FDA's Center for Biologics Evaluation and Research; (7) Ethical Issues in Subject Enrollment; (8) Keeping Informed and Working Together; (9) FDA Conduct of Clinical Investigator Inspections; (10) Investigator Initiated Research; (11) Meetings with the FDA—Why, When, and How; (12) Part 11 Compliance—Electronic Signatures; (13) IRB Regulations and FDA Inspections; (14) Informed Consent Regulations; (15) The Inspection is Over—What Happens Next? Possible FDA Compliance Actions; (16) Question and Answer Session/Panel Discussion.

FDA has made education of the drug and device manufacturing community a high priority to help ensure the quality of FDA-regulated drugs and devices. The workshop helps to achieve objectives set forth in section 406 of the Food and Drug Administration Modernization Act of 1997 (21 U.S.C. 393), which includes working closely with stakeholders and maximizing the availability and clarity of information to stakeholders and the public. The workshop also is consistent with the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), as outreach activities by Government agencies to small businesses.

Dated: April 1, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–07810 Filed 4–3–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–E–1657]

Determination of Regulatory Review Period for Purposes of Patent Extension; JUXTAPID

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for JUXTAPID and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Submit electronic comments to *http://www.regulations.gov.* Submit written petitions (two copies are required) and written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Submit petitions electronically to *http://www.regulations.gov* at Docket No. FDA–2013–S–0610.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Management, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Campus, Rm. 3180, Silver Spring, MD 20993, 301–796–7900.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub, L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of the U.S. Patent and Trademark Office (USPTO) may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product JUXTAPID (lomitapide mesylate). JUXTAPID is indicated as an adjunct to a low-fat diet and other lipid-lowering treatments, including LDL apheresis where available, to reduce low-density lipoprotein cholesterol, total cholesterol, apolipoprotein B, and non-high-density lipoprotein cholesterol in patients with homozygous familial hypercholesterolemia. Subsequent to this approval, the USPTO received a patent term restoration application for JUXTAPID (U.S. Patent No. 5,712,279) from Aegerion Pharmaceuticals, Inc., and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated January 31, 2014, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of JUXTAPID represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for JUXTAPID is 6,002 days. Of this time, 5,705 days occurred during the testing phase of the regulatory review period, while 297 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i)) became effective:* July 18, 1996. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on July 18, 1996.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* February 29, 2012. FDA has verified the applicant's claim that the new drug application (NDA) for Juxtapid (NDA 203–858) was submitted on February 29, 2012.

3. *The date the application was approved:* December 21, 2012. FDA has verified the applicant's claim that NDA 203–858 was approved on December 21, 2012.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 5 years of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) either electronic or written comments and ask for a redetermination by June 5, 2015. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by October 5, 2015. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) electronic or written comments and written or electronic petitions. It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. If you submit a written petition, two copies are required. A petition submitted electronically must be submitted to *http://www.regulations.gov,* Docket No. FDA–2013–S–0610. Comments and petitions that have not been made publicly available on *http://www.regulations.gov* may be viewed in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 1, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–07809 Filed 4–3–15; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Office of Direct Service and Contracting Tribes; National Indian Health Outreach and Education II

Announcement Type: New Limited Competition.

Funding Announcement Number: HHS–2015–IHS–NIHOE–0002.

Catalog of Federal Domestic Assistance Number: 93.933.

Key Dates

Application Deadline Date: June 19, 2015.

Review Date: July 6–10, 2015.

Earliest Anticipated Start Date: September 30, 2015.

Proof of Non-Profit Status Due Date: July 3, 2015.

I. Funding Opportunity Description

Statutory Authority

The Indian Health Service (IHS) is accepting competitive applications for two limited competition cooperative agreements under the National Indian Health Outreach and Education (NIHOE) program: the Behavioral Health—Methamphetamine and Suicide Prevention Intervention (MSPI) outreach and education award and the Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS) outreach and education award. The Behavioral Health—MSPI outreach and education award is funded by IHS and is authorized under the Snyder Act, codified at 25 U.S.C. § 13; the Transfer Act, codified at 42 U.S.C. § 2001; the Consolidated Appropriations Act, 2014, Public. Law 113–76. The HIV/AIDS outreach and education award is funded by the Office of the Secretary (OS), Department of Health and Human Services (HHS). Funding for the HIV/AIDS award will be provided by OS via an Intra-Departmental Delegation of Authority dated to IHS to permit obligation of funding appropriated by the Consolidated Appropriations Act, 2014, Public Law 113–76. Each award is funded through a separate funding stream by each respective Agency's appropriations. The awardee is responsible for accounting for each of the two awards separately and must provide two separate financial reports (one for each award), as indicated below. This program is described in the Catalog of Federal Domestic Assistance under 93.933.

Background

The NIHOE program carries out health program objectives in the American Indian/Alaska Native (AI/AN) community in the interest of improving Indian health care for all 566 Federally-recognized Tribes including Tribal governments operating their own health care delivery systems through Indian Self-Determination and Education Assistance Act (ISDEAA) contracts and compacts with the IHS and Tribes that continue to receive health care directly from the IHS. This program addresses health policy and health programs issues and disseminates educational information to all AI/AN Tribes and villages. The NIHOE IIMSPI and HIV/AIDS awards require that public forums be held at Tribal educational consumer conferences to disseminate changes and updates in the latest health care information. These awards also require that regional and national meetings be coordinated for information dissemination as well as for the inclusion of planning and technical assistance and health care recommendations on behalf of participating Tribes to ultimately inform IHS and the Department of Health and Human Services (HHS) based on Tribal input through a broad based consumer network.

Purpose

The purpose of these cooperative agreements is to further IHS health program objectives in the AI/AN community with expanded outreach and education efforts for the MSPI and HIV/AIDS programs on a national scale and in the interest of improving Indian health care. This announcement includes two separate awards, each of which will be awarded as noted below. The purpose of the MSPI award is to further the goals of the national MSPI program. The MSPI is a national demonstration project aimed at addressing the dual problems of methamphetamine use and suicide in Indian Country. The MSPI supports an AI/AN community driven focus on the utilization and development of evidence-based and practice-based intervention models that promote a culturally appropriate prevention, treatment, and postvention approach to methamphetamine use and suicide. The six goals of the MSPI are to effectively prevent, reduce, or delay the use and/or spread of methamphetamine use; build on the foundation of prior methamphetamine and suicide prevention and treatment efforts in order to support the IHS, Tribes, and urban Indian health organizations in developing and implementing Tribal and/or culturally appropriate methamphetamine and suicide prevention and early intervention strategies; increasing access to methamphetamine and suicide prevention services; improving services for behavioral health issues associated with methamphetamine use and suicide prevention; promoting the development of new and promising services that are culturally and community relevant; and demonstrating efficacy and impact.

[Note: While the national MSPI program includes outreach to urban Indian organizations, outreach aimed specifically at urban Indian organizations will be addressed in a separate award announcement. However, materials developed by the grantee in the (NIHOE–II) MSPI award described in this announcement may be distributed by IHS to urban Indian organizations, at the discretion of the Agency.]

The purpose of the HIV/AIDS award is to further the goals of the national HIV/AIDS program. HIV and AIDS are a critical and growing health issue within the AI/AN population. The IHS National HIV/AIDS Program seeks to avoid complacency and to increase awareness of the impact of HIV/AIDS on AI/ANs. All activities are part of the IHS's implementation plan to meet the three goals of the President's National HIV/AIDS Strategy (NHAS) to reduce the number of people who become infected with HIV, increase access to care and optimize health outcomes for people living with HIV, and reduce HIV-related disparities. This population faces additional health disparities that contribute significantly to the risk of HIV transmission such as substance abuse and sexually transmitted infections. Amongst AI/AN people, HIV/AIDS exists in both urban and rural populations (and on or near Tribal lands); however, many of those living with HIV are not aware of their status. These statistics, risk factors, and missed opportunities for screening illuminate the need to go beyond raising awareness about HIV and begin active integration of initiatives that will help routinize HIV services. If the status quo is unchanged, prevalence will continue to increase and AI/AN communities may face an irreversible problem. Therefore, the National HIV/AIDS Program is working to change the way HIV is discussed, to change and improve the way HIV testing is integrated into health services, and to firmly establish linkages and access to care. The IHS HIV/AIDS Program is implemented and executed via an integrated and comprehensive approach through collaborations across multi-health sectors, both internal and external to the agency. It attempts to encompass all types of service delivery 'systems' including IHS/Tribal/Urban facilities. The IHS HIV/AIDS Program is committed to realizing the goals of the President's NHAS and has bridged the objectives and implementation to the IHS HIV/AIDS Strategic Plan.

Limited Competition Justification

Competition for both of the awards included in this announcement is limited to national Indian health care organizations with at least ten years of

experience providing education and outreach on a national scale. This limitation ensures that the awardee will have: (1) A national information-sharing infrastructure which will facilitate the timely exchange of information between HHS and Tribes and Tribal organizations on a broad scale; (2) a national perspective on the needs of AI/AN communities that will ensure that the information developed and disseminated through the projects is appropriate, useful and addresses the most pressing needs of AI/AN communities; and (3) established relationships with Tribes and Tribal organizations that will foster open and honest participation by AI/AN communities. Regional or local organizations will not have the mechanisms in place to conduct communication on a national level, nor will they have an accurate picture of the health care needs facing AI/ANs nationwide. Organizations with less experience will lack the established relationships with Tribes and Tribal organizations throughout the country that will facilitate participation and the open and honest exchange of information between Tribes and HHS. With the limited funds available for these projects, HHS must ensure that the education and outreach efforts described in this announcement reach the widest audience possible in a timely fashion, are appropriately tailored to the needs of AI/AN communities throughout the country, and come from a source that AI/ANs recognize and trust. For these reasons, this is a limited competition announcement.

II. Award Information

Type of Award

Cooperative Agreement.

Estimated Funds Available

The total amount of funding identified for the current fiscal year (FY) 2015 is approximately $250,000 to fund two cooperative agreements for one year; $150,000 will be awarded for the Behavioral Health—MSPI award and $100,000 will be awarded for the HIV/AIDS award. The amount of funding available for competing awards issued under this announcement is subject to the availability of appropriations and budgetary priorities of the Agency. The IHS is under no obligation to make awards that are selected for funding under this announcement.

Anticipated Number of Awards

Two awards will be issued under this program announcement. It is the intention of IHS and the Office of the Secretary (OS) that one entity will receive both awards. OS and IHS will concur on the final decision as to who will receive both awards.

Project Period

The project periods for each award will be for one year and will run from September 30, 2015 with completion by September 29, 2016.

Cooperative Agreement

Cooperative agreements awarded by the Department of Health and Human Services (HHS) are administered under the same policies as a grant. The funding agency (IHS) is required to have substantial programmatic involvement in the project during the entire award segment. Below is a detailed description of the level of involvement required for both IHS and the grantee. IHS will be responsible for activities listed under section A and the grantee will be responsible for activities listed under section B as stated:

Substantial Involvement Description for Cooperative Agreement

A. IHS Programmatic Involvement

The IHS assigned program official will monitor the overall progress of the awardee's execution of the requirements of the two awards: IHS award and OS award noted below as well as their adherence to the terms and conditions of the cooperative agreements. This includes providing guidance for required reports, developing of tools, and other products, interpreting program findings, and assisting with evaluations and overcoming any difficulties or performance issues encountered. The IHS assigned program official must approve all presentations, electronic content, and other materials, including mass emails, developed by awardee pursuant to these awards and any supplemental awards prior to the presentation or dissemination of such materials to any party.

(1) Behavioral Health—MSPI Award

i. The IHS assigned program official will work in partnership with the awardee to identify and provide presentation topics on MSPI for the National Tribal Advisory Committee meetings; the Behavioral Health Work Group; webinars; and IHS Area conference calls.

ii. The IHS assigned program official will work in partnership with the awardee to identify MSPI projects in need of technical assistance.

(2) HIV/AIDS Award

IHS staff will provide support for the HIV/AIDS award as follows:

i. The IHS assigned program official will work in partnership with the awardee in all decisions involving strategy, hiring of grantee personnel, deployment of resources, release of public information materials, quality assurance, coordination of activities, training, reports, budgets, and evaluations. Collaboration includes data analysis, interpretation of findings, and reporting.

ii. The IHS assigned program official will work closely with OS and all participating IHS health services/programs, as appropriate, to coordinate award activities.

iii. The IHS assigned program official will coordinate the following for OS and the participating IHS program offices and staff:

- Discussion and release of any and all special grant conditions upon fulfillment.
- Monthly scheduled conference calls.
- Appropriate dissemination of required reports to each participating program.

iv. The IHS will, jointly with the awardee, plan and set an agenda for each of the conferences mentioned in this announcement that:

- Shares the training and/or accomplishments.
- Fosters collaboration amongst the participating program offices, agencies, and/or departments.
- Increases visibility for the partnership between the awardee and the IHS and OS.

v. IHS will provide guidance in addressing deliverables and requirements.

vi. IHS will provide guidance in preparing articles for publication and/or presentations of program successes, lessons learned, and new findings.

vii. IHS will communicate via monthly conference calls, individual or collective site visits, and monthly meetings.

viii. IHS staff will review articles concerning the HHS, OS, and the Agency for accuracy and may, as requested by the awardee, provide relevant articles.

ix. IHS will provide technical assistance to the entity as requested.

x. IHS staff may, at the request of the entity's board, participate on study groups and may recommend topics for analysis and discussion.

B. Grantee Cooperative Agreement Award Activities

The awardee must comply with relevant Office of Management and Budget (OMB) Circular provisions regarding lobbying, any applicable

lobbying restrictions provided under other law and any applicable restriction on the use of appropriated funds for lobbying activities.

The awardee is responsible for the following in addition to fulfilling all requirements noted for each award component: Behavioral Health—MSPI and HIV/AIDS.

i. To succinctly and independently address the requirements for each of the two awards listed below: Behavioral Health—MSPI and HIV/AIDS.

ii. To facilitate a forum or forums at which concerns can be heard that are representative of all Tribal governments in the area of health care policy analysis and program development for each of the two components listed above.

iii. To assure that health care outreach and education is based on Tribal input through a broad-based consumer network involving the Area Indian health boards or health board representatives from each of the 12 IHS Areas.

iv. To establish relationships with other national Indian organizations, professional groups, and Federal, State, and local entities supportive of AI/AN health programs.

v. To improve and expand access for AI/AN Tribal governments to all available programs within the HHS.

vi. To disseminate timely health care information to Tribal governments, AI/AN health boards, other national Indian organizations, professional groups, Federal, State, and local entities.

vii. To provide periodic dissemination of health care information, including publication of a newsletter four times a year that features articles on MSPI and HIV/AIDS health promotion/disease/behavioral health prevention activities and models of best or promising practices, health policy, and funding information relevant to AI/AN, etc.

The following schedule of deliverables outlines the requirements necessary to effectuate timely and effective support services to Tribal MSPI projects:

Summary of Tasks To Be Performed MSPI:

- At a minimum, the awardee shall provide Tribal MSPI program updates at the National Tribal Advisory Committee meetings and conference calls; and the Behavioral Health Work Group meetings and conference calls.
- At a minimum, the awardee shall serve as a committee member for the National Action Alliance for Suicide Prevention's American Indian/Alaska Native Task Force.
- The awardee shall participate in MSPI Area conference calls requested by the IHS assigned program official. The awardee must be included on the agenda and provide presentations on specific areas of interest identified by the Tribal MSPI programs and IHS assigned program official.

Outreach and Education

- The awardee shall provide information and education via multi-media venues, including but not limited to teleconference, webinar workshops, and/or online training modules on topics of particular importance to Tribal MSPI projects. The awardee will work with MSPI Tribal projects and the IHS assigned program official to identify topics. Topics will be discussed prior to the teleconference or webinar and will be subject to approval from the IHS assigned program official. PowerPoint slides must be submitted for approval two weeks prior to the presentation and will be made available on the IHS MSPI Web sites. Awardee's organizational Web site will link to IHS MSPI Web sites.
- The awardee shall conduct workshops and/or presentations including, but not limited to, the successes of the MSPI and promising practices and/or best practices of Tribal MSPI programs at three national conferences (venue and content of presentations to be agreed upon by the awardee and the IHS assigned program official).
- The awardee shall maintain a booth at identified meetings and conferences to provide comprehensive information on Tribal MSPI programs, curricula, findings, and strategies to local, regional, state, and Federal agencies and organizations.
- The awardee shall conduct site visits at Tribal MSPI programs, as funding is available, with two weeks advanced notification to the IHS assigned program official.

Technical Assistance

- The awardee shall review progress reports of MSPI projects identified by the program official.
- The awardee will develop and maintain orientation materials for MSPI projects including but limited to factsheets and guides.
- The awardee will provide training and technical assistance to increase AI/AN specific culture- or tradition-based interventions to be listed on the IHS Best and Promising Practice Registry.

Information Sharing

- The awardee shall develop, maintain, and disseminate comprehensive information on Tribal MSPI programs, curricula, findings, articles, and strategies to all Tribal MSPI programs, and present the information at conference and meeting booths as described above.
- The awardee will provide postings on MSPI related information for the IHS MSPI Web site.
- The awardee will develop and/or maintain a comprehensive list of evidence-based and practice-based program development and business practice guidelines for use by Tribal MSPI programs.
- The awardee will develop and publish a semi-annual MSPI newsletter focusing on the impact and outcomes of the MSPI projects in Tribal communities to be cleared by IHS and then published on the IHS MSPI Web site.

Reporting

- The awardee shall provide semi-annual reports documenting and describing progress and accomplishment of the activities specified above, attaching any necessary documentation to adequately document accomplishments.
- The awardee shall attend bi-weekly, regularly scheduled, in-person and conference call meetings with the IHS assigned program official team to discuss the awardee's services and MSPI/related issues. The awardee must provide meeting minutes that highlight the awardee's specific involvement and participation.
- The awardee shall obtain approval from the IHS assigned program official for all PowerPoint presentations, electronic content, and other materials, including mass emails, developed by awardee pursuant to this award and any supplemental awards prior to the presentation or dissemination of such materials to any party, allowing for a reasonable amount of time for IHS review.

Deliverables

- Attendance at regularly scheduled meetings between awardee and the IHS assigned program official, evidenced by meeting minutes which highlight the awardee's specific involvement and participation.
- Participation on MSPI Area conference calls identified by the IHS assigned program official, evidenced by meeting agenda and minutes as needed.
- Report of outcomes at the following (meeting booths, workshops, site visitations and/or presentations provided):

(a) National Tribal Advisory Committee conference calls and meetings.

(b) Behavioral Health Work Group conference calls and meetings. (PowerPoint slides in electronic form and one hard copy are to be submitted to the program official and the IHS assigned program official as required).

(c) IHS Area conference calls.

(d) IHS Area and national webinars.

(e) MSPI Project site visitations.

(f) Other AI/AN national conferences.

• Completed programmatic reviews of semi and annual progress reports of Tribal MSPI projects in order to identify projects that require technical assistance.

[Note: This review is not to replace IHS review of MSPI programs. The programmatic reviews to be conducted by grantee are secondary reviews intended solely to identify programs in need of technical assistance.]

○ The awardee shall help the IHS assigned program official identify challenges faced by participating Tribal communities and assist in developing solutions.

• Copies of educational and practice-based information provided to Tribal MSPI programs (electronic form and one hard copy).

• Copies of all promotional and educational materials provided to Tribal MSPI programs and other projects (electronic form and one hard copy).

• Copies of all promotional materials provided to media and other outlets (electronic form and one hard copy).

• Copies of all articles published (electronic form and one hard copy). Submit semi-annual and annual progress reports to Division of Behavioral Health (DBH), due no later than 30 days after the reporting cycle, attaching any necessary documentation. For example: meeting minutes, correspondence with Tribal MSPI projects, samples of all written materials developed including brochures, news articles, videos, radio and television ads to adequately document accomplishments.

• The awardee will submit a deliverable schedule to the program official no later than 30 days after the start date.

HIV/AIDS

In alignment with the above program and independent from MSPI activities (both via fiscal resources and programmatic implementation), the awardee shall:

• Disseminate existing HIV/AIDS messages to AI/AN audiences in a format designed to solicit, collect, and report on community-level feedback and generate discussion regarding the disease and its prevention. This may include electronic and emerging means of communication. At least four distinct audiences (such as women, young people, etc.) will be addressed and engaged. Preference will be given to reaching audiences with the highest HIV burden or potential increases as supported by the NHAS.

• Disseminate existing IHS HIV/AIDS program and other HIV/AIDS training materials to educators, health care providers, and other key audiences. Collect and report on relevant evaluation criteria, including impacts on underlying knowledge, attitudes, or beliefs about HIV acquisition, testing, or treatment.

• Deliver HIV/AIDS technical assistance and activity support program. Engage in documented partnerships with AI/AN communities to expand their capacity relevant to HIV/AIDS education and prevention efforts. Local activity support may include sub-awards of resources and distribution of incentives to qualified AI/AN-serving community organizations increasing HIV/AIDS education and prevention in their populations. Sub-award eligibility standards and management controls will be proposed by the awardee and will be subject to IHS approval. These activities must be conducted in accordance with Federal grant policies and procedures. Awardee will collect and maintain relevant evaluation materials and generate reports that highlight progress towards the President's NHAS goals on the community level and that collect best practices for dissemination to other communities.

• Contribute technical expertise to the IHS HIV/AIDS program and develop formal written documents responding to information requests from the public regarding HIV/AIDS initiatives.

• Develop and launch anti-stigma messaging for at least one audience, coordinated with other local activities to increase HIV screening and increase access to services, or increase positive role modeling for people living with, or at risk of, acquiring HIV/AIDS.

• Support and document issue-specific discussions with Tribal Leaders as needed to address effective prevention interventions for AI/AN populations as noted in the President's NHAS.

• Obtain approval from the IHS assigned program official of all presentations, electronic content, and other materials, including mass emails, developed by awardee pursuant to this award and any supplemental awards prior to the presentation or dissemination of such materials to any party, allowing for a reasonable amount of time for IHS review.

III. Eligibility Information

1. Eligibility

To be eligible for this ''New/Competing Continuation Limited Competition Announcement'', an applicant must:

Provide proof of non-profit status with the application, *e.g.*, 501(c)(3). Eligible applicants that can apply for this funding opportunity are national Indian organizations.

The national Indian organization must have the infrastructure in place to accomplish the work under the proposed program.

Eligible entities must have demonstrated expertise in the following areas:

• Representing all Tribal governments and providing a variety of services to Tribes, Area health boards, Tribal organizations, and Federal agencies, and playing a major role in focusing attention on Indian health care needs, resulting in improved health outcomes for AI/ANs.

• Promotion and support of Indian education and coordinating efforts to inform AI/AN of Federal decisions that affect Tribal government interests including the improvement of Indian health care.

• National health policy and health programs administration.

• Have a national AI/AN constituency and clearly support critical services and activities within the IHS mission of improving the quality of health care for AI/AN people.

• Portray evidence of their solid support of improved health care in Indian Country.

• Provide evidence of at least ten years of experience providing education and outreach on a national scale.

Note: Please refer to Section IV.2 (Application and Submission Information/Subsection 2, Content and Form of Application Submission) for additional proof of applicant status documents required such as Tribal resolutions, proof of non-profit status, etc.

2. Cost Sharing or Matching

The IHS does not require matching funds or cost sharing for grants or cooperative agreements.

3. Other Requirements

If application budgets exceed the highest dollar amount outlined under the ''Estimated Funds Available'' section within this funding announcement, the application will be considered ineligible and will not be reviewed for further consideration. If deemed ineligible, IHS will not return the application. The applicant will be

notified by email by the Division of Grants Management (DGM) of this decision.

Proof of Non-Profit Status

Organizations claiming non-profit status must submit proof. A copy of the 501(c)(3) Certificate must be received with the application submission by the Application Deadline Date listed under the Key Dates section on page one of this announcement.

An applicant submitting any of the above additional documentation after the initial application submission due date is required to ensure the information was received by the IHS by obtaining documentation confirming delivery (*i.e.*, FedEx tracking, postal return receipt, etc.).

IV. Application and Submission Information

1. Obtaining Application Materials

The application package and detailed instructions for this announcement can be found at *http://www.Grants.gov* or *https://www.ihs.gov/dgm/index.cfm?module=dsp_dgm_funding.*

Questions regarding the electronic application process may be directed to Mr. Paul Gettys at (301) 443–2114.

2. Content and Form Application Submission

Two complete separate signed applications are required. Both applications should address all the following components separately in each application. Each separate application must include the project narrative as an attachment to the application package. Mandatory documents for all applicants include:

- Table of contents.
- Abstract (one page) summarizing the project.
- Application forms:
  - SF–424, Application for Federal Assistance.
  - SF–424A, Budget Information—Non-Construction Programs.
  - SF–424B, Assurances—Non-Construction Programs.
- Budget Justification and Narrative (must be single spaced and not exceed five pages).
- Project Narrative (must be single spaced and not exceed 20 pages).
  - Background information on the organization.
  - Proposed scope of work, objectives, and activities that provide a description of what will be accomplished, including a one-page Timeframe Chart.
- Letter of Support from Organization's Board of Directors.
- 501(c)(3) Certificate (if applicable).
- Position Descriptions for all key personnel.
- Contractor/Consultant resumes or qualifications and scope of work.
- Disclosure of Lobbying Activities (SF–LLL).
- Certification Regarding Lobbying (GG-Lobbying Form).
- Copy of current Negotiated Indirect Cost rate (IDC) agreement (required) in order to receive IDC.
- Organizational Chart (optional).
- Documentation of current Office of Management and Budget (OMB) A–133 required Financial Audit (if applicable).

Acceptable forms of documentation include:

- Email confirmation from Federal Audit Clearinghouse (FAC) that audits were submitted; or
- Face sheets from audit reports. These can be found on the FAC Web site: *http://harvester.census.gov/sac/dissem/accessoptions.html?submit=Go+To+Database*

Public Policy Requirements

All Federal-wide public policies apply to IHS grants and cooperative agreements with exception of the Discrimination policy.

Requirements for Project and Budget Narratives

A. *Project Narrative:* This narrative should be a separate Word document that is no longer than 20 pages and must: Be single-spaced, be type written, have consecutively numbered pages, use black type not smaller than 12 characters per one inch, and be printed on one side only of standard size 8½″ x 11″ paper.

Be sure to succinctly address and answer all questions listed under the narrative and place them under the evaluation criteria (refer to Section V.1, Evaluation criteria in this announcement) and place all responses and required information in the correct section (noted below), or they shall not be considered or scored. These narratives will assist the ORC in becoming familiar with the applicant's activities and accomplishments prior to this cooperative agreement award. If the narrative exceeds the page limit, only the first 20 pages will be reviewed. The 20-page page limit for the narrative does not include the work plan, standard forms, Tribal resolutions, table of contents, budget, budget justifications, narratives, and/or other appendix items.

There are three parts to the narrative: Part A—Program Information; Part B—Program Planning and Evaluation; and Part C—Program Report. See below for additional details about what must be included in the narrative.

Reminder: You are required to submit two separate complete and signed application packages. One for the Behavioral Health—MSPI cooperative agreement and one complete signed application package for the HIV/AIDS cooperative agreement. This applies to the narratives and budgets as well and all components listed below. Be sure to address each component separately in its respective application package. The page limitations below are for each narrative and budget submitted.

Part A: Program Information (8 page limitation)

Section 1: Needs

Describe how the national Indian organization has the experience to provide outreach and education efforts regarding the pertinent changes and updates in health care for each of the two components listed herein: Behavioral Health—MSPI and HIV/AIDS.

Part B: Program Planning and Evaluation (7 page limitation)

Section 1: Program Plans

Describe fully and clearly how the national Indian organization plans to address the NIHOE II MSPI and HIV/AIDS requirements, including how the national Indian organization plans to demonstrate improved health education and outreach services to all 566 Federally-recognized Tribes for each of the two components described herein.

Section 2: Program Evaluation

Describe fully and clearly how the outreach and education efforts will impact changes in knowledge and awareness in Tribal communities regarding both components. Identify anticipated or expected benefits for the Tribal constituency.

Part C: Program Report (5 page limitation)

Section 1: Describe Major Accomplishments Over the Last 24 Months

Identify and describe significant program achievements associated with the delivery of quality health outreach and education. Provide a comparison of the actual accomplishments to the goals established for the project period for both components, or if applicable, provide justification for the lack of progress.

Section 2: Describe Major Activities Over the Last 24 Months

Identify and summarize recent major health related outreach and education project activities of the work performed

for both components during the last project period.

B. *Budget Narrative:* This narrative must include a line item budget with a narrative justification for all expenditures identifying reasonable and allowable costs necessary to accomplish the goals and objectives as outlined in the project narrative. Budget should match the scope of work described in the project narrative. The budget narrative should not exceed five pages.

3. Submission Dates and Times

Applications must be submitted electronically through Grants.gov by 11:59 p.m. Eastern Standard Time (EST) on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Any application received after the application deadline will not be accepted for processing, nor will it be given further consideration for funding. Grants.gov will notify the applicant via email if the application is rejected.

If technical challenges arise and assistance is required with the electronic application process, contact Grants.gov Customer Support via email to *support@grants.gov* or at (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays). If problems persist, contact Mr. Paul Gettys, DGM (*Paul.Gettys@ihs.gov*) at (301) 443–2114. Please be sure to contact Mr. Gettys at least ten days prior to the application deadline. Please do not contact the DGM until you have received a Grants.gov tracking number. In the event you are not able to obtain a tracking number, call the DGM as soon as possible.

If the applicant needs to submit a paper application instead of submitting electronically through Grants.gov, a waiver must be requested. Prior approval must be requested and obtained from Ms. Tammy Bagley, Acting Director of DGM, (see Section IV.6 below for additional information). The waiver must: (1) Be documented in writing (emails are acceptable), before submitting a paper application, and (2) include clear justification for the need to deviate from the required electronic grants submission process. A written waiver request must be sent to *GrantsPolicy@ihs.gov* with a copy to *Tammy.Bagley@ihs.gov*. Once the waiver request has been approved, the applicant will receive a confirmation of approval email containing submission instructions and the mailing address to submit the application. A copy of the written approval must be submitted along with the hardcopy of the application that is mailed to DGM. Paper applications that are submitted without a copy of the signed waiver from the Acting Director of the DGM will not be reviewed or considered for funding. The applicant will be notified via email of this decision by the Grants Management Officer of the DGM. Paper applications must be received by the DGM no later than 5:00 p.m., EST, on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Late applications will not be accepted for processing or considered for funding.

4. Intergovernmental Review

Executive Order 12372 requiring intergovernmental review is not applicable to this program.

5. Funding Restrictions

- Pre-award costs are not allowable.
- The available funds are inclusive of direct and appropriate indirect costs.
- Only one grant/cooperative agreement will be awarded per component.
- IHS will not acknowledge receipt of applications.

6. Electronic Submission Requirements

All applications must be submitted electronically. Please use the *http://www.Grants.gov* Web site to submit an application electronically and select the ''Find Grant Opportunities'' link on the homepage. Download a copy of the application package, complete it offline, and then upload and submit the completed application via the *http://www.Grants.gov* Web site. Electronic copies of the application may not be submitted as attachments to email messages addressed to IHS employees or offices.

If the applicant receives a waiver to submit paper application documents, they must follow the rules and timelines that are noted below. The applicant must seek assistance at least ten days prior to the Application Deadline Date listed in the Key Dates section on page one of this announcement.

Applicants that do not adhere to the timelines for System for Award Management (SAM) and/or *http://www.Grants.gov* registration or that fail to request timely assistance with technical issues will not be considered for a waiver to submit a paper application.

Please be aware of the following:

- Please search for the application package in *http://www.Grants.gov* by entering the CFDA number or the Funding Opportunity Number. Both numbers are located in the header of this announcement.
- If you experience technical challenges while submitting your application electronically, please contact Grants.gov Support directly at: *support@grants.gov* or (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays).
- Upon contacting Grants.gov, obtain a tracking number as proof of contact. The tracking number is helpful if there are technical issues that cannot be resolved and a waiver from the agency must be obtained.
- If it is determined that a waiver is needed, the applicant must submit a request in writing (emails are acceptable) to *GrantsPolicy@ihs.gov* with a copy to *Tammy.Bagley@ihs.gov*. Please include a clear justification for the need to deviate from the standard electronic submission process.
- If the waiver is approved, the application should be sent directly to the DGM by the Application Deadline Date listed in the Key Dates section on page one of this announcement.
- Applicants are strongly encouraged not to wait until the deadline date to begin the application process through Grants.gov as the registration process for SAM and Grants.gov could take up to fifteen working days.
- Please use the optional attachment feature in Grants.gov to attach additional documentation that may be requested by the DGM.
- All applicants must comply with any page limitation requirements described in this Funding Announcement.
- After electronically submitting the application, the applicant will receive an automatic acknowledgment from Grants.gov that contains a Grants.gov tracking number. The DGM will download the application from Grants.gov and provide necessary copies to the appropriate agency officials. Neither the DGM nor the Office of Direct Service and Contracting Tribes (ODSCT) will notify the applicant that the application has been received.
- Email applications will not be accepted under this announcement.

Unique Entity Identifier (UEI) Numbering System

All IHS applicants and grantee organizations are required to obtain a UEI number and maintain an active registration in the SAM database. The UEI number is a unique 9-digit identification number provided to each entity. The UEI number is site specific; therefore, each distinct performance site may be assigned a UEI number. Obtaining a UEI number is easy, and there is no charge. To obtain a UEI

number, please contact Mr. Paul Gettys at (301) 443–2114.

All HHS recipients are required by the Federal Funding Accountability and Transparency Act of 2006, as amended (''Transparency Act''), to report information on subawards. Accordingly, all IHS grantees must notify potential first-tier subrecipients that no entity may receive a first-tier subaward unless the entity has provided its DUNS number to the prime grantee organization. This requirement ensures the use of a universal identifier to enhance the quality of information available to the public pursuant to the Transparency Act.

System for Award Management (SAM)

Organizations that were not registered with Central Contractor Registration (CCR) and have not registered with SAM will need to obtain a DUNS number first and then access the SAM online registration through the SAM home page at *https://www.sam.gov* (U.S. organizations will also need to provide an Employer Identification Number from the Internal Revenue Service that may take an additional 2–5 weeks to become active). Completing and submitting the registration takes approximately one hour to complete and SAM registration will take 3–5 business days to process. Registration with the SAM is free of charge. Applicants may register online at *https://www.sam.gov*.

Additional information on implementing the Transparency Act, including the specific requirements for DUNS and SAM, can be found on the IHS Grants Management, Grants Policy Web site: *https://www.ihs.gov/dgm/index.cfm?module=dsp_dgm_policy_topics*.

V. Application Review Information

The instructions for preparing the application narrative also constitute the evaluation criteria for reviewing and scoring the application. Weights assigned to each section are noted in parentheses. The 20 page narrative should include only the first year of activities; information for multi-year projects should be included as an appendix. See ''Multi-year Project Requirements'' at the end of this section for more information. The narrative section should be written in a manner that is clear to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully. Points will be assigned to each evaluation criteria adding up to a total of 100 points. A minimum score of 60 points is required for funding. Points are assigned as follows:

1. Criteria

A. Introduction and Need for Assistance (15 points)

(1) Describe the organization's current health, education and technical assistance operations as related to the broad spectrum of health needs of the AI/AN community. Include what programs and services are currently provided (*i.e.*, Federally-funded, State-funded, etc.), and identify any memorandums of agreement with other national, Area or local Indian health board organizations. This could also include HHS' agencies that rely on the applicant as the primary gateway organization that is capable of providing the dissemination of health information to Tribes. Include information regarding technologies currently used (*i.e.*, hardware, software, services, Web sites, etc.), and identify the source(s) of technical support for those technologies (*i.e.*, in-house staff, contractors, vendors, etc.). Include information regarding how long the applicant has been operating and its length of association/partnerships with Area health boards, etc. [historical collaboration].

(2) Describe the organization's current technical assistance ability. Include what programs and services are currently provided, programs and services projected to be provided, and describe any memorandums of agreement with other national Indian organizations that deem the applicant as the primary source of health policy information for AI/ANs, or any other memorandums of agreement with other Area Indian health boards, etc.

(3) Describe the population to be served by the proposed projects. Are they hard to reach? Are there barriers? Include a description of the number of Tribes who currently benefit from the technical assistance provided by the applicant.

(4) Describe the geographic location of the proposed project including any geographic barriers experienced by the recipients of the technical assistance to the health care information provided.

(5) Identify all previous IHS cooperative agreement awards received, dates of funding and summaries of the projects' accomplishments. State how previous cooperative agreement funds facilitated education, training and technical assistance nationwide for AI/ANs. (Copies of reports will not be accepted.)

(6) Describe collaborative and supportive efforts with national, Area, and local Indian health boards.

(7) Explain the need/reason for the proposed projects by identifying specific gaps or weaknesses in services or infrastructure that will be addressed by the proposed projects. Explain how these gaps/weaknesses have been assessed.

(8) Explain what measures were taken or will be taken to ensure the proposed projects will not create new gaps or weaknesses in services or infrastructure.

(9) Describe the effect of the proposed project on current programs (*i.e.*, Federally-funded, State funded, etc.) and, if applicable, on current equipment (*i.e.*, hardware, software, services, etc.). Include the effect of the proposed projects on planned/anticipated programs and/or equipment.

(10) Describe how the projects relate to the purpose of the cooperative agreement by identifying how the proposed project will address national Indian health care outreach and education regarding various health data listed, *e.g.*, MSPI and HIV and AIDS, dissemination, training, and technical assistance, etc.

B. Project Objective(s), Work Plan and Approach (40 points)

(1) Identify the proposed project objective(s) for each of the two projects, as applicable, addressing the following:

- Measurable and (if applicable) quantifiable.
- Results oriented.
- Time-limited.

Example: Issue four quarterly newsletters, provide alerts and quantify number of contacts with Tribes. Goals must be clear and concise.

(2) Address how the proposed projects will result in change or improvement in program operations or processes for each proposed project objective for the selected projects. Also address what tangible products, if any, are expected from the project, (*i.e.*, legislative analysis, policy analysis, annual conferences, mid-year conferences, summits, etc.).

(3) Address the extent to which the proposed projects will provide, improve, or expand services that address the need(s) of the target population. Include a strategic plan and business plan currently in place that are being used that will include the expanded services. Include the plan(s) with the application submission.

(4) Submit a work plan in the Appendix that:

- Provides the action steps on a timeline for accomplishing each of the projects' proposed objective(s).

• Identifies who will perform the action steps.
• Identifies who will supervise the action steps taken.
• Identifies what tangible products will be produced during and at the end of the proposed project objective(s).
• Identifies who will accept and/or approve work products during the duration of the proposed projects and at the end of the proposed projects.
• Identifies any training that will take place during the proposed projects and who will be attending the training.
• Identifies evaluation activities proposed in the work plans.

(5) If consultants or contractors will be used during the proposed project, please include the following information in their scope of work (or note if consultants/contractors will not be used):
• Educational requirements.
• Desired qualifications and work experience.
• Expected work products to be delivered on a timeline.

If a potential consultant/contractor has already been identified, please include a resume in the Appendix.

(6) Describe what updates will be required for the continued success of the proposed project. Include when these updates are anticipated and where funds will come from to conduct the update and/or maintenance.

C. Program Evaluation (20 points)

Each proposed objective requires an evaluation component to assess its progress and ensure its completion. Also, include the evaluation activities in the work plan.

Describe the proposed plan to evaluate both outcomes and process. Outcome evaluation relates to the results identified in the objectives, and process evaluation relates to the work plan and activities of the project.

(1) For outcome evaluation, describe:
• What will the criteria be for determining success of each objective?
• What data will be collected to determine whether the objective was met?
• At what intervals will data be collected?
• Who will collect the data and their qualifications?
• How will the data be analyzed?
• How will the results be used?

(2) For process evaluation, describe:
• How will the projects be monitored and assessed for potential problems and needed quality improvements?
• Who will be responsible for monitoring and managing project improvements based on results of ongoing process improvements and what are their qualifications?
• How will ongoing monitoring be used to improve the projects?
• Describe any products, such as manuals or policies, that might be developed and how they might lend themselves to replication by others.
• How will the organization document what is learned throughout the projects' grant periods?

(3) Describe any evaluation efforts planned after the grant period has ended.

(4) Describe the ultimate benefit to the AI/AN population served by the applicant organization that will be derived from these projects.

D. Organizational Capabilities, Key Personnel and Qualifications (15 points)

This section outlines the broader capacity of the organization to complete the project outlined in the work plan. It includes the identification of personnel responsible for completing tasks and the chain of responsibility for successful completion of the projects outlined in the work plans.

(1) Describe the organizational structure of the organization beyond health care activities, if applicable.

(2) Describe the ability of the organization to manage the proposed projects. Include information regarding similarly sized projects in scope and financial assistance, as well as other cooperative agreements/grants and projects successfully completed.

(3) Describe what equipment (*i.e.,* fax machine, phone, computer, etc.) and facility space (*i.e.,* office space) will be available for use during the proposed projects. Include information about any equipment not currently available that will be purchased through the cooperative agreement/grant.

(4) List key personnel who will work on the projects. Include title used in the work plans. In the Appendix, include position descriptions and resumes for all key personnel. Position descriptions should clearly describe each position and duties, indicating desired qualifications and experience requirements related to the proposed project. Resumes must indicate that the proposed staff member is qualified to carry out the proposed project activities. If a position is to be filled, indicate that information on the proposed position description.

(5) If personnel are to be only partially funded by this cooperative agreement, indicate the percentage of time to be allocated to this project and identify the resources used to fund the remainder of the individual's salary.

E. Categorical Budget and Budget Justification (10 points)

This section should provide a clear estimate of the program costs and justification for expenses for the entire cooperative agreement period for each award. The budgets and budget justifications should be consistent with the tasks identified in the work plans. Because each of the two awards included in this announcement are funded through separate funding streams, the applicant must provide a separate budget and budget narrative for each of the two components and must account for costs separately.

(1) Provide a categorical budget for each of the 12-month budget periods requested for each of the two projects.

(2) If IDC are claimed, indicate and apply the current negotiated rate to the budget. Include a copy of the rate agreement in the Appendix. *See Section VI. Award Administration Information, 3. Indirect Costs.*

(3) Provide a narrative justification explaining why each line item is necessary or relevant to the proposed project. Include sufficient costs and other details to facilitate the determination that the cost is allowable (*i.e.,* equipment specifications, etc.).

Additional Documents Can Be Uploaded as Appendix Items in Grants.gov

• Work plan, logic model and/or time line for proposed objectives.
• Position descriptions for key staff.
• Resumes of key staff that reflect current duties.
• Consultant or contractor proposed scope of work and letter of commitment (if applicable).
• Current Indirect Cost Agreement.
• Organizational chart.
• Map of area identifying project location(s).
• Additional documents to support narrative (*i.e.* data tables, key news articles, etc.).

2. Review and Selection

Each application will be prescreened by the DGM staff for eligibility and completeness as outlined in the funding announcement. Applications that meet the eligibility criteria shall be reviewed for merit by the ORC based on evaluation criteria in this funding announcement. The ORC could be composed of both Tribal and Federal reviewers appointed by the ODSCT to review and make recommendations on these applications. The technical review process ensures selection of quality projects in a national competition for limited funding. Incomplete

applications and applications that are non-responsive to the eligibility criteria will not be referred to the ORC. The applicant will be notified via email of this decision by the Grants Management Officer of the DGM. Applicants will be notified by DGM, via email, to outline minor missing components (*i.e.,* budget narratives, audit documentation, key contact form) needed for an otherwise complete application. All missing documents must be sent to DGM on or before the due date listed in the email of notification of missing documents required.

To obtain a minimum score for funding by the ORC, applicants must address all program requirements and provide all required documentation.

VI. Award Administration Information

1. Award Notices

The Notice of Award (NoA) is a legally binding document signed by the Grants Management Officer and serves as the official notification of the grant award. The NoA will be initiated by the DGM in our grant system, GrantSolutions (*https://www.grantsolutions.gov*). Each entity that is approved for funding under this announcement will need to request or have a user account in GrantSolutions in order to retrieve their NoA. The NoA is the authorizing document for which funds are dispersed to the approved entities and reflects the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the award, the effective date of the award, and the budget/project period.

Disapproved Applicants

Applicants who received a score less than the recommended funding level for approval, 60 points, and were deemed to be disapproved by the ORC, will receive an Executive Summary Statement from the ODSCT within 30 days of the conclusion of the ORC outlining the strengths and weaknesses of their application submitted. The ODSCT will also provide additional contact information as needed to address questions and concerns as well as provide technical assistance if desired.

Approved But Unfunded Applicants

Approved but unfunded applicants that met the minimum scoring range and were deemed by the ORC to be ''Approved'', but were not funded due to lack of funding, will have their applications held by DGM for a period of one year. If additional funding becomes available during the course of FY 2015 the approved but unfunded application may be re-considered by the awarding program office for possible funding. The applicant will also receive an Executive Summary Statement from the IHS program office within 30 days of the conclusion of the ORC.

Note: Any correspondence other than the official NoA signed by an IHS Grants Management Official announcing to the Project Director that an award has been made to their organization is not an authorization to implement their program on behalf of IHS.

2. Administrative Requirements

Cooperative agreements are administered in accordance with the following regulations, policies, and OMB cost principles:

A. The criteria as outlined in this Program Announcement.

B. Administrative Regulations for Grants:

45 CFR part 75, Administrative Requirements.

C. Grants Policy:

- HHS Grants Policy Statement, Revised 01/07.

D. Cost Principles:

45 CFR part 75, subpart E. Cost Principles.

E. Audit Requirements:

- 45 CFR part 75, subpart F. Audit Requirements.

3. Indirect Costs

This section applies to all grant recipients that request reimbursement of indirect costs (IDC) in their grant application. In accordance with HHS Grants Policy Statement, Part II–27, IHS requires applicants to obtain a current IDC rate agreement prior to award. The rate agreement must be prepared in accordance with the applicable cost principles and guidance as provided by the cognizant agency or office. A current rate covers the applicable grant activities under the current award's budget period. If the current rate is not on file with the DGM at the time of award, the IDC portion of the budget will be restricted. The restrictions remain in place until the current rate is provided to the DGM.

Generally, IDC rates for IHS grantees are negotiated with the Division of Cost Allocation (DCA) *https://rates.psc.gov/* and the Department of Interior (Interior Business Center). *http://www.doi.gov/ibc/services/Indirect_Cost_Services/index.cfm.* For questions regarding the indirect cost policy, please call the Grants Management Specialist listed under ''Agency Contacts'' or the main DGM office at (301) 443–5204.

4. Reporting Requirements

The grantee must submit required reports consistent with the applicable deadlines. Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in one or both of the following: (1) The imposition of special award provisions; and (2) the non-funding or non-award of other eligible projects or activities. This requirement applies whether the delinquency is attributable to the failure of the grantee organization or the individual responsible for preparation of the reports. Reports must be submitted electronically via GrantSolutions. Personnel responsible for submitting reports will be required to obtain a login and password for GrantSolutions. Please see the Agency Contacts list in section VII for the systems contact information.

The reporting requirements for this program are noted below.

A. Progress Reports

Program progress reports are required semi-annually within 30 days after the budget period ends. These reports must include a brief comparison of actual accomplishments to the goals established for the period, or, if applicable, provide sound justification for the lack of progress, and other pertinent information as required. A final report must be submitted within 90 days of expiration of the budget/project period.

B. Financial Reports

Federal Financial Report FFR (SF–425), Cash Transaction Reports are due 30 days after the close of every calendar quarter to the Payment Management Services, HHS at: *http://www.dpm.psc.gov.* It is recommended that the applicant also send a copy of the FFR (SF–425) report to the Grants Management Specialist. Failure to submit timely reports may cause a disruption in timely payments to the organization.

Grantees are responsible and accountable for accurate information being reported on all required reports: the Progress Reports and Federal Financial Report.

C. Federal Subaward Reporting System (FSRS)

This award may be subject to the Transparency Act subaward and executive compensation reporting requirements of 2 CFR part 170.

The Transparency Act requires the OMB to establish a single searchable database, accessible to the public, with information on financial assistance awards made by Federal agencies. The Transparency Act also includes a requirement for recipients of Federal grants to report information about first-tier subawards and executive compensation under Federal assistance awards.

IHS has implemented a Term of Award into all IHS Standard Terms and Conditions, NoAs and funding announcements regarding the FSRS reporting requirement. This IHS Term of Award is applicable to all IHS grant and cooperative agreements issued on or after October 1, 2010, with a $25,000 subaward obligation dollar threshold met for any specific reporting period. Additionally, all new (discretionary) IHS awards (where the project period is made up of more than one budget period) and where: 1) The project period start date was October 1, 2010 or after and 2) the primary awardee will have a $25,000 subaward obligation dollar threshold during any specific reporting period will be required to address the FSRS reporting. For the full IHS award term implementing this requirement and additional award applicability information, visit the DGM Grants Policy Web site at: *https://www.ihs.gov/dgm/index.cfm?module=dsp_dgm_policy_topics.*

Telecommunication for the hearing impaired is available at: TTY (301) 443–6394.

VII. Agency Contacts

1. Questions on the programmatic issues may be directed to:

Mr. Chris Buchanan, Director, ODSCT, 801 Thompson Avenue, Suite 220, Rockville, Maryland 20852. Telephone: (301) 443–1104. E-Mail: *Chris.Buchanan@ihs.gov.*

2. Questions on grants management and fiscal matters may be directed to:

Mr. John Hoffman, DGM, Grants Management Specialist, 801 Thompson Avenue, TMP Suite 360, Rockville, Maryland 20852. Telephone: (301) 443–2116 Fax: (301) 443–9602. E-Mail: *John.Hoffman@ihs.gov.*

3. Questions on systems matters may be directed to:

Paul Gettys, Grant Systems Coordinator, DGM, 801 Thompson Avenue, TMP Suite 360, Rockville, MD 20852. Phone: 301–443–2114; or the DGM main line 301–443–5204. Fax: 301–443–9602. E-Mail: *Paul.Gettys@ihs.gov.*

VIII. Other Information

The Public Health Service strongly encourages all cooperative agreement and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of the facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the HHS mission to protect and advance the physical and mental health of the American people.

Dated: March 29, 2015.

Robert G. McSwain,

Acting Director, Indian Health Service.

[FR Doc. 2015–07780 Filed 4–3–15; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Solicitation of Written Comments on the National Vaccine Advisory Committee's Draft Report and Draft Recommendations for Consideration for Addressing the State of Vaccine Confidence in the United States

AGENCY: Office of the Secretary, Office of the Assistant Secretary for Health, National Vaccine Program Office, Department of Health and Human Services

ACTION: Notice.

SUMMARY: The National Vaccine Advisory Committee (NVAC) was established in 1987 to comply with Title XXI of the Public Health Service Act (Pub. L. 99–660) (§ 2105) (42 U.S. Code 300aa–5 (PDF–78 KB)). Its purpose is to advise and make recommendations to the Director of the National Vaccine Program on matters related to program responsibilities. The Assistant Secretary for Health (ASH) has been designated by the Secretary of Health and Human Services (HHS) as the Director of the National Vaccine Program. The National Vaccine Program Office (NVPO) is located within the Office of the Assistant Secretary for Health (OASH), Office of the Secretary, U.S. Department of Health and Human Services (HHS). NVPO provides leadership and fosters collaboration among the various federal agencies involved in vaccine and immunization activities. The NVPO also supports the National Vaccine Advisory Committee (NVAC). The NVAC advises and makes recommendations to the ASH in her capacity as the Director of National Vaccine Program on matters related to vaccine program responsibilities.

Recognizing that immunizations are given across the lifespan and there are likely to be important differences in vaccine acceptance at different stages of life, in February of 2013 the National Vaccine Advisory Committee accepted an initial charge from the Assistant Secretary for Health (ASH) to report on how confidence in vaccines impacts the optimal use of recommended childhood vaccines in the United States, including reaching Healthy People 2020 immunization coverage targets. Focus of such a report may include understanding the determinants of vaccination acceptance among parents, what HHS should be doing to improve parental confidence in vaccine recommendations and how to best measure confidence in vaccine and vaccination to inform and evaluate interventions in the future.

Through a series of teleconferences, electronic communications, presentations and public discussions during the NVAC meetings, a working group identified a number of draft recommendations to further understand and address issues of vaccine confidence in the United States.

On behalf of NVAC, NVPO is soliciting public comment on the draft report and draft recommendations from a variety of stakeholders, including the general public, for consideration by the NVAC as they develop their final recommendations to the ASH. It is anticipated that the draft report and draft recommendations, as revised with consideration given to public comment and stakeholder input, will be presented to the NVAC for adoption in June 2015 at the quarterly NVAC meeting.

DATES: Comments for consideration by the NVAC should be received no later than 5:00 p.m. EDT on May 6, 2015.

ADDRESSES:

(1) The draft report and draft recommendations are available on the Web at *http://www.hhs.gov/nvpo/nvac/subgroups/nvac-vaccine-confidence-wg.html.*

(2) Electronic responses are preferred and may be addressed to: *vcwg@hhs.gov.*

(3) Written responses should be addressed to: National Vaccine Program Office, U.S. Department of Health and Human Services, 200 Independence Avenue SW., Room 733G, Washington, DC 20201. Attn: Vaccine Confidence Working Group.

FOR FURTHER INFORMATION CONTACT: National Vaccine Program Office, Office of the Assistant Secretary for Health,

Department of Health and Human Services; telephone (202) 690–5566; fax (202) 690–4631; email: *vcwg@hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Vaccination confidence is one of a number of factors that affect individual and population-level willingness to accept a vaccine. Vaccine confidence means having confidence in the safety and efficacy of a vaccine, having confidence in the competence of the health professionals who administer the vaccine, and having trust in the motivations of the policy-makers who decide which vaccines are needed and when. Vaccine confidence has been shown to influence vaccine decision making, but to what extent remains unclear. This is partly due to a lack of consensus on how best to quantify the confidence of an individual and a population. Gaining this understanding along with identifying factors which drive public confidence is critical for assessing the magnitude of the problem in the U.S., as well as designing and evaluating potential intervention strategies.

Through their analysis and discussion, the NVAC proposes the following recommendations:

Focus Area 1: Measuring and Tracking Vaccine Confidence

1.1 NVAC recommends development of an ''index,'' composed of a number of individual and social dimensions, to measure vaccine confidence. This index should be capable of (1) a rapid, reliable and valid surveillance of national vaccine confidence; (2) detection and identification of variations in vaccine confidence at the community level; and (3) diagnosis of the key dimensions that affect vaccine confidence.

1.2 NVAC recommends continuing the use of existing measures for vaccine confidence, including systems that measure vaccine coverage as well as vaccine-related confidence, attitudes and beliefs while the science of understanding and tracking vaccine confidence is being advanced.

1.3 NVAC recommends the development of measures and methods to analyze the mass media environment and social media conversations to identify topics of concern to parents, healthcare providers, and members of the public.

1.4 NVAC recommends that existing approaches and systems for monitoring vaccination coverages and vaccine-related cognitions, attitudes, and behaviors be strengthened and enhanced. These include: (1) Immunization Information Systems (IIS) and Electronic Health Records (EHRs) to collect and capture delays and refusals; (2) Reliable and valid measures (or surveys) of cognitive factors, such as adults and parents' confidence, attitudes, and beliefs regarding vaccines and recommended vaccinations; (3) Surveys of provider attitudes and beliefs towards vaccination; and (4) Integration of data from all existing systems to track trends of vaccination confidence over time and to detect variations across time and geography.

Focus Area 2: Communication and Community Strategies

2.1 NVAC recommends healthcare providers, immunization programs, and those involved in promoting recommended vaccinations actively reinforce that vaccination according to the Advisory Committee on Immunization Practices (ACIP) recommended schedule is the social norm and not the exception. Misperceptions that vaccination in line with the ACIP recommended schedule is not the norm should be appropriately addressed.

2.2 NVAC recommends consistent communications assessment and feedback pertaining to vaccine confidence. These include:

2.2.1 Creation of a Communication Assessment Infrastructure to assess vaccine sentiment and provide timely, accurate and actionable information related to vaccination confidence and acceptance to relevant stakeholders. This system should have the capability to regularly assess vaccine-related messaging environment (*e.g.,* to identify new or emerging concerns and questions) to assess understanding and effectiveness of population education and information materials and resources.

2.2.2 Identification, evaluation and validation of communication resources and approaches in terms of their effects on enhancing vaccine and vaccination confidence so that effective (''evidence-based/evidence-informed'') interventions and best practices can be shared and more widely used.

2.2.3 Creation of a repository of evidenced-based best practices for informing, educating, and communicating with parents and others in ways that foster or increase vaccine or vaccination confidence. This repository would be maintained and expanded as future evidence is compiled regarding messages, materials, and interventions that positively affect vaccine or vaccination confidence.

2.3 NVAC recommends the development of systems to support parent and community efforts that seek to promote vaccine confidence and vaccination.

2.4 NVAC recommends support for a community of practice or network of stakeholders who are actively taking steps to foster or grow vaccine confidence and vaccination; such a network can foster partnerships and encourage sharing of resources and best practices.

Focus Area 3: Healthcare Provider Strategies

3.1 NVAC recommends the development and deployment of evidence-based materials and toolkits for providers to address parent questions and concerns. These materials and toolkits should continue to be revised to incorporate the latest science and research.

3.1.1 A repository of evidence-based effective practices for providers should be an output of this effort.

3.2 NVAC recommends curriculum and communication training that focuses on vaccine confidence (*e.g.,* strategies and approaches for establishing or building confidence) be developed and made available for healthcare providers, including doctors, nurses, alternative providers, and ancillary care providers.

3.2.1 This training should encompass ''providers-in-training,'' such as students, residents, and interns as well as currently practicing physicians, nurses, and other healthcare providers through Continuing Medical Education (CMEs).

3.2.2 Clear and accessible information on vaccinations, the schedule and any changes to the immunization schedule should be developed specifically for providers and made available to them through resources they utilize most.

3.3 NVAC recommends the development of: (i) Provisional billing codes for vaccine counseling when vaccination is ultimately not given; and (ii) Pay for performance initiatives and incentives as measured by: (a) Establishment of an immunizing standard within a practice; and (b) Continued improvement in immunization coverage rates within a provider's practice.

Focus Area 4: Policy Strategies

4.1 NVAC recommends states and territories with existing personal belief exemption policies should assess their policies to assure that exemptions are only available after appropriate parent education and acknowledgement of the associated risks of not vaccinating, to

their child and community. Policies that do not do this should be strengthened.

4.1.1 Increased efforts should be made to educate the public and state legislatures on the safety and value of vaccines, the importance of recommended vaccinations and the ACIP schedule, and the risks posed by low or under-vaccination in communities and schools.

4.2 NVAC recommends information on vaccination rates, vaccination exemptions, and other preventative health measures (*e.g.,* whether a school has a school nurse, etc.) for an educational institution be made available to parents.

4.2.1 Encourage educational institutions and childcare facilities to report vaccination rates publicly (*e.g.,* via a school health grade or report).

4.3 NVAC recommends ''on-time vaccination'' should be included as a Quality Measure for all health plans, public and private, as a first line indicator of vaccine confidence. NVAC acknowledges that other issues, such as access, can also effect on time vaccination.

Final Recommendation

5.1 The NVAC recommends that the National Vaccine Program Office (NVPO) should work with federal and non-federal partners to develop an implementation plan to address vaccine confidence, including metrics, and report back to NVAC on progress, annually.

II. Request for Comment

NVPO, on behalf of the NVAC Vaccine Confidence Working Group, requests input on the draft report and draft recommendations. Please limit your comments to three (3) pages.

III. Potential Responders

HHS invites input from a broad range of stakeholders including individuals and organizations that have interests in immunization efforts and the role of HHS in advancing those efforts.

Examples of potential responders include, but are not limited to, the following:

—General public;
—advocacy groups, non-profit organizations, and public interest organizations;
—academics, professional societies, and healthcare organizations;
—public health officials and immunization program managers;
—pediatric provider groups including all physician and non-physician providers that administer healthcare services to children, including pharmacists; and
—representatives from the private sector, including those from health insurance organizations.

When responding, please self-identify with any of the above or other categories (include all that apply) and your name. Anonymous submissions will not be considered. Written submissions should not exceed three to five (3–5) pages. Please do not send proprietary, commercial, financial, business, confidential, trade secret, or personal information.

Dated: March 31, 2015.

Bruce Gellin,

Deputy Assistant Secretary for Health, Director, National Vaccine Program Office, Executive Secretary, National Vaccine Advisory Committee.

[FR Doc. 2015–07778 Filed 4–3–15; 8:45 am]

BILLING CODE 4150–44–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Notification of Intent To Use Schedule III, IV, or V Opioid Drugs for the Maintenance and Detoxification Treatment of Opiate Addiction Under 21 U.S.C. 823(g)(2) (OMB No. 0930–0234)—Extension

The Drug Addiction Treatment Act of 2000 (''DATA,'' Pub. L. 106–310) amended the Controlled Substances Act (21 U.S.C. 823(g)(2)) to permit practitioners (physicians) to seek and obtain waivers to prescribe certain approved narcotic treatment drugs for the treatment of opiate addiction. The legislation sets eligibility requirements and certification requirements as well as an interagency notification review process for physicians who seek waivers. The legislation was amended in 2005 to eliminate the patient limit for physicians in group practices, and in 2006, to permit certain physicians to treat up to 100 patients.

To implement these provisions, SAMHSA developed a notification form (SMA–167) that facilitates the submission and review of notifications. The form provides the information necessary to determine whether practitioners (*i.e.*, independent physicians) meet the qualifications for waivers set forth under the new law. Use of this form will enable physicians to know they have provided all information needed to determine whether practitioners are eligible for a waiver.

However, there is no prohibition on use of other means to provide requisite information. The Secretary will convey notification information and determinations to the Drug Enforcement Administration (DEA), which will assign an identification number to qualifying practitioners; this number will be included in the practitioner's registration under 21 U.S.C. 823(f).

Practitioners may use the form for three types of notification: (a) New, (b) immediate, and (c) to notify of their intent to treat up to 100 patients. Under ''new'' notifications, practitioners may make their initial waiver requests to SAMHSA. ''Immediate'' notifications inform SAMHSA and the Attorney General of a practitioner's intent to prescribe immediately to facilitate the treatment of an individual (one) patient under 21 U.S.C. 823(g)(2)(E)(ii). Finally, the form may be used by physicians with waivers to certify their need and intent to treat up to 100 patients.

The form collects data on the following items: Practitioner name; state medical license number and DEA registration number; address of primary location, telephone and fax numbers; email address; name and address of

group practice; group practice employer identification number; names and DEA registration numbers of group practitioners; purpose of notification new, immediate, or renewal; certification of qualifying criteria for treatment and management of opiate dependent patients; certification of capacity to refer patients for appropriate counseling and other appropriate ancillary services; certification of maximum patient load, certification to use only those drug products that meet the criteria in the law. The form also notifies practitioners of Privacy Act considerations, and permits practitioners to expressly consent to disclose limited information to the SAMHSA Buprenorphine Physician Locator.

Since July 2002, SAMHSA has received over 25,000 notifications and has certified almost 27,000 physicians. Fifty-none percent of the notifications were submitted by mail or by facsimile, with approximately forty-one percent submitted through the Web based online system. Approximately 60 percent of the certified physicians have consented to disclosure on the SAMHSA Buprenorphine Physician Locator.

Respondents may submit the form electronically, through a dedicated Web page that SAMHSA will establish for the purpose, as well as via U.S. mail.

There are no changes to the forms and burden hours.

The following table summarizes the estimated annual burden for the use of this form.

Purpose of submission	Number of respondents	Responses per respondent	Burden per response (hour)	Total burden (hours)
Initial Application for Waiver	1,500	1	.083	125
Notification to Prescribe Immediately	50	1	.083	4
Notice to Treat up to 100 patients	500	1	.040	20
Total	2,050			149

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 2–1057, One Choke Cherry Road, Rockville, MD 20857 or email her a copy at *summer.king@samhsa.hhs.gov*. Written comments should be received by June 5, 2015.

Summer King,

Statistician.

[FR Doc. 2015–07727 Filed 4–3–15; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number CDC–2015–0008; NIOSH–282]

International Labour Office (ILO) Reference Radiographs

AGENCY: National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Request for information and comment.

SUMMARY: The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease and Prevention is collaborating with the Labour Inspection, Labour Administration and Occupational Safety and Health Branch of the International Labour Office (ILO) in developing a set of digital reference radiographs for the ILO International Classification of Radiographs of Pneumoconiosis (ILO Classification). The current ILO Classification depends on 22 standard reference radiographs that are used to formally identify and characterize pneumoconiosis and related pulmonary abnormalities arising from occupational exposure. The original standards were based on film radiography, but the advent of digital radiography has led to the need for reference standards based on digitally-acquired images. NIOSH is assisting the ILO in the process of identifying such digital images.

For this purpose, NIOSH is requesting trained users of the ILO Classification (*e.g.,* NIOSH B-Readers [1] and other such experts) to submit comments regarding any of the current standard reference images that are felt to be deficient and for which improvements could be made. The current structure and format of the ILO Classification is to remain unchanged at the present time. NIOSH is not soliciting comments on the ILO Classification itself. Comments received on the ILO Classification will be considered irrelevant to the purpose of this docket.

DATES: Electronic or written comments must be received by June 5, 2015.

ADDRESSES: You may submit comments, identified by CDC–2015–0008 and docket number NIOSH–282, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* National Institute for Occupational Safety and Health, NIOSH Docket Office, 1090 Tusculum Avenue, MS C–34, Cincinnati, OH 45226–1998.

Instructions: All information received in response to this notice must include the agency name and docket number (CDC–2015–0008; NIOSH–282). All relevant comments received will be posted without change to *www.regulations.gov,* including any personal information provided. All electronic comments should be formatted as Microsoft Word. For access to the docket to read background documents or comments received, go to *www.regulations.gov.* All information received in response to this notice will also be available for public examination and copying at the NIOSH Docket Office, 1150 Tusculum Avenue, Room 155, Cincinnati, OH 45226.

FOR FURTHER INFORMATION CONTACT: Michael Attfield, 1095 Willowdale Road, Morgantown, WV 26505–2888, telephone (304) 285–5737 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

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- Background
- Information Needs
- References

Background: Chest radiographs (X-Rays) provide critical medical information for the assessment of the pneumoconioses and related disorders in individuals, for example, those caused by inhaling coal, silica, and asbestos dusts [2]. Prior to 1950, the information evident on a radiograph could only be interpreted qualitatively. However in 1950, the International Labour Office (ILO) established a more quantitative system whereby the various parenchymal and pleural changes could be formally recognized and categorized.

The quantitative system is not intended for the medical diagnosis of the pneumoconioses and related occupational diseases, but has proved invaluable for the accurate and reliable identification and characterization of such diseases and disorders in many scientific and administrative applications, including research into disease causation, evaluation of risk in terms of dust exposure, disease surveillance, disease prevention, and worker compensation. The ILO has periodically held meetings of experts with the intent of improving and refining the original classification scheme. The current edition is the International Classification of Radiographs of Pneumoconiosis, Revised Edition 2011 [3].

The ILO Classification, as of the 2000 revision, consists of 22 standard reference radiographic films. These films were selected to demonstrate a variety of types and severities of lung abnormalities that frequently arise from occupational dust exposure. Proper use of the classification involves a visual comparison of the test subject's X-Ray film side-by-side with the standards. The test subject is assigned the classification pertaining to the standard radiograph or radiographs to which it is most similar in appearance, *i.e.,* Category 0/0, 1/1, 2/2, or 3/3; and the types p/p, q/q, r/r, s/s, t/t, or u/u, where applicable. The person undertaking the classification, typically a physician formally trained in the use of the ILO Classification, completes a data entry sheet where they record their classifications of each of the various abnormalities. In addition, ancillary information on the quality of the radiograph and the presence of other medical findings is noted.

The ILO classification was developed and used for over 50 years solely in conjunction with film radiography. In recent years radiographic technology has advanced to digital imaging. This poses severe problems for the use of the ILO Classification since the test subject's image must be viewed on a computer terminal screen while the standards can only be seen on a separate film viewing box. This results in the process being extremely cumbersome, while intrinsic differences in the appearance of film versus digital images interfere with the proper assessment of abnormality. To minimize these problems, the ILO released a set of digitized images in 2011. These images are digitized views of the existing film images, obtained by formally scanning each film to a digital file image.

While digitizing the current standard reference films removed the need to employ a light box, as both images could now be viewed on the same computerized image display system alongside that showing the subject's radiograph, it did not eliminate the problems arising from different inherent appearances between the original film and the digital test images, since those still remained in the digitized versions. Ultimately, the best means to remove the potentially interfering visual differences from the comparison between the digitally-acquired chest radiographic image and the reference image is to select new digitally-acquired reference images.

NIOSH is collaborating with and assisting the ILO in identifying a set of 22 digital images, each of which is intended to mimic as closely as possible the type and severity of abnormality evident on each of the current standard films/digitized images. There is no intention to modify or alter the underlying structure or format of the existing ILO Classification. The final outcome of this exercise will simply be an additional set of standard reference images, derived from digitally-acquired images.

In pursuing this objective both NIOSH and the ILO are aware that users of the classification may feel that one or more of the existing standard references do not optimally demonstrate the specified parenchymal or pleural findings. Appendix C of the manual that accompanies the ILO Classification [2] provides comments on each of the current standard radiographs. Comments range from issues of quality (*e.g.,* unsharp, overexposed), excluded regions (*e.g.,* costrophenic angles), and other factors. In addition, there is no category 1/1 s/s standard as there should be. Instead a 1/1 s/t is used. Moreover, only single quadrant views are available for all of the u/u type small opacity severities when individual full chest image standards would be better. To the extent possible, it is hoped to correct these known issues during the identification of new digital images.

In addition to the published issues, regular users of the ILO Classification may feel that certain of the standard reference radiographs are sub-optimal in some way or another. For example, perhaps the appearances of a particular standard are generally felt to be at variance with its formally-designated degree of abnormality. In addition, there may be other factors where there are opportunities for improvement.

NIOSH and the ILO, in selecting the new digital standard images, wish to correct any technical issues affecting the current standard reference radiographs. To be able to do this, they require access to information on perceived problems with the current standards. This docket is a request for information from interested parties on perceived issues with any of the current standards. This request in no way involves comment on the structure and content of the ILO Classification per se. NIOSH and the ILO will summarize the comments received on each of the standard radiographs, and employ that information in the derivation of the new digital standard reference radiographs.

Information Needs: NIOSH is seeking additional data and information to ensure that generally perceived technical issues affecting any of the current ILO Classification standard radiographs are addressed in the development of a set of digital standard radiographs. Information is particularly needed for:

(1) The standard reference title to which your submitted comments apply. For small opacities please state 'small opacities' and the profusion (0/0, 1/1, 2/2, or 3/3, and the type (p/p, q/q, r/r, s/s, t/t, or u/u, where applicable) for which you are supplying comments. For large opacities please state 'large opacities' and the stage (A, B, C). For pleural abnormalities, please state 'pleural'.

(2) For radiographs concerning small opacities, please note whether the standard radiograph shows appearances consistent with its designated profusion, and if not, what profusion you believe it shows.

(3) For radiographs concerning small opacities, please note whether the standard radiograph shows appearances consistent with its designated type, and if not, what type you believe it shows.

(4) For large opacities, please note whether the standard radiograph shows appearances consistent with its designated stage, and if not, what stage you believe it shows.

(5) For the composite radiograph showing pleural abnormalities, please note your concerns with each segment.

(6) For all, please note any problems associated with other factors that impact its optimal reliability as a standard, indicate their effect on classification, and suggest a solution for improvement.

References

1. *NIOSH [2012].* Chest Radiography: The NIOSH B Reader Program. *http://www.cdc.gov/niosh/topics/chestradiography/breader.html.*
2. *NIOSH [2011].* Chest Radiography: Evaluating Occupational Lung Disorders. *http://www.cdc.gov/niosh/topics/chestradiography/default.html.*

3. *ILO [2011].* The ILO International Classification of Radiographs of Pneumoconioses. *http://www.ilo.org/safework/info/WCMS_108548/lang--en/index.htm.*

Dated: March 30, 2015.

John Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2015–07814 Filed 4–3–15; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Advisory Group on Prevention, Health Promotion, and Integrative and Public Health

AGENCY: Office of the Surgeon General of the United States Public Health Service, Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App.), notice is hereby given that a meeting is scheduled to be held for the Advisory Group on Prevention, Health Promotion, and Integrative and Public Health (the ''Advisory Group''). The meeting will be open to the public. Information about the Advisory Group and the agenda for this meeting can be obtained by accessing the following Web site: *http://www.surgeongeneral.gov/initiatives/prevention/advisorygrp/index.html.*

DATES: The meeting will be held on April 20, 2015 from 2:00 p.m. to 3:30 p.m. EST.

ADDRESSES: The meeting will be held via teleconference. Teleconference information will be published closer to the meeting date at: *http://www.surgeongeneral.gov/initiatives/prevention/advisorygrp/index.html.*

FOR FURTHER INFORMATION CONTACT: Office of the Surgeon General, 200 Independence Ave. SW., Washington, DC 20201; 202–205–9517; *prevention.council@hhs.gov.*

SUPPLEMENTARY INFORMATION: The Advisory Group is a non-discretionary federal advisory committee that was initially established under Executive Order 13544, dated June 10, 2010, to comply with the statutes under section 4001 of the Patient Protection and Affordable Care Act, Pub. L. 111–148. The Advisory Group was established to assist in carrying out the mission of the National Prevention, Health Promotion, and Public Health Council (the Council). The Advisory Group provides recommendations and advice to the Council.

The Advisory Group was terminated on September 30, 2012, by E. O. 13591, dated November 23, 2011. Authority for the Advisory Group to be re-established was given under E. O. 13631, dated December 7, 2012. Authority for the Advisory Group to continue to operate until September 30, 2015 was given under Executive Order 13652, dated September 30, 2013.

It is authorized for the Advisory Group to consist of not more than 25 non-federal members. The Advisory Group currently has 21 members who were appointed by the President. The membership includes a diverse group of licensed health professionals, including integrative health practitioners who have expertise in (1) worksite health promotion; (2) community services, including community health centers; (3) preventive medicine; (4) health coaching; (5) public health education; (6) geriatrics; and (7) rehabilitation medicine.

The meeting will be held in order to review and approve recommendations developed by the Recommendation Drafting Sub-Committee of the Advisory Group. These recommendations are directed towards the Council, the Surgeon General, the Administration, and other entities.

Members of the public have the opportunity to attend the meeting and/or provide comments to the Advisory Group on April 20, 2015. Public comment will be limited to 3 minutes per speaker. Individuals who wish to attend the meeting and/or provide comments must register by 12:00 p.m. EST on April 13, 2015. In order to register, individuals must send their full name and affiliation via email to *prevention.council@hhs.gov.* Individuals planning to attend the meeting who need special assistance and/or accommodations, *i.e.,* sign language interpretation or other reasonable accommodations, should indicate so when they register. Members of the public who wish to have materials distributed to the Advisory Group members at this scheduled meeting should submit those materials when they register.

Dated: March 25, 2015.

Corinne M. Graffunder,

Designated Federal Officer, Advisory Group on Prevention, Health Promotion, and Integrative and Public Health, Office of the Surgeon General.

[FR Doc. 2015–07744 Filed 4–3–15; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health and Human Development: Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Eunice Kennedy Shriver National Institute of Child Health and Human Development Special Emphasis Panel; Repository of Mouse Models for Cytogenetic Disorders.

Date: April 30, 2015.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate concept review.

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 31, 2015.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–07742 Filed 4–3–15; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection

[Docket No. USCBP–2015–0011]

Advisory Committee on Commercial Operations to U.S. Customs and Border Protection (COAC)

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security (DHS).

SUMMARY: The Advisory Committee on Commercial Operations to U.S. Customs and Border Protection (COAC) will meet on April 24, 2015, in Washington, DC. The meeting will be open to the public.

DATES: The Advisory Committee on Commercial Operations to U.S. Customs and Border Protection (COAC) will meet on Friday, April 24, 2015, from 9:00 a.m. to 12:30 p.m. EDT. Please note that the meeting may close early if the committee has completed its business.

Pre-Registration: Meeting participants may attend either in person or via webinar after pre-registering using a method indicated below:

—For members of the public who plan to attend the meeting in person, please register either online at *https://apps.cbp.gov/te_reg/index.asp?w=39;* by email to *tradeevents@dhs.gov;* or by fax to (202) 325–4290 by 5:00 p.m. EDT on April 21, 2015. You must register prior to the meeting in order to attend the meeting in person.

—For members of the public who plan to participate via webinar, please register online at *https://apps.cbp.gov/te_reg/index.asp?w=40* by 5:00 p.m. EDT on April 21, 2015.

Feel free to share this information with other interested members of your organization or association.

Members of the public who are pre-registered and later require cancellation, please do so in advance of the meeting by accessing one (1) of the following links: *https://apps.cbp.gov/te_reg/cancel.asp?w=39* to cancel an in person registration, or *https://apps.cbp.gov/te_reg/cancel.asp?w=40* to cancel a webinar registration.

ADDRESSES: The meeting will be held at the International Trade Commission in the Main Hearing Room 101, 500 E Street SW., Washington, DC 20436.

All visitors to the International Trade Commission Building must show a state-issued ID or Passport to proceed through the security checkpoint for admittance to the building. There will be signage posted directing visitors to the location of the Main Hearing Room.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection at (202) 344–1661 as soon as possible.

To facilitate public participation, we are inviting public comment on the issues to be considered by the committee prior to the formulation of recommendations as listed in the ''Agenda'' section below.

Comments must be submitted in writing no later than April 15, 2015, and must be identified by Docket No. USCBP–2015–0011, and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: Tradeevents@dhs.gov.* Include the docket number in the subject line of the message.
- *Fax:* (202) 325–4290
- *Mail:* Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Room 3.5A, Washington, DC 20229.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number for this action. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. Do not submit personal information to this docket.

Docket: For access to the docket or to read background documents or comments, go to *http://www.regulations.gov* and search for Docket Number USCBP–2015–0011. To submit a comment, see the link on the Regulations.gov Web site for ''How do I submit a comment?'' located on the right hand side of the main site page.

There will be multiple public comment periods held during the meeting on April 24, 2015. Speakers are requested to limit their comments to two (2) minutes or less to facilitate greater participation. Contact the individual listed below to register as a speaker. Please note that the public comment period for speakers may end before the time indicated on the schedule that is posted on the CBP Web page, *http://www.cbp.gov/trade/stakeholder-engagement/coac,* at the time of the meeting.

FOR FURTHER INFORMATION CONTACT: Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Room 3.5A, Washington, DC 20229; telephone (202) 344–1440; facsimile (202) 325–4290.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the *Federal Advisory Committee Act,* 5 U.S.C. Appendix 2. The Advisory Committee on Commercial Operations to U.S. Customs and Border Protection (COAC) provides advice to the Secretary of Homeland Security, the Secretary of the Treasury, and the Commissioner of U.S. Customs and Border Protection (CBP) on matters pertaining to the commercial operations of CBP and related functions within Department of Homeland Security and the Department of the Treasury.

Agenda

The Advisory Committee on Commercial Operations to U.S. Customs and Border Protection (COAC) will hear from the following subcommittees on the topics listed below and then will review, deliberate, provide observations, and formulate recommendations on how to proceed on those topics:

1. The One U.S. Government Subcommittee will discuss the Automated Commercial Environment, Partner Government Agencies and International Interoperability (World Customs Organization).

2. The Exports Subcommittee will address policy and a strategic approach regarding exports. The subcommittee will work in close collaboration with One U.S. Government Subcommittee.

3. The Trade Enforcement Subcommittee will discuss policy to include metrics and implementation through Centers of Excellence and Expertise.

4. The Global Supply Chain Subcommittee will discuss Customs—Trade Partnership Against Terrorism, Land ports of entry (Canada and Mexico), Ocean Cargo, In-Transit and Air Cargo Advance Screening.

5. The Trusted Trader Subcommittee will start work once the pilot has advanced to the implementation phase for testing U.S. Customs and Border Protection and Partner Government Agency trade benefits.

6. The Trade Modernization Subcommittee will discuss International Strategy (World Trade Organization Trade Facilitation Agreement, Trans Pacific Partnership, and World Customs Organization), Trade Expertise and Revenue Modernization.

Dated: April 1, 2015.

Maria Luisa Boyce,

Senior Advisor for Private Sector Engagement, Office of Trade Relations.

[FR Doc. 2015–07867 Filed 4–3–15; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2015–0006]

Notice of Public Meeting on the Proposed Revised Guidelines for Implementing Floodplain Management, as Revised Through the Federal Flood Risk Management Standard

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice is to announce a public meeting to solicit public input on the proposed ''Revised Guidelines for Implementing Executive Order 11988, Floodplain Management.''

DATES: The public meeting will be held in Dallas, TX on April 7, 2015, from 9:00 a.m. Central Time (CT) to 11:30 a.m. Central Time (CT).

ADDRESSES: The public meeting will be held in Dallas, TX, at Center for Community Cooperation, Room 100 Oak Corner, 2900 Live Oak Street, Dallas, TX 75204.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section by April 6.

Due to space constraints of the facility, seating will be limited to 140 participants for the meeting. To reserve a seat in advance for this meeting, please provide a request via email or mail with the contact information of the participant (including name, mailing address, and email address), the meeting(s) to be attended, and include the subject/attention line (or on the envelope if by mail): Reservation Request for FFRMS Meeting. Advance reservations are preferred three (3) business days prior to the meeting to ensure processing, but will be accepted until seating capacity is reached. Unregistered participants will be accepted after all participants with reservations have been accommodated and will be admitted on a first-come, first-serve basis, provided the person capacity is not exceeded. To submit reservations, please email: *FEMA-FFRMS@fema.dhs.gov* or send by mail to the address listed in the **FOR FURTHER INFORMATION CONTACT** caption.

To facilitate public participation, members of the public are invited to provide written comments on the issues to be considered at the public meeting. Comments may be submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Regulatory Affairs Division, Office of Chief Counsel, FEMA, 500 C Street SW., Room 8NE, Washington, DC 20472–3100.

Instructions: All submissions received must include the docket ID FEMA–2015–0006. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read comments received, go to *http://www.regulations.gov,* and search for the Docket ID FEMA–2015–0006.

FOR FURTHER INFORMATION CONTACT: Bradley Garner, 202–646–3901 or *FEMA-FFRMS@fema.dhs.gov. Mailing Address:* FFRMS, 1800 South Bell Street, Room 627, Arlington, VA 20598–3030. The Web site is *https://www.fema.gov/federal-flood-risk-management-standard-ffrms.*

SUPPLEMENTARY INFORMATION: On January 30, 2015, the President signed E.O. 13690, directing FEMA, on behalf of the Mitigation Framework Leadership Group, to publish for public comment draft revised Floodplain Management Guidelines to provide guidance to agencies on the implementation of E.O. 11988, as amended, consistent with a new Federal Flood Risk Management Standard. These draft revised Guidelines were developed by the Mitigation Framework Leadership Group in consultation with the Federal Interagency Floodplain Management Task Force. FEMA is publishing this Notice on behalf of the Mitigation Framework Leadership Group, which is chaired by FEMA, to solicit and consider public input on the draft revised Guidelines at a public meeting.

Background information about these topics is available on the FFRMS Web site at *https://www.fema.gov/federal-flood-risk-management-standard-ffrms* or in the docket for this Notice at *www.regulations.gov* Docket ID FEMA–2015–0006.

The meeting is exempt from the Federal Advisory Committee Act (FACA), as the Mitigation Framework Leadership Group is an intergovernmental committee and falls under the intergovernmental committee exception to FACA, 41 CFR 102–3.40(g).

Authority: E.O. 11988, as amended; E.O. 13690.

Dated: March 31, 2015.

Brad Kieserman,

Deputy Associate Administrator for Federal Insurance, Federal Emergency Management Agency.

[FR Doc. 2015–07807 Filed 4–3–15; 8:45 am]

BILLING CODE 9111–47–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2015–0197]

Cooperative Research and Development Agreement: Unmanned Aircraft System Demonstration for Support of Coast Guard Missions in the Arctic

AGENCY: Coast Guard, DHS.

ACTION: Notice of intent; request for comments.

SUMMARY: The Coast Guard announces its intent to enter into a Cooperative Research and Development Agreement (CRADA) with Conoco Phillips Company (COP) to evaluate unmanned aircraft system (UAS) capabilities, benefits, risks and technical limitations of operating UAS from land and/or off a Coast Guard Cutter in a maritime environment. The Coast Guard will conduct flight testing and evaluation of UASs under a wide variety of simulated but realistic and relevant real-world maritime operational scenarios, such as ice operations, marine environmental monitoring, marine safety, search and rescue, and potentially other Coast Guard mission sets. While the Coast Guard is currently considering partnering with COP, the agency solicits public comment on the possible nature of and participation of other parties in the proposed CRADA. In addition, the Coast Guard also invites other potential non-Federal participants, who have the interest and capability to bring similar contributions to this type of research, to consider submitting proposals for consideration for similar CRADAs.

DATES: Comments must be submitted to the online docket via *http://www.regulations.gov,* or reach the Docket Management Facility, on or before April 20, 2015.

Synopses of proposals regarding future CRADAs must reach the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**) on or before April 27, 2015.

ADDRESSES: Submit comments using one of the listed methods, and see **SUPPLEMENTAL INFORMATION** for more information on public comments.

- *Online—http://www.regulations.gov* following Web site instructions.

- *Fax*—202–493–2251.
- *Mail* or *hand deliver*—Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001. Hours for hand delivery are 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays (telephone 202–366–9329).

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice or wish to submit proposals for future CRADAs, contact LT Keely Higbie, Project Official, Surface Branch, U.S. Coast Guard Research and Development Center (RDC), 1 Chelsea Street, New London, CT 06320, telephone 860–271–2815, email *Keely.J.Higbie@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826, toll free 1–800–647–5527.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to submit comments and related material on this notice. All comments received will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided.

Do not submit detailed proposals for future CRADAs to the Docket Management Facility. Instead, submit them directly to the Coast Guard (see **FOR FURTHER INFORMATION CONTACT**).

Comments should be marked with docket number USCG–2015–0197 and should provide a reason for each suggestion or recommendation. You should provide personal contact information so that we can contact you if we have questions regarding your comments; but please note that all comments will be posted to the online docket without change and that any personal information you include can be searchable online (see the **Federal Register** Privacy Act notice regarding our public dockets, 73 FR 3316, Jan. 17, 2008).

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

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

Discussion

CRADAs are authorized under 15 U.S.C. 3710(a).[1] A CRADA promotes the transfer of technology to the private sector for commercial use, as well as specified research or development efforts that are consistent with the mission of the Federal parties to the CRADA. The Federal party or parties agree with one or more non-Federal parties to share research resources, but the Federal party does not contribute funding.

CRADAs are not procurement contracts. Care is taken to ensure that CRADAs are not used to circumvent the contracting process. CRADAs have a specific purpose and should not be confused with other types of agreements such as procurement contracts, grants, and cooperative agreements.

Under the proposed CRADA, the Coast Guard would collaborate with one non-Federal participant. Together, the RDC and the non-Federal participant would identify and investigate the potential of the UAS to contribute to the Coast Guard's mission effectiveness and determine the utility of the UAS to support Coast Guard operations and assets at sea.

The RDC, with the non-Federal participant, will develop a demonstration test plan and evaluate the UAS using quantitative and qualitative measures under a wide variety of simulated but realistic and relevant real-world maritime operational scenarios The demonstration would be conducted both on land and/or on a cutter operating in an Arctic maritime environment over a period of approximately 14 days.

We anticipate that the Coast Guard's contributions under the proposed CRADA will include the following:

(1) Develop the demonstration test plan to be executed;

(2) Provide the cutter that the system will be installed on;

(3) Determine the electromagnetic compatibility of the system on the cutter to determine if safe flight operations can be accomplished;

(4) Conduct a Privacy Threshold Analysis as required for the demonstration to be conducted;

(5) Conduct a Privacy Impact Assessment as required for the demonstration to be conducted;

(6) Coordinate spectrum approval for the system to be used

(7) Develop, route, and receive an ''interim authority to test'' approval, authorizing the installation of the system onboard the cutter;

(8) Develop the interface control document, engineering change proposal, and technical data package as required to install the system onboard the cutter;

(9) Coordinate and receive interim flight clearance for the demonstration to be executed;

(10) Provide airspace coordination and de-confliction for execution of the demonstration test plan;

(11) Develop the communications plan to be used for the demonstration;

(12) Analyze demonstration test plan data in accordance with the CRADA demonstration test plan; and

(13) Develop the demonstration final report, which will document the methodologies, findings, conclusions, and recommendations of this CRADA work.

We anticipate that the non-Federal participants' contributions under the proposed CRADA will include the following:

(1) Provide UAS equipment, including air vehicles, land based ground control stations, forward eyes for the cutter, and all other equipment required to conduct the demonstration as described in the demonstration test plan;

(2) Provide operators for UAS equipment;

(3) Provide UAS technical data;

(4) Provide shipping for all UAS equipment to and from the cutter and other appropriate locations to be used under the CRADA;

(5) Install and remove the system and all UAS equipment from the cutter;

(6) Provide an approved certificate of authorization from the Federal Aviation Administration for the UAS equipment; and

(7) Required travel, associated personnel, and other expenses.

The Coast Guard reserves the right to select for CRADA participants all, some, or no proposals submitted for this CRADA. The Coast Guard will provide no funding for reimbursement of proposal development costs. Proposals and any other material submitted in response to this notice will not be returned. Proposals submitted are expected to be unclassified and have no more than five single-sided pages (excluding cover page, DD 1494, JF–12, etc.). The Coast Guard will select proposals at its sole discretion on the basis of:

[1] The statute confers this authority on the head of each Federal agency. The Secretary of DHS's authority is delegated to the Coast Guard and other DHS organizational elements by DHS Delegation No. 0160.1, para. II.B.34.

(1) How well they communicate an understanding of, and ability to meet, the proposed CRADA's goal; and

(2) How well they address the following criteria:

(a) Technical capability to support the non-Federal party contributions described; and

(b) Resources available for supporting the non-Federal party contributions described.

Currently, the Coast Guard is considering COP for participation in this CRADA. This consideration is based on the fact that COP has demonstrated its ability to operate UAS in an Arctic maritime environment, and its UAS's widespread use throughout the Department of Defense. However, we do not wish to exclude other viable participants from this or future similar CRADAs.

This is a technology demonstration effort. Since the goal of this CRADA is to identify and investigate the potential of the UAS to contribute to Coast Guard mission effectiveness in an Arctic maritime environment, non-Federal CRADA participants will not be excluded from any future Coast Guard procurements based solely on their participation in this CRADA. Special consideration will be given to small business firms/consortia, and preference will be given to business units located in the U.S.

This notice is issued under the authority of 5 U.S.C. 552(a).

Dated: March 20, 2015.

Captain Dennis C. Evans, USCG,

Commanding Officer, U.S. Coast Guard Research and Development Center.

[FR Doc. 2015–07848 Filed 4–3–15; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5864–N–01]

Mortgagee Review Board: Administrative Actions

AGENCY: Office of the Assistant Secretary for Housing–Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: In compliance with Section 202(c)(5) of the National Housing Act, this notice advises of the cause and description of administrative actions taken by HUD's Mortgagee Review Board against HUD-approved mortgagees.

FOR FURTHER INFORMATION CONTACT: Nancy A. Murray, Secretary to the Mortgagee Review Board, Department of Housing and Urban Development, 451 7th Street SW., Room B–133/3150, Washington, DC, 20410–8000; telephone (202) 708–2224 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Section 202(c)(5) of the National Housing Act (12 U.S.C. 1708(c)(5)) requires that HUD ''publish a description of and the cause for administrative action against a HUD-approved mortgagee'' by the Department's Mortgagee Review Board (''Board''). In compliance with the requirements of Section 202(c)(5), this notice advises of actions that have been taken by the Board in its meetings from October 1, 2013 to September 30, 2014.

I. Civil Money Penalties, Withdrawals of FHA Approval, Suspensions, Probations, Reprimands, and Administrative Payments

1. Affiliated Funding Corporation, Santa Ana, CA [Docket No. 14–1550–MR]

Action: On November 6, 2014, the Board issued a Notice of Administrative Action permanently withdrawing the FHA approval of Affiliated Funding Corporation (''AFC'').

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: AFC failed to notify HUD in accordance with HUD/FHA requirements that it had ceased business operations and its license was revoked by the State of California Department of Corporations; failed to comply with HUD's annual recertification requirements by failing to timely submit audited financial statements for fiscal year December 31, 2012; failed to properly underwrite FHA insured loans in accordance with HUD/FHA requirements in analyzing borrower liabilities, and documenting borrowers' incomes and gift funds; failed to comply with HUD/FHA's property flipping requirements; failed to ensure an FHA insured loan was not used as an investment; failed to resolve Automated Underwriting System findings and issues relating to appraisal reports; and failed to refund the unused Upfront Mortgage Insurance Premiums to a borrower.

2. American Fidelity Mortgage Services, Inc., Lisle, IL [Docket No. 14–1556–MR]

Action: On November 14, 2014, the Board entered into a settlement agreement with American Fidelity Mortgage Services, Inc. (''AFMS'') that required AFMS to pay a civil money penalty in the amount of $10,500 and indemnify the Department for the life of the loan on three (3) HUD/FHA insured loans.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: AFMS violated HUD/FHA's underwriting requirements when it approved a mortgage whose term exceeded the maximum length permitted by HUD; approved a mortgage for a borrower with unstable income; and approved a mortgage with debt-to-income ratios which exceeded HUD guidelines without acceptable compensating factors.

3. First Residential Mortgage Services Corporation, Englewood Cliffs, NJ [Docket No. 13–1339–MR]

Action: On January 14, 2014 the Board issued a Notice of Administrative Action withdrawing the FHA approval of First Residential Mortgage Services Corporation (''FRMSC'') for a period of five (5) years.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: FRMSC (a) violated the terms of two repayment plans in accordance with FRMSC's indemnification agreements with HUD; and (b) failed to adequately document the source of funds used for a down payment, for closing costs, or for the payment of outstanding liabilities in connection with thirteen (13) FHA insured loans.

4. Gateway Bank Mortgage, Inc., Raleigh, NC [Docket No. 13–1545–MR]

Action: On July 3, 2014, the Board entered into a Settlement Agreement with Gateway Bank Mortgage, Inc. (''GBM'') that required GBM, without admitting fault or liability, to pay a civil money penalty in the amount of $98,500 and to indemnify HUD with respect to four (4) FHA loans for any loss resulting from a default occurring within five (5) years from the date of endorsement.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: GBM (a) failed to comply with HUD's Quality Control requirements; (b) failed to conduct pre-endorsement reviews for Lender Insured loans; (c) failed to retain documentation in loan files; and (d) failed to properly verify and document gift funds.

5. JP Morgan Chase Bank NA, Iselin, NJ [Docket No. 13–1540–MR]

Action: On January 31, 2014, the Board voted to provide an administrative release as part of a settlement agreement between JP

Morgan Chase Bank, NA (''Chase'') and the United States that required Chase to pay the United States $614 million, of which HUD received $564.6 million.

Cause: The Board took this action as a result of an investigation into FHA mortgage fraud.

6. Liberty Mortgage Corporation, Erie, PA [Docket No. 13–1546–MR]

Action: On July 10, 2014, the Board entered into a Settlement Agreement with Liberty Mortgage Corporation (''LMC'') that required LMC, without admitting fault or liability, to pay HUD $294,788.56 for five outstanding indemnification agreements.

Cause: The Board took this action based on the following violation of HUD/FHA requirements alleged by HUD: LMC failed to remit payments to HUD/FHA in accordance with five (5) previously executed indemnification agreements.

7. LoanCare LLC f/k/a/FNF Servicing, Inc., Virginia Beach, VA [Docket No. 13–1323–MR]

Action: On April 10, 2014, the Board entered into a Settlement Agreement with LoanCare LLC f/k/a FNF Servicing, Inc. (''LoanCare'') that required LoanCare, without admitting fault or liability, to pay civil money penalties in the amount of $475,000, to indemnify HUD for any losses it may incur with respect to one loan, to refund loss mitigation incentive fees to HUD, and to refund any late fees and inspection fees improperly charged to borrowers.

Cause: The Board took this action based on the following violation of HUD/FHA requirements alleged by HUD: LoanCare failed to comply with HUD requirements regarding quality control plans, servicing, loss mitigation, foreclosure, documentation, default reporting, and the charging of late fees and inspection fees.

8. MB Financial Bank N.A., Chicago, Ill [Docket No.14–1655–MRT]

Action: On June 4, 2014, the Board entered into a Settlement Agreement with MB Financial (MB) requiring MB, without admitting fault or liability, to pay an administrative payment in the amount of $10,000.

Cause: MB failed to timely meet the Department's annual recertification requirements for its fiscal year ended December 31, 2012, by (a) failing to timely submit its audited financial statements and supplementary reports; (b) failing to timely pay its recertification fee; and (c) failing to timely submit its online certification.

9. Mortgage Now Inc., Shrewsbury, NJ [Docket No. 14–0000–MR]

Action: On August 19, 2014, the Board entered into a Settlement Agreement with Mortgage Now Inc. (''MN'') that required MN to pay a civil money penalty in the amount of $22,500, an administrative payment in the amount of $8,500 and payment in the amount of $37,309.89 under the terms of a previously signed indemnification agreements, and agreed to indemnify HUD for any losses it might suffer with respect to one loan.

Cause: The Board took this action based on the following violation of HUD/FHA requirements alleged by HUD: MN (a) failed to notify HUD it paid a $10,000 fine to the Commonwealth of Pennsylvania's Department of Banking and Securities, Bureau of Compliance and Licensing relating to the cancellation of MN's surety bond; (b) failed to notify HUD it was ordered by the State of California to discontinue disbursing trust funds in the State due to the cancellation of MN's surety bond; (c) falsely certified on its 2012 Annual Certification that it had not been sanctioned by any state agency, and (d) failed to pay HUD amounts it owed under indemnification agreements.

10. Ofori and Associates, PC., Washington, DC [Docket No. 10–1434–MRT]

Action: On February 18, 2014, the Board issued a Notice of Administrative Action to withdraw the FHA approval of Ofori and Associated, P.C., (''Ofori'') for a period of one (1) year.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: Ofori failed to meet HUD's requirement that FHA-approved non-supervised mortgagees must derive at least 50% of their annual gross revenue from the lending or investing of funds in real estate mortgages or a directly related field.

11. Residential Lending Services, Inc. Newark, NJ [Docket No. 13–1547–MR]

Action: On May 13, 2014 the Board issued a Notice of Administrative Action permanently withdrawing the FHA approval of Residential Lending Services, Inc., (''RLS'').

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: RLS failed to notify HUD that it had filed for bankruptcy and ceased operations. In addition, RLS failed to submit audited financial statements for fiscal years 2011 and 2012.

12. RH Lending, Colleyville, TX [Docket No. 13–1548–MR]

Action: On July 8, 2014, the Board entered into a Settlement Agreement with RH Lending (''RH'') under which RH, without admitting fault or liability, agreed not to contest the Board's permanent withdrawal of RH's FHA approval, and which required RH to pay a civil money penalty in the amount of $300,000.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: RH (a) submitted a false certifications on forty-one (41) FHA insured loans; (b) disbursed manufactured home loan proceeds to an unlicensed installer; (c) violated HUD's prohibition to pay or accept kickbacks, referral fees and/or splitting fees; and (d) provided false information, by its CEO, to the Mortgagee Review Board.

13. Sun Home Loans, Inc., Vineland, NJ [Docket No. 14–1679–MR]

Action: On April 10, 2014, the Board entered into a Settlement Agreement with Sun Home Loans (''SHL'') that required SHL, without admitting fault or liability, to pay a civil money penalty in the amount of $30,000.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: SHL failed to timely notify HUD of its (a) merger with Sun National Bank; (b) failed to notify HUD it had a change in its corporate officers; and (c) failed to timely submit its annual audited financial statements for fiscal years 2011 and 2012.

14. SunTrust Mortgage, Inc., Richmond, VA [Docket No. 12–1651–MR]

Action: On June 16, 2014, the Board voted to release administrative claims it might have against Suntrust Mortgage, Inc. (''SM''), in conjunction with a settlement agreement entered into between SM, the United States, the Consumer Protection Financial Bureau, and several states that required, among other things, that SM comply with specified servicing standards, provide certain consumer relief, and pay a settlement amount of $418 million, of which HUD received $300 million.

Cause: The Board took this action as a result of an investigation into FHA mortgage fraud.

15. The First Mortgage Corporation, Flossmoor, IL [Docket No. 14–1544–MR]

Action: On May 13, 2014, the Board issued a Notice of Administrative Action permanently withdrawing the FHA approval of The First Mortgage Corporation (''FMC'').

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: FMC: (a) Failed to notify HUD that it had ceased operations; (b) failed to notify HUD that it was the subject of an involuntary Chapter 7 Bankruptcy petition filed on December 7, 2012; (c) Failed to notify HUD that its license had been revoked and that a fine was assessed by the Department of Financial and Professional Regulation, Division of Banking, State of Illinois; and (d) failed to submit its annual recertification and acceptable audited financial statement, and to pay the annual recertification fee for its fiscal year ending June 30, 2013.

16. US Bank, N.A. Minneapolis, MN [Docket No. 12–1541–MR]

Action: On June 25, 2014, the Board voted to provide an administrative release in conjunction with a Settlement Agreement entered into between US Bank (''USB'') and the United States that required USB, without admitting fault or liability, to pay a settlement amount of $200 million, of which HUD would receive $144,199,970.

Cause: The Board took this action as a result of an investigation into mortgage fraud.

17. WCS Lending, Boca Raton, FL [Docket No. 12–1645–MR]

Action: On, July 10, 2014, the Board issued a Notice of Administrative Action withdrawing the FHA approval of WCS Lending (''WCS'') for a period of five years.

Cause: The Board took this action based on the following violations of HUD/FHA requirements alleged by HUD: WCS failed to notify HUD that it: (a) Had ceased operations; (b) filed an Assignment for the benefit of Creditors in the State of Florida on December 18, 2013; (c) entered into a Consent Order with the Commissioner of Banks for the Commonwealth of Massachusetts on January 13, 2012; and (d) entered into a Consent Agreement and Order with the Commonwealth of Pennsylvania Department of Banking, Bureau of Compliance and Licensing and on July 3, 2012. In addition, HUD alleged that WCS submitted a false certification on its annual recertification dated February 13, 2013, failed to comply with the terms of (6) indemnification agreements, and approved an FHA insured loan with excessive debt-to-income ratios.

II. Lenders That Failed To Timely Meet Requirements for Annual Recertification of HUD/FHA Approval

Action: The Board entered into settlement agreements with the lenders listed below, which required the lender to pay either a $3,500 or $7,500 civil money penalty without admitting fault or liability.

Cause: The Board took this action based upon allegations that the lenders listed below failed to comply with the Department's annual recertification requirements in a timely manner.

1. Citizens Community Credit Union, Fort Dodge, IA ($3,500) *[Docket No. 14–1603–MRT]*
2. Community Bank and Trust, Neosho, Mo ($3,500) *[Docket No. 14–1607–MRT]*
3. Cooperativa de Ahorro y Credito, Caguas, PR ($3,500) *[Docket No. 13–1500–MRT]*
4. Coral Mortgage Bankers Corporation, Hackensack, NJ ($3,500) *[Docket No. 14–1699–MRT]*
5. First State Bank, Barbourville, WV ($3,500) *[Docket No. 14–1724–MRT]*
6. Mortgage.Shop, LLC, Hampton, VA ($7,500) *[Docket No. 14–1717–MRT]*
7. No. thland Financial, Steele, ND ($3,500) *[Docket No. 14–1581–MRT]*
8. STC Capital Bank, St. Charles, IL ($3,500) *[Docket No. 14–1622–MRT]*
9. Security First, Cheyenne, WY ($3,500) *[Docket No. 14–1616–MRT]*
10. Southern Missouri Bank of Marshfield, Marshfield, MO ($3,500) *[Docket No. 14–1568–MRT]*
11. Sunmark FCU, Latham, NY ($3,500) *[Docket No. 14–1597–MRT]*

III. Lenders That Failed To Meet Requirements for Annual Recertification of HUD/FHA Approval

Action: The Board voted to withdraw the FHA approval of each of the lenders listed below for a period of one (1) year, or permanently.

Cause: The Board took this action based upon allegations that the lenders listed below were not in compliance with the Department's annual recertification requirements.

1. 1st Commonwealth Bank of Virginia, Arlington, VA (One Year Withdrawal) *[Docket No. 15–1511–MRT]*
2. Affordable Home Loans, Inc., Midvale, UT (One Year Withdrawal) *[Docket No. 13–1306–MRT]*
3. Allstate Financial Services, Pittsburgh, PA (One Year Withdrawal) *[Docket No. 14–1623–MRT]*
4. American Home Equity Corp., Irvine, CA (One Year Withdrawal) *[Docket No. 15–1512–MRT]*
5. Atlantic Consolidated LLC, Portland, ME (One Year Withdrawal) *[Docket No. 15–1513–MRT]*
6. Bankerswest Funding Corp., City of Industry, CA (One Year Withdrawal) *[Docket No. 15–1514–MRT]*
7. Bay Bank and Trust Company, Panama City, FL (One Year Withdrawal) *[Docket No. 15–1515–MRT]*
8. Bellco First Federal Credit Union, Denver, CO (One Year Withdrawal) *[Docket No. 15–1516–MRT]*
9. Brightgreen Home Loans, Inc. Charlotte, CO (One Year Withdrawal) *[Docket No. 15–1517–MRT]*
10. Carver Federal Savings Bank, New York, NY (One Year Withdrawal) *[Docket No. 13–1495–MRT]*
11. Central Progressive Bank, Lacombe, LA (Permanent Withdrawal) *[Docket No. 15–1518–MRT]*
12. Chemung Canal Trust Company, Elmira, NY (One Year Withdrawal) *[Docket No. 14–1663–MRT]*
13. CLO Funding Corp. Piscataway, NJ (One Year Withdrawal) *[Docket No. 15–1519–MRT]*
14. Community Reinvestment Fund Inc. Minneapolis, MN (One Year Withdrawal) *[Docket No. 14–1468–MRT]*
15. Cornerstone Mortgage Center, Inc. Sedalia, MO (Permanent Withdrawal) *[Docket No. 15–1520–MRT]*
16. Curtis Mortgage Company, Inc., Knoxville, TN (One Year Withdrawal) *[Docket No. 15–1521–MRT]*
17. DTI Employees Credit Union, Flatrock, MI (One Year Withdrawal) *[Docket No. 15–1522–MRT]*
18. East West Bank, El Monte, CO (One Year Withdrawal) *[Docket No. 15–1523–MRT]*
19. Euro International Mortgage, Inc., Delray Beach, FL (One Year Withdrawal) *[Docket No. 15–1524–MRT]*
20. Excel Bank, Sedalia, MO (Permanent Withdrawal) *[Docket No. 15–1525–MRT]*
21. First Atlantic Mortgage, LLC, Peachtree City, GA (One Year Withdrawal) *[Docket No. 15–1526–MRT]*
22. First Meridian Mortgage Corp., Tampa, FL (One Year Withdrawal) *[Docket No. 15–1527–MRT]*
23. First New England Mortgage Corp., Nashua, NH (One Year Withdrawal) *[Docket No. 15–1528–MRT]*
24. General Electric Employees FCU, Milford, CT (One Year Withdrawal) *[Docket No. 15–1529–MRT]*
25. Glasgow, Inc., Greenwood Village, CO (One Year Withdrawal), *[Docket No. 15–1530–MRT]*
26. Global Funding Services Corp., Costa Mesa, CA (One Year Withdrawal) *[Docket No. 15–1531–MRT]*
27. Grand Rivers Community Bank, Grand Chain, IL (One Year Withdrawal) *[Docket No. 13–1488–MRT]*
28. Graystone Solutions, Inc., Sudbury, MA (One Year Withdrawal) *[Docket No. 15–1532–MRT]*
29. Highland Mortgage Company, Birmingham, AL (One Year Withdrawal) *[Docket No. 15–1533–MRT]*
30. Homebuyers Resource Group, Inc., Baton Rouge, LA (One Year Withdrawal) *[Docket No. 14–1681–MRT]*
31. Hyde Park Bank and Trust Co, Chicago, IL (One Year Withdrawal) *[Docket No. 15–1534–MRT]*
32. Ideal Federal Savings Bank, Baltimore, MD (Permanent Withdrawal) *[Docket No. 15–1535–MRT]*
33. Illinois Service Federal Savings and Loan, Chicago, IL (One Year Withdrawal) *[Docket No. 14–1688–MRT]*
34. Ironwood Value Servicer, Inc., New York, NY (One Year Withdrawal) *[Docket No. 15–1536–MRT]*
35. L & G Mortgage Banc, Inc., Scottsdale, AZ (One Year Withdrawal) *[Docket No. 15–1537–MRT]*

36. Liberty Bank, FSB, West Des Moines, IA (One Year Withdrawal) *[Docket No. 13–1332–MRT]*
37. Litton Loan Servicing, LP, Houston, TX (One Year Withdrawal) *[Docket No. 15–1538–MRT]*
38. Massachusetts Housing Investment Corp., Boston, MA (One Year Withdrawal) *[Docket No. 15–1539–MRT]*
39. McLaughlin Lending Services, LLC, Lacey, WA (One Year Withdrawal) *[Docket No. 13–1515–MRT]*
40. Merchants and Farmers Bank, Kosciusko, MS (One Year Withdrawal) *[Docket No. 15–1540–MRT]*
41. Montana Mortgage Company, Kalispell, MT (One Year Withdrawal), *[Docket No. 15–1541–MRT]*
42. Morgan Stanley Credit Corp., Vernon Hills, IL (One Year Withdrawal), *[Docket No. 15–1542–MRT]*
43. Mortgage Security, Inc., Teaticket, MA (One Year Withdrawal), *[Docket No. 15–1543–MRT]*
44. MS Mortgage, LLC, Austin, TX (One Year Withdrawal), *[Docket No. 15–1544–MRT]*
45. MVB Mortgage Corp., Southfield, MI (One Year Withdrawal), *[Docket No. 15–1546–MRT]*
46. Natixis Real Estate Capital, Inc., New York, NY (One Year Withdrawal), *[Docket No. 15–1547–MRT]*
47. Neighborhood Credit Union, Dallas, TX (One Year Withdrawal), *[Docket No. 15–1548–MRT]*
48. No. thern Mass Telephone Workers Community Credit Union, Lowell, MA (One Year Withdrawal), *[Docket No. 15–1549–MRT]*
49. ORNL Federal Credit Union, Oak Ridge, TN (One Year Withdrawal), *[Docket No. 13–1512–MRT]*
50. Partner Colorado Credit Union, Arvada, CO (One Year Withdrawal), *[Docket No. 15–1550–MRT]*
51. Premier Mortgage Services, Salt Lake City, UT (One Year Withdrawal), *[Docket No. 15–1551–MRT]*
52. Rabobank NA, Arroyo Granda, CA (One Year Withdrawal), *[Docket No. 12–1603–MRT]*
53. Radclift Capital Mortgage, LLC, New York, NY (One Year Withdrawal), *[Docket No. 15–1552–MRT]*
54. Real Mortgage Partners, Inc., Austin, TX (One Year Withdrawal), *[Docket No. 15–1553–MRT]*
55. Roy Al Finance and Loan Co., El Segundo, CA (One Year Withdrawal), *[Docket No. 14–1559 and 14–1560–MRT]*
56. Saxon Equity Mortgage Bankers, Ltd., Hauppauge, NY (One Year Withdrawal), *[Docket No. 15–1554–MRT]*
57. Sierra Pacific Home Loans, Inc., Fresco, CA (One Year Withdrawal), *[Docket No. 15–1555–MRT]*
58. Southeastern Capital Corp., Birmingham, AL (One Year Withdrawal), *[Docket No. 15–1556–MRT]*
59. State Investors Bank, Metaire, LA (One Year Withdrawal), *[Docket No. 15–1557–MRT]*
60. Sunset Mortgage Company, Portland, OR (One Year Withdrawal), *[Docket No. 15–1558–MRT]*
61. Sunshine Funding USA LLC, South Portland, ME (One Year Withdrawal), *[Docket No. 15–1559–MRT]*
62. Sunshine Savings Bank, Tallahassee, FL (One Year Withdrawal), *[Docket No. 14–1575–MRT]*
63. TCIF LLC, Armonk, NY (One Year Withdrawal), *[Docket No. 15–1560–MRT]*
64. Texstar Lending, Inc., Dallas, TX (One Year Withdrawal), *[Docket No. 15–1561–MRT]*
65. United California Systems International, Los Angeles, CA (One Year Withdrawal), *[Docket No. 13–1516–MRT]*
66. Venture One Mortgage Corporation, National City, CA (One Year Withdrawal), *[Docket No. 15–1562–MRT]*
67. Virginia Commonwealth Bank, Petersburg, VA (One Year Withdrawal), *[Docket No. 15–1563–MRT]*
68. Vision Bank, Panama City Beach, FL (Permanent Withdrawal), *[Docket No. 15–1564–MRT]*

Dated: March 27, 2015.

Biniam Gebre,

Acting Assistant Secretary for Housing–Federal Housing Commissioner.

[FR Doc. 2015–07868 Filed 4–3–15; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[15X L1109AF LLUT030000 L16100000. PH0000 24 1A]

Call for Nominations for Grand Staircase-Escalante National Monument Advisory Committee

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to request public nominations for five members of the Grand Staircase-Escalante National Monument Advisory Committee (GSENM–MAC). The GSENM–MAC provides advice and recommendations to GSENM on science issues and the achievement of GSENM Management Plan objectives. The GSENM will receive public nominations for 30 days from the date this notice is published.

DATES: A completed nomination form and accompanying nomination/recommendation letters must be received at the address listed below no later than May 6, 2015.

ADDRESSES: Completed applications should be sent to the Bureau of Land Management, Grand Staircase-Escalante National Monument Headquarters Office, 669 South Highway 89A, Kanab, Utah 84741.

FOR FURTHER INFORMATION CONTACT: Larry Crutchfield, Public Affairs Officer, GSENM Headquarters Office, 669 South Highway 89A, Kanab, Utah 84741; phone 435–644–1209, or email: *lcrutchf@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to leave a message or question for the above individual. The FIRS is available 24 hours a day, seven days a week. Replies are provided during normal business hours.

SUPPLEMENTARY INFORMATION: The Secretary of the Interior established the GSENM–MAC pursuant to section 309 of the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1739) and in conformity with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C. Appendix 2). The 15 appointed members of the GSENM–MAC perform several primary tasks: (1) Review evaluation reports produced by the Management Science Team and make recommendations on protocols and projects to meet overall objectives; (2) Review appropriate research proposals and make recommendations on project necessity and validity; (3) Make recommendations regarding the allocation of research funds through review of research and project proposals, as well as the research needs identified through the evaluation process above; and (4) Be available to provide support for issues such as protocols for specific projects.

The Secretary appoints persons to the GSENM–MAC who are representatives of the various major citizen interests pertaining to land-use planning and management of the lands under BLM management in the GSENM.

Each GSENM–MAC member will be a person who, as a result of training and experience, has knowledge or special expertise which qualifies him or her to provide advice from among the categories of interest listed below. As appropriate, certain committee members may be appointed as Special Government Employees. Special Government Employees serve on the committee without compensation, and are subject to financial disclosure requirements in the Ethics in Government Act and 5 CFR part 2634.

This notice, published pursuant to 43 CFR 1784.4–1 and in accordance with the Approved Management Plan for Grand Staircase-Escalante National Monument (February 2000), solicits public nominations to fill five positions on the committee. Any individual or organization may nominate one or more persons to serve on the GSENM–MAC. Individuals may nominate themselves for GSENM–MAC membership.

Nomination forms may be obtained from the GSENM Headquarters Office, address listed above. Nominations packages must include a letter of nomination, a completed nomination form, letters of reference from the represented interest groups or organizations associated with the interests represented by the candidate, and any other information that speaks to the candidate's qualifications.

The five open member positions are: One member, a Livestock Grazing permittee operating within the Monument to represent livestock operators on the Monument; one member, a State representative to represent the State of Utah's interest in the Monument; one member, a Tribal representative to represent Tribal interests in the Monument; one member will be appointed as a special government employee with expertise in Paleontology; and, one member will be appointed as a special government employee with expertise in Systems Ecology.

The specific category the nominee would represent should be identified in the letter of nomination and in the nomination form. The BLM-Utah State Director and Monument Manager will review the nomination forms and letters of reference. The State Director shall confer with the Governor of the State of Utah on potential nominations, then she will forward recommended nominations to the Secretary of the Interior who has responsibility for making the appointments.

Members will serve without monetary compensation, but will be reimbursed for travel and per diem expenses at current U.S. General Services Administration rates. The Committee will meet at least twice a year. Additional meetings may be called by the Designated Federal Officer.

Authority: 43 CFR 1784.4–1.

Jenna Whitlock,

Acting State Director.

[FR Doc. 2015–07805 Filed 4–3–15; 8:45 am]

BILLING CODE 4310–DQ–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[15X LLWO120920.L16300000.NU0000.241A; 4500077785]

Notice of Extension of Public Comment Period for Proposed Idaho Statewide Supplementary Rules

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of extension.

SUMMARY: The Bureau of Land Management (BLM) published a Notice of Proposed Supplementary Rules in the **Federal Register** on February 3, 2015 [80 FR 5781] and announced the beginning of a 60-day public comment period. In response to technical difficulties with one of the methods for taking comments, the BLM is extending the public comment period for the Proposed Supplementary Rules until May 5, 2015.

DATES: The comment period is extended to May 5, 2015.

ADDRESSES: Please mail or hand-deliver comments to Keith McGrath, State Chief Law Enforcement Ranger, Bureau of Land Management, Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho 83709; or email comments to *BLM_ID_LE_SUPPRULES@blm.gov.*

FOR FURTHER INFORMATION CONTACT: Keith McGrath, Bureau of Land Management, (208) 373–4046, *KMcGrath@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may contact Mr. McGrath by calling the Federal Information Relay Service (FIRS) at (800) 877–8339, 24 hours a day, 7 days a week. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The supplementary rules are proposed to promote consistency between State and Federal regulations with respect to certain uses of Federal lands under BLM jurisdiction in Idaho. The supplementary rules would allow BLM law enforcement personnel and partner agencies to address gaps in current regulations, to continue enforcing existing public land regulations in a manner consistent with current State of Idaho statutes, and would provide more clarity for public land users, especially visitors to BLM recreation areas.

The original notice containing the proposed supplementary rules included the email address *BLM_ID_LE_SUPPRULES@blm.gov* as one of three ways to submit written comments on the Proposed Supplementary Rules. A 60-day comment period began on February 3, 2015, the day the notice was published in the **Federal Register**. The notice advised that the BLM would accept written comments by any of the three methods listed until April 6, 2015. A name, phone number and additional email address were also provided as a point of contact for further information. On March 12, 2015, the BLM became aware that the email account for submitting comments was not activated and therefore could not be used to submit comments. The email address was activated the same day, leaving 26 days in the original comment period. As a result, the BLM is extending the comment period until May 5, 2015, to ensure adequate time for those who wish to submit comments to do so. Any of the three methods listed in the **ADDRESSES** section of this notice may be used to submit comments until that date. The BLM is not obligated to consider comments postmarked or received in person or by electronic mail after May 5, 2015.

Before including your address, phone number, email address, or other personal identifying information, be aware that your 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 we will be able to do so.

Authority: 43 CFR 8365.1–6

Peter J. Ditton,

Acting BLM Idaho State Director.

[FR Doc. 2015–07806 Filed 4–3–15; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R6–ES–2015–N063]; [FXES1113 0600000–156–FF06E00000]

Endangered and Threatened Wildlife and Plants; Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct activities intended to enhance the survival of target endangered or threatened species. The Endangered Species Act of 1973, as amended (Act), prohibits certain activities with endangered and threatened species unless authorized by a Federal permit. The Act requires that we invite public comment before issuing these permits.

DATES: To ensure consideration, please send your written comments by May 6, 2015.

ADDRESSES: You may submit comments or requests for copies or more information by any of the following methods. Alternatively, you may use one of the following methods to request hard copies or a CD–ROM of the documents. Please specify the permit

you are interested in by number (*e.g.*, Permit No. TE–XXXXXX).

• *Email: permitsR6ES@fws.gov*. Please refer to the respective permit number (*e.g.*, Permit No. TE–XXXXXX) in the subject line of the message.

• *U.S. Mail*: Ecological Services, U.S. Fish and Wildlife Service, P.O. Box 25486–DFC, Denver, CO 80225.

• *In-Person Drop-off, Viewing, or Pickup:* Call (719) 628–2670 to make an appointment during regular business hours at 134 Union Blvd., Suite 645, Lakewood, CO 80228.

FOR FURTHER INFORMATION CONTACT: Kathy Konishi, Recovery Permits Coordinator, Ecological Services, (719) 628–2670 (phone); *permitsR6ES@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

Background

The Act (16 U.S.C. 1531 *et seq.*) prohibits certain activities with endangered and threatened species unless authorized by a Federal permit. Along with our implementing regulations at 50 CFR 17, the Act provides for permits and requires that we invite public comment before issuing these permits.

A permit granted by us under section 10(a)(1)(A) of the Act authorizes the permittees to conduct activities with U.S. endangered or threatened species for scientific purposes, enhancement of propagation or survival, or interstate commerce (the latter only in the event that it facilitates scientific purposes or enhancement of propagation or survival). Our regulations implementing section 10(a)(1)(A) for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Applications Available for Review and Comment

We invite local, State, and Federal agencies and the public to comment on the following applications. Documents and other information the applicants have submitted with their applications are available for review, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552).

Permit Application Number TE220827

Applicant: Bryce Canyon National Park, Bryce Canyon, UT.

The applicant requests a permit renewal to conduct presence/absence surveys for southwestern willow flycatcher (*Empidonax traillii extimus*) in Bryce Canyon National Park, Utah for the purpose of enhancing the species' survival.

Permit Application Number TE183430

Applicants: Headwaters Corporation, Kearney, NE.

The applicants request a permit renewal to conduct presence/absence surveys for interior least tern (*Sterna antillarum athalassos*) in Nebraska for the purpose of enhancing the species' survival.

Permit Application Number TE045150

Applicant: Oklahoma State University, Stillwater, OK.

The applicant requests an amendment to a permit to conduct presence/absence surveys and propagate American burying beetle (*Nicrophorus americanus*) in Nebraska, South Dakota, Kansas, Oklahoma and Arkansas for the purpose of enhancing the species' survival.

Permit Application Number TE220827

Applicant: Colorado Natural Heritage Program, Colorado State University, Fort Collins, CO.

The applicant requests a permit to conduct presence/absence surveys for New Mexico meadow jumping mouse (*Zapus hudsonius luteus*) in Colorado for the purpose of enhancing the species' survival.

Permit Application Number TE01741B

Applicant: Colorado Department of Transportation, Lakewood, CO.

The applicant requests a permit to conduct presence/absence surveys for New Mexico meadow jumping mouse (*Zapus hudsonius luteus*) in Colorado for the purpose of enhancing the species' survival.

Permit Application Number TE054237

Applicant: USDA Forest Service Rocky Mountain Region, Golden, CO.

The applicant requests an amendment to conduct presence/absence surveys for southwestern willow flycatcher (*Empidonax traillii extimus*) in all national forests in Colorado for the purpose of enhancing the species' survival.

National Environmental Policy Act

In compliance with the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), we have made an initial determination that the proposed activities in these permits are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement (516 DM 6 Appendix 1, 1.4C(1)).

Public Availability of Comments

All comments and materials we receive in response to these requests will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*).

Michael G. Thabault,

Assistant Regional Director, Mountain-Prairie Region.

[FR Doc. 2015–07714 Filed 4–3–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Ocean Energy Management

Alaska, Outer Continental Shelf, Chukchi Sea Planning Area, Oil and Gas Lease Sale 193; MMAA 104000

AGENCY: Bureau of Ocean Energy Management (BOEM), Interior.

ACTION: Notice of Availability of the Record of Decision for Chukchi Sea Outer Continental Shelf Oil and Gas Lease Sale 193.

SUMMARY: BOEM announces the availability of the Record of Decision (ROD) for remanded Chukchi Sea Outer Continental Shelf (OCS) Oil and Gas Lease Sale 193 (Lease Sale 193), originally held on February 6, 2008. BOEM prepared the Chukchi Sea Oil and Gas Lease Sale 193 Final Second Supplemental Environmental Impact Statement (SEIS) to address a deficiency identified by the U.S. Court of Appeals for the Ninth Circuit (Court of Appeals) in its opinion of January 22, 2014. The Final Second SEIS considers the potential impacts of oil and gas activities that could result from leases issued in Lease Sale 193, including the full range of likely production if oil production were to occur (80 FR 9266, Feb. 20, 2015).

In making her decision, the Assistant Secretary for Land and Minerals Management (ASLM) considered four alternatives for Lease Sale 193, the

potential impacts for each alternative as presented in the Final Second SEIS, and all comments received throughout the National Environmental Policy Act (NEPA) process. After careful consideration, the ASLM selected BOEM's preferred alternative, to affirm Lease Sale 193 and leases previously issued. This selection meets the purpose and need for the proposed action, promotes orderly resource development with protection of the human, marine, and coastal environments, and ensures that the public receives an equitable return for these resources and that free-market competition is maintained.

FOR FURTHER INFORMATION CONTACT: For more information on the ROD, you may contact Mr. Michael Routhier, Bureau of Ocean Energy Management, Alaska OCS Region, 3801 Centerpoint Drive, Ste. 500, Anchorage, Alaska 99503. You may also contact Mr. Routhier by telephone at 907–334–5265.

SUPPLEMENTARY INFORMATION: In the Lease Sale 193 Final Second SEIS, BOEM evaluated four alternatives summarized below:

Alternative I—The Proposed Action: This alternative entails offering the entire Chukchi Sea Program Area for leasing. The area available for leasing under this alternative consists of approximately 34 million acres within the Chukchi Sea. Specifically excluded from this alternative was the 25 mile (40 kilometer (km)) buffer implemented by then-Secretary Kempthorne in the Final OCS Oil and Gas Leasing Program for 2007–2012.

Alternative I was not selected for the original sale in 2008. Since Lease Sale 193 has already occurred, all of the leases originally issued are contained in an area smaller than, but covered by, Alternative I. Accordingly, selecting Alternative I would result in affirming Lease Sale 193 and all of the leases issued as a result of the sale.

Alternative II—No Lease Sale: This alternative, which is the ''No Action Alternative,'' entails offering no areas in the Chukchi Sea for leasing. The opportunity to develop oil and gas resources that could have resulted from the lease sale would be precluded or postponed. This ''no action'' alternative would avoid any potential environmental impacts associated with the other alternatives. Since Lease Sale 193 has already occurred, selecting Alternative II would result in not affirming the lease sale and voiding or vacating the remaining 460 leases issued in 2008 as a result of Lease Sale 193.

Alternative III—Corridor I Deferral: This alternative entails offering the entire Chukchi Sea Program Area for leasing, minus a corridor (referred to as Corridor I) extending 60 miles (97 km) offshore along the coastward edge of the Program Area to protect important bowhead whale habitat. The area available for leasing under this alternative consists of approximately 24 million acres in the Chukchi Sea.

Five leases issued as a result of Lease Sale 193 are contained within Corridor I. Accordingly, selecting Alternative III would result in affirming the lease sale and all leases, except the Corridor I area, and those five leases, which would be vacated.

Alternative IV—Corridor II Deferral: Alternative IV was the alternative originally selected for Lease Sale 193 and BOEM's preferred alternative in the Final Second SEIS. This alternative entails offering the entire Chukchi Sea Program Area available for leasing, minus a corridor (referred to as Corridor II) along the coastward edge of the Program Area. The area covered by Corridor II is a subset of the area covered by Corridor I. The area for leasing under this Alternative consists of 29.4 million acres. Selecting Alternative IV would result in affirming Lease Sale 193 and all existing leases. Alternative IV was BOEM's preferred alternative because it represented a reasonable balance between environmental, economic, and technical considerations mandated by the OCS Lands Act.

After careful consideration, the ASLM has decided to select Alternative IV and affirm Lease Sale 193 and the leases issued as a result of the sale. As described in the ROD, the ASLM fully considered the potential impacts of this action as described in the Final Second SEIS, considered potential mitigation of potential impacts through deferral of sensitive OCS areas and implementation of lease stipulations, and articulated factors considered in selecting the agency's preferred alternative. In making her decision, the ASLM confirmed the previously adopted lease stipulations as being the most practicable means of reducing or avoiding impacts to the environment, while also noting that the OCS Lands Act provides BOEM and BSEE broad discretion to require additional mitigations on postlease activities.

In affirming Lease Sale 193 and preserving the opportunity to explore and possibly develop all the leases issued in Chukchi Sea Lease Sale 193, the ASLM's decision balances the national policies mandated by Congress to expeditiously and safely develop the natural resources of the OCS, subject to environmental safeguards, in a manner that is consistent with the maintenance of competition and other national needs. The ASLM's selection of Alternative IV, and adoption of all practicable mitigation measures at the lease sale stage, balances the goal of orderly resource development with protection of the human, marine, and coastal environments, while also ensuring that the public receives an equitable return for these resources and that free-market competition is maintained.

Record of Decision Availability: To obtain a single printed or CD copy of the ROD for Chukchi Sea Lease Sale 193, you may contact BOEM, Alaska OCS Region, Alaska OCS Region, 3801 Centerpoint Drive, Suite 500, Anchorage, Alaska 99503 or by telephone at 1–907–334–5200. An electronic copy of the ROD is available on BOEM's Internet Web site at *http://www.boem.gov/About-BOEM/BOEM-Regions/Alaska-Region/Leasing-and-Plans/Leasing/Lease-Sales/Sale-193/Index.aspx.*

Authority: This NOA is published pursuant to the regulations (40 CFR part 1506) implementing the provisions of the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321 *et seq.*).

Dated: March 31, 2015.

Abigail Ross Hopper,

Director, Bureau of Ocean Energy Management.

[FR Doc. 2015–07860 Filed 4–3–15; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2015–N060; FXES11130100000–156–FF01E00000]

Endangered Species; Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for recovery permits to conduct activities with the purpose of enhancing the survival of an endangered species. The Endangered Species Act of 1973, as amended (Act), prohibits certain activities with endangered species unless a Federal permit allows such activity. The Act also requires that we invite public comment before issuing such permits.

DATES: To ensure consideration, please send your written comments by May 6, 2015.

ADDRESSES: Program Manager for Restoration and Endangered Species Classification, Ecological Services, U.S. Fish and Wildlife Service, Pacific Regional Office, 911 NE 11th Avenue, Portland, OR 97232–4181. Please refer to the permit number for the application when submitting comments.

FOR FURTHER INFORMATION CONTACT: Colleen Henson, Fish and Wildlife Biologist, at the above address, or by telephone (503–231–6131) or fax (503–231–6243).

SUPPLEMENTARY INFORMATION:

Background

The Act (16 U.S.C. 1531 *et seq.*) prohibits certain activities with respect to endangered and threatened species unless a Federal permit allows such activity. Along with our implementing regulations in the Code of Federal Regulations (CFR) at 50 CFR 17, the Act provides for certain permits, and requires that we invite public comment before issuing these permits for endangered species.

A permit granted by us under section 10(a)(1)(A) of the Act authorizes the permittee to conduct activities (including take or interstate commerce) with respect to U.S. endangered or threatened species for scientific purposes or enhancement of propagation or survival. Our regulations implementing section 10(a)(1)(A) of the Act for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Applications Available for Review and Comment

We invite local, State, and Federal agencies and the public to comment on the following applications. Please refer to the permit number for the application when submitting comments.

Documents and other information submitted with these applications are available for review by request from the Program Manager for Restoration and Endangered Species Classification at the address listed in the **ADDRESSES** section of this notice, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552).

Permit Number: TE–014497

Applicant: Haleakala National Park, Kula, Hawaii

The permittee requests a permit amendment to remove and reduce to possession (survey, collect, propagate, and outplant) *Bidens campylotheca pentamera* (ko'oko'olau), *Bidens campylotheca waihoiensis* (ko'oko'olau), *Cyanea asplenifolia* (haha), *Cyanea duvalliorum* (haha), *Cyanea horrida* (nui haha), *Cyanea kunthiana* (haha), *Cyanea maritae* (haha), *Cyrtandra ferripilosa* (haiwale), *Geranium hanaense* (nohoanu), *Phyllostegia bracteata* (no common name (NCN)), *Phyllostegia haliakalae* (NCN), and *Wikstoemia villosa* (NCN) at Haleakala National Park on the island of Maui, in conjunction with scientific research and recovery actions, for the purpose of enhancing the species' survival.

Permit Number: TE–08964A

Applicant: Dana N. Ross, Corvallis, Oregon

The permittee requests a permit amendment to take (survey, capture, handle, photograph, and release) the Taylor's checkerspot butterfly (*Euphydryas editha taylori*) in Oregon, in conjunction with monitoring studies, for the purpose of enhancing the species' survival.

Permit Number: TE–42195A

Applicant: U.S. Department of the Navy, Santa Rita, Guam

The permittee requests a permit amendment to take (harass by survey using taped playback and monitor nests with cameras) the Mariana common moorhen (*Gallinula chloropus guami*) on Guam, in conjunction with life history studies, for the purpose of enhancing the species' survival.

Public Availability of Comments

All comments and materials we receive in response to this request will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*).

Dated: March 27, 2015.

Richard R. Hannan,

Regional Director, Pacific Region, U.S. Fish and Wildlife Service.

[FR Doc. 2015–07662 Filed 4–3–15; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCO923000–L14400000–ET0000 15X; COC–024224]

Public Land Order No. 7833; Withdrawal of Public Lands, Browns Canyon Corridor, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 230.08 acres of public lands from location and entry under the United States mining laws for 20 years on behalf of the Bureau of Land Management to protect scenic, recreational, and other natural resource values within the Browns Canyon corridor of the Arkansas River. The lands have been and will remain open to leasing under the mineral and geothermal leasing laws.

DATES: *Effective Date:* March 24, 2015.

FOR FURTHER INFORMATION CONTACT: Steve Craddock, Bureau of Land Management Colorado State Office, 303–239–3707, or write: Land Tenure Program Lead, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215–7093. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management will manage the Browns Canyon corridor of the Arkansas River to protect the unique natural, scenic, cultural, and recreational values.

Order

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from location and entry under the United States mining laws, but not from leasing under the mineral or geothermal leasing laws, to protect the unique natural, scenic, cultural, and recreational values in the Browns Canyon corridor of the Arkansas River:

New Mexico Principal Meridian

T. 51 N., R. 8 E.,
Sec. 26, SE¼SW¼SW¼, and that portion of the NE¼SW¼, SE¼SW¼,

W½SW¼SE¼ lying south of the Browns Canyon National Monument Boundary;
Sec. 34, S½NE¼NE¼ and SE¼NE¼;
Sec. 35, N½NW¼ and N½SW¼NW¼.

The areas described aggregate 230.08 acres, more or less, in Chaffee County.

2. The withdrawal made by this order does not alter the applicability of the public land laws other than the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order, unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Dated: March 24, 2015.

Janice M. Schneider,

Assistant Secretary—Land and Minerals Management.

[FR Doc. 2015–07735 Filed 4–3–15; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

United States Geological Survey

[GX15EN05ESB0500]

Advisory Committee on Climate Change and Natural Resource Science

AGENCY: U.S. Geological Survey, Interior.

ACTION: Meeting notice.

SUMMARY: In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. App. 2, we announce that the Advisory Committee on Climate Change and Natural Resource Science will hold a meeting.

DATES: *Meeting:* The meeting will be held as follows: Tuesday, April 28, 2015, from 9:00 a.m. to 5:15 p.m.; and Wednesday, April 29, 2015 from 9:00 a.m. to 2:30 p.m. (All times Central Daylight Time).

ADDRESSES: National Weather Center, Don Nickels Conference Room, 3rd Floor (NWC3910 A/B), 120 David L. Boren Blvd., Norman, OK.

FOR FURTHER INFORMATION CONTACT: Mr. Robin O'Malley, Designated Federal Officer, Policy and Partnership Coordinator, National Climate Change and Wildlife Science Center, U.S. Geological Survey, 12201 Sunrise Valley Drive, Mail Stop 400, Reston, VA 20192, *romalley@usgs.gov,* (703) 648–4086.

SUPPLEMENTARY INFORMATION: Chartered in May 2013, the Advisory Committee on Climate Change and Natural Resource Science (ACCCNRS) advises the Secretary of the Interior on the establishment and operations of the U.S. Geological Survey (USGS) National Climate Change and Wildlife Science Center (NCCWSC) and the Department of the Interior (DOI) Climate Science Centers (CSCs). ACCCNRS members represent federal agencies; state and local governments; American Indian tribes and other Native American entities; nongovernmental organizations; academic institutions; and the private sector. Duties of the committee include: (A) Advising on the contents of a national strategy identifying key science priorities to advance the management of natural resources in the face of climate change; (B) advising on the nature, extent, and quality of relations with and engagement of key partners at the regional/CSC level; (C) advising on the nature and effectiveness of mechanisms to ensure the identification of key priorities from management partners and to effectively deliver scientific results in useful forms; (D) advising on mechanisms that may be employed by the NCCWSC to ensure high standards of scientific quality and integrity in its products, and to review and evaluate the performance of individual CSCs, in advance of opportunities to re-establish expiring agreements; and (E) coordinating as appropriate with any Federal Advisory Committee established for the DOI Landscape Conservation Cooperatives. More information about the ACCCNRS is available at *https://nccwsc.usgs.gov/acccnrs.*

Meeting Agenda: The objectives of this meeting are to: (1) Provide input on the NCCWSC Science Agenda and national science priorities; (2) Learn about the activities of the South Central Climate Science Center's (SC CSC) and how they address ACCCNRS recommendations; (3) Review and provide input on program evaluation categories for the NCCWSC; and (4) Review the issue(s) associated with downscaling identified by the Downscaling Work Group and determine if the Committee would like to make recommendations related to these issues. The final agenda will be posted on *https://nccwsc.usgs.gov/acccnrs* prior to the meeting.

Public Input: All Committee meetings are open to the public. Interested members of the public may present, either orally or through written comments, information for the Committee to consider during the public meeting. The public will have approximately 15 minutes to make comment on both Tuesday, April 28, 2015, from 5:00 p.m. to 5:15 p.m. and Wednesday, April 29, 2015 from 12:15 p.m. to 12:30 p.m. (all times Central Daylight Time).

Individuals or groups requesting to make comment at the public Committee meeting will be limited to 2 minutes per speaker. The Committee will endeavor to provide adequate opportunity for all speakers, within available time limits. Speakers who wish to expand upon their oral statements, or those who had wished to speak, but could not be accommodated during the public comment period, are encouraged to submit their comments in written form to the Committee after the meeting.

Written comments should be submitted, prior to, during, or after the meeting, to Mr. Robin O'Malley, Designated Federal Officer, by U.S. Mail to: Mr. Robin O'Malley, Designated Federal Officer, U.S. Geological Survey, 12201 Sunrise Valley Drive, Mail Stop 400, Reston, VA 20192, or via email, at *romalley@usgs.gov.*

The meeting is open to the public but participants must register and will be issued a name badge. When entering National Weather Center Building please be prepared to show government issued photo identification and to pass through a metal detector. Space is limited, so all interested in attending should pre-register. Please submit your name, email address and phone number to Lisa LaCivita via email at *nccwsc@usgs.gov,* or phone at (703) 648–4088, by close of business on April 12, 2015. Persons with disabilities requiring special services, such as an interpreter for the hearing impaired, should also contact Lisa LaCivita at least seven calendar days prior to the meeting. We will do our best to accommodate those who are unable to meet this deadline.

Robin O'Malley,

Designated Federal Officer.

[FR Doc. 2015–07820 Filed 4–3–15; 8:45 am]

BILLING CODE 4311–AM–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–15–012]

Government in The Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: April 10, 2015 at 10:30 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: none.

2. Minutes.

3. Ratification List.

4. Vote in Inv. No. 701–TA–530 (Preliminary) (Supercalendered Paper from Canada). The Commission is currently scheduled to complete and file its determination on April 13, 2015; views of the Commission are currently scheduled to be completed and filed on April 20, 2015.

5. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: April 1, 2015.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2015–07894 Filed 4–2–15; 4:15 pm]

BILLING CODE 7020–02–P

FOREIGN CLAIMS SETTLEMENT COMMISSION

[F.C.S.C. Meeting and Hearing Notice No. 04–15]

Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR 503.25) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings as follows:

Thursday, April 16, 2015: 10:00 a.m.—Oral hearing on Objection to Commission's Proposed Decision in Claim No. IRQ–I–012. 11:30 a.m.—Issuance of Proposed Decisions in claims against Libya.

Status: Open

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Patricia M. Hall, Foreign Claims Settlement Commission, 600 E Street NW., Suite 6002, Washington, DC 20579. Telephone: (202) 616–6975.

Brian M. Simkin,

Chief Counsel.

[FR Doc. 2015–07873 Filed 4–2–15; 11:15 am]

BILLING CODE 4410–BA–P

DEPARTMENT OF LABOR

Office of the Secretary

All Items Consumer Price Index for All Urban Consumers United States City Average

Pursuant to Section 112 of the 1976 amendments to the Federal Election Campaign Act (Pub. L. 94–283), 2 U.S.C. 441a(c)(1)–(2), the Secretary of Labor has certified to the Chairman of the Federal Election Commission and publishes this notice in the **Federal Register** that the United States City Average All Items Consumer Price Index for All Urban Consumers (1967=100) increased 380.1 percent from its 1974 annual average of 147.7 to its 2014 annual average of 709.156 and that it increased 33.7 percent from its 2001 annual average of 530.4 to its 2014 annual average of 709.156 Using 1974 as a base (1974=100), I certify that the United States City Average All Items Consumer Price Index for All Urban Consumers increased 380.1 percent from its 1974 annual average of 100 to its 2014 annual average of 480.133. Using 2001 as a base (2001=100), I certify that the United States City Average All Items Consumer Price Index for All Urban Consumers increased 33.7 percent from its 2001 annual average of 100 to its 2014 annual average of 133.702. Using 2006 as a base (2006=100), I certify that the CPI increased 17.4 percent from its 2006 annual average of 100 to its 2014 annual average of 117.429.

Signed at Washington, DC, on the 25th day of March 2015.

Thomas E. Perez,

Secretary of Labor.

[FR Doc. 2015–07759 Filed 4–3–15; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Bureau of Labor Statistics Technical Advisory Committee; Notice of Meeting and Agenda

The Bureau of Labor Statistics Technical Advisory Committee will meet on Friday, May 15, 2015. The meeting will be held in the Postal Square Building, 2 Massachusetts Avenue NE., Washington, DC.

The Committee provides advice and makes recommendations to the Bureau of Labor Statistics (BLS) on technical aspects of the collection and formulation of economic measures. The BLS presents issues and then draws on the expertise of Committee members representing specialized fields within the academic disciplines of economics, statistics and survey design.

The meeting will be held in rooms 1–3 of the Postal Square Building Conference Center. The schedule and agenda for the meeting are as follows:

8:30 a.m. Commissioner's welcome and review of agency developments
9:00 a.m. Current Employment Statistics (CES) Survey Review of Benchmarking Methodology and Goals
11:15 a.m. Updates on topics from past committee meetings
1:30 p.m. Discussion of future priorities
2:00 p.m. Using Form 5500 Series Data to Improve BLS Data on Employee Benefits
4:00 p.m. Approximate conclusion

The meeting is open to the public. Any questions concerning the meeting should be directed to Sarah Dale, Bureau of Labor Statistics Technical Advisory Committee, on 202–691–5643. Individuals who require special accommodations should contact Ms. Dale at least two days prior to the meeting date.

Signed at Washington, DC, this 1st day of April 2015.

Kimberly D. Hill,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 2015–07822 Filed 4–3–15; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Office of the Secretary

All Items Consumer Price Index for All Urban Consumers; United States City Average

Pursuant to Section 33105(c) of Title 49, United States Code, and the delegation of the Secretary of Transportation's responsibilities under that Act to the Administrator of the Federal Highway Administration (49 CFR 501.2(a)(9)), the Secretary of Labor has certified to the Administrator and published this notice in the **Federal Register** that the United States City Average All Items Consumer Price Index for All Urban Consumers (1967=100) increased 128.0 percent from its 1984 annual average of 311.1 to its 2014 annual average of 709.156.

Signed at Washington, DC, on the 25th day of March 2015.

Thomas E. Perez,

Secretary of Labor.

[FR Doc. 2015–07756 Filed 4–3–15; 8:45 am]

BILLING CODE 4510–24–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for International and Integrative Activities; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Committee of Visitors for the Experimental Program to Stimulate Competitive Research (EPSCoR), #1373.

Dates/Time: June 9–10, 2015; 8 a.m.–5 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Stafford I Room 920.

Type of Meeting: Closed.

Contact Persons: Denise Barnes, Section Head, Uma Venkateswaran, Program Director, Beth Strausser, Associate Program Manager (Detail), and Elizabeth Lawrence, Program Analyst. Experimental Program to Stimulate Competitive Research (EPSCoR); Office of Integrative Activities, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230; Telephone: (703) 292–8683.

Purpose of Meeting: To carry out Committee of Visitors (COV) review, including examination of decisions on proposals, reviewer comments, and other privileged materials.

Agenda: To provide a balanced assessment of NSF EPSCoR's performance in the integrity and efficiency of processes related to proposal review.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; and information on personnel. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 31, 2015.

Suzanne Plimpton,

Acting, Committee Management Officer.

[FR Doc. 2015–07726 Filed 4–3–15; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Comment Request: Research Performance Progress Report

AGENCY: National Science Foundation.

ACTION: Notice.

SUMMARY: The Research Performance Progress Report (RPPR) resulted from an initiative of the Research Business Models (RBM) Subcommittee of the Committee on Science (CoS), a committee of the National Science and Technology Council (NSTC). Following guidance set out by OSTP and OMB in April 2010, the National Science Foundation (NSF) received authorization from OMB to use the RPPR.

NSF is announcing plans to request renewed clearance of this collection. In accordance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting OMB clearance of this collection for no longer than 3 years.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be received by June 5, 2015 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Written comments regarding the information collection and requests for copies of the proposed information collection request should be addressed to Suzanne Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Blvd., Rm. 1265, Arlington, VA 22230, or by email to *splimpto@nsf.gov*.

FOR FURTHER INFORMATION CONTACT: Suzanne Plimpton on (703) 292–7556 or send email to *splimpto@nsf.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

SUPPLEMENTARY INFORMATION: *Title of Collection:* ''Research Performance Progress Report.''

OMB Approval Number: 3145–0221.

Expiration Date of Approval: July 31, 2015.

Type of Request: Intent to seek approval to extend an information collection for three years.

Use of the Information

NSF developed the RPPR as a new service within Research.gov. This service replaced NSF's annual and interim project reporting capabilities, which resided in the NSF FastLane System.

Information regarding NSF's implementation of the Research Performance Progress Report (RPPR) may be found at the following Web site: *www.research.gov*

Burden on the Public: The Foundation estimates that an average of 6.6 hours is expended for each report submitted. An estimated 116,404 reports are expected during the course of one year for a total of 768,266 public burden hours annually.

Dated: April 1, 2015.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2015–07782 Filed 4–3–15; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–295 and 50–304; NRC–2015–0082]

Zion Solutions, LLC, Zion Nuclear Power Station, Units 1 and 2, License Termination Plan

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for comment and public meeting.

SUMMARY: On December 19, 2014, as supplemented on February 26, 2015, the U.S. Nuclear Regulatory Commission (NRC) received from Zion Solutions, LLC, (ZS), the License Termination Plan (LTP) for the Zion Nuclear Power Station (ZNPS), Units 1 and 2. The LTP provides details about the known radiological information for the site, the planned demolition and decommissioning tasks to be completed, and the final radiological surveys and data that will need to be obtained to allow termination of the NRC's license for ZNPS. The NRC is requesting public comments on ZS's LTP and will hold a public meeting to discuss the LTP.

DATES: Submit comments by May 26, 2015. Comments received after this date will be considered if it is practical to do so, but the NRC 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–2015–0082. 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: O12–H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: John Hickman, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001, telephone: 301–415–3017, email: *John.hickman@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information.

Please refer to Docket ID NRC–2015–0082 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0082.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents''* and then select ''*Begin Web-based ADAMS Search.''* For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in the **SUPPLEMENTARY INFORMATION** section.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2015–0082 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Discussion

Zion Solutions is the holder of Facility Operating License Nos. DPR–39 and DPR–48. The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the NRC now or hereafter in effect. The facility consists of two pressurized-water reactors located in Lake County, Illinois.

In September 1996, ZNPS Unit 2 was permanently shut-down after approximately 23 years of operation. In February 1997, ZNPS Unit 1 was permanently shut-down after approximately 24 years of operation. In early 1998, in accordance with section 50.82(a)(1)(i) and (ii) of title 10 of the *Code of Federal Regulations* (10 CFR), Exelon Generating Company LLC (Exelon) notified the NRC of the permanent cessation of operations at the ZNPS and the permanent removal of all spent fuel assemblies from the reactor vessels to the spent fuel pool (ADAMS Legacy Accession Numbers 9902200407 and 9803110251). On February 14, 2000, Exelon submitted a Post-Shutdown Decommissioning Activities Report (PSDAR) for the Zion units, pursuant to 10 CFR 50.82(a)(4)(i) (ML003685889). The PSDAR was updated on March 18, 2008 (ML080840398). On September 1, 2010, the NRC transferred Facility Operating License Numbers DPR–39 and DPR–48 from Exelon to ZS (ML102290437). Zion Solutions acquired ZNPS to conduct the decommissioning of the facility and then return the decommissioned site back to Exelon. The spent fuel has been moved from the spent fuel pool to the Independent Spent Fuel Storage Installation. Decommissioning of ZNPS is scheduled to be completed in 2018.

By letter dated December 19, 2014 (ADAMS Accession No. ML15005A336), and supplemented on February 26, 2015 (ADAMS Accession No. ML15061A281), ZS submitted the LTP for ZNPS in accordance with section 50.82(a)(9). The LTP addresses site characterization to ensure that final radiation surveys (FRS) cover all areas where contamination existed, remains, or has the potential to exist or remain, identification of remaining dismantlement activities, plans for site remediation, a description of the FRS plan to confirm that ZNPS will meet the release criteria in 10 CFR part 20, subpart E, dose-modeling scenarios that ensure compliance with the radiological criteria for license termination, an estimate of the remaining site-specific decommissioning costs, and a supplement to the Defueled Safety Analysis Report and the Environmental Report describing any new information or significant environmental change associated with proposed license termination activities.

III. Request for Comment and Public Meeting

The NRC is requesting public comments on the ZNPS LTP. The NRC will conduct a public meeting to discuss the LTP and receive comments on Tuesday, April 28, 2015, from 6 p.m. until 9 p.m., Central Time, at the Illinois Beach Resort & Conference Center, 1 Lake Front Drive., Zion, IL. For additional information regarding the meeting, see the NRC's Public Meeting Schedule Web site at *http://meetings.nrc.gov/pmns/mtg.* The agenda will be posted no later than 10 days prior to the meeting.

Dated at Rockville, Maryland, this 26th day of March, 2015.

For the Nuclear Regulatory Commission.

Bruce Watson,

Chief, Reactor Decommissioning Branch, Division of Decommissioning, Uranium Recovery, and Waste Programs, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2015–07855 Filed 4–3–15; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0001]

Sunshine Act Meeting Notice

DATE: April 6, 13, 20, 27, May 4, 11, 2015.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of April 6, 2015

There are no meetings scheduled for the week of April 6, 2015.

Week of April 13, 2015—Tentative

Tuesday, April 14, 2015

9:30 a.m. Meeting with the Advisory Committee on the Medical Uses of Isotopes (Public Meeting) (Contact: Nima Ashkeboussi, 301- 415–5775)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Thursday, April 16, 2015

9:30 a.m. Meeting with the Organization of Agreement States and the Conference of Radiation Control Program Directors (Public Meeting) (Contact: Nima Ashkeboussi, 301–415–5775)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of April 20, 2015—Tentative

There are no meetings scheduled for the week of April 20, 2015.

Week of April 27, 2015—Tentative

Thursday, April 30, 2105

9:00 a.m. Briefing on the Status of Lessons Learned from the Fukushima Dai-ichi Accident (Public Meeting) (Contact: Jack Davis, 301—415–2239)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of May 4, 2015—Tentative

There are no meetings scheduled for the week of May 4, 2015.

May 11, 2015—Tentative

There are no meetings scheduled for the week of May 11, 2015.

* * * * *

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Glenn Ellmers at 301–415–0442 or via email at *Glenn.Ellmers@nrc.gov.*

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.* braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or email *Brenda.Akstulewicz@nrc.gov* or *Patricia.Jimenez@nrc.gov.*

Dated: April 1, 2015.

Glenn Ellmers,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2015–07863 Filed 4–2–15; 11:15 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2015–43 and CP2015–54; Order No. 2418]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an addition of Priority Mail Contract 121 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 6, 2015.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Priority Mail Contract 121 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.* Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2015–43 and CP2015–54 to consider the Request pertaining to the proposed Priority Mail Contract 121 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than April 6, 2015. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Lyudmila Y. Bzhilyanskaya to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2015–43 and CP2015–54 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Lyudmila Y. Bzhilyanskaya is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than April 6, 2015.

[1] Request of the United States Postal Service to Add Priority Mail Contract 121 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, March 27, 2015 (Request).

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2015–07616 Filed 4–3–15; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2015–45 and CP2015–56; Order No. 2422]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning an addition of Priority Mail & First-Class Package Service Contract 3 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* April 7, 2015.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Commission Action
III. Ordering Paragraphs

I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a formal request and associated supporting information to add Priority Mail & First-Class Package Service Contract 3 to the competitive product list.[1]

The Postal Service contemporaneously filed a redacted contract related to the proposed new product under 39 U.S.C. 3632(b)(3) and 39 CFR 3015.5. *Id.* Attachment B.

To support its Request, the Postal Service filed a copy of the contract, a copy of the Governors' Decision authorizing the product, proposed changes to the Mail Classification Schedule, a Statement of Supporting Justification, a certification of compliance with 39 U.S.C. 3633(a), and an application for non-public treatment of certain materials. It also filed supporting financial workpapers.

II. Notice of Commission Action

The Commission establishes Docket Nos. MC2015–45 and CP2015–56 to consider the Request pertaining to the proposed Priority Mail & First-Class Package Service Contract 3 product and the related contract, respectively.

The Commission invites comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comments are due no later than April 7, 2015. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints James F. Callow to serve as Public Representative in these dockets.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. MC2015–45 and CP2015–56 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, James F. Callow is appointed to serve as an officer of the Commission to represent the interests of the general public in these proceedings (Public Representative).

3. Comments are due no later than April 7, 2015.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2015–07728 Filed 4–3–15; 8:45 am]

BILLING CODE 7710–FW–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review, Request for Comments

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 35), the Railroad Retirement Board (RRB) is an forwarding Information Collection Request (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collections of information to determine (1) the practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to the RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if the RRB and OIRA receive them within 30 days of the publication date.

1. Title and purpose of information collection: Appeal Under the Railroad Retirement and Railroad Unemployment Insurance Act; OMB 3220–0007.

Under section 7(b)(3) of the Railroad Retirement Act (RRA), and section 5(c) of the Railroad Unemployment Insurance Act (RUIA) any person aggrieved by a decision made by an office of the RRB on his or her application for an annuity or benefit under those Acts has the right to appeal to the RRB. This right is prescribed in 20 CFR part 260 and 20 CFR part 320. The notification letter, which is provided at the time of filing the original application, informs the applicant of such right. When an applicant protests a decision, the concerned RRB office reviews the entire file and any additional evidence submitted and sends the applicant a letter explaining the basis of the determination. The applicant is then notified that to protest further, they can appeal to the RRB's Bureau of Hearings and Appeals. The appeal process is prescribed in 20 CFR 260.5 and 260.9 and 20 CFR 320.12 and 320.38.

To file a request for an appeal the applicant must complete Form HA–1, *Appeal Under the Railroad Retirement Act or Railroad Unemployment Insurance Act.* The form asks the applicant to explain the basis for their request for an appeal and, if necessary, to describe any additional evidence they wish to submit in support of the appeal. Completion is voluntary, however, if the information is not provided the RRB cannot process the appeal.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (80 FR 3266, on January 22, 2015) required by 44 U.S.C.

[1] Request of the United States Postal Service to Add Priority Mail & First-Class Package Service Contract 3 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, March 27, 2015 (Request).

3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Appeal Under the Railroad Retirement and Railroad Unemployment Insurance Act.

OMB Control Number: 3220–0007.

Form(s) submitted: HA–1.

Type of request: Extension without change of a currently approved collection.

Affected public: Individuals or Households.

Abstract: Under section 7(b)(3) of the Railroad Retirement Act and section 5(c) of the Railroad Unemployment Insurance Act, a person aggrieved by a decision on his or her application for an annuity or other benefit has the right to appeal to the RRB. The collection provides the means for the appeal action.

Changes proposed: The RRB proposes no changes to Form HA–1.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
HA–1	550	20	185

2. Title and purpose of information collection: Annual Earnings Questionnaire; OMB 3220–0179.

Under section 2(e)(3) of the Railroad Retirement Act (RRA), an annuity is not payable for any month in which a beneficiary works for a railroad. In addition, an annuity is reduced for any month in which the beneficiary works for an employer other than a railroad employer and earns more than a prescribed amount. Under the 1988 amendments to the RRA, the Tier II portion of the regular annuity and any supplemental annuity must be reduced by one dollar for each two dollars of Last Pre-Retirement Non-Railroad Employment (LPE) earnings for each month of such service. However, the reduction cannot exceed fifty percent of the Tier II and supplemental annuity amount for the month to which such deductions apply. The LPE generally refers to an annuitant's last employment with a non-railroad person, company, or institution prior to retirement, which was performed at the same time as railroad employment or after the annuitant stopped railroad employment. The collection obtains earnings information needed by the RRB to determine if possible reductions in annuities are in order due to LPE.

The RRB utilizes Form G–19L, *Annual Earnings Questionnaire,* to obtain LPE earnings information from annuitants. One response is requested of each respondent. Completion is required to retain a benefit.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (80 FR 3266, on January 22, 2015) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Annual Earnings Questionnaire for Annuitants in Last Pre-Retirement Non-Railroad Employment.

OMB Control Number: 3220–0179.

Form submitted: G–19L.

Type of request: Extension without change of a currently approved collection.

Affected public: Individuals or Households.

Abstract: Under section 2(e)(3) of the Railroad Retirement Act, an annuity is not payable or is reduced for any month in which the beneficiary works for a railroad or earns more than the prescribed amounts. The collection obtains earnings information needed by the Railroad Retirement Board to determine possible reductions in annuities because of earnings.

Changes proposed: The RRB proposes no changes to Form GL–19L.

The burden estimate for the ICR is as follows:

Form No.	Annual Responses	Time (minutes)	Burden (hours)
G–19L	300	15	75
Total	300	.....	75

Additional Information or Comments: Copies of the forms and supporting documents can be obtained from Dana Hickman at (312) 751–4981 or *Dana.Hickman@RRB.GOV.*

Comments regarding the information collection should be addressed to Charles Mierzwa, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 or *Charles.Mierzwa@RRB.GOV* and to the OMB Desk Officer for the RRB, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov.*

Charles Mierzwa,

Chief of Information Resources Management.

[FR Doc. 2015–07813 Filed 4–3–15; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74623; File No. SR–ISE–2015–12]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Share Member-Designated Risk Settings in the Trading System With Clearing Members

April 1, 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 19, 2015 the International Securities Exchange, LLC (the ''Exchange'' or the ''ISE'') filed with the Securities and Exchange Commission the proposed rule change, as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The ISE proposes to amend Rule 706 to authorize the Exchange to share any Member-designated risk settings in the trading system with the Clearing Member that clears transactions on behalf of the Member. The text of the proposed rule change is available on the Exchange's Web site (*http://www.ise.com*), at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 706 to authorize the Exchange to share any Member-designated risk settings in the trading system with the Clearing Member that clears transactions on behalf of the Member. Rule 706 states that ''[u]nless otherwise provided in the Rules, no one but a Member or a person associated with a Member shall effect any Exchange Transactions.'' [3] The Exchange proposes to amend the current rule by adding the following sentence: ''The Exchange may share any Member-designated risk settings in the trading system with the Clearing Member that clears transactions on behalf of the Member.''

Each Member that transacts through a Clearing Member on the Exchange executes a Letter of Clearing Authorization, in the case of Electronic Access Members, or a Market Maker Letter of Guarantee, in the case of Primary Market Makers and Competitive Market Makers, wherein the Clearing Member ''accepts financial responsibility for all Exchange Transactions made by the'' Member on whose behalf the Clearing Member submits the letter of guarantee. The Exchange believes that because Clearing Members guarantee all transactions on behalf of a Member, and therefore, bear the risk associated with those transactions, it is appropriate for Clearing Members to have knowledge of what risk settings a Member may utilize within the trading system.

The Exchange notes that while not all Members are Clearing Members, all Members require a Clearing Member's consent to clear transactions on their behalf in order to conduct business on the Exchange. As the Clearing Member ultimately bears all the risk for a trade they clear on any Member's behalf, the Exchange believes it is reasonable to provide Clearing Members with information relating to the risk settings used by each Member whose transactions they are clearing. To the extent that a Clearing Member might reasonably require a Member to provide access to its risk settings as a prerequisite to continue to clear trades on the Member's behalf, the Exchange's proposal to share those risk settings directly reduces the administrative burden on Members and ensures that Clearing Members are receiving information that is up-to-date and conforms to the settings active in the trading system.

The Exchange further notes that any broker-dealer is free to become a Clearing Member of the Options Clearing Corporation (the ''OCC''), which would enable that Member to avoid sharing risk settings with any third party, if they so choose. For these reasons, the Exchange believes that the proposal is consistent with the Act as it provides Clearing Members with additional risk-related information that may aid them in complying with the Act, notably Rule 15c3–5 and, as noted, Members that do not wish to share such settings with a Clearing Member can do so by become clearing members of the OCC.

The risk settings that would be shared pursuant to the proposed rule are currently codified in Rule 804 (for regulars orders) and Rule 722 (for complex orders). The risk settings are designed to mitigate the potential risks of multiple executions against a Member's trading interest that, in today's highly automated and electronic trading environment, can occur simultaneously across multiple series and multiple option classes. The proposed rule will allow the Exchange to share a Member's risk settings with the Clearing Member that guarantees the Member's transactions, and therefore has a financial interesting [sic] in understanding the risk tolerance of a Member.

Because the Letter of Clearing Authorization and the Market Maker Letter of Guarantee codifies relationships between a Member and the Clearing Member, the Exchange is on notice of which Clearing Members have relationships with which Members. The proposed rule change would simply provide the Exchange with authority to directly provide Clearing Members with information that may otherwise be available to such Clearing Members by virtue of their relationship with the respective Member.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[4] In particular, the proposal is consistent with Section 6(b)(5) of the Act,[5] because it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change removes impediments to and perfects the mechanism of a free and open market by codifying that the Exchange can directly provide to Clearing Members that guarantee that Member's transactions on the Exchange the Member-designated risk settings in the trading system, which are designed to mitigate the potential risk of multiple executions against a Member's trading interest that, in today's highly automated and electronic trading environment, can occur simultaneously across multiple series and multiple option classes. The Exchange believes that the proposed rule change is consistent with the protection of investors and the public interests because it will permit Clearing Members with a financial interest in a Member's risk settings to better monitor and manage the potential risks assumed by Members with whom the Clearing Member has entered into a letter of guarantee, thereby providing Clearing Members with greater control and flexibility over setting their own risk tolerance and exposure.

[3] *See* Rule 706(a).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes the proposal is consistent with Section 6(b)(8) of the Act[6] in that it does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any aspect of competition, but would provide authority for the Exchange to directly share risk settings with Clearing Members regarding the Members with whom the Clearing Member has executed a letter of guarantee so the Clearing Member can better monitor and manage the potential risks assumed by the Members, thereby providing them with greater control and flexibility over setting their own risk tolerance and exposure. The proposed rule change does not pose an undue burden on non-Clearing Members because, unlike Clearing Members, non-Clearing Members do not guarantee the execution of the Member transactions on the Exchange. The proposed rule change is structured to offer the same enhancement to all Clearing Members, regardless of size, and would not impose a competitive burden on any participant.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange believes that the foregoing proposed rule change may take effect upon filing with the Commission pursuant to Section19(b)(3)(A)[7] of the Act and Rule 19b–4(f)(6) thereunder[8] 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 after its filing date, or such shorter time as the Commission may designate.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–ISE–2015–12 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2015–12. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington DC, 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2015–12, and should be submitted on or before April 27, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Brent J. Fields,

Secretary.

[FR Doc. 2015–07850 Filed 4–3–15; 8:45 am]

BILLING CODE 8011–01–P

[6] 15 U.S.C. 78f(b)(8).

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 23c–1. (SEC File No. 270–253, OMB Control No. 3235–0260).

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 350l–3520), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 23c–1(a) under the Investment Company Act (17 CFR 270.23c–1(a)) permits a closed-end fund to repurchase its securities for cash if, in addition to the other requirements set forth in the rule, the following conditions are met: (i) Payment of the purchase price is accompanied or preceded by a written confirmation of the purchase (''written confirmation''); (ii) the asset coverage per unit of the security to be purchased is disclosed to the seller or his agent (''asset coverage disclosure''); and (iii) if the security is a stock, the fund has, within the preceding six months, informed stockholders of its intention to purchase stock (''six month notice''). Commission staff estimates that 78 closed-end funds undertake a total of 702 repurchases annually under Rule 23c–1.[1] Staff estimates further that, with

[1] The number of closed-end funds that undertake repurchases annually under Rule 23c–1 is based on information provided in response to Item 9 of Form N–CSR from December 30, 2013 through December 30, 2014. Although 112 closed-end funds made disclosures regarding ''publicly announced'' repurchase plans in response to Item 9, not all repurchases are made pursuant to Rule 23c–1. We estimate that approximately 30% of such closed-end funds have not made repurchases pursuant to Rule 23c–1. Therefore, our estimate does not include all 112 funds that made disclosures of publicly announced repurchases under Item 9, but only a subset thereof.

respect to each repurchase, each fund spends 2.5 hours to comply with the rule's written confirmation, asset coverage disclosure and six month notice requirements. Thus, Commission staff estimates the total annual respondent reporting burden is 1755 hours.[2] Commission staff further estimates that the cost of the hourly burden per repurchase is $295 (one half hour of a compliance attorney's time at $334 per hour,[3] and two hours of clerical time at $64 per hour[4]). The total annual cost for all funds is estimated to be $207,090.[5]

In addition, the fund must file with the Commission a copy of any written solicitation to purchase securities given by or on behalf of the fund to 10 or more persons. The copy must be filed as an exhibit to Form N–CSR (17 CFR 249.331 and 274.128).[6] The burden associated with filing Form N–CSR is addressed in the submission related to that form.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Complying with the collection of information requirements of the rule is mandatory. The filings that the rule requires to be made with the Commission are available to the public. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: March 31, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–07753 Filed 4–3–15; 8:45 am]

BILLING CODE 8011–01–P

[2] This estimate is based on the following calculation: 702 repurchases × 2.5 hours per repurchase = 1755 hours.

[3] The $334/hour figure for a compliance attorney is from SIFMA's Management & Professional Earnings in the Securities Industry 2013, modified by Commission staff to account for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

[4] The $64/hour figure for a compliance clerk is from SIFMA's Office Salaries in the Securities Industry 2013, modified by Commission staff to account for an 1800-hour work-year and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead.

[5] This estimate is based on the following calculation: 702 repurchases × $295 per repurchase = $207,090.

[6] In addition, Item 9 of Form N–CSR requires closed-end funds to disclose information similar to the information that was required in Form N–23C–1, which was discontinued in 2004.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74616; File No. SR–NASDAQ–2015–027]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to NASDAQ Options Market Fees and Rebates

March 31, 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 25, 2015, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by NASDAQ. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

NASDAQ proposes to amend the manner in which the Exchange assesses Port Fees which are located in Chapter XV, entitled ''Options Pricing,'' which governs pricing for NASDAQ members using the NASDAQ Options Market (''NOM''), NASDAQ's facility for executing and routing standardized equity and index options.

While the changes proposed herein are effective upon filing, the Exchange has designated the amendments become operative on April 1, 2015.

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to increase Port Fees for the following ports from $600.00 to $650.00 per port, per month, per mnemonic: Order Entry Port,[3] CTI Port,[4] ITTO Port,[5] BONO Port,[6] Order

[3] The Order Entry Port Fee is a connectivity fee in connection with routing orders to the Exchange via an external order entry port. NOM Participants access the Exchange's network through order entry ports. A NOM Participant may have more than one order entry port.

[4] CTI offers real-time clearing trade updates. A real-time clearing trade update is a message that is sent to a member after an execution has occurred and contains trade details. The message containing the trade details is also simultaneously sent to The Options Clearing Corporation. The trade messages are routed to a member's connection containing certain information. The administrative and market event messages include, but are not limited to: System event messages to communicate operational-related events; options directory messages to relay basic option symbol and contract information for options traded on the Exchange; complex strategy messages to relay information for those strategies traded on the Exchange; trading action messages to inform market participants when a specific option or strategy is halted or released for trading on the Exchange; and an indicator which distinguishes electronic and non-electronically delivered orders.

[5] ITTO is a data feed that provides quotation information for individual orders on the NOM book, last sale information for trades executed on NOM, and Order Imbalance Information as set forth in NOM Rules Chapter VI, Section 8. ITTO is the options equivalent of the NASDAQ TotalView/ITCH data feed that NASDAQ offers under NASDAQ Rule 7023 with respect to equities traded on NASDAQ. As with TotalView, members use ITTO to ''build'' their view of the NOM book by adding individual orders that appear on the feed, and subtracting individual orders that are executed. *See* Chapter VI, Section 1 at subsection (a)(3)(A).

[6] BONO[SM] is a data feed that provides the NOM Best Bid and Offer (''NOM NBBO'') and last sale information for trades executed on NOM. The NOM NBBO and last sale information are identical to the information that NOM sends to the Options Price Regulatory Authority (''OPRA'') and which OPRA disseminates via the consolidated data feed for options. BONO is the options equivalent of the NASDAQ Basic data feed offered for equities under NASDAQ Rule 7047. *See* Chapter VI, Section 1 at subsection (a)(3)(B).

Entry DROP Port Fees [7] and OTTO Drop Ports.[8] The OTTO Port [9] will be increased from $600.00 to $750.00 per port, per month, per mnemonic, and the SQF Port [10] will be increased from $600.00 to $750.00 per port, per month. ITTO and BONO Port fees will continue to be assessed to non-NOM Participants and NOM Participants.

Each NOM Participant is assigned a market participant identifier or ''mnemonic'' [11] and in some cases, certain NOM Participants request multiple mnemonics for purposes of accounting for trading activity. These mnemonics identify users at a particular NOM Participant. The Exchange bills its port fees based on the number of mnemonics configured for each port. By way of example, if a NOM Participant, ABC, requested 2 ports from the Exchange and further requested that each port be configured to be accessed by 4 mnemonics or in some cases account numbers,[12] the NOM Participant, today, would be billed for 8 ports at the rate of $600 per port for that month. All billing is captured at the Participant level. NOM Participants may choose to have multiple mnemonics or in some case multiple account numbers for the convenience of conducting their business, however only one mnemonic and one account number is required to conduct business on NOM. The aforementioned will not apply to SQF ports, which are not billed by mnemonic.

The Exchange is proposing to increase OTTO and SQF Ports from $600.00 to $750.00, per port, per month, per mnemonic for the OTTO Port and per port, per month for the SQF port. All other port fees (Order Entry Port, CTI Port, ITTO Port, BONO Port, Order Entry DROP Port and OTTO Drop Ports) will increase from $600.00 to $650.00 per port, per month, per mnemonic. NOM Market Makers utilize OTTO and SQF ports for their market making business, which ports require a greater throughput as compared to the other ports mentioned herein. The Exchange expends greater resources to provide the OTTO and SQF ports, which is the reason for the increased fee for these ports as compared to other ports.

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[13] in general, and with Section 6(b)(4) and 6(b)(5) of the Act,[14] 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 NASDAQ operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that increasing the Order Entry Port, CTI Port, ITTO Port, BONO Port, Order Entry DROP Port and OTTO DROP Port fees from $600 to $650 per port, per month, per mnemonic is reasonable because it would allow the Exchange to keep pace with increasing technology costs. The increased Port Fees reflect the increased costs that the Exchange bears with respect to maintaining ports. The Port Fees are reasonable because they enable the Exchange to offset, in part, its connectivity costs associated with making such ports available, including costs based on gateway software and hardware enhancements and resources dedicated to gateway development, quality assurance, and support. The Exchange's Port Fees are in line with costs for ports at other options exchanges.[15]

The Exchange believes that increasing the Order Entry Ports, CTI Ports, ITTO Ports, BONO Ports, Order Entry DROP Port and OTTO DROP Port fees from $600 to $650 per port, per month, per mnemonic is equitable and not unfairly discriminatory because the Exchange assesses the same fees for all ports to all NOM participants.

The Exchange believes that increasing the OTTO Port and SQF Port Fees from $600 to $750 is reasonable because it would allow the Exchange to keep pace with increasing technology costs. NOM Market Makers utilize the OTTO and SQF ports, which ports require a greater throughput as compared to the other ports mentioned herein. The Exchange expends greater resources to provide the OTTO and SQF ports, which is the reason for the increased fee as compared to other ports. The increased Port Fees reflect the increased costs that the Exchange bears with respect to maintaining ports. The Port Fees are reasonable because they enable the Exchange to offset, in part, its connectivity costs associated with making such NOM Market Maker ports available, including costs based on gateway software and hardware enhancements and resources dedicated to gateway development, quality assurance, and support. The Exchange's Port Fees are in line with costs for ports at other options exchanges.[16]

The Exchange believes that increasing the OTTO Port and SQF Port Fees from $600 to $750 is equitable and not unfairly discriminatory because the Exchange assesses the same fees for these ports which are utilized by NOM Market Makers for any NOM market participant desiring these ports.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ 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 believes the proposed fee change is reasonably designed to be fair and equitable, and therefore, will not unduly burden any particular group of market participants trading on the Exchange. The Exchange's proposal to increase all port fees for all NOM Participants with respect to the Order Entry Port, CTI Port, ITTO Port, BONO Port, Order Entry DROP Port and OTTO DROP Port fees from $600 to $650 does not create an undue burden on competition. The proposed fees are designed to ensure a fair and reasonable use of Exchange resources by allowing the Exchange to

[7] The DROP interface provides real time information regarding orders sent to NOM and executions that occurred on NOM. The DROP interface is not a trading interface and does not accept order messages.

[8] The OTTO DROP data feed provides real-time information regarding orders entered through OTTO and the execution of those orders. The OTTO DROP data feed is not a trading interface and does not accept order messages.

[9] OTTO provides a method for subscribers to send orders and receive status updates on those orders. OTTO accepts limit orders from system subscribers, and if there is a matching order, the orders will execute. Non-matching orders are added to the limit order book, a database of available limit orders, where they are matched in price-time priority.

[10] SQF ports are ports that receive inbound quotes at any time within that month. The SQF Port allows a NOM Participant to access information such as execution reports and other relevant data through a single feed. For example, this data would show which symbols are trading on NOM and the current state of an options symbol (*i.e.,* open for trading, trading, halted or closed). Auction notifications and execution reports are also available. NOM Market Makers rely on data available through the SQF Port to provide them the necessary information to perform market making activities.

[11] A mnemonic is a unique identifier consisting of a four character alpha code.

[12] Account numbers are assigned by the Exchange and associated with particular NOM Participants.

[13] 15 U.S.C. 78f.

[14] 15 U.S.C. 78f(b)(4) and (5).

[15] Miami International Securities Exchange LLC (''MIAX'') assesses ports fees that range in price up to $1,000 depending on connectivity levels. *See* MIAX's Fee Schedule. ISE Gemini, LLC (''ISE Gemini'') assesses port fees that range from $750–$15,000 depending on connectivity levels. *See* ISE Gemini's Fee Schedule. Finally, C2 Options Exchange, Incorporated (''C2'') assesses port fees that range from $500–$1,000 depending on connectivity levels. *See* C2's Fee Schedule. *See also* NASDAQ OMX PHLX LLC's (''Phlx'') Pricing Schedule. Phlx assesses higher fees which range from $2,500 to $15,000 for its Active SQF Port which is utilized by Phlx market makers as compared to $550 for Order Entry Ports.

[16] *Id.*

recoup for certain of its connectivity costs, while continuing to offer competitive rates to NOM Participants.

With respect to the OTTO Port and SQF Port Fees, the increase in the port fees from $600 to $750 is greater. These ports are utilized by NOM Market Makers in connection with marking markets. NOM Market Makers utilize the OTTO and SQF ports, which ports require a greater throughput as compared to the other ports mentioned herein. The Exchange expends greater resources to provide the OTTO and SQF ports, which is the reason for the increased fee as compared to other ports. The increased Port Fees reflect the increased costs that the Exchange bears with respect to maintaining ports. The Exchange does not believe these fee increases create an undue burden on competition. Moreover, the Exchange believes that its fee increases are competitive with similar fees at other options exchanges.[17]

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.[18] 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–NASDAQ–2015–027 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2015–027. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (http://www.sec.gov/rules/sro.shtml). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of 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–NASDAQ–2015–027 and should be submitted on or before April 27, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Brent J. Fields,

Secretary.

[FR Doc. 2015–07749 Filed 4–3–15; 8:45 am]

BILLING CODE 8011–01–P

[17] *See* note 15.

[18] 15 U.S.C. 78s(b)(3)(A)(ii).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74618; File No. SR–Phlx–2015–29]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Proposed Rule Change To Amend and Restate Certain Rules That Govern the NASDAQ OMX PSX

March 31, 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 20, 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

PHLX proposes to amend and restate certain rules that govern NASDAQ OMX PSX (''PSX'') in order to provide a clearer and more detailed description of certain aspects of its functionality. The text of the proposed rule change is available at *nasdaq.cchwallstreet.com,* at the Exchange'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, Phlx 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. Phlx has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend and restate certain Exchange rules that govern PSX in order to provide a clearer and more detailed description of certain

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

aspects of its functionality. The proposed rule change is responsive to the request of Commission Chair White that each self-regulatory organization (''SRO'') conduct a comprehensive review of each order type offered to members, and how it operates in practice.[3] The Exchange believes that its current rules and other public disclosures provide a comprehensive description of the operation of PSX, so that members and the investing public have an accurate understanding of its market structure. Nevertheless, the Exchange has concluded that a restatement of certain rules will further enhance their clarity. In particular, the Exchange believes that providing additional examples of order type operation in the rule text will promote greater understanding of the Exchange's market structure. In addition, the Exchange notes that certain functionality added to its market in past years has been described as an ''order type'' but would be more precisely described as an attribute that may be added to a particular order. Accordingly, the restated rules will distinguish between ''Order Types'' and ''Order Attributes,'' while providing a full description of the Order Attributes that may be attached to particular Order Types. Except where specifically stated otherwise, all proposed rules are restatements of existing rules and therefore do not reflect substantive changes in the rule text or in the operation of PSX.

General Framework for Rule Restatement

At present, most of the rules governing Order Types and Order Attributes are found in Rule 3301 (Definitions). The Exchange is proposing to thoroughly amend Rule 3301. The Exchange is also proposing to remove definitions pertaining to Order Types and Order Attributes and adopt them as separate new Rules 3301A (Order Types) and 3302B (Order Attributes). While the Exchange is also proposing certain conforming changes to other rules, in subsequent proposed rule changes the Exchange plans to restate the remainder of the rules numbered 3302 through 3316 so that they appear sequentially following Rule 3301B.

Definitions

Amended Rule 3301 will adopt revised definitions applicable to the Rule 3200 and 3300 Series of the Exchange rules:[4]

- The terms ''Best Bid'', ''Best Offer'', ''National Best Bid and National Best Offer'', ''Protected Bid'', ''Protected Offer'', ''Protected Quotation'', and ''Intermarket Sweep Order'' shall have the meanings assigned to them under Rule 600 under SEC Regulation NMS;[5] [6] [sic] provided, however, that the terms ''Best Bid'', ''Best Offer'', ''Protected Bid'', ''Protected Offer'', and ''Protected Quotation'' shall, unless otherwise stated, refer to the bid, offer, or quotation of a market center other than PSX. The term ''NBBO'' shall mean the ''National Best Bid and National Best Offer''.
- The term ''PSX,'' or ''System'', which defines the components of the securities execution and trade reporting system owned and operated by the Exchange, is being modified to state that the System includes a montage for ''Quotes'' and ''Orders'', referred to as the ''PSX Book'', that collects and ranks all Quotes and Orders submitted by ''Participants''.[7] The definition is further being modified to make it clear that data feeds made available with respect to the System disseminate depth-of-book data regarding Quotes and ''Displayed'' Orders[8] and also such additional information about Quotes, Orders, and transactions within the System as shall be reflected in the Exchange Rules.
- The term ''Quote'' is being modified to make it clear that a Quote is an Order with Attribution (as defined in Rule 3301B) entered by a Market Maker or Equities ECN for display (price and size) next to the Participant's MPID in the PSX Book. Accordingly, all Quotes are also Orders.
- The definition of the term ''Order'' is being amended to mean an instruction to trade a specified number of shares in a specified System Security[9] submitted to the System by a Participant. An ''Order Type'' is a standardized set of instructions associated with an Order that define how it will behave with respect to pricing, execution, and/or posting to the PSX Book when submitted to the Exchange. An ''Order Attribute'' is a further set of variable instructions that may be associated with an Order to further define how it will behave with respect to pricing, execution, and/or posting to the PSX Book when submitted to the Exchange. The available Order Types and Order Attributes, and the Order Attributes that may be associated with particular Order Types, are described in Rules 3301A and 3301B.
- The term ''ET'' means Eastern Standard Time or Eastern Daylight Time, as applicable.
- The term ''Market Hours'' is being defined to mean the period of time beginning at 9:30 a.m. ET and ending at 4 p.m. ET (or such earlier time as may be designated by the Exchange on a day when PSX closes early). The term ''System Hours'' means the period of time beginning at 8 a.m. ET and ending at 5 p.m. ET (or such earlier time as may be designated by the Exchange on a day when PSX closes early). The term ''Pre-Market Hours'' means the period of time beginning at 8 a.m. ET and ending immediately prior to the commencement of Market Hours. The term ''Post-Market Hours'' means the period of time beginning immediately after the end of Market Hours and ending at 5 p.m. ET.[10]
- The term ''marketable'' with respect to an Order to buy (sell) means that, at the time it is entered into the System, the Order is priced at the current Best Offer or higher (at the current Best Bid or lower).
- The term ''market participant identifier'' or ''MPID'' means a unique four-letter mnemonic assigned to each Participant in the System. A Participant may have one or more than one MPID.
- The term ''minimum price increment'' means $0.01 in the case of a System Security priced at $1 or more per share, and $0.0001 in the case of a System Security priced at less than $1 per share.
- The definition of the term ''System Book Feed'', which means a data feed

[3] *See* Mary Jo White, Chair, Commission, Speech at the Sandler O'Neill & Partners, L.P. Global Exchange and Brokerage Conference (June 5, 2014), *available at http://www.sec.gov/News/Speech/Detail/Speech/1370542004312.*

[4] Other definitions in current Rule 3301 are being superseded by descriptions of Order Types and Order Attributes in Rules 3301A and 3301B, or are being eliminated because they are no longer used. In addition, Rule 3305 (Order Entry Parameters) is being deleted because the material contained therein is superseded by proposed Rules 3301A and 3301B.

[5] 17 CFR 242.600.

[6] 17 CFR 242.600.

[7] The modified definitions of ''Quotes'' and ''Orders'' are described below. The term ''Participant'', which is being amended only to add a clarifying reference to Regulation NMS and to Market Makers, means an entity that fulfills the obligations contained in Rule 3211 regarding participation in the System, and includes Equities ECNs, Market Makers, and Order Entry Firms.

[8] As provided in proposed Rule 3301B, a Displayed Order is an Order with a Display Order Attribute that allows its price and size to be disseminated to Participants.

[9] The definition of a ''System Security,'' which is not being modified, includes ''any NMS stock, as defined in SEC Rule 600 except securities specifically excluded from trading via a list of excluded securities posted on *www.nasdaqtrader.com.*''

[10] The proposed definition further notes that in certain contexts, times cited in the Exchange Rules may be approximate.

for System Securities, is being amended to clarify that it is the data feed generally known as the PSX TotalView ITCH feed.

Order Types

Proposed Rule 3301A provides that Participants may express their trading interest in PSX by entering Orders. PSX offers a range of Order Types that behave in the manner specified for each particular Order Type. Each Order Type may be assigned certain Order Attributes that further define its behavior. All Order Types and Order Attributes operate in a manner that is reasonably designed to comply with the requirements of Rules 610 and 611 under Regulation NMS. Specifically, Orders are reasonably designed to prevent trade-throughs of Protected Quotations to the extent required by Rule 611 under Regulation NMS, and to prevent the display of quotations that lock or cross Protected Quotations to the extent required by Rule 610 under Regulation NMS.[11] Each Order must designate whether it is to effect a buy, a long sale, a short sale, or an exempt short sale.

Proposed Rule 3301A further provides that the Exchange maintains several communications protocols for Participants to use in entering Orders and sending other messages to the System:

- OUCH is an Exchange proprietary protocol.
- RASH is an Exchange proprietary protocol.
- FLITE is an Exchange proprietary protocol.
- FIX is a non-proprietary protocol.

Except where otherwise stated, all protocols are available for all Order Types and Order Attributes.

Upon entry, an Order is processed to determine whether it may execute against any contra-side Orders on the PSX Book in accordance with the parameters applicable to the Order Type and Order Attributes selected by the Participant and in accordance with the priority for Orders on the PSX Book as provided in Rule 3307. Thus, for example, a ''Price to Comply Order'' would be evaluated for potential execution in accordance with different criteria than a ''Post-Only Order.''[12] In addition, the Order may have its price adjusted in accordance with applicable parameters and may be routed to other market centers for potential execution if designated as ''Routable.''[13] The Order may then be posted to the PSX Book if consistent with the parameters of the Order Type and Order Attributes selected by the Participant. For example, an Order with a ''Time-in-Force'' of ''Immediate or Cancel'' would not be posted.[14]

Thereafter, as detailed in proposed Rules 3301A and 3301B, and current Rule 3315 (Order Routing), there are numerous circumstances in which the Order on the PSX Book may be modified and receive a new timestamp. The sole instances in which the modification of an Order on the PSX Book will not result in a new timestamp are: (i) A decrease in the size of the Order due to execution or modification by the Participant or by the System, and (ii) a redesignation of a sell Order as a long sale, a short sale, or an exempt short sale.[15] Whenever an Order receives a new timestamp for any reason, it is processed by the System as a new Order with respect to potential execution against Orders on the PSX Book, price adjustment, routing, reposting to the PSX Book, and subsequent execution against incoming Orders, except where otherwise stated. Thus, for example, if an Order with a ''Pegging'' Order Attribute had its price changed due to a change in the NBBO,[16] it would be processed by the System as a new Order with respect to potential execution, price adjustment, routing, reposting to the PSX Book, and subsequent execution against incoming Orders. An exception to the general rule is noted in Rule 3301B(h) with respect to Orders with ''Reserve Size''[17] that have a Routing Order Attribute; such Orders are not routed if reentered due to a replenishment of the Order's Displayed Size.

In addition, the proposed rule notes that all Orders are also subject to cancellation and/or repricing and reentry onto the PSX Book in the circumstances described in Rule 3100(a)(5) (providing for compliance with Plan to Address Extraordinary Market Volatility) and Rule 3303 (providing for compliance with Regulation SHO). In all circumstances where an Order is repriced pursuant to those provisions, it is processed by the System as a new Order with respect to potential execution against Orders on the PSX Book, price adjustment, routing, reposting to the PSX Book, and subsequent execution against incoming Orders. If multiple Orders at a given price are repriced, the Order in which they are reentered is random, based on the respective processing time for each such Order;[18] provided, however, that in the case of Price to Comply Orders and Post-Only Orders that have their prices adjusted upon entry because they lock a Protected Quotation but that are subsequently displayed at their original entered limit price as provided in Rules 4702(b)(1)(B) and (4)(B),[19] they are processed in accordance with the time priority under which they were previously ranked on the PSX Book. If an Order is repriced and/or reentered 10,000 times for any reason, the Order will be cancelled. This restriction is designed to conserve System resources by limiting the persistence of Orders that update repeatedly without any reasonable prospect of execution.

Proposed Rule 3301A further describes the behavior of each Order Type. Except where otherwise stated, each Order Type is available to all Participants, although certain Order Types and Order Attributes may require the use of a specific protocol. As a result, a Participant would be required to use that protocol in order to use Order Types and Order Attributes

[11] It should be noted that Rule 3213(e), the Exchange's rule with respect to locked and crossed markets, as adopted pursuant to Rule 610(d) under Regulation NMS and approved by the Commission, applies only during Market Hours (approved in Securities Exchange Act Release No. 62877 (September 9, 2010), 75 FR 56633 (September 16, 2010) (SR-Phlx-2010–79)). Note also that Rule 600 under Regulation NMS defines a ''trade-through'' as ''the purchase or sale of an NMS stock during regular trading hours, either as principal or agent, at a price that is lower than a protected bid or higher than a protected offer.'' ''Regular trading hours'' are defined, in pertinent part, as ''the time between 9:30 a.m. and 4 p.m. Eastern Time.'' 17 CFR 242.600.

[12] These Order Types are described below and in proposed Rule 3301A.

[13] The Routing Order Attribute is described below, in proposed Rule 3301B, and in current Rule 3315.

[14] Available Times-in-Force are described below and in proposed Rule 3301B.

[15] Accordingly, there are no circumstances in which an Order that was previously entered but not displayed on the PSX Book would be displayed without also receiving a new timestamp, and thus no possibility for a Participant to ''jump the queue'' with respect to other Orders.

The Exchange is amending Rule 3306 to make it clear that the redesignation of a sell Order as a long sale, short sale, or exempt short sale can be done only with respect to Orders entered through OUCH or FLITE; Orders entered through RASH or FIX would have to be cancelled and reentered to change their designation. Similarly, Rule 3306 is being amended to clarify that modification of an Order by the Participant to decrease its size is not possible with respect to a Pegged Order (including a Discretionary Order that is Pegged). Such an Order would have to be cancelled and reentered by the Participant to reduce its size.

[16] The Pegging Order Attribute adjusts the price of the Order based on changes in the NBBO and is described below and in proposed Rule 3301B.

[17] The Reserve Size Order Attribute is described below and in Rule 3301B.

[18] This is the case because when Orders are repriced, multiple instructions to reprice are sent simultaneously through multiple System gateways in order to modify the Orders as quickly as possible and thereby minimize the possibility that they will be disadvantaged vis-à-vis newly entered Orders.

[19] Governing handling of Price to Comply and Post-Only Orders when formerly unavailable price levels become available.

available through it. Moreover, a small number of Order Types and Order Attributes are available only to registered Market Makers in the security for which they are registered.

Price to Comply Order

The Price to Comply Order is an Order Type designed to comply with Rule 610(d) under Regulation NMS by having its price and display characteristics adjusted to avoid the display of quotations that lock or cross any Protected Quotation in a System Security during Market Hours. The Price to Comply Order is also designed to provide potential price improvement. PSX does not have a ''plain vanilla'' limit order that attempts to execute at its limit price and is then posted at its price or rejected if it cannot be posted; rather, the Price to Comply Order, with its price and display adjustment features, is one of the primary Order Types used by Participants to access and display liquidity in the System. The price and display adjustment features of the Order Type enhance efficiency and investor protection by offering an Order Type that first attempts to access available liquidity and then to post the remainder of the Order at prices that are designed to maximize their opportunities for execution.

When a Price to Comply Order is entered, the Price to Comply Order will be executed against previously posted Orders on the PSX Book that are priced equal to or better than the price of the Price to Comply Order, up to the full amount of such previously posted Orders, unless such executions would trade through a Protected Quotation. Any portion of the Order that cannot be executed in this manner will be posted on the PSX Book (and/or routed if it has been designated as Routable).[20]

During Market Hours, the price at which a Price to Comply Order is posted is determined in the following manner. If the entered limit price of the Price to Comply Order would lock or cross a Protected Quotation and the Price to Comply Order could not execute against an Order on the PSX Book at a price equal to or better than the price of the Protected Quotation, the Price to Comply Order will be displayed on the PSX Book at a price one minimum price increment lower than the current Best Offer (for a Price to Comply Order to buy) or higher than the current Best Bid (for a Price to Comply Order to sell) but will also be ranked on the PSX Book with a non-displayed price equal to the current Best Offer (for a Price to Comply Order to buy) or to the current Best Bid (for a Price to Comply Order to sell). The posted Order will then be available for execution at its non-displayed price, thus providing opportunities for price improvement to incoming Orders.

For example, if a Price to Comply Order to buy at $11 would lock a Protected Offer of $11, the Price to Comply Order will be ranked at a non-displayed price of $11 but will be displayed at $10.99. An incoming Order to sell at a price of $11 or lower would execute against the Price to Comply Order at $11.[21]

During Pre-Market Hours and Post-Market Hours, a Price to Comply Order will be ranked and displayed at its entered limit price without adjustment. This is the case because PSX's rule with respect to locked and crossed markets, as adopted pursuant to Rule 610(d) under Regulation NMS and approved by the Commission, applies only during Market Hours.[22]

Depending on the protocol used to enter a Price to Comply Order, Participants have different options with respect to adjustment of the Price to Comply Order following its initial entry and posting to the PSX Book. Specifically, if a Price to Comply Order is entered through RASH or FIX, during Market Hours the price of the Price to Comply Order will be adjusted in the following manner after initial entry and posting to the PSX Book (unless the Order is assigned a Routing Order Attribute that would cause it to be routed to another market center rather than remaining on the PSX Book):

- If the entered limit price of the Price to Comply Order locked or crossed a Protected Quotation and the NBBO changes, the displayed and non-displayed price of the Price to Comply Order will be adjusted repeatedly in accordance with changes to the NBBO; provided, however, that if the quotation of another market center moves in a manner that would lock or cross the displayed price of a Price to Comply Order, the prices of the Price to Comply Order will not be adjusted. For example, if a Price to Comply Order to buy at $11.02 would cross a Protected Offer of $11, the Order will be ranked at a non-displayed price of $11 but will be displayed at $10.99. If the Best Offer then moves to $11.01, the displayed price will be changed to $11 and the Order will be ranked at a non-displayed price of $11.01. However, if another market center then displays an offer of $11 (thereby locking the previously displayed price of the Price to Comply Order, notwithstanding Rule 610(d) under Regulation NMS), the price of the Price to Comply Order will not be changed.[23] The Order may be repriced repeatedly until such time as the Price to Comply Order is able to be ranked and displayed at its original entered limt price ($11.02 in the example). The Price to Comply Order receives a new timestamp each time its price is changed.
- If the original entered limit price of the Price to Comply Order would no longer lock or cross a Protected Quotation, the Price to Comply Order will be ranked and displayed at that price and will receive a new timestamp, and will not thereafter be adjusted under this provision.[24]

If a Price to Comply Order is entered through OUCH or FLITE, during Market Hours the price of the Price to Comply Order may be adjusted in the following manner after initial entry and posting to the PSX Book:

- If the entered limit price of the Price to Comply Order crossed a Protected Quotation and the NBBO changes so that the Price to Comply Order could be displayed at a price at or closer to its entered limit price without locking or crossing a Protected Quotation, the Price to Comply Order may either remain on the PSX Book unchanged or may be cancelled back to the Participant, depending on its choice. For example, if a Price to Comply Order to buy at $11.02 would cross a Protected Offer of $11, the Order will be ranked at a non-displayed price of $11 but will be displayed at $10.99. If the Best Offer changes to $11.01, the Order will not be repriced, but rather will either remain with a displayed price of $10.99 but ranked at a non-displayed price of $11 or be cancelled back to the Participant, depending on its choice. A Participant's choice with regard to maintaining the Price to Comply Order or cancelling it is set in advance for each port through which the Participant enters Orders.
- If the entered limit price of the Price to Comply Order locked a Protected Quotation, the price of the Price to Comply Order will be adjusted after initial entry only as follows. If the

[20] *See* Rules 3301B(f) and 3315.

[21] Unless the incoming Order was an Order Type that was not immediately executable, in which case the incoming Order would behave in the manner specified for that Order Type. For example, as discussed below, a Post-Only Order to sell priced at $11 would be repriced and posted at $11.01.

[22] *See supra* n. 10.

[23] This means that, in general, the price of the Price to Comply Order will move toward, but not away from, its original entered limit price. Because a Price to Comply Order is removed from the PSX Book while it is being repriced, however, it is possible that the Order's price will move away from its original entered limit price in the case of a ''race condition'' where the NBBO changes again while the Order is not on the PSX Book.

[24] Thus, the price of the Order will not move beyond its limit price.

entered limit price would no longer lock a Protected Quotation, the Price to Comply Order may either remain on the PSX Book unchanged, may be cancelled back to the Participant, or may be ranked and displayed at its original entered limit price, depending on the Participant's choice. For example, if a Price to Comply Order to buy at $11 would lock a Protected Offer of $11, the Price to Comply Order will be ranked at a non-displayed price of $11 but will be displayed at $10.99. If the Best Offer changes to $11.01, the Price to Comply Order may either remain with a displayed price of $10.99 but ranked at a non-displayed price of $11, be cancelled back to the Participant, or be ranked and displayed at $11, depending on the Participant's choice. A Participant's choice with regard to maintaining the Price to Comply Order, cancelling it, or allowing it to be displayed is set in advance for each port through which the Participant enters Orders. If the Price to Comply Order is ranked and displayed at its original entered limit price, it will receive a new timestamp and will not thereafter be adjusted under this provision.[25]

With regard to the foregoing options, it is important to emphasize that the Price to Comply Order receives a new timestamp whenever its price is changed, and also receives a new timestamp if the Price to Comply Order would no longer lock a Protected Quotation and is therefore displayed at its original entered limit price. Thus, there are no circumstances under which a Price to Comply Order that originally locked or crossed a Protected Quotation would ''jump the queue'' and be displayed at its original entered limit price while retaining its original time priority. In fact, as discussed throughout this filing, PSX does not offer any functionality that enables a Participant to ''jump the queue'' by displaying a previously entered non-displayed Orders without also receiving a new timestamp.[26]

The following Order Attributes may be assigned to a Price to Comply Order. The effect of each Order Attribute is discussed in detail below with respect to proposed new Rule 3301B.

- Price. As described above, the price of the Order may be adjusted to avoid locking or crossing a Protected Quotation, and may include a displayed price as well as a non-displayed price.
- Size.
- Reserve Size (available through RASH and FIX only).
- A Time-in-Force other than ''Immediate or Cancel'' (''IOC'').[27]
- Designation as an ''ISO''. In accordance with Regulation NMS, a Price to Comply Order designated as an ISO would be processed at its entered limit price, since such a designation reflects a representation by the Participant that it has simultaneously routed one or more additional limit orders, as necessary, to execute against the full displayed size of any Protected Quotations that the Price to Comply Order would lock or cross.
- Routing (available through RASH and FIX only).
- ''Primary Pegging'' and ''Market Pegging'' (available through RASH and FIX only).
- ''Discretion'' (available through RASH and FIX only).[28]
- Display. A Price to Comply Order is always displayed, although, as provided above, it may also have a non-displayed price and/or Reserve Size.

Price to Display Order

A ''Price to Display Order'' is an Order Type designed to comply with Rule 610(d) under Regulation NMS by avoiding the display of quotations that lock or cross any Protected Quotation in a System Security during Market Hours. Price to Display Orders are available solely to Participants that are Market Makers for System Securities and are always attributable.[29] Like a Price to Comply Order, a Price to Display Order is another form of priced Order that first accesses available liquidity and then posts remaining shares, with price adjustment features similar to those of the Price to Comply Order that provide a means to post displayed Orders at prices that are designed to maximize their opportunities for execution.

When a Price to Display Order is entered, if its entered limit price would lock or cross a Protected Quotation, the Price to Display Order will be repriced to one minimum price increment lower than the current Best Offer (for a Price to Display Order to buy) or higher than the current Best Bid (for a Price to Display Order to sell). For example, if a Price to Display Order to buy at $11 would cross a Protected Offer of $10.99, the Price to Display Order will be repriced to $10.98. The Price to Display Order (whether repriced or not repriced) will then be executed against previously posted Orders on the PSX Book that are priced equal to or better than the adjusted price of the Price to Display Order, up to the full amount of such previously posted Orders, unless such executions would trade through a Protected Quotation. Any portion of the Order that cannot be executed in this manner will be posted on the PSX Book (and/or routed if it has been designated as Routable).[30]

During Market Hours, the price at which a Price to Display Order is displayed and ranked on the PSX Book will be its entered limit price if the Price to Display Order was not repriced upon entry, or the adjusted price if the Price to Comply Order was repriced upon entry, such that the price will not lock or cross a Protected Quotation. During Pre-Market Hours and Post-Market Hours, a Price to Display Order will be displayed and ranked at its entered limit price without adjustment.

As is the case with a Price to Comply Order, a Price to Display Order may be adjusted after initial entry.[31] Specifically, if a Price to Display Order is entered through RASH or FIX, during Market Hours the Price to Display Order may be adjusted in the following manner after initial entry and posting to the PSX Book (unless the Order is assigned a Routing Order Attribute that would cause it to be routed to another market center rather than remaining on the PSX Book):

- If the entered limit price of the Price to Display Order locked or crossed a Protected Quotation and the NBBO changes, the price of the Order will be adjusted repeatedly in accordance with changes to the NBBO; provided, however, that if the quotation of another market center moves in a manner that would lock or cross the price of a Price to Display Order, the price of the Price to Display Order will not be adjusted.[32]

[25] Thus, the price of the Order will not move beyond its limit price.

[26] As a result, it is possible that a new Order that is entered while previously booked Orders are being repriced may be place on the PSX Book ahead of them.

[27] As discussed below, IOC is a Time-in-Force under which an Order is evaluated to determine if it is marketable, with unexecuted shares cancelled. A Price to Comply Order entered with a Time-in-Force of IOC would be accepted but would be processed as a Non-Displayed Order with a Time-in-Force of IOC.

[28] Primary Pegging, Market Pegging, and Discretion are discussed below and in proposed Rule 3301B.

[29] As described below and in proposed Rule 3301B, Attribution is an Order Attribute that allows for display of the price and size of an Order next to a Market Maker's MPID. In the current rule, the Price to Display Order is referred to as the ''Price to Comply Post Order.'' The fact that this Order Type is Attributable and available only to registered Market Makers reflects a substantive clarification to the language of the existing rule.

[30] *See* Rules 3301B(f) and 3315.

[31] These adjustments reflect a substantive clarification to the language of the existing rule.

[32] This means that, in general, the price of the Price to Display Order will move toward, but not away from, its original entered limit price. Because a Price to Display Order is removed from the PSX Book while it is being repriced, however, it is possible that the Order's price will move away from its original entered limit price in the case of a ''race

For example, if a Price to Display Order to buy at $11.02 would cross a Protected Offer of $11, the Order will be displayed and ranked at $10.99. If the Best Offer then moves to $11.01, the displayed/ranked price will be changed to $11. However, if another market center then displays an offer of $11 (thereby locking the previously displayed price of the Price to Display Order, notwithstanding Rule 610(d) under Regulation NMS), the price of the Price to Display Order will not be changed. The Order may be repriced repeatedly until such time as the Price to Display Order is able to be displayed and ranked at its original entered limit price ($11.02 in the example). The Price to Display Order receives a new timestamp each time its price is changed.

• If the original entered limit price of the Price to Display Order would no longer lock or cross a Protected Quotation, the Price to Display Order will be displayed and ranked at that price and will receive a new timestamp, and will not thereafter be adjusted under this provision.[33]

If a Price to Display Order is entered through OUCH or FLITE, during Market Hours the Price to Display Order may be adjusted in the following manner after initial entry and posting to the PSX Book:

• If the entered limit price of the Price to Display Order locked or crossed a Protected Quotation and the NBBO changes so that the Price to Display Order could be ranked and displayed at a price at or closer to its original entered limit price without locking or crossing a Protected Quotation, the Price to Display Order may either remain on the PSX Book unchanged or may be cancelled back to the Participant, depending on the Participant's choice. For example, if a Price to Display Order to buy at $11.02 would cross a Protected Offer of $11, the Order will be ranked and displayed at $10.99. If the Best Offer changes to $11.01, the Price to Display Order will not be repriced, but rather will either remain at its current price or be cancelled back to the Participant, depending on its choice. A Participant's choice with regard to maintaining the Price to Display Order or cancelling it is set in advance for each port through which the Participant enters Orders.

The following Order Attributes may be assigned to a Price to Display Order:

• Price. As described above, the price of the Order may be adjusted to avoid locking or crossing a Protected Quotation.

• Size.

• Reserve Size (available through RASH and FIX only).

• A Time-in-Force other than IOC.[34]

• Designation as an ISO. In accordance with Regulation NMS, a Price to Display Order designated as an ISO would be processed at its entered limit price, since such a designation reflects a representation by the Participant that it has simultaneously routed one or more additional limit orders, as necessary, to execute against the full displayed size of any Protected Quotations that the Price to Display Order would lock or cross.

• Routing (available through RASH and FIX only).[35]

• Primary Pegging and Market Pegging (available through RASH and FIX only).

• Discretion (available through RASH and FIX only).

• Attribution. All Price to Display Orders are Attributable Orders.

• Display. A Price to Display Order is always displayed (but may also have Reserve Size).

Non-Displayed Order

A ''Non-Displayed Order'' is an Order Type that is not displayed to other Participants, but nevertheless remains available for potential execution against incoming Orders until executed in full or cancelled. Thus, the Order Type provides a means by which Participants may access and/or offer liquidity without signaling to other Participants the extent of their trading interest. The Order may also serve to provide price improvement vis-à-vis the NBBO. Under Regulation NMS, a Non-Displayed Order may lock a Protected Quotation and may be traded-through by other market centers.[36] In addition to the Non-Displayed Order Type, there are other Order Types that are not displayed on the PSX Book. Thus, ''Non-Display'' is both a specific Order Type and an Order Attribute of certain other Order Types.

When a Non-Displayed Order is entered, the Non-Displayed Order will be executed against previously posted Orders on the PSX Book that are priced equal to or better than the price of the Non-Displayed Order, up to the full amount of such previously posted Orders, unless such executions would trade through a Protected Quotation. Any portion of the Non-Displayed Order that cannot be executed in this manner will be posted to the PSX Book (unless the Non-Displayed Order has a Time-in-Force of IOC) and/or routed if it has been designated as Routable.[37]

During Market Hours, the price at which a Non-Displayed Order is posted is determined in the following manner. If the entered limit price of the Non-Displayed Order would lock a Protected Quotation, the Non-Displayed Order will be placed on the PSX Book at the locking price. If the Non-Displayed Order would cross a Protected Quotation, the Non-Displayed Order will be repriced to a price that would lock the Protected Quotation and will be placed on the PSX Book at that price.[38] For example, if a Non-Displayed Order to buy at $11 would cross a Protected Offer of $10.99, the Non-Displayed Order will be repriced and posted at $10.99. A Non-Displayed Order to buy at $10.99 would also be posted at $10.99. During Pre-Market Hours and Post-Market Hours, a Non-Displayed Order will be posted at its entered limit price without adjustment.

As is the case with a Price to Comply Order, a Non-Displayed Order may be adjusted after initial entry.[39] Specifically, if a Non-Displayed Order is entered through RASH or FIX, during Market Hours the Non-Displayed Order may be adjusted in the following manner after initial entry and posting to the PSX Book (unless the Order is assigned a Routing Order Attribute that would cause it to be routed to another market center rather than remaining on the PSX Book):

• If the original entered limit price of a Non-Displayed Order is higher than the Best Offer (for an Order to buy) or lower than the Best Bid (for an Order to sell) and the NBBO moves toward the original entered limit price of the Non-Displayed Order, the price of the Non-

condition'' where the NBBO changes again while the Order is not on the PSX Book.

[33] Thus, the price of the Order will not move beyond its limit price.

[34] A Price to Display Order entered with a Time-in-Force of IOC would be processed as a Non-Displayed Order with a Time-in-Force of IOC.

[35] The availability of routing for Price to Display Orders reflects a substantive clarification to the language of the existing rule.

[36] Rule 611 requires exchanges to adopt rules that ''require . . . members reasonably to avoid . . . *[d]isplaying* quotations that lock or cross any protected quotations'' (emphasis added). Similarly, under Rule 600, a Non-Displayed Order is not a Protected Quotation because it is not displayed. Accordingly, the definition of trade-through does not apply to a transaction at a price that is worse than the price of a Non-Displayed Order. Thus, in opting to use a Non-Displayed Order, a Participant must balance the benefits of not disclosing its trading intentions against the loss of trade-through protection. However, because a Non-Displayed Order may not itself trade-through a Protected Quotation, as described below, the System protects against such trade-throughs by repricing and/or cancelling Non-Displayed Orders that cross or are crossed by a Protected Quotation.

[37] *See* Rules 3301B(f) and 3315.

[38] Repricing the crossing Non-Displayed Order helps ensure that the Non-Displayed Order will not trade-through the Protected Quotation.

[39] These adjustments reflect a substantive clarification to the language of the existing rule.

Displayed Order will be adjusted repeatedly in accordance with changes to the NBBO. For example, if a Non-Displayed Order to buy at $11.02 would cross a Protected Offer of $11, the Non-Displayed Order will be priced and posted at $11. If the Best Offer then changes to $11.01, the price of the Non-Displayed Order will be changed to $11.01. The Order may be repriced repeatedly in this manner, receiving a new timestamp each time its price is changed, until the Non-Displayed Order is posted at its original entered limit price.[40] The Non-Displayed Order will not thereafter be repriced under this provision, except as provided below with respect to crossing a Protected Quotation.

• If, after being posted to the PSX Book, the NBBO changes so that the Non-Displayed Order would cross a Protected Quotation, the Non-Displayed Order will be repriced at a price that would lock the new NBBO and receive a new timestamp.[41] For example, if a Non-Displayed Order to buy at $11 would lock a Protected Offer of $11, the Non-Displayed Order will be posted at $11. If the Best Offer then changes to $10.99, the Non-Displayed Order will be repriced at $10.99, receiving a new timestamp. The Non-Displayed Order may be repriced and receive a new timestamp repeatedly.

If a Non-Displayed Order is entered through OUCH or FLITE, during Market Hours the Non-Displayed Order may be adjusted in the following manner after initial entry and posting to the PSX Book:

• If the original entered limit price of the Non-Displayed Order locked or crossed a Protected Quotation and the NBBO changes so that the Non-Displayed Order could be posted at a price at or closer to its original entered limit price without crossing a Protected Quotation, the Non-Displayed Order may either remain on the PSX Book unchanged or may be cancelled back to the Participant, depending on its choice. For example, if a Non-Displayed Order to buy at $11.02 would cross a Protected Offer of $11, the Order will be priced at $11. If the Best Offer changes to $11.01, the Order will not be repriced, but rather will either remain at its current $11 price or be cancelled back to the Participant, depending on its choice. A Participant's choice with regard to maintaining the Non-Displayed Order or cancelling it is set in advance for each port through which the Participant enters Orders.

• If, after a Non-Displayed Order is posted to the PSX Book, the NBBO changes so that the Non-Displayed Order would cross a Protected Quotation, the Non-Displayed Order will be cancelled back to the Participant. For example, if a Non-Displayed Order to buy at $11 would lock a Protected Offer of $11, the Non-Displayed Order will be posted at $11. If the Best Offer then changes to $10.99, the Non-Displayed Order will be cancelled back to the Participant.

• If a Non-Displayed Order entered through OUCH or FLITE is assigned a Midpoint Pegging Order Attribute,[42] and if, after being posted to the PSX Book, the NBBO changes so that the Non-Displayed Order is no longer at the Midpoint between the NBBO, the Non-Displayed Order will be cancelled back to the Participant. In addition, if a Non-Displayed Order entered through OUCH or FLITE is assigned a Midpoint Pegging Attribute and also has a limit price that is lower than the midpoint between the NBBO for an Order to buy (higher than the midpoint between the NBBO for an Order to sell), the Order will nevertheless be accepted at its limit price and will be cancelled if the midpoint between the NBBO moves lower than (higher than) the price of an Order to buy (sell).

The following Order Attributes may be assigned to a Non-Displayed Order:

• Price. As described above, the price of the Order may be adjusted to avoid crossing a Protected Quotation.

• Size.

• ''Minimum Quantity''.[43]

• Time-in-Force.

• Designation as an ISO. In accordance with Regulation NMS, a Non-Displayed Order designated as an ISO would be processed at its entered limit price, since such a designation reflects a representation by the Participant that it has simultaneously routed one or more additional limit orders, as necessary, to execute against the full displayed size of any Protected Quotations that the Non-Displayed Order would cross. As discussed above, a Non-Displayed Order would be accepted at a price that locked a Protected Quotation, even if the Order was not designated as an ISO, because the non-displayed nature of the Order allows it to lock a Protected Quotation under Regulation NMS. Accordingly, the System would not interpret receipt of a Non-Displayed Order marked ISO that locked a Protected Quotation as the basis for determining that the Protected Quotation had been executed for purposes of accepting additional Orders at that price level.[44]

• Routing (available through RASH and FIX only).

• Primary Pegging and Market Pegging (available through RASH and FIX only).

• Pegging to the Midpoint.[45]

• Discretion (available through RASH and FIX only).

Post-Only Orders

A ''Post-Only Order'' is an Order Type designed to have its price adjusted as needed to post to the PSX Book in compliance with Rule 610(d) under Regulation NMS by avoiding the display of quotations that lock or cross any Protected Quotation in a System Security during Market Hours, or to execute against locking or crossing quotations in circumstances where economically beneficial to the Participant entering the Post-Only Order. Post-Only Orders are always displayed, although as discussed below, they may also have a non-displayed price in circumstances similar to a Price to Comply Order. Post-Only Orders are thus designed to allow Participants to help control their trading costs, while also ''provid[ing] displayed liquidity to the market and thereby contribut[ing] to public price discovery—an objective that is fully consistent with the Act.''[46] In addition, under some circumstances, Post-Only Orders provide price improvement.

During Market Hours, a Post-Only Order is evaluated at the time of entry with respect to locking or crossing other Orders on the PSX Book, Protected

[40] Note that because the Order receives a new timestamp, it is processed like a new Order when it is repriced.

[41] *Id.* As noted above, the cancellation of a Non-Displayed Order in this circumstance helps ensure that the Non-Displayed Order will not trade through a Protected Quotation.

[42] Midpoint Pegging is described below and in proposed Rule 3301B. Specifically, an Order with the Midpoint Pegging Attribute that is entered through OUCH or FLITE is priced upon entry but is not repriced based on changes to the NBBO. Accordingly, the Order is cancelled if it is no longer at the midpoint between the NBBO.

[43] The Minimum Quantity Order Attribute is described below and in proposed Rule 3301B.

[44] For example, if a Non-Displayed Order to buy at $11 would lock the price of a Protected Offer at $11, the Non-Displayed Order could be posted at $11 regardless of whether it was marked as an ISO. Accordingly, even if the Non-Displayed Order was marked as an ISO, the System would not accept a Displayed Order priced at $11 unless (i) the Displayed Order was itself marked as an ISO, or (ii) market data received by the System demonstrated that the Protected Offer had been removed.

[45] Pegging to the Midpoint is described below and in proposed Rule 3301B. The full functionality of Midpoint Pegging is available through RASH and FIX, and more limited functionality is available through OUCH and FLITE.

[46] Securities Exchange Act Release No. 73333 (October 9, 2014), 79 FR 62223 (October 16, 2014) (SR–NYSE–2014–32 and SR–NYSEMKT–2014–56) (hereinafter ''SR–NYSE–2014–32 Approval Order'') (approving ''Add Liquidity Only'' modifier that operates in a manner similar to Post-Only Order).

Quotations, and potential execution as follows:[47]

• If a Post-Only Order would lock or cross a Protected Quotation, the price of the Order will first be adjusted. If the Order is Attributable, its adjusted price will be one minimum price increment lower than the current Best Offer (for bids) or higher than the current Best Bid (for offers). If the Order is not Attributable, its adjusted price will be equal to the current Best Offer (for bids) or the current Best Bid (for offers). However, the Order will not post or execute until the Order, as adjusted, is evaluated with respect to Orders on the PSX Book.

○ If the adjusted price of the Post-Only Order would not lock or cross an Order on the PSX Book, the Order will be posted in the same manner as a Price to Comply Order (if it is not Attributable) or a Price to Display Order (if it is Attributable). Specifically, if the Post-Only Order is not Attributable, it will be displayed on the PSX Book at a price one minimum price increment lower than the current Best Offer (for bids) or higher than the current Best Bid (for offers) but will be ranked on the PSX Book with a non-displayed price equal to the current Best Offer (for bids) or to the current Best Bid (for offers). For example, if a Post-Only Order to buy at $11 would lock a Protected Offer of $11, the Order will be ranked at a non-displayed price of $11 but will be displayed at $10.99. If the Post-Only Order is Attributable, it will be ranked and displayed on the PSX Book at a price one minimum increment lower than the current Best Offer (for bids) or higher than the current Best Bid (for offers). Thus, in the preceding example, the Post-Only Order to buy would be ranked and displayed at $10.99.

○ If the adjusted price of the Post-Only Order would lock or cross an Order on the PSX Book, the Post Only Order will be repriced, ranked, and displayed at one minimum price increment below the current best-priced Order to sell on the PSX Book (for bids) or above the current best-priced Order to buy on the PSX Book (for offers); provided, however, the Post-Only Order will execute if (i) it is priced below $1.00 and the value of price improvement associated with executing against an Order on the PSX Book (as measured against the original limit price of the Order) equals or exceeds the sum of fees charged for such execution and the value of any rebate that would be provided if the Order posted to the PSX Book and subsequently provided liquidity, or (ii) it is priced at $1.00 or more and the value of price improvement associated with executing against an Order on the PSX Book (as measured against the original limit price of the Order) equals or exceeds $0.01 per share. For example, if a Participant entered a Non-Attributable Post-Only Order to buy at $11.01, another market center is displaying a Protected Offer at $11, and there is a Non-Displayed Order on the PSX Book to sell at $11, the adjusted price of the Post-Only Order will be $11. However, because the Post-Only Order would be executable against the Non-Displayed Order on the PSX Book and would receive $0.01 price improvement (as measured against the original $11.01 price of the Post-Only Order), the Post-Only Order would execute.

• If the Post-Only Order would not lock or cross a Protected Quotation but would lock or cross an Order on the PSX Book, the Post Only Order will be repriced, ranked, and displayed at one minimum price increment below the current best-priced Order to sell on the PSX Book (for bids) or above the current best-priced Order to buy on the PSX Book (for offers); provided, however, the Post-Only Order will execute if (i) it is priced below $1.00 and the value of price improvement associated with executing against an Order on the PSX Book equals or exceeds the sum of fees charged for such execution and the value of any rebate that would be provided if the Order posted to the PSX Book and subsequently provided liquidity, or (ii) it is priced at $1.00 or more and the value of price improvement associated with executing against an Order on the PSX Book equals or exceeds $0.01 per share. For example, if a Participant entered a Post-Only Order to buy at $11.02, the Best Offer was $11.04, and there was a Non-Displayed Order on the PSX Book to sell at $11.02, the Post-Only Order would be ranked and displayed at $11.01. However, if a Participant entered a Post-Only Order to buy at $11.03, the Order would execute against the Order on the PSX Book at $11.02, receiving $0.01 per share price improvement.[48]

• If a Post-Only Order is entered with a Time-in-Force of IOC, the price of an Order to buy (sell) will be repriced to the lower of (higher of) (i) one minimum price increment below (above) the price of the Order or (ii) the current Best Offer (Best Bid). The Order will execute against any Order on the PSX Book with a price equal to or better than the adjusted price of the Post-Only Order. If the Post-Only Order cannot execute, it will be cancelled. For example, if a Post-Only Order to buy at $11 with a Time-in-Force of IOC was entered and the current Best Offer was $11.01, the Order would be repriced to $10.99; however, if the Best Offer was $10.98, the Order would be repriced to $10.98.[49]

• If a Post-Only Order would not lock or cross an Order on the PSX Book or any Protected Quotation, it will be posted on the PSX Book at its entered limit price.

During Pre-Market and Post-Market Hours, a Post-Only Order will be processed in a manner identical to Market Hours with respect to locking or crossing Orders on the PSX Book, but will not have its price adjusted with respect to locking or crossing the quotations of other market centers.

If a Post-Only Order is entered through RASH or FIX, during System Hours the Post-Only Order may be adjusted in the following manner after initial entry and posting to the PSX Book:[50]

• If the original entered limit price of the Post-Only Order is not being displayed, the displayed (and non-displayed price, if any) of the Order will be adjusted repeatedly in accordance with changes to the NBBO or the best price on the PSX Book, as applicable; provided, however, that if the quotation of another market center moves in a manner that would lock or cross the displayed price of a Post-Only Order, the price(s) of the Post-Only Order will not be adjusted.[51] For example, if a Non-

[47] Details regarding the processing of a Post-Only Order that locks or crosses both a Protected Quotation and an Order on the PSX Book; the potential execution of a Post-Only Order priced at more than $1 per share; and the processing of a Post-Only Order with a Time-in-Force of IOC reflect substantive clarifications to the language of the existing rule.

[48] Thus, in circumstances where a Post-Only Order would lock or cross an Order on the PSX Book, the Post-Only Order will either execute or post and offer displayed liquidity. A Post-Only Order is not cancelled back to the Participant that entered it if it cannot post at its original price. Thus, the Order Type does not provide a means to ascertain the existence of locking or crossing Orders on the PSX Book with the Participant also committing to execute against such Orders or display and potentially provide liquidity at the Exchange's best price.

[49] This functionality reflects the overall purpose of the Post-Only Order, which is not to post to the PSX Book in all circumstances, but rather to assist Participants in controlling execution costs by allowing consideration of price improvement, fees, and rebates in the handling of the Order. Thus, entering a Post-Only Order with a Time-in-Force of IOC allows a Participant to stipulate that an Order will execute only if it receives price improvement.

[50] These adjustments reflect a substantive clarification to the language of the existing rule.

[51] This means that, in general, the price of the Post-Only Order will move toward, but not away from, its original entered limit price. Because a Post-Only Order is removed from the PSX Book while it is being repriced, however, it is possible

Continued

Attributable Post-Only Order to buy at $11.02 would cross a Protected Offer of $11, the Order will be ranked at a non-displayed price of $11 but will be displayed at $10.99. If the Best Offer then moves to $11.01, the displayed price will be changed to $11 and the non-displayed price at which the Order is ranked will be changed to $11.01. However, if another market center then displays an offer of $11 (thereby locking the previously displayed price of the Post-Only Order, notwithstanding Rule 610(d) under Regulation NMS), the price of the Post-Only Order will not be changed. The Order may be repriced repeatedly until such time as the Post-Only Order is able to be displayed at its original entered limit price ($11.02 in the example). The Post-Only Order receives a new timestamp each time its price is changed. If the original entered limit price of the Post-Only Order would no longer lock or cross a Protected Quotation or an Order on the PSX Book, the Post-Only Order will be ranked and displayed at that price and will receive a new timestamp, and will not thereafter be adjusted under this provision.[52]

If a Post-Only Order is entered through OUCH or FLITE, the Post-Only Order may be adjusted in the following manner after initial entry and posting to the PSX Book:[53]

- During Market Hours, if the original entered limit price of the Post-Only Order locked or crossed a Protected Quotation, the Post-Only Order may be adjusted after initial entry in the same manner as a Price to Comply Order (or a Price to Display Order, if it is Attributable). Thus, in the case of a Non-Attributable Post-Only Order that crossed a Protected Quotation, if the NBBO changed so that the Post-Only Order could be ranked and displayed at a price at or closer to its original entered limit price without locking or crossing a Protected Quotation, the Post-Only Order may either remain on the PSX Book unchanged or may be cancelled back to the Participant, depending on its choice. In the case of a Non-Attributable Post-Only Order that locked a Protected Quotation, if the limit price would no longer lock a Protected Quotation, the Post-Only Order may either remain on the PSX Book unchanged, may be cancelled back to the Participant, or may be ranked and displayed at its original entered limit price, depending on the Participant's choice, and will not thereafter be adjusted under this provision.[54] If the Post-Only Order is displayed at its original entered limit price, it will receive a new timestamp. Finally, in the case of an Attributable Post-Only Order that locked or crossed a Protected Quotation, if the NBBO changed so that the Post-Only Order could be ranked and displayed at a price at or closer to its original entered limit price without locking or crossing a Protected Quotation, the Post-Only Order may either remain on the PSX Book unchanged or may be cancelled back to the Participant, depending on the Participant's choice. A Participant's choice with regard to adjustment of Post-Only Orders is set in advance for each port through which the Participant enters Orders.
- During System Hours, if the original entered limit price of the Post-Only Order locked or crossed an Order on the PSX Book and the PSX Book changes so that the original entered limit price would no longer lock or cross an Order on the PSX Book, the Post-Only Order may either remain on the PSX Book unchanged or may be cancelled back to the Participant, depending on the Participant's choice. For example, if a Post-Only Order to buy at $11 would lock an Order on the PSX Book priced at $11, the Post-Only Order will be ranked and displayed at $10.99. If the Order at $11 is cancelled or executed, the Post-Only Order may either remain with a displayed price of $10.99 or be cancelled back to the Participant, depending on the Participant's choice. A Participant's choice with regard to maintaining the Post-Only Order or cancelling it is set in advance for each port through which the Participant enters Orders.

The following Order Attributes may be assigned to a Post-Only Order:

- Price. As described above, the price of the Order may be adjusted to avoid locking or crossing a Protected Quotation, and may include a displayed price as well as a non-displayed price.
- Size.
- Time-in-Force.
- Designation as an ISO. In accordance with Regulation NMS, a Post-Only Order designated as an ISO that locked or crossed a Protected Quotation would be processed at its entered limit price, since such a designation reflects a representation by the Participant that it has simultaneously routed one or more additional limit orders, as necessary, to execute against the full displayed size of any Protected Quotations that the Post-Only Order would lock or cross.[55] However, as described above, a Post-Only Order designated as an ISO that locked or crossed an Order on the PSX Book would either execute at time of entry or would have its price adjusted prior to posting. Accordingly, the System would not interpret receipt of a Post-Only Order marked ISO that had its price adjusted prior to posting as the basis for determining that any Protected Quotation at the Order's original entered limit price level had been executed for purposes of accepting additional Orders at that price level.[56] However, if the Post-Only Order is ranked and displayed at its adjusted price, the System would consider the adjusted price level to be open for purposes of accepting additional Orders at that price level. For example, assume that there is a Protected Offer at $11 and a Participant enters a Post-Only Order marked ISO to buy at $11. If there are no Orders to sell at $11 on the PSX Book, the Order to buy will be displayed and ranked at $11, since the designation of the Order as an ISO reflects the Participant's representation that it has routed one or more additional limit orders, as necessary, to execute against the full displayed size of any Protected Quotations that the Post-Only Order would lock or cross. However, if there was also an Order to sell at $11 on the PSX Book, the Post-Only Order will be repriced, ranked, and displayed at $10.99. In that case, the mere fact that the Post-Only Order was designated as an ISO would not allow the Exchange to conclude that the $11 price level was ''open'' for receiving orders to buy at that price; the $11 price level would be considered open only if market data received by the System demonstrated that the Protected Offer at $11 had been removed or if a subsequent Displayed Order marked ISO was received and ranked at that price.
- Attribution.

that the Order's price will move away from its original entered limit price in the case of a ''race condition'' where the NBBO changes again while the Order is not on the PSX Book.

[52] Thus, the price of the Order will not move beyond its limit price.

[53] These adjustments reflect a substantive clarification to the language of the existing rule.

[54] Thus, the price of the Order will not move beyond its limit price.

[55] In the SR–NYSE–2014–32 Approval Order, the Commission affirmed that exchanges may adopt rules allowing market participants to ''ship and post'' (*i.e.,* to ship limit orders, as necessary, to remove Protected Quotations while posting an order at the formerly locking price). The Commission further determined that a Day Order with an ''Access Liquidity Only'' (similar to a Post-Only Order) modifier could be marked as an ISO. Of course, as required by its obligations as a self-regulatory organization, the Exchange maintains an active regulatory surveillance and enforcement program to verify that Participants are not improperly designating Orders as ISOs.

[56] The price level would be considered open if a subsequent Displayed Order marked ISO was received at that price or if market data received by the System demonstrated that the Protected Quotation had been removed.

• Display. A Post-Only Order is always displayed, although as provided above, may also have a non-displayed price.

Market Maker Peg Order

A ''Market Maker Peg Order'' is an Order Type designed to allow a Market Maker to maintain a continuous two-sided quotation at a price that is compliant with the quotation requirements for Market Makers set forth in Rule 3213(a)(2).[57] The price of the Market Maker Peg Order is set with reference to a ''Reference Price'' in order to keep the price of the Market Maker Peg Order within a bounded price range. A Market Maker Peg Order may be entered through RASH or FIX only. A Market Maker Peg Order must be entered with a limit price beyond which the Order may not be priced. The Reference Price for a Market Maker Peg Order to buy (sell) is the then-current Best Bid (Best Offer) (including PSX), or if no such Best Bid or Best Offer, the most recent reported last-sale eligible trade from the responsible single plan processor for that day, or if none, the previous closing price of the security as adjusted to reflect any corporate actions (*e.g.,* dividends or stock splits) in the security.

Upon entry, the price of a Market Maker Peg Order to buy (sell) is automatically set by the System at the Designated Percentage (as defined in Rule 3213) away from the Reference Price in order to comply with the quotation requirements for Market Makers set forth in Rule 3213(a)(2). For example, if the Best Bid is $10 and the Designated Percentage for the security is 8%, the price of a Market Marker Peg Order to buy would be $9.20. If the limit price of the Order is not within the Designated Percentage, the Order will be sent back to the Participant.

Once a Market Maker Peg Order has posted to the PSX Book, its price is adjusted if needed as the Reference Price changes. Specifically, if as a result of a change to the Reference Price, the difference between the price of the Market Maker Peg Order and the Reference Price reaches the Defined Limit (as defined in Rule 3213), the price of a Market Maker Peg Order to buy (sell) will be adjusted to the Designated Percentage away from the Reference Price. In the foregoing example, if the Defined Limit is 9.5% and the Best Bid increased to $10.17, such that the price of the Market Maker Peg Order would be more than 9.5% away, the Order will be repriced to $9.35, or 8% away from the Best Bid. Note that calculated prices of less than the minimum increment will be rounded in a manner that ensures that the posted price will be set at a level that complies with the percentages stipulated by this rule. If the limit price of the Order is outside the Defined Limit, the Order will be sent back to the Participant.

Similarly, if as a result of a change to the Reference Price, the price of a Market Maker Peg Order to buy (sell) is within one minimum price variation more than (less than) a price that is 4% less than (more than) the Reference Price, rounded up (down), then the price of the Market Maker Peg Order to buy (sell) will be adjusted to the Designated Percentage away from the Reference Price. For example, if the Best Bid is $10 and the Designated Percentage for the security is 8%, the price of a Market Marker Peg Order to buy would initially be $9.20. If the Best Bid then moved to $9.57, such that the price of the Market Maker Peg Order would be a minimum of $0.01 more than a price that is 4% less than the Best Bid, rounded up (*i.e.* $9.57 − ($9.57 × 0.04) = $9.1872, rounding up to $9.19), the Order will be repriced to $8.81, or 8% away from the Best Bid.

A Market Maker may enter a Market Maker Peg Order with a more aggressive offset than the Designated Percentage, but such an offset will be expressed as a price difference from the Reference Price. Such a Market Maker Peg Order will be repriced in the same manner as a Price to Display Order with Attribution and Primary Pegging. As a result, the price of the Order will be adjusted whenever the price to which the Order is pegged is changed.

A new timestamp is created for a Market Maker Peg Order each time that its price is adjusted. In the absence of a Reference Price, a Market Maker Peg Order will be cancelled or rejected. If, after entry, a Market Maker Peg Order is priced based on a Reference Price other than the NBBO and such Market Maker Peg Order is established as the Best Bid or Best Offer, the Market Maker Peg Order will not be subsequently adjusted in accordance with this rule until a new Reference Price is established. If a Market Maker Peg Order is repriced 1,000 times, it will be cancelled. This restriction is designed to conserve System resources by limiting the persistence of Orders that update repeatedly without any reasonable prospect of execution.

Notwithstanding the availability of Market Maker Peg Order functionality, a Market Maker remains responsible for entering, monitoring, and resubmitting, as applicable, quotations that meet the requirements of Rule 3213.

The following Order Attributes may be assigned to a Market Maker Peg Order:

• Price. As discussed above, the price of Market Maker Peg Order is established by the PSX based on the Reference Price, the Designated Percentage (or a narrower offset established by the Market Maker), the Defined Limit, and the 4% minimum difference from the Reference Price.

• Size.

• A Time-in-Force other than IOC or ''Good-till-Cancelled''.

• If the Market Maker designates a more aggressive offset, Primary Pegging is required.

• Attribution. All Market Maker Peg Orders are Attributable.

• Display. Market Marker Peg Orders are always Displayed.

Order Attributes

Proposed Rule 3301A lists the Order Attributes that may be assigned to specific Order Types. Proposed Rule 3301B details the parameters of each Order Attribute.

Time-in-Force

The ''Time-in-Force'' assigned to an Order means the period of time that PSX will hold the Order for potential execution. Participants specify an Order's Time-in-Force by designating a time at which the Order will become active and a time at which the Order will cease to be active. The available times for activating Orders are:

• The time of the Order's receipt by the System;

• the beginning of Market Hours;

• the end of Market Hours;

• the resumption of trading, in the case of a security that is the subject of a trading halt.

The available times for deactivating Orders are:

• ''Immediate'' (*i.e.,* immediately after determining whether the Order is marketable);

• the end of Market Hours;

• the end of System Hours;

• one year after entry; or

• a specific time identified by the Participant; provided, however, that an Order specifying an expire time beyond the current trading day will be cancelled at the end of the current trading day.

Notwithstanding the Time-in-Force originally designated for an Order, a Participant may always cancel an Order after it is entered.

The following Times in Force are referenced elsewhere in PSX's Rules by the designations noted below:

[57] As with other Order Types, the Market Maker Peg Order must be an Order either to buy or to sell; thus, at least two Orders would be required to maintain a two-sided quotation.

• An Order that is designated to deactivate immediately after determining whether the Order is marketable may be referred to as having a Time in Force of ''Immediate or Cancel'' or ''IOC''. Any Order with a Time-in-Force of IOC entered between 9:30 a.m. ET and 4 p.m. ET may be referred to as having a Time-in-Force of ''Market Hours Immediate or Cancel'' or ''MIOC''. An Order with a Time-in-Force of IOC that is entered at any time between 8 a.m. ET and 5 p.m. ET may be referred to as having a Time-in-Force of ''System Hours Immediate or Cancel'' or ''SIOC''.

• An Order that is designated to deactivate at 8 p.m. may be referred to as having a Time in Force of ''System Hours Day'' or ''SDAY''.

• An Order that is designated to deactivate one year after entry may be referred to as a ''Good-till-Cancelled'' or ''GTC'' Order. If a GTC Order is designated as eligible for execution during Market Hours only, it may be referred to as having a Time in Force of ''Market Hours Good-till-Cancelled'' or ''MGTC''. If a GTC is designated as eligible for execution during System Hours, it may be referred to as having a Time in Force of ''System Hours Good-till-Cancelled'' or ''SGTC''.

• An Order that is designated to deactivate at the time specified in advance by the entering Participant may be referred to as having a Time-in-Force of ''System Hours Expire Time'' or ''SHEX''.

• An Order that is designated to activate at any time during Market Hours and deactivate at 4 p.m. ET may be referred to as having a Time-in-Force of ''Market Hours Day'' or ''MDAY''. An Order entered with a Time-in-Force of MDAY after 4 p.m. ET will be accepted but given a Time-in-Force of IOC,.

• An Order that is designated to activate when entered and deactivate at 4 p.m. ET may be referred to as having a Time in Force of ''Good-till-Market Close'' or ''GTMC''. GTMC Orders entered after 4 p.m. ET will be treated as having a Time-in-Force of SIOC.

Size

Except as otherwise provided, an Order may be entered in any whole share size between one share and 999,999 shares. Orders for fractional shares are not permitted. The following terms may be used to describe particular Order sizes:

• ''normal unit of trading'' or ''round lot'' means the size generally employed by traders when trading a particular security, which is 100 shares in most instances;

• ''mixed lot'' means a size of more than one normal unit of trading but not a multiple thereof; and

• ''odd lot'' means a size of less than one normal unit of trading.

Price

With limited exceptions, all Orders must have a price, such that they will execute only if the price available is equal to or better than the price of the Order. The maximum price that the System will accept is $199,999.99. Certain Orders have a price that is determined by the System based on the NBBO or other reference prices, rather than by the Participant. As described below with respect to the Pegging Order Attribute, an Order may have a price that is pegged to the opposite side of the market, in which case the Order will behave like a ''market order'' or ''unpriced order'' (*i.e.,* an Order that executes against accessible liquidity on the opposite side of the market, regardless of its price).

Pegging

Pegging is an Order Attribute that allows an Order to have its price automatically set with reference to the NBBO; provided, however, that if PSX is the sole market center at the Best Bid or Best Offer (as applicable), then the price of any Displayed Order with Pegging will be set with reference to the highest bid or lowest offer disseminated by a market center other than PSX.[58] An Order with a Pegging Order Attribute may be referred to as a ''Pegged Order.'' The price to which an Order is pegged is referred to as the Inside Quotation, the Inside Bid, or the Inside Offer, as appropriate. There are three varieties of Pegging:

• Primary Pegging means Pegging with reference to the Inside Quotation on the same side of the market. For example, if the Inside Bid was $11, an Order to buy with Primary Pegging would be priced at $11.

• Market Pegging means Pegging with reference to the Inside Quotation on the opposite side of the market. For example, if the Inside Offer was $11.06, an Order to buy with Market Pegging would be priced at $11.06.

• Midpoint Pegging means Pegging with reference to the midpoint between the Inside Bid and the Inside Offer (the ''Midpoint''). Thus, if the Inside Bid was $11 and the Inside Offer was $11.06, an Order with Midpoint Pegging would be priced at $11.03. An Order with Midpoint Pegging is not displayed. An Order with Midpoint Pegging may be executed in sub-pennies if necessary to obtain a midpoint price.

Pegging is available only during Market Hours. An Order with Pegging may specify a limit price beyond which they Order may not be executed; provided, however, that if an Order has been assigned a Pegging Order Attribute and a Discretion Order Attribute, the Order may execute at any price within the discretionary price range, even if beyond the limit price specified with respect to the Pegging Order Attribute. If an Order with Pegging is priced at its limit price, the price of the Order may nevertheless be changed to a less aggressive price based on changes to the Inside Quotation.[59] In addition, an Order with Primary Pegging or Market Pegging may specify an Offset Amount, such that the price of the Order will vary from the Inside Quotation by the selected Offset Amount. The Offset Amount may be either aggressive or passive. Thus, for example, if a Participant entered an Order to buy with Primary Pegging and a passive Offset Amount of $0.05 and the Inside Bid was $11, the Order would be priced at $10.95. If the Participant selected an aggressive Offset Amount of $0.02, however, the Order would be priced at $11.02. An Order with Primary Pegging and an Offset Amount will not be Displayed, unless the Order is Attributable. An Order with Midpoint Pegging will not be Displayed. An Order with Market Pegging and no Offset behaves as a ''market order'' with respect to any liquidity on the PSX Book at the Inside Quotation on the opposite side of the market because it is immediately executable at that price. If, at the time of entry, there is no price to which a Pegged Order can be pegged, the Order will be rejected. In the case of an Order with Midpoint Pegging, if the Inside Bid and Inside Offer are locked, the Order will be priced at the locking price, if the Inside Bid and Inside Offer are crossed, the Order will nevertheless be priced at the midpoint between the Inside Bid and Inside Offer, and if there is no Inside Bid and/or Inside Offer, the Order will be rejected.

Primary Pegging and Market Pegging are available through RASH or FIX only. An Order entered through OUCH or FLITE with Midpoint Pegging will have its price set upon initial entry to the Midpoint, unless the Order has a limit

[58] This is the case because otherwise the Pegged Order would become pegged to itself if it set the NBBO.

[59] For example, if an Order to buy with Primary Pegging is entered with a limit price of $11.05 at a time when the Inside Bid is $11, the initial price of the Order will be $11. If, thereafter, the Inside Bid changes to $11.05, $11.06, and $11.04, the price of the Order at such times will be $11.05, $11.05, and $11.04.

price that is lower than the Midpoint for an Order to buy (higher than the Midpoint for an Order to sell), in which case the Order will be ranked on the PSX Book at its limit price. Thereafter, if the NBBO changes so that the Midpoint is lower than (higher than) the price of an Order to buy (sell), the Pegged Order will be cancelled back to the Participant.

An Order entered through RASH or FIX with Pegging will have its price set upon initial entry and will thereafter have its price reset in accordance with changes to the relevant Inside Quotation. An Order with Pegging receives a new timestamp whenever its price is updated and therefore will be evaluated with respect to possible execution (and routing, if it has been assigned a Routing Order Attribute) in the same manner as a newly entered Order. If the price to which an Order is pegged is not available, the Order will be rejected.

Pegging functionality allows a Participant to have the System adjust the price of the Order continually in order to keep the price within defined parameters. Thus, the System performs price adjustments that would otherwise be performed by the Participant through cancellation and reentry of Orders. The fact that a new timestamp is created for a Pegged Order whenever it has its price adjusted allows the Order to seek additional execution opportunities and ensures that the Order does not ''jump the queue'' with respect to any Orders that were previously at the Pegged Order's new price level.

If an Order with Primary Pegging is updated 1,000 times, it will be cancelled; if an Order with other forms of Pegging is updated 10,000 times, it will be cancelled. This restriction is designed to conserve System resources by limiting the persistence of Orders that update repeatedly without any reasonable prospect of execution.

Minimum Quantity

Minimum Quantity is an Order Attribute that allows a Participant to provide that an Order will not execute unless a specified minimum quantity of shares can be obtained. Thus, the functionality serves to allow a Participant that may wish to buy or sell a large amount of a security to avoid signaling its trading interest unless it can purchase a certain minimum amount. An Order with a Minimum Quantity Order Attribute may be referred to as a ''Minimum Quantity Order.'' For example, a Participant could enter an Order with a Size of 1000 shares and specify a Minimum Quantity of 500 shares. In that case, upon entry, the System would determine whether there were posted Orders executable against the incoming Order with a size of at least 500 shares.[60] If there were not, the Order would post on the PSX Book in accordance with the characteristics of its underlying Order Type. Once posted to the PSX Book, the Minimum Quantity Order retains its Minimum Quantity Order Attribute, such that the Order may execute only against incoming Orders with a size of at least the minimum quantity condition. An Order that has a Minimum Quantity Order Attribute and that posts to the PSX Book will not be displayed.

Upon entry, an Order with a Minimum Quantity Order Attribute must have a size of at least one round lot. An Order entered through OUCH or FLITE may have a minimum quantity condition of any size of at least one round lot. An Order entered through RASH or FIX must have a minimum quantity of one round lot or any multiple thereof, and a mixed lot minimum quantity condition will be rounded down to the nearest round lot. In the event that the shares remaining in the size of an Order with a Minimum Quantity Order Attribute following a partial execution thereof are less than the minimum quantity specified by the Participant entering the Order, the minimum quantity value of the Order will be reduced to the number of shares remaining. An Order with a Minimum Quantity Order Attribute may not be displayed; if a Participant marks an Order with both a Minimum Quantity Order Attribute and a Display Order Attribute, the System will accept the Order but will give a Time-in-Force of IOC, regardless of the Time-in-Force marked by the Participant. An Order marked with a Minimum Quantity Order Attribute and a Routing Order Attribute will be rejected.

Routing

Routing is an Order Attribute that allows a Participant to designate an Order to employ one of several Routing Strategies offered by PSX, as described in Rule 3315; such an Order may be referred to as a ''Routable Order.'' Upon receipt of an Order with the Routing Order Attribute, the System will process the Order in accordance with the applicable Routing Strategy. In the case of a limited number of Routing Strategies, the Order will be sent directly to other market centers for potential execution. For most other Routing Strategies, the Order will attempt to access liquidity available on PSX in the manner specified for the underlying Order Type and will then be routed in accordance with the applicable Routing Strategy. Shares of the Order that cannot be executed are then returned to PSX, where they will (i) again attempt to access liquidity available on PSX and (ii) post to the PSX Book or be cancelled, depending on the Time-in-Force of the Order. Under certain Routing Strategies, the Order may be routed again if the System observes an accessible quotation of another market center, and returned to PSX again for potential execution and/or posting to the PSX Book.

In connection with the trading of securities governed by Regulation NMS, all Orders shall be routed for potential execution in compliance with Regulation NMS. Where appropriate, Routable Orders will be marked as Intermarket Sweep Orders.

Discretion

Discretion is an Order Attribute under which an Order has a non-displayed discretionary price range within which the entering Participant is willing to trade; such an Order may be referred to as a ''Discretionary Order.''[61] Thus, an Order with Discretion has both a price (for example, buy at $11) and a discretionary price range (for example, buy up to $11.03). Depending on the Order Type used, the price may be displayed (for example, a Price to Display Order) or non-displayed (for example, a Non-Displayed Order). The discretionary price range is always non-displayed. In addition, it should be noted that the Discretion Order Attribute may be combined with the Pegging Order Attribute, in which case either the price of the Order or the discretionary price range or both may be pegged in the ways described in Rule 3301A(d) with respect to the Pegging Order Attribute. For example, an Order with Discretion to buy might be pegged to the Best Bid with a $0.05 passive Offset and might have a discretionary price range pegged to the Best Bid with a $0.02 passive Offset. In that case, if the Best Bid was $11, the price of the Order would be $10.95, with a discretionary price range up to $10.98. If the Best Bid moved to $10.99, the price of the Order would then be $10.94, with a discretionary price range up to $10.97. Alternatively, if the price of the Order was pegged but the discretionary price

[60] As reflected in the proposed rule, the System currently allows an incoming Order with a Minimum Quantity to execute if one or more Orders on the PSX Book satisfy the Minimum Quantity condition.

[61] The proposed rule text reflects a substantive clarification to the existing description of Discretionary Orders.

range was not, the price of the Order would be $10.94, but the discretionary price range would continue to range up to $10.98. Likewise, if the discretionary price range was pegged but the price of the Order was not, the Order would remain priced at $10.95 but with a discretionary price range of up to $10.97. A Participant may also specify a limit price beyond which the discretionary price range may not extend.

Under the circumstances described below, the System processes an Order with Discretion by generating a Non-Displayed Order with a Time-in-Force of IOC (a ''Discretionary IOC'') that will attempt to access liquidity available within the discretionary price range. The Discretionary IOC will not be permitted to execute, however, if the price of the execution would trade through a Protected Quotation. If more than one Order with Discretion satisfies conditions that would cause the generation of a Discretionary IOC simultaneously, the order in which such Discretionary IOCs are presented for execution is random, based on the respective processing time for each such Order. Whenever a Discretionary IOC is generated, the underlying Order with Discretion will be withheld or removed from the PSX Book and will then be routed and/or placed on the PSX Book if the Discretionary IOC does not exhaust the full size of the underlying Order with Discretion, with its price determined by the underlying Order Type and Order Attributes selected by the Participant.[62] Because the circumstances under which a Discretionary IOC will be generated are dependent upon a range of factors, several specific scenarios are described below.

- If an Order has been assigned a Discretion Order Attribute, but has not been assigned a Routing Order Attribute, upon entry of the Order, the System will automatically generate a Discretionary IOC with a price equal to the highest price for an Order with Discretion to buy (lowest price for an Order with Discretion to sell) within the discretionary price range and a size equal to the full size of the underlying Order to determine if there are any Orders within the discretionary price range on the PSX Book. If the Discretionary IOC does not exhaust the full size of the Order with Discretion, the remaining size of the Order with Discretion will post to the PSX Book in accordance with the parameters that apply to the underlying Order Type. Thus, for example, if a Participant enters a Price to Display Order to buy at $11 with a discretionary price range of up to $11.03, upon entry the System will generate a Discretionary IOC to buy priced at $11.03. If there is an Order on the PSX Book to sell priced at $11.02 and an execution at $11.02 would not trade through a Protected Quotation, the Discretionary IOC will execute against the Order on the PSX Book, up to the full size of each Order. Any remaining size of the Price to Display Order would post to the PSX Book in accordance with its parameters.
- After the Order posts to the PSX Book, the System will examine whether at any time there is an Order on the PSX Book with a price in the discretionary price range against which the Order with Discretion could execute. In doing so, the System will examine all Orders (including Orders that are not Displayed). If the System observes such an Order, it will generate a Discretionary IOC with a price equal to the highest price for an Order to buy (lowest price for an Order to sell) within the discretionary price range and a size equal to the full size of the Order.
- If an Order that uses a passive routing strategy (*i.e.,* a strategy such as PSCN[63] that does not seek routing opportunities after posting to the PSX Book) has been assigned a Discretion Order Attribute but does not have a pegged discretionary price range, upon entry of the Order, the System will examine all Orders (including Orders that are not Displayed) on the PSX Book to determine if there is an Order on the PSX Book with a price in the discretionary price range against which the Order with Discretion could execute. If the System observes such an Order, it will generate a Discretionary IOC with a price equal to the price of the Order on the PSX Book and a size equal to the applicable size of the Order on the PSX Book. The System will also determine if there are any accessible quotations with prices that are within the discretionary price range at destinations on the applicable routing table for the selected routing strategy. If there are such quotations, the System will generate one or more Discretionary IOCs to route to such destinations, with a price and size that match the price and size of the market center's quotation. If necessary to maximize execution opportunities and comply with Regulation NMS, the System's routing broker may mark such Discretionary IOCs as Intermarket Sweep Orders. If the Discretionary IOC(s) do not exhaust the full size of the Order with Discretion, the remaining size of the Order with Discretion will post to the PSX Book in accordance with the parameters that apply to the underlying Order Type. The System will then examine whether at any time there is an Order on the PSX Book with a price in the discretionary price range against which the Order with Discretion could execute. In doing so, the System will examine all Orders (including Orders that are not Displayed). If the System observes such an Order, it will generate a Discretionary IOC with a price equal to the price of the Order on the PSX Book and a size equal to the applicable size of the Order on the PSX Book.
- If an Order that uses a reactive routing strategy (*i.e.,* a strategy such as PSTG[64] that seeks routing opportunities after posting to the PSX Book) has been assigned a Discretion Order Attribute but does not have a pegged discretionary price range, upon entry of the Order, the System will examine all Orders (including Orders that are not Displayed) on the PSX Book to determine if there is an Order on the PSX Book with a price in the discretionary price range against which the Order with Discretion could execute. If the System observes such an Order, it will generate a Discretionary IOC with a price equal to the price of the Order on the PSX Book and a size equal to the applicable size of the Order on the PSX Book. The System will also determine if there are any accessible quotations with prices that are within the discretionary price range at destinations on the applicable routing table for the selected routing strategy. If there are such quotations, the System will generate one or more Discretionary IOCs to route to such destinations, with a price and size that match the price and size of the market center's quotation. If necessary to maximize execution opportunities and comply with Regulation NMS, the System may mark such Discretionary IOCs as Intermarket Sweep Orders. If the Discretionary IOC(s) do not exhaust the full size of the Order with Discretion, the remaining size of the Order with Discretion will post to the PSX Book in accordance with the parameters that apply to the underlying Order Type. The System will then examine whether at any time there

[62] It should be noted that a Discretionary IOC is deemed to be accessing liquidity for purposes of the Exchange's schedule of fees and rebates, unless one Discretionary IOC executes against another Discretionary IOC, in which case the Order that had reached the PSX Book first would be deemed to provide liquidity. *See* Rule 7018(d). Thus, a Participant may not use a Discretionary IOC to obtain a rebate for accessing previously posted liquidity.

[63] The PSCN routing strategy is described in Rule 3315.

[64] The PSTG routing strategy is described in Rule 3315.

is an Order on the PSX Book or an accessible quotation at another trading venue with a price in the discretionary price range against which the Order with Discretion could execute. In examining the PSX Book, the System will examine all Orders (including Orders that are not Displayed). If the System observes such an Order or quotation, it will generate a Discretionary IOC with a price equal to the price of such the Order or quotation and a size equal to the applicable size of the Order on the PSX Book or the displayed size of the quotation.

• If an Order that uses a passive routing strategy has been assigned a Discretion Order Attribute and does have a pegged discretionary price range, upon entry of the Order, the System will examine all Orders (including Orders that are not Displayed) on the PSX Book to determine if there is an Order on the PSX Book with a price in the discretionary price range against which the Order with Discretion could execute. If the System observes such an Order, it will generate a Discretionary IOC with a price equal to the price of the Order on the PSX Book and a size equal to the applicable size of the Order on the PSX Book. The System will also determine if there are any accessible quotations with prices that are within the discretionary price range at destinations on the applicable routing table for the selected routing strategy. If there are such quotations, the System will generate one or more Discretionary IOCs to route to such destinations, with a price and size that match the price and size of the market center's quotation. If necessary to maximize execution opportunities and comply with Regulation NMS, the System may mark such Discretionary IOCs as Intermarket Sweep Orders. If the Discretionary IOC(s) do not exhaust the full size of the Order with Discretion, the remaining size of the Order with Discretion will post to the PSX Book in accordance with the parameters that apply to the underlying Order Type. Thereafter, the Order will not generate further Discretionary IOCs unless the Order is updated in a manner that causes it to receive a new timestamp, in which case the Order will behave in the same manner as a newly entered Order.

• If an Order that uses a reactive routing strategy has been assigned a Discretion Order Attribute and does have a pegged discretionary price range, upon entry of the Order, the System will examine all Orders (including Orders that are not Displayed) on the PSX Book to determine if there is an Order on the PSX Book with a price in the discretionary price range against which the Order with Discretion could execute. If the System observes such an Order, it will generate a Discretionary IOC with a price equal to the price of the Order on the PSX Book and a size equal to the applicable size of the Order on the PSX Book. The System will also determine if there are any accessible quotations with prices that are within the discretionary price range at destinations on the applicable routing table for the selected routing strategy. If there are such quotations, the System will generate one or more Discretionary IOCs to route to such destinations, with a price and size that match the price and size of the market center's quotation. If necessary to maximize execution opportunities and comply with Regulation NMS, the System may mark such Discretionary IOCs as Intermarket Sweep Orders. If the Discretionary IOC(s) do not exhaust the full size of the Order with Discretion, the remaining size of the Order with Discretion will post to the PSX Book in accordance with the parameters that apply to the underlying Order Type. The System will then examine whether at any time there is an Order on the PSX Book or an accessible quotation at another trading venue with a price in the discretionary price range against which the Order with Discretion could execute. In examining the PSX Book, the System will examine Displayed Orders but will not examine Non-Displayed Orders. If the System observes such an Order or quotation, it will generate a Discretionary IOC with a price equal to the price of such the Order or quotation and a size equal to the applicable size of the Order on the PSX Book or the displayed size of the quotation.

Reserve Size

Reserve Size is an Order Attribute that permits a Participant to stipulate that an Order Type that is displayed may have its displayed size replenished from additional non-displayed size. An Order with Reserve Size may be referred to as a ''Reserve Order.'' At the time of entry, the displayed size of such an Order selected by the Participant must be one or more normal units of trading; an Order with a displayed size of a mixed lot will be rounded down to the nearest round lot. A Reserve Order with displayed size of an odd lot will be accepted but with the full size of the Order displayed. Reserve Size is not available for Orders that are not displayed; provided, however, that if a Participant enters Reserve Size for a Non-Displayed Order with a Time-in-Force of IOC, the full size of the Order, including Reserve Size, will be processed as a Non-Displayed Order.

Whenever a Participant enters an Order with Reserve Size, the System will process the Order as two Orders: a Displayed Order (with the characteristics of its selected Order Type) and a Non-Displayed Order. Upon entry, the full size of each such Order will be processed for potential execution in accordance with the parameters applicable to the Order Type. For example, a Participant might enter a Price to Display Order with 200 shares displayed and an additional 3,000 shares non-displayed. Upon entry, the Order would attempt to execute against available liquidity on the PSX Book, up to 3,200 shares. Thereafter, unexecuted portions of the Order would post to the PSX Book as a Displayed Price to Display Order and a Non-Displayed Order; provided, however, that if the remaining total size is less than the display size stipulated by the Participant, the Displayed Order will post without Reserve Size. Thus, if 3,050 shares executed upon entry, the Price to Display Order would post with a size of 150 shares and no Reserve Size.

When an Order with Reserve Size is posted, if there is an execution against the Displayed Order that causes its size to decrease below a normal unit of trading, another Displayed Order will be entered at the level stipulated by the Participant while the size of the Non-Displayed Order will be reduced by the same amount. Any remaining size of the original Displayed Order will remain on the PSX Book. The new Displayed Order will receive a new timestamp, but the Non-Displayed Order (and the original Displayed Order, if any) will not; although the new Displayed Order will be processed by the System as a new Order in most respects at that time, if it was designated as Routable, the System will not automatically route it upon reentry.[65] For example, if a Price to Comply Order with Reserve Size posted with a Displayed Size of 200 shares, along with a Non-Displayed Order of 3,000 and the 150 shares of the Displayed Order was executed, the remaining 50 shares of the original Price to Comply Order would remain, a new Price to Comply Order would post with a size of 200 shares and a new timestamp, and the Non-Displayed Order would be decremented to 2,800 shares.[66]

[65] Of course, if the Order uses a reactive routing strategy, such as PSTG, that routes out whenever the System observes a quotation against which the Order is marketable at another market center, the Order could be routed out at any time.

[66] Because the Displayed Order is reentered and the Non-Displayed Order is not, there are circumstances in which the Displayed Order may

Continued

A Participant may stipulate that the Displayed Order should be replenished to its original size. Alternatively, the Participant may stipulate that the original and subsequent displayed size will be an amount randomly determined based on factors selected by the Participant.[67] Specifically, the Participant would select both a theoretical displayed size and a range size, which may be any share amount less than the theoretical displayed size. The actual displayed size will then be determined by the System within a range in which the minimum size is the theoretical displayed size minus the range size, and the maximum size is (i) the minimum size plus (ii) an amount that is two times the range size minus one round lot. For example, if the theoretical displayed size is 600 shares and the range size is 500, the minimum displayed size will be 100 shares (600 − 500), and the maximum size will be 1,000 shares ((600 − 500) + ((2 × 500) − 100)).

When the Displayed Order with Reserve Size is executed and replenished, applicable market data disseminated by the Exchange will show the execution and decrementation of the Displayed Order, followed by replenishment of the Displayed Order. In all cases, if the remaining size of the Non-Displayed Order is less than the fixed or random amount stipulated by the Participant, the full remaining size of the Non-Displayed Order will be displayed and the Non-Displayed Order will be removed.

Attribution

Attribution is an Order Attribute that permits a Participant to designate that the price and size of the Order will be displayed next to the Participant's MPID in market data disseminated by PSX. An Order with Attribution is referred to as an ''Attributable Order'' and an Order without attribution is referred to as a ''Non-Attributable Order.''

Intermarket Sweep Order

Designation of an Order as an Intermarket Sweep Order, or ISO, is an Order Attribute that allows the Order to be executed within the System by Participants at multiple price levels without respect to Protected Quotations of other market centers within the meaning of Rule 600(b) under Regulation NMS. ISOs are immediately executable within the System against Orders against which they are marketable. An Order designated as an ISO may not be assigned a Routing Order Attribute.[68] In connection with the trading of securities governed by Regulation NMS, Intermarket Sweep Orders shall be executed exclusively within the System and the entering Participant shall be responsible for compliance with Rules 610 and 611 under Regulation NMS with respect to order protection and locked and crossed markets with respect to such Orders.

Simultaneously with the routing of an ISO to the System, one or more additional limit orders, as necessary, are routed by the entering Participant to execute against the full displayed size of any Protected Quotation with a price that is superior to the price of the Order identified as an Intermarket Sweep Order (as defined in Rule 600(b) under Regulation NMS). These additional routed orders must be identified as Intermarket Sweep Orders.

Upon receipt of an ISO, the System will consider the stated price of the ISO to be available for other Orders to be entered at that price, unless the ISO is not itself accepted at that price level (for example, a Post-Only Order that has its price adjusted to avoid executing against an Order on the PSX Book) or the ISO is not Displayed.[69]

In addition, as described with respect to various Order Types, such as the Price to Comply Order, Orders on the PSX Book that had their price adjusted may be eligible to be reentered at the stated price of the ISO. For example, if a Price to Comply Order to buy at $11 would lock a Protected Offer at $11, the Price to Comply Order will be posted with a non-displayed price of $11 and a displayed price of $10.99. If the System then receives an ISO to buy at $11, the ISO will be posted at $11 and the Price to Comply Order will be reentered at $11 (if the Participant opted to have its Orders reentered). The respective priority of such reentered Orders will be maintained among multiple repriced Orders; however, other new Orders may also be received after receipt of the ISO but before the repricing of the Price to Comply Order is complete; accordingly, the priority of an Order on the PSX Book vis-à-vis a newly entered Order is not guaranteed.

Display

Display is an Order Attribute that allows the price and size of an Order to be displayed to market participants via market data feeds. All Orders that are Attributable are also displayed, but an Order may be displayed without being Attributable. As discussed in Rule 3301A, a Non-Displayed Order is a specific Order Type, but other Order Types may also be non-displayed if they are not assigned a Display Order Attribute; however, depending on context, all Orders that are not displayed may be referred to as ''Non-Displayed Orders.'' An Order with a Display Order Attribute may be referred to as a ''Displayed Order.''

Statistics on Order Types Usage

Although the Exchange, like many exchanges, offers a wide range of possible combinations of Order Types and Order Attributes in order to provide options that support of a range of legitimate trading strategies, the Exchange believes that an analysis of the extent of usage of particular Order Type permutations is important to promoting a deeper understanding of current market structure. Based on analysis of a month of data for the period from August 26, 2013 through September 29, 2013, the Exchange offers the following observations about the usage of different Order Types on its market:

- 19.53% of entered Order volume was Price to Comply Orders with no Order Attributes other than price and size. Such Orders were involved in 17.53% of execution volume.[70]
- 45.54% of entered Order volume was Post-Only Orders with no Order Attributes other than price and size. Such Orders were involved in 14.70% of execution volume.
- Non-Displayed Orders with a Time-in-Force of IOC and no special Order Attributes accounted for 2.11% of entered Order volume and 11.20% of execution volume. Non-Displayed Orders with a Time-in-Force of IOC marked as ISOs but with no other special Order Attributes accounted for 0.65% of entered Order volume and 34.66% of execution volume.

receive a different price than the Non-Displayed Order. For example, if, upon reentry, a Price to Display Order would lock or cross a newly posted Protected Quotation, the price of the Order will be adjusted but its associated Non-Displayed Order would not be adjusted. In that circumstance, it would be possible for the better priced Non-Displayed Order to execute prior to the Price to Display Order.

[67] The ability to specify a random size reflects a substantive clarification of existing rules.

[68] However, Orders that are assigned a Routing Order Attribute may be designated as ISOs by the Exchange when routed to other market centers to maximize their opportunities for execution.

[69] Thus, for example, a Non-Displayed Order with a Time-in-Force of IOC marked ISO could execute against Orders on the PSX Book. However, the price level of the Non-Displayed Order would be considered open for Orders to post only if applicable market data showed that the price level was available.

[70] Data about executions reflect both sides of a trade in instances where trades executed on the Exchange and one side of a trade in instances where a Routable Order executed at another market center. The data does not include information about Orders with a Time-in-Force of GTC to the extent that such Orders executed on a day after the day of their original entry.

• Non-Displayed Orders with a Time-in-Force longer than IOC but no special Order Attributes accounted for 3.78% of entered Order volume and 0.50% of execution volume.

• Post-Only Orders marked ISO but with no other special Order Attributes accounted for 13.66% of entered Order volume and 13.59% execution volume. Price to Comply Orders marked ISO but with no other special Order Attributes accounted for 4.01% of entered Order volume and 1.15% of execution volume.

• All other Order Type and Order Attribute combinations accounted for 14.72% of entered Order volume and 7.82% of execution volume.

Thus, while a range of combinations of Order Types and Order Attributes can exist on PSX, the Exchange believes that these data support the conclusion that many of these possible combinations are not used to any appreciable extent. Rather, the vast majority of Order entry and Order execution volume is attributable to a small number of simple combinations: IOC Orders designed to access posted liquidity and various forms of priced limit Orders designed to access available liquidity and thereafter post to the PSX Book to provide liquidity, which promote price discovery by offering displayed liquidity at a price that may narrow the bid/offer spread on PSX and/or provide price improvement to subsequent Orders. The inclusion of an ISO Order Attribute on Orders is done in full compliance with Regulation NMS and serves to provide notice to the Exchange that liquidity has been accessed liquidity on other markets at a given price level in order to allow it to post liquidity on PSX at that price. While the Exchange does not believe that its Order Type offerings are excessively complex, given the relatively limited usage of certain Order Types and Order Attributes, the Exchange is continuing to analyze whether changes may be made to eliminate any Order Types, Order Attributes, or permissible combinations in a manner that would further promote the goals of transparency and ease of use for Participants.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[71] in general, and with Section 6(b)(5) of the Act[72] in particular, in that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The proposed rule change also is designed to support the principles of Section 11A(a)(1)[73] of the Act in that it seeks to assure fair competition among brokers and dealers and among exchange markets. In particular, the Exchange believes that the reorganized and enhanced descriptions of its Order Types, Order Attributes, and related System functionality will promote just and equitable principles of trade and perfect the mechanisms of a free and open market and the national market system by providing greater clarity concerning certain aspects of the System's operations. The Exchange further believes that the proposed rule change will contribute to the protection of investors and the public interest by making the Exchange's rules easier to understand. The Exchange further believes that the proposed rules, together with the presented statistics regarding Order Type and Order Attribute usage, will promote the efficient execution of investor transactions and further enhance public understanding of the Exchange's operations, and thereby strengthen investor confidence in the Exchange and in the national market system. In addition, the Exchange believes that additional specificity in its rules will promote a better understanding of the Exchange's operation, thereby facilitating fair competition among brokers and dealers and among exchange markets.

Most of the System functionality described in the proposed rule change has already been described in previous proposed rule changes by the Exchange and approved or permitted to take effect on an immediate basis by the Commission. However, the Exchange believes that the reiteration of several principles underlying its Order Types and Order Attributes might be helpful in promoting a fuller understanding of these rules' operation and their consistency with the Act.

The functionality underlying Price to Comply Orders and Price to Display Orders provides a means by which Participants may enter a displayed limit order in compliance with Regulation NMS without the Participant definitively ascertaining whether the price of the Order would lock or cross a Protected Quotation. In the absence of the repricing functionality associated with the Order, PSX would need to reject the Order if it locked or crossed a Protected Quotation.

By accepting a Price to Comply Order with a locking, non-displayed price and displayed price that is one minimum increment inferior to the locking price, the Exchange allows this Order Type to achieve several purposes. First, the displayed price of the Order promotes price discovery by establishing a new NBBO or adding to liquidity available at the NBBO. Second, the non-displayed price of the Order allows the Order to provide price improvement when the Order is executed. A Price to Display Order similarly promotes price discovery by establishing a new NBBO or adding liquidity available at the NBBO. It also provides one of the Order Types through which a Market Maker may offer displayed liquidity that is Attributable to its MPID. Notably, given the price adjustment functionality of the Order, it allows a Market Maker to offer Attributable liquidity at the NBBO.

In addition, the repricing functionality associated with Price to Comply Orders and Price to Display Orders, whereby an Order that has been repriced by the System upon entry may be cancelled or reentered if a previously unavailable price level becomes available, promotes price discovery and provision of greater liquidity by facilitating the display of an Order at its chosen limit price. Because a reentered Order always receives a new timestamp, moreover, the functionality does not present fairness concerns that might arise if an Order that was not displayed became displayed at a different price level while retaining the timestamp that it received when originally entered.

The Non-Displayed Order provides a means by which Participants may access and/or offer liquidity without signaling to other Participants the extent of their trading interest. Moreover, because the Non-Displayed Order may lock a Protected Quotation, it provides a means by which a Participant may provide price improvement. For example, if the Best Bid was $11 and the Best Offer was $11.01, a Non-Displayed Order to buy at $11.01 would provide $0.01 price improvement to an incoming sell Order priced at the Best Bid.

In addition, the repricing functionality associated with Non-Displayed Order promotes provision of greater liquidity and eventual price discovery (via reporting of Order executions) because it facilitates the

[71] 15 U.S.C. 78f.

[72] 15 U.S.C. 78f(b)(5).

[73] 15 U.S.C. 78k-1(a)(1).

posting of a Non-Displayed Order at its chosen limit price. In addition, the functionality that cancels Non-Displayed Orders when crossed by a Protected Quotation helps to prevent trade-throughs by ensuring that a Non-Displayed Order will not execute at a price inferior to the Price of a Protected Quotation. Because a reentered Order always receives a new timestamp, moreover, the functionality does not present fairness concerns that might arise if an Order was able to move price while retaining an earlier timestamp.

The primary purpose of Post-Only Orders is to ''provide displayed liquidity to the market and thereby contribute to public price discovery—an objective that is fully consistent with the Act.'' [74] Under the prevailing ''maker/taker'' cost structure of most exchanges, the Post-Only Order also allows a Participant to control its trading costs by giving consideration to costs in determining whether the Order should execute upon entry. However, the manner in which the Post-Only Order operates ensures that a Post-Only Order that locks or crosses an Order on the PSX Book will either execute upon entry or post at a displayed price that potentially provides liquidity. Moreover, because a Post-Only Order does not cancel back to the Participant if it cannot post at its entered limit price, it does not provide a means to ascertain the existence of locking or crossing Orders without also reflecting a commitment to execute or post and display. Similarly, the functionality that allows a Post-Only Order to be marked IOC does not provide information regarding the existence of locking or crossing Orders on the PSX Book since the Order has its price adjusted automatically, without reference to the price of any other Orders other than Orders at the NBBO.

In addition, the processing of Post-Only Orders with respect to locking or crossing Protected Quotations serves the same purposes as the processing discussed above with respect to Price to Comply Orders and Price to Display Orders. By accepting a Non-Attributable Post-Only Order that locks or crosses a Protected Quotation with a locking, non-displayed price and displayed price that is one minimum increment inferior to the locking price, the Exchange allows the displayed price of the Order to promote price discovery by establishing a new NBBO or adding to liquidity available at the NBBO, while also allowing the non-displayed price of the Order to provide price improvement when the Order is executed. An Attributable Post-Only Order similarly promotes price discovery by establishing a new NBBO or adding liquidity available at the NBBO.

The repricing functionality associated with Post-Only Orders, whereby an Order that has been repriced by the System upon entry may be cancelled or reentered if a previously unavailable price level becomes available, promotes price discovery and provision of greater liquidity by facilitating the display of an Order at its chosen limit price. Because a reentered Order always receives a new timestamp, moreover, the functionality does not present fairness concerns that might arise if an Order that was not displayed became displayed at a different price level while retaining the timestamp that it received when originally entered.

A Post-Only Order may be designated as an ISO and accepted at a price that locks or crosses a Protected Quotation, since such designation reflects a representation by the Participant that it has simultaneously routed one or more additional limit orders, as necessary, to execute against the full displayed size of any Protected Quotations that the Post-Only Order would lock or cross.[75] Because the Exchange maintains an active regulatory surveillance and enforcement program to verify that Participants are not improperly designating Orders as ISOs, the possibility for a Participant to systematically use a Post-Only Order marked ISO to occupy a price level while locking Protected Quotations is mitigated. Moreover, the System does not interpret a Post-Only Order that is marked ISO but that has its price adjusted prior to posting as the basis for accepting additional Orders at the Order's limit price level, thereby providing further assurance against the use of an ISO designation for an improper purpose.

Market Maker Peg Orders allow a Market Maker to maintain a continuous two-sided quotation at a price that is compliant with the requirements for Market Makers set forth in Rule 4613(a)(2). Thus, the Order Type serves the function of ensuring that Market Makers offer Displayed and Attributable liquidity at prices that bear a reasonable relation to the NBBO. Of course, Market Makers may also provide liquidity at prices closer to the NBBO than those established by the Market Maker Peg Order, but the Order Type enables the Market Maker to provide a backstop of liquidity at prices that are not unreasonably distant from the NBBO.

Several of the available Order Attributes merely provide means to designate the basic parameters of any Order: these include price, size, Time-in-Force, Attribution, and Display. The proposed rules clearly state limitations applicable to each of these parameters, such as available Times-in-Force and limitations on the permissible prices and sizes of Orders.

The Pegging Order Attribute allows a Participant to have the System adjust the price of the Order continually in order to keep the price within defined parameters. Thus, the System performs price adjustments that would otherwise be performed by the Participant through cancellation and reentry of Orders. The fact that a new timestamp is created for a Pegged Order whenever it has its price adjusted allows the Order to seek additional execution opportunities and ensures that the Order does not ''jump the queue'' with respect to any Orders that were previously at the Pegged Order's new price level. Thus, while the Order Attribute may be seen as introducing additional complexity with respect to the operation of the Exchange, it is in effect merely a process for removing and entering Orders at new prices based on changed market conditions.

The Minimum Quantity Order Attribute allows a Participant that may wish to buy or sell a large amount of a security to avoid signaling its trading interest unless it can purchase a certain minimum amount. Thus, the Order Attribute supports the interest of institutional investors and others in being able to minimize the impact of their trading on the price of securities.

The Routing Order Attribute, which is thoroughly described in existing Rule 3315, provides an optional means by which a Participant may direct the Exchange to seek opportunities to execute an Order at other market centers. The System is designed to pursue execution opportunities on behalf of Participants in an aggressive manner by, in most instances, first obtaining shares available on the PSX Book, then routing to other market centers in accordance with the strategy designated by the Participant, then returning the PSX Book as if a new Order before posting to the PSX Book. In addition, to maximize execution opportunities, the System will, as appropriate and in accordance with Regulation NMS, designate a Routable Order as an Intermarket Sweep Order.

The Discretion Order Attribute allows a Participant to expand opportunities for an Order to access liquidity by

[74] SR–NYSE–2014–32 Approval Order.

[75] *See* SR–NYSE–2014–32 Approval Order (affirming that exchanges may adopt rules allowing market participants to ''ship and post'').

allowing it to execute at any price within a specified range. Thus, while there is some complexity associated with the processing of Discretionary Orders, the Order Attribute merely allows the System to ascertain whether, under the conditions provided for in the rule, the Participant could access liquidity at a price within the range that the Participant has designated. If so, the Order Attribute generates an IOC Order to access the liquidity. Moreover, it should be noted that although in some circumstances, the System will examine Orders on the PSX Book that are not Displayed to ascertain the existence of execution opportunities, the System would convey information to the Participant regarding such Orders only by executing against them. Thus, the discretionary price range reflects an actionable commitment by the Participant to trade at prices in that range. As a result, the Order Attribute promotes price discovery through executions that occur in the price range. Finally, it should be noted that Discretionary IOCs access liquidity, and therefore the Order Attribute does not present an opportunity for a Participant to obtain a rebate with respect to executions against previously posted Orders.

The Reserve Size Order Attribute allows a Participant to display trading interest at a given price while also posting additional non-displayed trading interest. The functionality assists the Participant in managing this trading interest by eliminating the need for the Participant to enter additional size following the execution of the displayed trading interest. Thus, the functionality achieves a balance between promoting price discovery through displayed size and allowing a Participant to guard against price impact by hiding the full extent of its trading interest. The random reserve feature of the Order further assists a Participant in not revealing the extent of its trading interest because it diminishes the likelihood that other Participants will conclude that the Order is a Reserve Size Order if they repeatedly view it being replenished at the same size. Similarly, the manner in which the Exchange disseminates data regarding the execution and replenishment of a Reserve Size Order ensures that the process is indistinguishable to other Participants from the execution of an Order without Reserve Size followed by the entry of a new Order; this processing also ensures that only the displayed portion of the Reserve Size Order is treated as a Protected Quotation.

The Intermarket Sweep Order attribute is a function of Regulation NMS, which provides for an Order to execute without respect to Protected Quotations if it is designated as an ISO and if one or more additional limit orders, as necessary, are routed to execute against the full displayed size of any Protected Quotation with a price that is superior to the price of the Order identified as an ISO. As recently reaffirmed by the Commission, Regulation NMS allows such additional orders to be routed by an exchange or by the Participant that enters the ISO.[76] Accordingly, the exchange receiving an ISO may accept the receipt of the Order as a representation that the Participant entering it has satisfied its obligations; provided, however, that the exchange itself maintains a surveillance and enforcement program to verify that the Participant is not acting in violation of this requirement. For this reason, it is also consistent with the Act for a Participant to designate an Order with a Time-in-Force longer than IOC, or an Order with functionality such as the Post-Only Order, as an ISO.[77] Specifically, attaching an ISO designation to such Order reflects a representation that the Participant has determined that Protected Quotations at the price of the Order have been eliminated, such that the Order is entitled to post and provide liquidity. In the case of a Post-Only Order, however, if the Order's price is adjusted to avoid executing against an Order on the PSX Book, PSX will not consider the ISO designation in determining whether the Post-Only Order's limit price level is now open, since the Post-Only ISO itself is not actually posting at that price. Accordingly, in that circumstance the use of a Post-Only ISO cannot be used to open a price level to additional Orders unless the Exchange ascertains through market data provided by other exchanges that the price level actually is open.

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. As previously stated, the Exchange is not proposing substantively to modify the operation of any of its current Order Types or Order Attributes or the operation of the System; rather, the proposed rule change is intended to provide more detail regarding the System's functionality. The proposed rule change is not designed to address any competitive issues, but rather to provide additional specificity and transparency to Participants and the investing public regarding PSX's Order Types, Order Attributes, and System functionality. Since the Exchange does not proposed substantively to modify the operation of Order Types, Order Attributes, or System functionality, the proposed changes will not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2015–29 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2015–29. 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

[76] SR–NYSE–2014–32 Approval Order.

[77] *Id.*

amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal 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-2015–29, and should be submitted on or before April 27, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[78]

Brent J. Fields,

Secretary.

[FR Doc. 2015–07751 Filed 4–3–15; 8:45 am]

BILLING CODE 8011–01–P

[78] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension:

Rule 17f–6, SEC File No. 270–392, OMB Control No. 3235–0447.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 17f–6 (17 CFR 270.17f–6) under the Investment Company Act of 1940 (15 U.S.C. 80a) permits registered investment companies (''funds'') to maintain assets (*i.e.*, margin) with futures commission merchants (''FCMs'') in connection with commodity transactions effected on both domestic and foreign exchanges. Prior to the rule's adoption, funds generally were required to maintain these assets in special accounts with a custodian bank.

The rule requires a written contract that contains certain provisions designed to ensure important safeguards and other benefits relating to the custody of fund assets by FCMs. To protect fund assets, the contract must require that FCMs comply with the segregation or secured amount requirements of the Commodity Exchange Act (''CEA'') and the rules under that statute. The contract also must contain a requirement that FCMs obtain an acknowledgment from any clearing organization that the fund's assets are held on behalf of the FCM's customers according to CEA provisions.

Because rule 17f–6 does not impose any ongoing obligations on funds or FCMs, Commission staff estimates there are no costs related to *existing* contracts between funds and FCMs. This estimate does not include the time required by an FCM to comply with the rule's contract requirements because, to the extent that complying with the contract provisions could be considered ''collections of information,'' the burden hours for compliance are already included in other PRA submissions.[1]

Thus, Commission staff estimates that any burden of the rule would be borne by funds and FCMs entering into *new* contracts pursuant to the rule. Commission staff estimates that approximately 291 fund complexes and 965 funds currently effect commodities transactions and could deposit margin with FCMs in connection with those transactions pursuant to rule 17f–6.[2] Staff further estimates that of this number, 29 fund complexes and 97 funds enter into new contracts with FCMs each year.[3]

Based on conversations with fund representatives, Commission staff understands that fund complexes typically enter into contracts with FCMs on behalf of all funds in the fund complex that engage in commodities transactions. Funds covered by the contract are typically listed in an attachment, which may be amended to encompass new funds. Commission staff estimates that the burden for a fund complex to enter into a contract with an FCM that contains the contract requirements of rule 17f–6 is one hour, and further estimates that the burden to add a fund to an existing contract between a fund complex and an FCM is 6 minutes.

Accordingly, Commission staff estimates that funds and FCMs spend 39 burden hours annually complying with the information collection requirements of rule 17f–6.[4] At $380 per hour of professional (attorney) time, Commission staff estimates that the annual dollar cost for the 39 hours is $14,820.[5] These estimates are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Compliance with the collection of information requirements of the rule is necessary to obtain the benefit of relying on the rule. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days after this publication.

[1] The rule requires a contract with the FCM to contain two provisions requiring the FCM to comply with existing requirements under the CEA and rules adopted thereunder. Thus, to the extent these provisions could be considered collections of information, the hours required for compliance would be included in the collection of information burden hours submitted by the CFTC for its rules.

[2] This estimate is based on the number of funds that reported on Form N–SAR from June 1, 2014–November 30, 2014, in response to items (b) through (i) of question 70, that they engaged in futures and commodity option transactions.

[3] These estimates are based on the assumption that 10% of fund complexes and funds enter into new FCM contracts each year. This assumption encompasses fund complexes and funds that enter into FCM contracts for the first time, as well as fund complexes and fund that change the FCM with whom they maintain margin accounts for commodities transactions.

[4] This estimate is based upon the following calculation: (29 fund complexes × 1 hour) + (97 funds × 0.1 hours) = 39 hours.

[5] The $380 per hour figure for an attorney is from SIFMA's *Management & Professional Earnings in the Securities Industry 2013*, modified by Commission staff to account for an 1800-hour work-year and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov*.

Dated: March 31, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–07754 Filed 4–3–15; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74629; File No. SR–NASDAQ–2015–030]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify NASDAQ Rule 7001(c)

April 1, 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 26, 2015, The NASDAQ Stock Market LLC (''NASDAQ'' or the ''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 the Substance of the Proposed Rule Change

The Exchange proposes to modify NASDAQ Rule 7001(c) concerning market maker participant identifier[3] (''MPID'') fees. The Exchange proposes to implement the proposed rule change on April 1, 2015.

The text of the proposed rule change is available at *http://nasdaq.cchwallstreet.com* at NASDAQ's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NASDAQ included statements concerning the purpose of, and basis for, the proposed rule change 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

NASDAQ is proposing to increase the fee assessed under Rule 7001(c) for MPIDs. MPIDs are special alphabetical identifiers assigned to certain broker-dealers to identify the firms' transaction and quoting activity. NASDAQ administers the assignment of MPIDs, which may be requested by a broker-dealer for use on NASDAQ systems, reporting to the Financial Industry Regulatory Authority (''FINRA''), or a combination of the two. NASDAQ member firms must subscribe to at least one MPID upon gaining NASDAQ membership, but may also request additional MPIDs. Member firms are not assessed a fee for an MPID used exclusively for reporting information to facilities of FINRA, such as the FINRA/NASDAQ Trade Reporting Facility.

In December 2014, NASDAQ modified how the fee under Rule 7001(c) is assessed by reducing the fee, but applying the fee to all MPIDs subscribed.[4] The rule had previously provided that the first MPID subscribed was available at no cost. In making the change, the Exchange more closely aligned the fee assessed with the benefit provided and the costs incurred in offering an MPID, which includes regulatory oversight associated with each MPID. The Exchange is now proposing to modestly increase the fee assessed for subscription to an MPID from $500 to $550 per month.

2. Statutory Basis

NASDAQ believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[5] in general, and with Sections 6(b)(4) and 6(b)(5) of the Act,[6] 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 NASDAQ operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

NASDAQ believes that the proposed change is reasonable because it has reviewed the impact of the prior change to the fee and is now proposing to modestly increase the fee to ensure that NASDAQ is able to realize a reasonable profit in addition to covering costs. The Exchange believes that it is reasonable to adjust fees from time to time so that it can continue to make a profit on the products and services it offers. Ensuring that its products and services provide the Exchange with a profit allows it continue to offer and enhance such products and services, such as MPIDs. Moreover, the Exchange notes that its membership fees will continue to remain substantially lower than the analogous fees assessed by the New York Stock Exchange for membership.[7] The Exchange believes that the proposed change is both an equitable allocation and is not designed to permit unfair discrimination between member firms because the fee is applied to all member firms equally based on the number of MPIDs subscribed.

B. Self-Regulatory Organization's Statement on Burden on Competition

NASDAQ does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.[8] NASDAQ does not believe that the proposed rule change places an unnecessary burden on competition because it is a modest fee increase that will allow NASDAQ to realize a reasonable profit in addition to covering costs. As noted above, NASDAQ's membership fees remain substantially lower than the analogous fees of the NYSE, and membership fees are subject to competition from other exchanges. Accordingly, if the changes proposed herein are unattractive to market participants, it is likely that NASDAQ will experience a decline in membership and/or order flow as a result.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] When applied to a market maker, sometimes referred to as a ''maker participant identifier.''

[4] *See* Securities Exchange Act Release No. 73705 (December 1, 2015), 79 FR 72221 (December 5, 2014)(SR–NASDAQ–2014–118).

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(4) and (5).

[7] The Exchange believes that the New York Stock Exchange (''NYSE'') Trading License Fee is analogous to membership fees of NASDAQ as they both provide access to the trading facilities of their respective exchanges. In this regard, NYSE assesses an annual fee of $50,000 for the first license held by a member organization, and $15,000 for each additional license. *See https://www.nyse.com/publicdocs/nyse/markets/nyse/NYSE_Price_List.pdf*. By contrast, NASDAQ would assess the proposed monthly fee of $550 per MPID ($6,600 annually), an annual membership fee of $3,000, and a monthly trading rights fee of $1,000 ($12,000 annually). *See* NASDAQ Rule 7001(a).

[8] 15 U.S.C. 78f(b)(8).

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 change has become effective pursuant to Section 19(b)(3)(A) of the Act,[9] and paragraph (f)[10] of Rule 19b–4, thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NASDAQ–2015–030 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2015–030. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2015–030, and should be submitted on or before April 27, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Brent J. Fields,

Secretary.

[FR Doc. 2015–07883 Filed 4–3–15; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f).

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension: Rule 154; SEC File No. 270–438, OMB Control No. 3235–0495.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

The federal securities laws generally prohibit an issuer, underwriter, or dealer from delivering a security for sale unless a prospectus meeting certain requirements accompanies or precedes the security. Rule 154 (17 CFR 230.154) under the Securities Act of 1933 (15 U.S.C. 77a) (the ''Securities Act'') permits, under certain circumstances, delivery of a single prospectus to investors who purchase securities from the same issuer and share the same address (''householding'') to satisfy the applicable prospectus delivery requirements.[1] The purpose of rule 154 is to reduce the amount of duplicative prospectuses delivered to investors sharing the same address.

Under rule 154, a prospectus is considered delivered to all investors at a shared address, for purposes of the federal securities laws, if the person relying on the rule delivers the prospectus to the shared address, addresses the prospectus to the investors as a group or to each of the investors individually, and the investors consent to the delivery of a single prospectus. The rule applies to prospectuses and prospectus supplements. Currently, the rule permits householding of all prospectuses by an issuer, underwriter, or dealer relying on the rule if, in addition to the other conditions set forth in the rule, the issuer, underwriter, or dealer has obtained from each investor written or implied consent to householding.[2] The rule requires issuers, underwriters, or dealers that wish to household prospectuses with implied consent to send a notice to each investor stating that the investors in the household will receive one prospectus in the future unless the investors provide contrary instructions. In addition, at least once a year, issuers, underwriters, or dealers relying on rule 154 for the householding of prospectuses relating to open-end management investment companies that are registered under the Investment Company Act of 1940 (''mutual funds'') must explain to investors who have provided written or implied consent how they can revoke their consent.[3] Preparing and sending the notice and the annual explanation of the right to revoke are collections of information.

The rule allows issuers, underwriters, or dealers to household prospectuses if certain conditions are met. Among the conditions with which a person relying on the rule must comply are providing notice to each investor that only one prospectus will be sent to the household

[1] The Securities Act requires the delivery of prospectuses to investors who buy securities from an issuer or from underwriters or dealers who participate in a registered distribution of securities. *See* Securities Act sections 2(a)(10), 4(1), 4(3), 5(b) [15 U.S.C. 77b(a)(10), 77d(1), 77d(3), 77e(b); *see also* rule 174 under the Securities Act (17 CFR 230.174) (regarding the prospectus delivery obligation of dealers); rule 15c2–8 under the Securities Exchange Act of 1934 (17 CFR 240.15c2–8) (prospectus delivery obligations of brokers and dealers).

[2] Rule 154 permits the householding of prospectuses that are delivered electronically to investors only if delivery is made to a shared electronic address and the investors give written consent to householding. Implied consent is not permitted in such a situation. *See* rule 154(b)(4).

[3] See Rule 154(c).

and, in the case of issuers that are mutual funds, providing to each investor who consents to householding an annual explanation of the right to revoke consent to the delivery of a single prospectus to multiple investors sharing an address. The purpose of the notice and annual explanation requirements of the rule is to ensure that investors who wish to receive individual copies of prospectuses are able to do so.

Although rule 154 is not limited to mutual funds, the Commission believes that it is used mainly by mutual funds and by broker-dealers that deliver prospectuses for mutual funds. The Commission is unable to estimate the number of issuers other than mutual funds that rely on the rule.

The Commission estimates that, as of March 2015, there are approximately 1,640 mutual funds, approximately 410 of which engage in direct marketing and therefore deliver their own prospectuses. Of the approximately 410 mutual funds that engage in direct marketing, the Commission estimates that approximately half of these mutual funds (205) (i) do not send the implied consent notice requirement because they obtain affirmative written consent to household prospectuses in the fund's account opening documentation; or (ii) do not take advantage of the householding provision because of electronic delivery options which lessen the economic and operational benefits of rule 154 when compared with the costs of compliance. Therefore, the Commission estimates that each direct-marketed fund will spend an average of 20 hours per year complying with the notice requirement of the rule, for a total of 4,100 hours. Of the 410 mutual funds that engage in direct marketing, the Commission estimates that approximately seventy-five percent (308) of these funds will each spend 1 hour complying with the annual explanation of the right to revoke requirement of the rule, for a total of 308 hours. The Commission estimates that there are approximately 200 broker-dealers that carry customer accounts and, therefore, may be required to deliver mutual fund prospectuses. The Commission estimates that each affected broker-dealer will spend, on average, approximately 20 hours complying with the notice requirement of the rule, for a total of 4,000 hours. Each broker-dealer will also spend 1 hour complying with the annual explanation of the right to revoke requirement, for a total of 200 hours. Therefore, the total number of respondents for rule 154 is 507 (307 mutual funds plus 200 broker-dealers), and the estimated total hour burden is approximately 8,608 hours (4,408 hours for mutual funds plus 4,200 hours for broker-dealers).

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Written comments are invited on: (a) Whether the collections of information are necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burden of the collections of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: March 31, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–07752 Filed 4–3–15; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74617; File No. SR–BX–2015–015]

Self-Regulatory Organizations; NASDAQ OMX BX Inc.; Notice of Proposed Rule Change To Amend and Restate Certain Rules That Govern the NASDAQ OMX BX Equities Market

March 31, 2015.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 [2] thereunder, notice is hereby given that on March 20, 2015, NASDAQ OMX BX, Inc. (''Exchange'' or ''BX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

BX proposes to amend and restate certain BX rules that govern the NASDAQ OMX BX Equities Market in order to provide a clearer and more detailed description of certain aspects of its functionality. The text of the proposed rule change is available at *nasdaq.cchwallstreet.com,* at the Exchange'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, BX 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. BX has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend and restate certain Exchange rules that govern the NASDAQ OMX BX Equities Market in order to provide a clearer and more detailed description of certain aspects of its functionality. The proposed rule change is responsive to the request of Commission Chair White that each self-regulatory organization (''SRO'') conduct a comprehensive review of each order type offered to members, and how it operates in practice.[3] The Exchange believes that its current rules and other public disclosures provide a comprehensive description of the operation of the NASDAQ OMX BX Equities Market, so that members and the investing public have an accurate understanding of its market structure. Nevertheless, the Exchange has concluded that a restatement of certain rules will further enhance their clarity. In particular, the Exchange believes that providing

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Mary Jo White, Chair, Commission, Speech at the Sandler O'Neill & Partners, L.P. Global Exchange and Brokerage Conference (June 5, 2014), *available at http://www.sec.gov/News/Speech/Detail/Speech/1370542004312.*

additional examples of order type operation in the rule text will promote greater understanding of the Exchange's market structure. In addition, the Exchange notes that certain functionality added to its market in past years has been described as an ''order type'' but would be more precisely described as an attribute that may be added to a particular order. Accordingly, the restated rules will distinguish between ''Order Types'' and ''Order Attributes,'' while providing a full description of the Order Attributes that may be attached to particular Order Types. Except where specifically stated otherwise, all proposed rules are restatements of existing rules and therefore do not reflect substantive changes in the rule text or in the operation of the Exchange.

General Framework for Rule Restatement

At present, most of the rules governing Order Types and Order Attributes are found in Rule 4751 (Definitions). The Exchange is proposing to restate Rule 4751 as Rule 4701, which is currently not in use, with certain amended definitions being adopted therein. The Exchange is also proposing to remove definitions pertaining to Order Types and Order Attributes and adopt them as separate new Rules 4702 (Order Types) and 4703 (Order Attributes). While the Exchange is also proposing certain conforming changes to other rules, in subsequent proposed rule changes the Exchange plans to restate the remainder of the rules numbered 4752 through 4780 so that they appear sequentially following Rule 4703.

Definitions

New Rule 4701 will adopt revised definitions applicable to the Rule 4000 Series of the Exchange rules: [4]

- The terms ''Best Bid'', ''Best Offer'', ''National Best Bid and National Best Offer'', ''Protected Bid'', ''Protected Offer'', ''Protected Quotation'', and ''Intermarket Sweep Order'' shall have the meanings assigned to them under Rule 600 under SEC Regulation NMS; [5] provided, however, that the terms ''Best Bid'', ''Best Offer'', ''Protected Bid'', ''Protected Offer'', and ''Protected Quotation'' shall, unless otherwise stated, refer to the bid, offer, or quotation of a market center other than the Exchange. The term ''NBBO'' shall mean the ''National Best Bid and National Best Offer''.
- The term ''NASDAQ OMX BX Equities Market,'' or ''System'', which defines the components of the securities execution and trade reporting system owned and operated by the Exchange, is being modified to state that the System includes a montage for ''Quotes'' and ''Orders'', referred to as the ''Exchange Book'', that collects and ranks all Quotes and Orders submitted by ''Participants''.[6] The definition is further being modified to make it clear that data feeds made available with respect to the System disseminate depth-of-book data regarding Quotes and ''Displayed'' Orders [7] and also such additional information about Quotes, Orders, and transactions within the System as shall be reflected in the Exchange Rules.
- The term ''Quote'' is being modified to make it clear that a Quote is an Order with Attribution (as defined in Rule 4703) entered by a Market Maker or Equities ECN for display (price and size) next to the Participant's MPID in the Exchange Book. Accordingly, all Quotes are also Orders.
- The definition of the term ''Order'' is being amended to mean an instruction to trade a specified number of shares in a specified System Security [8] submitted to the System by a Participant. An ''Order Type'' is a standardized set of instructions associated with an Order that define how it will behave with respect to pricing, execution, and/or posting to the Exchange Book when submitted to the System. An ''Order Attribute'' is a further set of variable instructions that may be associated with an Order to further define how it will behave with respect to pricing, execution, and/or posting to the Exchange Book when submitted to the System. The available Order Types and Order Attributes, and the Order Attributes that may be associated with particular Order Types, are described in Rules 4702 and 4703.
- The term ''ET'' means Eastern Standard Time or Eastern Daylight Time, as applicable.
- The term ''Market Hours'' is being defined to mean the period of time beginning at 9:30 a.m. ET and ending at 4 p.m. ET (or such earlier time as may be designated by the Exchange on a day when the Exchange closes early). The term ''System Hours'' means the period of time beginning at 7 a.m. ET and ending at 7 p.m. ET (or such earlier time as may be designated by the Exchange on a day when the Exchange closes early). The term ''Pre-Market Hours'' means the period of time beginning at 7 a.m. ET and ending immediately prior to the commencement of Market Hours. The term ''Post-Market Hours'' means the period of time beginning immediately after the end of Market Hours and ending at 7 p.m. ET.[9]
- The term ''marketable'' with respect to an Order to buy (sell) means that, at the time it is entered into the System, the Order is priced at the current Best Offer or higher (at the current Best Bid or lower).
- The term ''market participant identifier'' or ''MPID'' means a unique four-letter mnemonic assigned to each Participant in the System. A Participant may have one or more than one MPID.
- The term ''minimum price increment'' means $0.01 in the case of a System Security priced at $1 or more per share, and $0.0001 in the case of a System Security priced at less than $1 per share.
- The definition of the term ''System Book Feed'', which means a data feed for System Securities, is being amended to clarify that it is the data feed generally known as the BX TotalView ITCH feed.

Order Types

Proposed Rule 4702 provides that Participants may express their trading interest in the NASDAQ OMX BX Equities Market by entering Orders. The NASDAQ OMX BX Equities Market offers a range of Order Types that behave in the manner specified for each particular Order Type. Each Order Type may be assigned certain Order Attributes that further define its behavior. All Order Types and Order Attributes operate in a manner that is reasonably designed to comply with the requirements of Rules 610 and 611 under Regulation NMS. Specifically, Orders are reasonably designed to

[4] Other definitions in current Rule 4751 are being superseded by descriptions of Order Types and Order Attributes in Rules 4702 and 4703, or are being eliminated because they are no longer used. In addition, Rule 4755 (Order Entry Parameters) is being deleted because the material contained therein is superseded by proposed Rules 4702 and 4703.

[5] 17 CFR 242.600.

[6] The modified definitions of ''Quotes'' and ''Orders'' are described below. The term ''Participant'', which is being amended only to add a clarifying reference to Regulation NMS and to Market Makers, means an entity that fulfills the obligations contained in Rule 4611 regarding participation in the System, and includes Equities ECNs, Market Makers, and Order Entry Firms.

[7] As provided in proposed Rule 4703, a Displayed Order is an Order with a Display Order Attribute that allows its price and size to be disseminated to Participants.

[8] The definition of a ''System Security,'' which is not being modified, includes ''any NMS stock, as defined in SEC Rule 600 except securities specifically excluded from trading via a list of excluded securities posted on *www.nasdaqtrader.com.*''

[9] The proposed definition further notes that in certain contexts, times cited in the Exchange Rules may be approximate.

prevent trade-throughs of Protected Quotations to the extent required by Rule 611 under Regulation NMS, and to prevent the display of quotations that lock or cross Protected Quotations to the extent required by Rule 610 under Regulation NMS.[10] Each Order must designate whether it is to effect a buy, a long sale, a short sale, or an exempt short sale.

Proposed Rule 4702 further provides that the Exchange maintains several communications protocols for Participants to use in entering Orders and sending other messages to the System:

- OUCH is an Exchange proprietary protocol.
- RASH is an Exchange proprietary protocol.
- FLITE is an Exchange proprietary protocol.
- FIX is a non-proprietary protocol.

Except where otherwise stated, all protocols are available for all Order Types and Order Attributes.

Upon entry, an Order is processed to determine whether it may execute against any contra-side Orders on the Exchange Book in accordance with the parameters applicable to the Order Type and Order Attributes selected by the Participant and in accordance with the priority for Orders on the Exchange Book provided in Rule 4757.[11] Thus, for example, a ''Price to Comply Order'' would be evaluated for potential execution in accordance with different criteria than a ''Post-Only Order.'' [12] In addition, the Order may have its price adjusted in accordance with applicable parameters and may be routed to other market centers for potential execution if designated as ''Routable.'' [13] The Order may then be posted to the Exchange Book if consistent with the parameters of the Order Type and Order Attributes selected by the Participant. For example, an Order with a ''Time-in-Force'' of ''Immediate or Cancel'' would not be posted.[14]

Thereafter, as detailed in proposed Rules 4702 and 4703, and current Rule 4758 (Order Routing), there are numerous circumstances in which the Order on the Exchange Book may be modified and receive a new timestamp. The sole instances in which the modification of an Order on the Exchange Book will not result in a new timestamp are: (i) A decrease in the size of the Order due to execution or modification by the Participant or by the System, and (ii) a redesignation of a sell Order as a long sale, a short sale, or an exempt short sale.[15] Whenever an Order receives a new timestamp for any reason, it is processed by the System as a new Order with respect to potential execution against Orders on the Exchange Book, price adjustment, routing, reposting to the Exchange Book, and subsequent execution against incoming Orders, except where otherwise stated. Thus, for example, if an Order with a ''Pegging'' Order Attribute had its price changed due to a change in the NBBO,[16] it would be processed by the System as a new Order with respect to potential execution, price adjustment, routing, reposting to the Exchange Book, and subsequent execution against incoming Orders. An exception to the general rule is noted in Rule 4703(h) with respect to Orders with ''Reserve Size'' [17] that have a Routing Order Attribute; such Orders are not routed if reentered due to a replenishment of the Order's Displayed Size.

In addition, the proposed rule notes that all Orders are also subject to cancellation and/or repricing and reentry onto the Exchange Book in the circumstances described in Rule 4120(a)(13) (providing for compliance with Plan to Address Extraordinary Market Volatility) and Rule 4763 (providing for compliance with Regulation SHO). In all circumstances where an Order is repriced pursuant to those provisions, it is processed by the System as a new Order with respect to potential execution against Orders on the Exchange Book, price adjustment, routing, reposting to the Exchange Book, and subsequent execution against incoming Orders. If multiple Orders at a given price are repriced, the Order in which they are reentered is random, based on the respective processing time for each such Order; [18] provided, however, that in the case of Price to Comply Orders and Post-Only Orders that have their prices adjusted upon entry because they lock a Protected Quotation but that are subsequently displayed at their original entered limit price as provided in Rules 4702(b)(1)(B) and (4)(B),[19] they are processed in accordance with the time priority under which they were previously ranked on the Exchange Book. If an Order is repriced and/or reentered 10,000 times for any reason, the Order will be cancelled. This restriction is designed to conserve System resources by limiting the persistence of Orders that update repeatedly without any reasonable prospect of execution.

Proposed Rule 4702 further describes the behavior of each Order Type. Except where otherwise stated, each Order Type is available to all Participants, although certain Order Types and Order Attributes may require the use of a specific protocol. As a result, a Participant would be required to use that protocol in order to use Order Types and Order Attributes available through it. Moreover, a small number of Order Types and Order Attributes are available only to registered Market Makers in the security for which they are registered.

[10] It should be noted that Rule 4613(e), the Exchange's rule with respect to locked and crossed markets, as adopted pursuant to Rule 610(d) under Regulation NMS and approved by the Commission, applies only during Market Hours (approved in Securities Exchange Act Release No. 59154 (December 23, 2008), 73 FR 80468 (December 31, 2008) (SR–BSE–2008–48)). Note also that Rule 600 under Regulation NMS defines a ''trade-through'' as ''the purchase or sale of an NMS stock during regular trading hours, either as principal or agent, at a price that is lower than a protected bid or higher than a protected offer.'' ''Regular trading hours'' are defined, in pertinent part, as ''the time between 9:30 a.m. and 4:00 p.m. Eastern Time.'' 17 CFR 242.600.

[11] Under Rule 4757, the order in which Orders on the Exchange Book are presented for execution against incoming Orders is determined first by price (with better priced Orders presented first). As among equally priced Orders, priority is determined by Display characteristics and timestamps. Thus, Displayed Orders at a given price are processed first based on their timestamps, with earlier Orders processed first. Finally, Orders with a Non-Display Attribute (including the Non-Displayed portion of an Order with Reserve Size) are processed based on their respective timestamps. The Exchange is amending Rule 4757 to make wording changes to improve the clarity of the rule.

[12] These Order Types are described below and in proposed Rule 4702.

[13] The Routing Order Attribute is described below, in proposed Rule 4703, and in current Rule 4758.

[14] Available Times-in-Force are described below and in proposed Rule 4703.

[15] Accordingly, there are no circumstances in which an Order that was previously entered but not displayed on the Exchange Book would be displayed without also receiving a new timestamp, and thus no possibility for a Participant to ''jump the queue'' with respect to other Orders.

The Exchange is amending Rule 4756 to make it clear that the redesignation of a sell Order as a long sale, short sale, or exempt short sale can be done only with respect to Orders entered through OUCH or FLITE; Orders entered through RASH or FIX would have to be cancelled and reentered to change their designation. Similarly, Rule 4756 is being amended to clarify that modification of an Order by the Participant to decrease its size is not possible with respect to a Pegged Order (including a Discretionary Order that is Pegged). Such an Order would have to be cancelled and reentered by the Participant to reduce its size.

[16] The Pegging Order Attribute adjusts the price of the Order based on changes in the NBBO and is described below and in proposed Rule 4703.

[17] The Reserve Size Order Attribute is described below and in Rule 4703.

[18] This is the case because when Orders are repriced, multiple instructions to reprice are sent simultaneously through multiple System gateways in order to modify the Orders as quickly as possible and thereby minimize the possibility that they will be disadvantaged vis-à-vis newly entered Orders.

[19] Governing handling of Price to Comply and Post-Only Orders when formerly unavailable price levels become available.

Price To Comply Order

The Price to Comply Order is an Order Type designed to comply with Rule 610(d) under Regulation NMS by having its price and display characteristics adjusted to avoid the display of quotations that lock or cross any Protected Quotation in a System Security during Market Hours. The Price to Comply Order is also designed to provide potential price improvement. The Exchange does not have a ''plain vanilla'' limit order that attempts to execute at its limit price and is then posted at its price or rejected if it cannot be posted; rather, the Price to Comply Order, with its price and display adjustment features, is one of the primary Order Types used by Participants to access and display liquidity in the System. The price and display adjustment features of the Order Type enhance efficiency and investor protection by offering an Order Type that first attempts to access available liquidity and then to post the remainder of the Order at prices that are designed to maximize their opportunities for execution.

When a Price to Comply Order is entered, the Price to Comply Order will be executed against previously posted Orders on the Exchange Book that are priced equal to or better than the price of the Price to Comply Order, up to the full amount of such previously posted Orders, unless such executions would trade through a Protected Quotation. Any portion of the Order that cannot be executed in this manner will be posted on the Exchange Book (and/or routed if it has been designated as Routable).[20]

During Market Hours, the price at which a Price to Comply Order is posted is determined in the following manner. If the entered limit price of the Price to Comply Order would lock or cross a Protected Quotation and the Price to Comply Order could not execute against an Order on the Exchange Book at a price equal to or better than the price of the Protected Quotation, the Price to Comply Order will be displayed on the Exchange Book at a price one minimum price increment lower than the current Best Offer (for a Price to Comply Order to buy) or higher than the current Best Bid (for a Price to Comply Order to sell) but will also be ranked on the Exchange Book with a non-displayed price equal to the current Best Offer (for a Price to Comply Order to buy) or to the current Best Bid (for a Price to Comply Order to sell). The posted Order will then be available for execution at its non-displayed price, thus providing opportunities for price improvement to incoming Orders.

For example, if a Price to Comply Order to buy at $11 would lock a Protected Offer of $11, the Price to Comply Order will be ranked at a non-displayed price of $11 but will be displayed at $10.99. An incoming Order to sell at a price of $11 or lower would execute against the Price to Comply Order at $11.[21]

During Pre-Market Hours and Post-Market Hours, a Price to Comply Order will be ranked and displayed at its entered limit price without adjustment. This is the case because the Exchange's rule with respect to locked and crossed markets, as adopted pursuant to Rule 610(d) under Regulation NMS and approved by the Commission, applies only during Market Hours.[22]

Depending on the protocol used to enter a Price to Comply Order, Participants have different options with respect to adjustment of the Price to Comply Order following its initial entry and posting to the Exchange Book. Specifically, if a Price to Comply Order is entered through RASH or FIX, during Market Hours the price of the Price to Comply Order will be adjusted in the following manner after initial entry and posting to the Exchange Book (unless the Order is assigned a Routing Order Attribute that would cause it to be routed to another market center rather than remaining on the Exchange Book):

- If the entered limit price of the Price to Comply Order locked or crossed a Protected Quotation and the NBBO changes, the displayed and non-displayed price of the Price to Comply Order will be adjusted repeatedly in accordance with changes to the NBBO; provided, however, that if the quotation of another market center moves in a manner that would lock or cross the displayed price of a Price to Comply Order, the prices of the Price to Comply Order will not be adjusted. For example, if a Price to Comply Order to buy at $11.02 would cross a Protected Offer of $11, the Order will be ranked at a non-displayed price of $11 but will be displayed at $10.99. If the Best Offer then moves to $11.01, the displayed price will be changed to $11 and the Order will be ranked at a non-displayed price of $11.01. However, if another market center then displays an offer of $11 (thereby locking the previously displayed price of the Price to Comply Order, notwithstanding Rule 610(d) under Regulation NMS), the price of the Price to Comply Order will not be changed.[23] The Order may be repriced repeatedly until such time as the Price to Comply Order is able to be ranked and displayed at its original entered limit price ($11.02 in the example). The Price to Comply Order receives a new timestamp each time its price is changed.
- If the original entered limit price of the Price to Comply Order would no longer lock or cross a Protected Quotation, the Price to Comply Order will be ranked and displayed at that price and will receive a new timestamp, and will not thereafter be adjusted under this provision.[24]

If a Price to Comply Order is entered through OUCH or FLITE, during Market Hours the price of the Price to Comply Order may be adjusted in the following manner after initial entry and posting to the Exchange Book:

- If the entered limit price of the Price to Comply Order crossed a Protected Quotation and the NBBO changes so that the Price to Comply Order could be displayed at a price at or closer to its entered limit price without locking or crossing a Protected Quotation, the Price to Comply Order may either remain on the Exchange Book unchanged or may be cancelled back to the Participant, depending on its choice. For example, if a Price to Comply Order to buy at $11.02 would cross a Protected Offer of $11, the Order will be ranked at a non-displayed price of $11 but will be displayed at $10.99. If the Best Offer changes to $11.01, the Order will not be repriced, but rather will either remain with a displayed price of $10.99 but ranked at a non-displayed price of $11 or be cancelled back to the Participant, depending on its choice. A Participant's choice with regard to maintaining the Price to Comply Order or cancelling it is set in advance for each port through which the Participant enters Orders.
- If the entered limit price of the Price to Comply Order locked a Protected Quotation, the price of the Price to Comply Order will be adjusted after initial entry only as follows. If the entered limit price would no longer lock

[20] *See* Rule 4703(f) and 4758.

[21] Unless the incoming Order was an Order Type that was not immediately executable, in which case the incoming Order would behave in the manner specified for that Order Type. For example, in some circumstances discussed below, a Post-Only Order would be repriced and posted rather than executing.

[22] *See supra* n. 10.

[23] This means that, in general, the price of the Price to Comply Order will move toward, but not away from, its original entered limit price. Because a Price to Comply Order is removed from the Exchange Book while it is being repriced, however, it is possible that the Order's price will move away from its original entered limit price in the case of a ''race condition'' where the NBBO changes again while the Order is not on the Exchange Book.

[24] Thus, the price of the Order will not move beyond its limit price.

a Protected Quotation, the Price to Comply Order may either remain on the Exchange Book unchanged, may be cancelled back to the Participant, or may be ranked and displayed at its original entered limit price, depending on the Participant's choice. For example, if a Price to Comply Order to buy at $11 would lock a Protected Offer of $11, the Price to Comply Order will be ranked at a non-displayed price of $11 but will be displayed at $10.99. If the Best Offer changes to $11.01, the Price to Comply Order may either remain with a displayed price of $10.99 but ranked at a non-displayed price of $11, be cancelled back to the Participant, or be ranked and displayed at $11, depending on the Participant's choice. A Participant's choice with regard to maintaining the Price to Comply Order, cancelling it, or allowing it to be displayed is set in advance for each port through which the Participant enters Orders. If the Price to Comply Order is ranked and displayed at its original entered limit price, it will receive a new timestamp, and will not thereafter be adjusted under this provision.[25]

With regard to the foregoing options, it is important to emphasize that the Price to Comply Order receives a new timestamp whenever its price is changed, and also receives a new timestamp if the Price to Comply Order would no longer lock a Protected Quotation and is therefore displayed at its original entered limit price. Thus, there are no circumstances under which a Price to Comply Order that originally locked or crossed a Protected Quotation would ''jump the queue'' and be displayed at its original entered limit price while retaining its original time priority. In fact, as discussed throughout this filing, the Exchange does not offer any functionality that enables a Participant to ''jump the queue'' by displaying a previously entered non-displayed Orders without also receiving a new timestamp.[26]

The following Order Attributes may be assigned to a Price to Comply Order. The effect of each Order Attribute is discussed in detail below with respect to proposed new Rule 4703.

- Price. As described above, the price of the Order may be adjusted to avoid locking or crossing a Protected Quotation, and may include a displayed price as well as a non-displayed price.
- Size.
- Reserve Size (available through RASH and FIX only).
- A Time-in-Force other than ''Immediate or Cancel'' (''IOC'').[27]
- Designation as an ''ISO''. In accordance with Regulation NMS, a Price to Comply Order designated as an ISO would be processed at its entered limit price, since such a designation reflects a representation by the Participant that it has simultaneously routed one or more additional limit orders, as necessary, to execute against the full displayed size of any Protected Quotations that the Price to Comply Order would lock or cross.
- Routing (available through RASH and FIX only).
- ''Primary Pegging'' and ''Market Pegging'' (available through RASH and FIX only).
- ''Discretion'' (available through RASH and FIX only).[28]
- Display. A Price to Comply Order is always displayed, although, as provided above, it may also have a non-displayed price and/or Reserve Size.

Price to Display Order

A ''Price to Display Order'' is an Order Type designed to comply with Rule 610(d) under Regulation NMS by avoiding the display of quotations that lock or cross any Protected Quotation in a System Security during Market Hours. Price to Display Orders are available solely to Participants that are Market Makers and are always Attributable.[29] Like a Price to Comply Order, a Price to Display Order is another form of priced Order that first accesses available liquidity and then posts remaining shares, with price adjustment features similar to those of the Price to Comply Order that provide a means to post displayed Orders at prices that are designed to maximize their opportunities for execution.

When a Price to Display Order is entered, if its entered limit price would lock or cross a Protected Quotation, the Price to Display Order will be repriced to one minimum price increment lower than the current Best Offer (for a Price to Display Order to buy) or higher than the current Best Bid (for a Price to Display Order to sell). For example, if a Price to Display Order to buy at $11 would cross a Protected Offer of $10.99, the Price to Display Order will be repriced to $10.98. The Price to Display Order (whether repriced or not repriced) will then be executed against previously posted Orders on the Exchange Book that are priced equal to or better than the adjusted price of the Price to Display Order, up to the full amount of such previously posted Orders, unless such executions would trade through a Protected Quotation. Any portion of the Order that cannot be executed in this manner will be posted on the Exchange Book (and/or routed if it has been designated as Routable).[30]

During Market Hours, the price at which a Price to Display Order is displayed and ranked on the Exchange Book will be its entered limit price if the Price to Display Order was not repriced upon entry, or the adjusted price if the Price to Comply Order was repriced upon entry, such that the price will not lock or cross a Protected Quotation. During Pre-Market Hours and Post-Market Hours, a Price to Display Order will be displayed and ranked at its entered limit price without adjustment.

As is the case with a Price to Comply Order, a Price to Display Order may be adjusted after initial entry.[31] Specifically, if a Price to Display Order is entered through RASH or FIX, during Market Hours the Price to Display Order may be adjusted in the following manner after initial entry and posting to the Exchange Book (unless the Order is assigned a Routing Order Attribute that would cause it to be routed to another market center rather than remaining on the Exchange Book):

- If the entered limit price of the Price to Display Order locked or crossed a Protected Quotation and the NBBO changes, the price of the Order will be adjusted repeatedly in accordance with changes to the NBBO; provided, however, that if the quotation of another market center moves in a manner that would lock or cross the price of a Price to Display Order, the price of the Price to Display Order will not be adjusted.[32]

[25] Thus, the price of the Order will not move beyond its limit price.

[26] As a result, it is possible that a new Order that is entered while previously booked Orders are being repriced may be placed on the Exchange Book ahead of them.

[27] As discussed below, IOC is a Time-in-Force under which an Order is evaluated to determine if it is marketable, with unexecuted shares cancelled. A Price to Comply Order entered with a Time-in-Force of IOC would be accepted but would be processed as a Non-Displayed Order with a Time-in-Force of IOC.

[28] Primary Pegging, Market Pegging, and Discretion are discussed below and in proposed Rule 4703.

[29] As described below and in proposed Rule 4703, Attribution is an Order Attribute that allows for display of the price and size of an Order next to a Market Maker's MPID. In the current rule, the Price to Display Order is referred to as the ''Price to Comply Post Order.'' The fact that this Order Type is Attributable and available only to registered Market Makers reflects a substantive clarification to the language of the existing rule.

[30] *See* Rules 4703(f) and 4758.

[31] These adjustments reflect a substantive clarification to the language of the existing rule.

[32] This means that, in general, the price of the Price to Display Order will move toward, but not away from, its original entered limit price. Because a Price to Display Order is removed from the Exchange Book while it is being repriced, however, it is possible that the Order's price will move away

Continued

For example, if a Price to Display Order to buy at $11.02 would cross a Protected Offer of $11, the Order will be displayed and ranked at $10.99. If the Best Offer then moves to $11.01, the displayed/ranked price will be changed to $11. However, if another market center then displays an offer of $11 (thereby locking the previously displayed price of the Price to Display Order, notwithstanding Rule 610(d) under Regulation NMS), the price of the Price to Display Order will not be changed. The Order may be repriced repeatedly until such time as the Price to Display Order is able to be displayed and ranked at its original entered limit price ($11.02 in the example). The Price to Display Order receives a new timestamp each time its price is changed.

• If the original entered limit price of the Price to Display Order would no longer lock or cross a Protected Quotation, the Price to Display Order will be displayed and ranked at that price and will receive a new timestamp, and will not thereafter be adjusted under this provision.[33]

If a Price to Display Order is entered through OUCH or FLITE, during Market Hours the Price to Display Order may be adjusted in the following manner after initial entry and posting to the Exchange Book:

• If the entered limit price of the Price to Display Order locked or crossed a Protected Quotation and the NBBO changes so that the Price to Display Order could be ranked and displayed at a price at or closer to its original entered limit price without locking or crossing a Protected Quotation, the Price to Display Order may either remain on the Exchange Book unchanged or may be cancelled back to the Participant, depending on the Participant's choice. For example, if a Price to Display Order to buy at $11.02 would cross a Protected Offer of $11, the Order will be ranked and displayed at $10.99. If the Best Offer changes to $11.01, the Price to Display Order will not be repriced, but rather will either remain at its current price or be cancelled back to the Participant, depending on its choice. A Participant's choice with regard to maintaining the Price to Display Order or cancelling it is set in advance for each port through which the Participant enters Orders.

The following Order Attributes may be assigned to a Price to Display Order:

• Price. As described above, the price of the Order may be adjusted to avoid locking or crossing a Protected Quotation.

• Size.

• Reserve Size (available through RASH and FIX only).

• A Time-in-Force other than IOC.[34]

• Designation as an ISO. In accordance with Regulation NMS, a Price to Display Order designated as an ISO would be processed at its entered limit price, since such a designation reflects a representation by the Participant that it has simultaneously routed one or more additional limit orders, as necessary, to execute against the full displayed size of any Protected Quotations that the Price to Display Order would lock or cross.

• Routing (available through RASH and FIX only).[35]

• Primary Pegging and Market Pegging (available through RASH and FIX only).

• Discretion (available through RASH and FIX only).

• Attribution. All Price to Display Orders are Attributable Orders.

• Display. A Price to Display Order is always displayed (but may also have Reserve Size).

Non-Displayed Order

A ''Non-Displayed Order'' is an Order Type that is not displayed to other Participants, but nevertheless remains available for potential execution against incoming Orders until executed in full or cancelled. Thus, the Order Type provides a means by which Participants may access and/or offer liquidity without signaling to other Participants the extent of their trading interest. The Order may also serve to provide price improvement vis-à-vis the NBBO. Under Regulation NMS, a Non-Displayed Order may lock a Protected Quotation and may be traded-through by other market centers.[36] In addition to the Non-Displayed Order Type, there are other Order Types that are not displayed on the Exchange Book. Thus, ''Non-Display'' is both a specific Order Type and an Order Attribute of certain other Order Types.

When a Non-Displayed Order is entered, the Non-Displayed Order will be executed against previously posted Orders on the Exchange Book that are priced equal to or better than the price of the Non-Displayed Order, up to the full amount of such previously posted Orders, unless such executions would trade through a Protected Quotation. Any portion of the Non-Displayed Order that cannot be executed in this manner will be posted to the Exchange Book (unless the Non-Displayed Order has a Time-in-Force of IOC) and/or routed if it has been designated as Routable.[37]

During Market Hours, the price at which a Non-Displayed Order is posted is determined in the following manner. If the entered limit price of the Non-Displayed Order would lock a Protected Quotation, the Non-Displayed Order will be placed on the Exchange Book at the locking price. If the Non-Displayed Order would cross a Protected Quotation, the Non-Displayed Order will be repriced to a price that would lock the Protected Quotation and will be placed on the Exchange Book at that price.[38] For example, if a Non-Displayed Order to buy at $11 would cross a Protected Offer of $10.99, the Non-Displayed Order will be repriced and posted at $10.99. A Non-Displayed Order to buy at $10.99 would also be posted at $10.99. During Pre-Market Hours and Post-Market Hours, a Non-Displayed Order will be posted at its entered limit price without adjustment.

As is the case with a Price to Comply Order, a Non-Displayed Order may be adjusted after initial entry.[39] Specifically, if a Non-Displayed Order is entered through RASH or FIX, during Market Hours the Non-Displayed Order may be adjusted in the following manner after initial entry and posting to the Exchange Book (unless the Order is assigned a Routing Order Attribute that would cause it to be routed to another market center rather than remaining on the Exchange Book):

• If the original entered limit price of a Non-Displayed Order is higher than the Best Offer (for an Order to buy) or lower than the Best Bid (for an Order to sell) and the NBBO moves toward the original entered limit price of the Non-

from its original entered limit price in the case of a ''race condition'' where the NBBO changes again while the Order is not on the Exchange Book.

[33] Thus, the price of the Order will not move beyond its limit price.

[34] A Price to Display Order entered with a Time-in-Force of IOC would be processed as a Non-Displayed Order with a Time-in-Force of IOC.

[35] The availability of routing for Price to Display Orders reflects a substantive clarification to the language of the existing rule.

[36] Rule 611 requires exchanges to adopt rules that ''require . . . members reasonably to avoid . . . *[d]isplaying* quotations that lock or cross any protected quotations'' (emphasis added). Similarly, under Rule 600, a Non-Displayed Order is not a Protected Quotation because it is not displayed. Accordingly, the definition of trade-through does not apply to a transaction at a price that is worse than the price of a Non-Displayed Order. Thus, in opting to use a Non-Displayed Order, a Participant must balance the benefits of not disclosing its trading intentions against the loss of trade-through protection. However, because a Non-Displayed Order may not itself trade-through a Protected Quotation, as described below, the System protects against such trade-throughs by repricing and/or cancelling Non-Displayed Orders that cross or are crossed by a Protected Quotation.

[37] *See* Rules 4703(f) and 4758.

[38] Repricing the crossing Non-Displayed Order helps ensure that the Non-Displayed Order will not trade-through the Protected Quotation.

[39] These adjustments reflect a substantive clarification to the language of the existing rule.

Displayed Order, the price of the Non-Displayed Order will be adjusted repeatedly in accordance with changes to the NBBO. For example, if a Non-Displayed Order to buy at $11.02 would cross a Protected Offer of $11, the Non-Displayed Order will be priced and posted at $11. If the Best Offer then changes to $11.01, the price of the Non-Displayed Order will be changed to $11.01. The Order may be repriced repeatedly in this manner, receiving a new timestamp each time its price is changed, until the Non-Displayed Order is posted at its original entered limit price.[40] The Non-Displayed Order will not thereafter be repriced under this provision, except as provided below with respect to crossing a Protected Quotation.

• If, after being posted to the Exchange Book, the NBBO changes so that the Non-Displayed Order would cross a Protected Quotation, the Non-Displayed Order will be repriced at a price that would lock the new NBBO and receive a new timestamp.[41] For example, if a Non-Displayed Order to buy at $11 would lock a Protected Offer of $11, the Non-Displayed Order will be posted at $11. If the Best Offer then changes to $10.99, the Non-Displayed Order will be repriced at $10.99, receiving a new timestamp. The Non-Displayed Order may be repriced and receive a new timestamp repeatedly.

If a Non-Displayed Order is entered through OUCH or FLITE, during Market Hours the Non-Displayed Order may be adjusted in the following manner after initial entry and posting to the Exchange Book:

• If the original entered limit price of the Non-Displayed Order locked or crossed a Protected Quotation and the NBBO changes so that the Non-Displayed Order could be posted at a price at or closer to its original entered limit price without crossing a Protected Quotation, the Non-Displayed Order may either remain on the Exchange Book unchanged or may be cancelled back to the Participant, depending on its choice. For example, if a Non-Displayed Order to buy at $11.02 would cross a Protected Offer of $11, the Order will be priced at $11. If the Best Offer changes to $11.01, the Order will not be repriced, but rather will either remain at its current $11 price or be cancelled back to the Participant, depending on its choice. A Participant's choice with regard to maintaining the Non-Displayed Order or cancelling it is set in advance for each port through which the Participant enters Orders.

• If, after a Non-Displayed Order is posted to the Exchange Book, the NBBO changes so that the Non-Displayed Order would cross a Protected Quotation, the Non-Displayed Order will be cancelled back to the Participant. For example, if a Non-Displayed Order to buy at $11 would lock a Protected Offer of $11, the Non-Displayed Order will be posted at $11. If the Best Offer then changes to $10.99, the Non-Displayed Order will be cancelled back to the Participant.

• If a Non-Displayed Order entered through OUCH or FLITE is assigned a Midpoint Pegging Order Attribute,[42] and if, after being posted to the Exchange Book, the NBBO changes so that the Non-Displayed Order is no longer at the Midpoint between the NBBO, the Non-Displayed Order will be cancelled back to the Participant. In addition, if a Non-Displayed Order entered through OUCH or FLITE is assigned a Midpoint Pegging Attribute and also has a limit price that is lower than the midpoint between the NBBO for an Order to buy (higher than the midpoint between the NBBO for an Order to sell), the Order will nevertheless be accepted at its limit price and will be cancelled if the midpoint between the NBBO moves lower than (higher than) the price of an Order to buy (sell).

The following Order Attributes may be assigned to a Non-Displayed Order:

• Price. As described above, the price of the Order may be adjusted to avoid crossing a Protected Quotation.

• Size.

• ''Minimum Quantity''.[43]

• Time-in-Force.

• Designation as an ISO. In accordance with Regulation NMS, a Non-Displayed Order designated as an ISO would be processed at its entered limit price, since such a designation reflects a representation by the Participant that it has simultaneously routed one or more additional limit orders, as necessary, to execute against the full displayed size of any Protected Quotations that the Non-Displayed Order would cross. As discussed above, a Non-Displayed Order would be accepted at a price that locked a Protected Quotation, even if the Order was not designated as an ISO, because the non-displayed nature of the Order allows it to lock a Protected Quotation under Regulation NMS. Accordingly, the System would not interpret receipt of a Non-Displayed Order marked ISO that locked a Protected Quotation as the basis for determining that the Protected Quotation had been executed for purposes of accepting additional Orders at that price level.[44]

• Routing (available through RASH and FIX only).

• Primary Pegging and Market Pegging (available through RASH and FIX only).

• Pegging to the Midpoint.[45]

• Discretion (available through RASH and FIX only).

Post-Only Orders

A ''Post-Only Order'' is an Order Type designed to have its price adjusted as needed to post to the Exchange Book in compliance with Rule 610(d) under Regulation NMS by avoiding the display of quotations that lock or cross any Protected Quotation in a System Security during Market Hours, or to execute against locking or crossing quotations in circumstances where economically beneficial to the Participant entering the Post-Only Order. Post-Only Orders are always displayed, although as discussed below, they may also have a non-displayed price in circumstances similar to a Price to Comply Order. Post-Only Orders are thus designed to allow Participants to help control their trading costs, while also ''provid[ing] displayed liquidity to the market and thereby contribut[ing] to public price discovery—an objective that is fully consistent with the Act.''[46] In addition, under some circumstances, Post-Only Orders provide price improvement.

During Market Hours, a Post-Only Order is evaluated at the time of entry

[40] Note that because the Order receives a new timestamp, it is processed like a new Order when it is repriced.

[41] *Id.* As noted above, the cancellation of a Non-Displayed Order in this circumstance helps ensure that the Non-Displayed Order will not trade through a Protected Quotation.

[42] Midpoint Pegging is described below and in proposed Rule 4703. Specifically, an Order with the Midpoint Pegging Attribute that is entered through OUCH or FLITE is priced upon entry but is not repriced based on changes to the NBBO. Accordingly, the Order is cancelled if it is no longer at the midpoint between the NBBO.

[43] The Minimum Quantity Order Attribute is described below and in proposed Rule 4703.

[44] For example, if a Non-Displayed Order to buy at $11 would lock the price of a Protected Offer at $11, the Non-Displayed Order could be posted at $11 regardless of whether it was marked as an ISO. Accordingly, even if the Non-Displayed Order was marked as an ISO, the System would not accept a Displayed Order priced at $11 unless (i) the Displayed Order was itself marked as an ISO, or (ii) market data received by the System demonstrated that the Protected Offer had been removed.

[45] Pegging to the Midpoint is described below and in proposed Rule 4703. The full functionality of Midpoint Pegging is available through RASH and FIX, and more limited functionality is available through OUCH and FLITE.

[46] Securities Exchange Act Release No. 73333 (October 9, 2014), 79 FR 62223 (October 16, 2014) (SR–NYSE–2014–32 and SR–NYSEMKT–2014–56) (hereinafter ''SR–NYSE–2014–32 Approval Order'') (approving ''Add Liquidity Only'' modifier that operates in a manner similar to Post-Only Order).

with respect to locking or crossing other Orders on the Exchange Book, Protected Quotations, and potential execution as follows:[47]

• If a Post-Only Order would lock or cross a Protected Quotation, the price of the Order will first be adjusted. If the Order is Attributable, its adjusted price will be one minimum price increment lower than the current Best Offer (for bids) or higher than the current Best Bid (for offers). If the Order is not Attributable, its adjusted price will be equal to the current Best Offer (for bids) or the current Best Bid (for offers). However, the Order will not post or execute until the Order, as adjusted, is evaluated with respect to Orders on the Exchange Book.

○ If the adjusted price of the Post-Only Order would not lock or cross an Order on the Exchange Book, the Order will be posted in the same manner as a Price to Comply Order (if it is not Attributable) or a Price to Display Order (if it is Attributable). Specifically, if the Post-Only Order is not Attributable, it will be displayed on the Exchange Book at a price one minimum price increment lower than the current Best Offer (for bids) or higher than the current Best Bid (for offers) but will be ranked on the Exchange Book with a non-displayed price equal to the current Best Offer (for bids) or to the current Best Bid (for offers). For example, if a Post-Only Order to buy at $11 would lock a Protected Offer of $11, the Order will be ranked at a non-displayed price of $11 but will be displayed at $10.99. If the Post-Only Order is Attributable, it will be ranked and displayed on the Exchange Book at a price one minimum increment lower than the current Best Offer (for bids) or higher than the current Best Bid (for offers). Thus, in the preceding example, the Post-Only Order to buy would be ranked and displayed at $10.99.

○ If the adjusted price of the Post-Only Order would lock or cross an Order on the Exchange Book, the Post Only Order will be repriced, ranked, and displayed at one minimum price increment below the current best-priced Order to sell on the Exchange Book (for bids) or above the current best-priced Order to buy on the Exchange Book (for offers); provided, however, the Post-Only Order will execute if (i) it is priced at $1.00 or more,[48] or (ii) it is priced below $1.00 and the value of price improvement associated with executing against an Order on the Exchange Book (as measured against the original limit price of the Order) equals or exceeds the sum of fees charged for such execution and the value of any rebate that would be provided if the Order posted to the Exchange Book and subsequently provided liquidity. For example, if a Participant entered a Non-Attributable Post-Only Order to buy at $11.01, another market center is displaying a Protected Offer at $11, and there is a Non-Displayed Order on the Exchange Book to sell at $11, the adjusted price of the Post-Only Order will be $11. However, because the Post-Only Order would be executable against the Non-Displayed Order on the Exchange Book, the Post-Only Order would execute.

• If the Post-Only Order would not lock or cross a Protected Quotation but would lock or cross an Order on the Exchange Book, the Post Only Order will be repriced, ranked, and displayed at one minimum price increment below the current best-priced Order to sell on the Exchange Book (for bids) or above the current best-priced Order to buy on the Exchange Book (for offers); provided, however, the Post-Only Order will execute if (i) it is priced at $1.00 or more,[49] or (ii) it is priced below $1.00 and the value of price improvement associated with executing against an Order on the Exchange Book (as measured against the original limit price of the Order) equals or exceeds the sum of fees charged for such execution and the value of any rebate that would be provided if the Order posted to the Exchange Book and subsequently provided liquidity. For example, if a Participant entered a Post-Only Order to buy at $11.02, the Best Offer was $11.04, and there was a Non-Displayed Order on the Exchange Book to sell at $11.02, the Post-Only Order would execute.[50]

• If a Post-Only Order is entered with a Time-in-Force of IOC, the price of an Order to buy (sell) will be repriced to the lower of (higher of) (i) one minimum price increment below (above) the price of the Order or (ii) the current Best Offer (Best Bid). The Order will execute against any Order on the Exchange Book with a price equal to or better than the adjusted price of the Post-Only Order. If the Post-Only Order cannot execute, it will be cancelled. For example, if a Post-Only Order to buy at $11 with a Time-in-Force of IOC was entered and the current Best Offer was $11.01, the Order would be repriced to $10.99; however, if the Best Offer was $10.98, the Order would be repriced to $10.98.[51]

• If a Post-Only Order would not lock or cross an Order on the Exchange Book or any Protected Quotation, it will be posted on the Exchange Book at its entered limit price.

During Pre-Market and Post-Market Hours, a Post-Only Order will be processed in a manner identical to Market Hours with respect to locking or crossing Orders on the Exchange Book, but will not have its price adjusted with respect to locking or crossing the quotations of other market centers.

If a Post-Only Order is entered through RASH or FIX, during System Hours the Post-Only Order may be adjusted in the following manner after initial entry and posting to the Exchange Book:[52]

• If the original entered limit price of the Post-Only Order is not being displayed, the displayed (and non-displayed price, if any) of the Order will be adjusted repeatedly in accordance with changes to the NBBO or the best price on the Exchange Book, as applicable; provided, however, that if the quotation of another market center moves in a manner that would lock or cross the displayed price of a Post-Only Order, the price(s) of the Post-Only Order will not be adjusted.[53] For

[47] Details regarding the processing of a Post-Only Order that locks or crosses both a Protected Quotation and an Order on the Exchange Book; the potential execution of a Post-Only Order priced at more than $1 per share; and the processing of a Post-Only Order with a Time-in-Force of IOC reflect substantive clarifications to the language of the existing rule.

[48] This is the case because the Exchange's fees for securities priced at $1 or more reflect a ''taker/maker'' pricing structure in which Orders that access liquidity are paid a rebate. As a result, it is always economically beneficial for an Order to execute against posted liquidity and receive a rebate, even if the Order receives no price improvement. In the event that the Exchange modified its pricing structure so as to remove the applicable rebate, it would also amend the rules governing Post-Only Orders to provide that securities priced at $1 or more would execute against Orders on the Exchange Book only if they would receive price improvement of $0.01 or more per share.

[49] *Id.*

[50] Thus, in circumstances where a Post-Only Order would lock or cross an Order on the Exchange Book, the Post-Only Order will either execute or post and offer displayed liquidity. A Post-Only Order is not cancelled back to the Participant that entered it if it cannot post at its original price. Thus, the Order Type does not provide a means to ascertain the existence of locking or crossing Orders on the Exchange Book without the Participant also committing to execute against such Orders or display and potentially provide liquidity at the Exchange's best price.

[51] This functionality reflects the overall purpose of the Post-Only Order, which is not to post to the Exchange Book in all circumstances, but rather to assist Participants in controlling execution costs by allowing consideration of price improvement, fees, and rebates in the handling of the Order. Thus, entering a Post-Only Order with a Time-in-Force of IOC allows a Participant to stipulate that an Order will execute only if it receives price improvement.

[52] These adjustments reflect a substantive clarification to the language of the existing rule.

[53] This means that, in general, the price of the Post-Only Order will move toward, but not away from, its original entered limit price. Because a Post-Only Order is removed from the Exchange

example, if a Non-Attributable Post-Only Order to buy at $11.02 would cross a Protected Offer of $11, the Order will be ranked at a non-displayed price of $11 but will be displayed at $10.99. If the Best Offer then moves to $11.01, the displayed price will be changed to $11 and the non-displayed price at which the Order is ranked will be changed to $11.01. However, if another market center then displays an offer of $11 (thereby locking the previously displayed price of the Post-Only Order, notwithstanding Rule 610(d) under Regulation NMS), the price of the Post-Only Order will not be changed. The Order may be repriced repeatedly until such time as the Post-Only Order is able to be displayed at its original entered limit price ($11.02 in the example). The Post-Only Order receives a new timestamp each time its price is changed. If the original entered limit price of the Post-Only Order would no longer lock or cross a Protected Quotation or an Order on the Exchange Book, the Post-Only Order will be ranked displayed at that price and will receive a new timestamp, and will not thereafter be adjusted under this provision.[54]

If a Post-Only Order is entered through OUCH or FLITE, the Post-Only Order may be adjusted in the following manner after initial entry and posting to the Exchange Book: [55]

• During Market Hours, if the original entered limit price of the Post-Only Order locked or crossed a Protected Quotation, the Post-Only Order may be adjusted after initial entry in the same manner as a Price to Comply Order (or a Price to Display Order, if it is Attributable). Thus, in the case of a Non-Attributable Post-Only Order that crossed a Protected Quotation, if the NBBO changed so that the Post-Only Order could be ranked and displayed at a price at or closer to its original entered limit price without locking or crossing a Protected Quotation, the Post-Only Order may either remain on the Exchange Book unchanged or may be cancelled back to the Participant, depending on its choice. In the case of a Non-Attributable Post-Only Order that locked a Protected Quotation, if the limit price would no longer lock a Protected Quotation, the Post-Only Order may either remain on the Exchange Book unchanged, may be cancelled back to the Participant, or may be ranked and displayed at its original entered limit price, depending on the Participant's choice, and will not thereafter be adjusted under this provision.[56] If the Post-Only Order is displayed at its original entered limit price, it will receive a new timestamp. Finally, in the case of an Attributable Post-Only Order that locked or crossed a Protected Quotation, if the NBBO changed so that the Post-Only Order could be ranked and displayed at a price at or closer to its original entered limit price without locking or crossing a Protected Quotation, the Post-Only Order may either remain on the Exchange Book unchanged or may be cancelled back to the Participant, depending on the Participant's choice. A Participant's choice with regard to adjustment of Post-Only Orders is set in advance for each port through which the Participant enters Orders.

• During System Hours, if the original entered limit price of the Post-Only Order locked or crossed an Order on the Exchange Book and did not execute, and the Exchange Book changes so that the original entered limit price would no longer lock or cross an Order on the Exchange Book, the Post-Only Order may either remain on the Exchange Book unchanged or may be cancelled back to the Participant, depending on the Participant's choice. For example, if a Post-Only Order to buy at $0.98 would lock an Order on the Exchange Book priced at $0.98, the Post-Only Order will be ranked and displayed at $0.9799. If the Order at $0.98 is cancelled or executed, the Post-Only Order may either remain with a displayed price of $0.9799 or be cancelled back to the Participant, depending on the Participant's choice. A Participant's choice with regard to maintaining the Post-Only Order or cancelling it is set in advance for each port through which the Participant enters Orders.

The following Order Attributes may be assigned to a Post-Only Order:

• Price. As described above, the price of the Order may be adjusted to avoid locking or crossing a Protected Quotation, and may include a displayed price as well as a non-displayed price.

• Size.

• Time-in-Force.

• Designation as an ISO. In accordance with Regulation NMS, a Post-Only Order designated as an ISO that locked or crossed a Protected Quotation would be processed at its entered limit price, since such a designation reflects a representation by the Participant that it has simultaneously routed one or more additional limit orders, as necessary, to execute against the full displayed size of any Protected Quotations that the Post-Only Order would lock or cross. However, as described above, a Post-Only Order designated as an ISO that locked or crossed an Order on the Exchange Book would either execute at time of entry or would have its price adjusted prior to posting. Accordingly, the System would not interpret receipt of a Post-Only Order marked ISO that had its price adjusted prior to posting as the basis for determining that any Protected Quotation at the Order's original entered limit price level had been executed for purposes of accepting additional Orders at that price level. However, if the Post-Only Order is ranked and displayed at its adjusted price, the System would consider the adjusted price level to be open for purposes of accepting additional Orders at that price level. For example, assume that there is a Protected Offer at $0.98 and a Participant enters a Post-Only Order marked ISO to buy at $0.98. If there are no Orders to sell at $0.98 on the Exchange Book, the Order to buy will be displayed and ranked at $0.98, since the designation of the Order as an ISO reflects the Participant's representation that it has routed one or more additional limit orders, as necessary, to execute against the full displayed size of any Protected Quotations that the Post-Only Order would lock or cross. However, if there was also an Order to sell at $0.98 on the Exchange Book, the Post-Only Order may be repriced, ranked, and displayed at $0.9799. In that case, the mere fact that the Post-Only Order was designated as an ISO would not allow the Exchange to conclude that the $0.98 price level was ''open'' for receiving orders to buy at that price; the $0.98 price level would be considered open only if market data received by the System demonstrated that the Protected Offer at $0.98 had been removed or if a subsequent Displayed Order marked ISO was received and ranked at that price.

• Attribution.

• Display. A Post-Only Order is always displayed, although, as provided above, it may also have a non-displayed price.

Book while it is being repriced, however, it is possible that the Order's price will move away from its original entered limit price in the case of a ''race condition'' where the NBBO changes again while the Order is not on the Exchange Book.

[54] Thus, the price of the Order will not move beyond its limit price.

[55] These adjustments reflect a substantive clarification to the language of the existing rule.

[56] Thus, the price of the Order will not move beyond its limit price.

Retail Price Improving Order and Retail Order [57]

A ''Retail Price Improving Order'' or ''RPI Order'' is an Order Type with a Non-Display Order Attribute that is held on the Exchange Book in order to provide liquidity at a price at least $0.001 better than the NBBO through a special execution process described in Rule 4780. A Retail Price Improving Order may be entered in price increments of $0.001. RPI Orders collectively may be referred to as ''RPI Interest.''

An RPI Order will be posted to the Exchange Book regardless of its price, but an RPI Order may execute only against a Retail Order, and only if its price is at least $0.001 better than the NBBO.

The following Order Attributes may be assigned to an RPI Order:

- Price. The price of an RPI Order must be at least $0.001 better than the NBBO in order to execute.
- Size.
- A Time-in-Force other than IOC.
- Primary Pegging (available through RASH and FIX only).
- Midpoint Pegging (available through RASH and FIX only).
- Non-Display. All RPI Orders are Non-Displayed.

A ''Retail Order'' is an Order Type with a Non-Display Order Attribute submitted to the Exchange by a Retail Member Organization (as defined in Rule 4780). A Retail Order must be an agency Order, or riskless principal Order that satisfies the criteria of FINRA Rule 5320.03. The Retail Order must reflect trading interest of a natural person with no change made to the terms of the underlying order of the natural person with respect to price (except in the case of a market order that is changed to a marketable limit order) or side of market and that does not originate from a trading algorithm or any other computerized methodology.

A Retail Order may be designated as either a Type-1 Retail Order or a Type-2 Retail Order. Upon entry, a Type-1 Retail Order will attempt to execute against RPI Orders and any other Orders on the Exchange Book with a price that is (i) equal to or better than the price of the Type-1 Retail Order and (ii) at least $0.001 better than the NBBO. A Type-1 Retail Order is not Routable and will thereafter be cancelled.

Upon entry, a Type-2 Retail Order will first attempt to execute against RPI Orders and any other Orders on the Exchange Book with a price that is (i) equal to or better than the price of the Type-2 Retail Order and (ii) at least $0.001 better than the NBBO and will then attempt to execute against any other Order on the Exchange Book with a price that is equal to or better than the price of the Type-2 Retail Order, unless such executions would trade through a Protected Quotation. A Type-2 Retail Order may be designated as Routable.

The following Order Attributes may be assigned to a Retail Order:

- Price.
- Size.
- A Time-in-Force of IOC.
- Routing (available through RASH and FIX only).
- Midpoint Pegging (available through RASH and FIX only).
- Non-Display. All Retail Orders are Non-Displayed.

Order Attributes

Proposed Rule 4702 lists the Order Attributes that may be assigned to specific Order Types. Proposed Rule 4703 details the parameters of each Order Attribute.

Time-in-Force

The ''Time-in-Force'' assigned to an Order means the period of time that the System will hold the Order for potential execution. Participants specify an Order's Time-in-Force by designating a time at which the Order will become active and a time at which the Order will cease to be active. The available times for activating Orders are:

- The time of the Order's receipt by the System;
- the beginning of Market Hours;
- the end of Market Hours;
- the resumption of trading, in the case of a security that is the subject of a trading halt.

The available times for deactivating Orders are:

- ''Immediate'' (*i.e.,* immediately after determining whether the Order is marketable);
- the end of Market Hours;
- the end of System Hours;
- one year after entry; or
- a specific time identified by the Participant; provided, however, that an Order specifying an expire time beyond the current trading day will be cancelled at the end of the current trading day.

Notwithstanding the Time-in-Force originally designated for an Order, a Participant may always cancel an Order after it is entered.

The following Times in Force are referenced elsewhere in the Exchange's Rules by the designations noted below:

- An Order that is designated to deactivate immediately after determining whether the Order is marketable may be referred to as having a Time in Force of ''Immediate or Cancel'' or ''IOC''. Any Order with a Time-in-Force of IOC entered between 9:30 a.m. ET and 4 p.m. ET may be referred to as having a Time-in-Force of ''Market Hours Immediate or Cancel'' or ''MIOC''. An Order with a Time-in-Force of IOC that is entered at any time between 7 a.m. ET and 7 p.m. ET may be referred to as having a Time-in-Force of ''System Hours Immediate or Cancel'' or ''SIOC''.
- An Order that is designated to deactivate at 7 p.m. may be referred to as having a Time in Force of ''System Hours Day'' or ''SDAY''.
- An Order that is designated to deactivate one year after entry may be referred to as a ''Good-till-Cancelled'' or ''GTC'' Order. If a GTC Order is designated as eligible for execution during Market Hours only, it may be referred to as having a Time in Force of ''Market Hours Good-till-Cancelled'' or ''MGTC''. If a GTC is designated as eligible for execution during System Hours, it may be referred to as having a Time in Force of ''System Hours Good-till-Cancelled'' or ''SGTC''.
- An Order that is designated to deactivate at the time specified in advance by the entering Participant may be referred to as having a Time-in-Force of ''System Hours Expire Time'' or ''SHEX''.
- An Order that is designated to activate at any time during Market Hours and deactivate at 4 p.m. ET may be referred to as having a Time-in-Force of ''Market Hours Day'' or ''MDAY''. An Order entered with a Time-in-Force of MDAY after 4 p.m. ET will be accepted but given a Time-in-Force of IOC.
- An Order that is designated to activate when entered and deactivate at 4 p.m. ET may be referred to as having a Time in Force of ''Good-till-Market Close'' or ''GTMC''. GTMC Orders entered after 4 p.m. ET will be treated as having a Time-in-Force of SIOC.

Size

Except as otherwise provided, an Order may be entered in any whole share size between one share and 999,999 shares. Orders for fractional shares are not permitted. The following terms may be used to describe particular Order sizes:

- ''normal unit of trading'' or ''round lot'' means the size generally employed by traders when trading a particular security, which is 100 shares in most instances;
- ''mixed lot'' means a size of more than one normal unit of trading but not a multiple thereof; and

[57] The definitions of Retail Price Improving Order and Retail Order are currently found in Rule 4780. Accordingly, conforming amendments are proposed to that rule to reflect the adoption of the proposed new definitions in Rule 4701.

• ''odd lot'' means a size of less than one normal unit of trading.

Price

With limited exceptions, all Orders must have a price, such that they will execute only if the price available is equal to or better than the price of the Order. The maximum price that the System will accept is $199,999.99. Certain Orders have a price that is determined by the System based on the NBBO or other reference prices, rather than by the Participant. As described below with respect to the Pegging Order Attribute, an Order may have a price that is pegged to the opposite side of the market, in which case the Order will behave like a ''market order'' or ''unpriced order'' (*i.e.,* an Order that executes against accessible liquidity on the opposite side of the market, regardless of its price).

Pegging

Pegging is an Order Attribute that allows an Order to have its price automatically set with reference to the NBBO; provided, however, that if the Exchange is the sole market center at the Best Bid or Best Offer (as applicable), then the price of any Displayed Order with Pegging will be set with reference to the highest bid or lowest offer disseminated by a market center other than the Exchange.[58] An Order with a Pegging Order Attribute may be referred to as a ''Pegged Order.'' The price to which an Order is pegged is referred to as the Inside Quotation, the Inside Bid, or the Inside Offer, as appropriate. There are three varieties of Pegging:

• Primary Pegging means Pegging with reference to the Inside Quotation on the same side of the market. For example, if the Inside Bid was $11, an Order to buy with Primary Pegging would be priced at $11.

• Market Pegging means Pegging with reference to the Inside Quotation on the opposite side of the market. For example, if the Inside Offer was $11.06, an Order to buy with Market Pegging would be priced at $11.06.

• Midpoint Pegging means Pegging with reference to the midpoint between the Inside Bid and the Inside Offer (the ''Midpoint''). Thus, if the Inside Bid was $11 and the Inside Offer was $11.06, an Order with Midpoint Pegging would be priced at $11.03. An Order with Midpoint Pegging is not displayed. An Order with Midpoint Pegging may be executed in sub-pennies if necessary to obtain a midpoint price.

Pegging is available only during Market Hours. An Order with Pegging may specify a limit price beyond which they Order may not be executed; provided, however, that if an Order has been assigned a Pegging Order Attribute and a Discretion Order Attribute, the Order may execute at any price within the discretionary price range, even if beyond the limit price specified with respect to the Pegging Order Attribute. If an Order with Pegging is priced at its limit price, the price of the Order may nevertheless be changed to a less aggressive price based on changes to the Inside Quotation.[59] In addition, an Order with Primary Pegging or Market Pegging may specify an Offset Amount, such that the price of the Order will vary from the Inside Quotation by the selected Offset Amount. The Offset Amount may be either aggressive or passive. Thus, for example, if a Participant entered an Order to buy with Primary Pegging and a passive Offset Amount of $0.05 and the Inside Bid was $11, the Order would be priced at $10.95. If the Participant selected an aggressive Offset Amount of $0.02, however, the Order would be priced at $11.02. An Order with Primary Pegging and an Offset Amount will not be Displayed, unless the Order is Attributable. An Order with Midpoint Pegging will not be Displayed. An Order with Market Pegging and no Offset behaves as a ''market order'' with respect to any liquidity on the Exchange Book at the Inside Quotation on the opposite side of the market because it is immediately executable at that price. If, at the time of entry, there is no price to which a Pegged Order can be pegged, the Order will be rejected. In the case of an Order with Midpoint Pegging, if the Inside Bid and Inside Offer are locked, the Order will be priced at the locking price, if the Inside Bid and Inside Offer are crossed, the Order will nevertheless be priced at the midpoint between the Inside Bid and Inside Offer, and if there is no Inside Bid and/or Inside Offer, the Order will be rejected.

Primary Pegging and Market Pegging are available through RASH and FIX only. An Order entered through OUCH or FLITE with Midpoint Pegging will have its price set upon initial entry to the Midpoint, unless the Order has a limit price that is lower than the Midpoint for an Order to buy (higher than the Midpoint for an Order to sell), in which case the Order will be ranked on the Exchange Book at its limit price. Thereafter, if the NBBO changes so that the Midpoint is lower than (higher than) the price of an Order to buy (sell), the Pegged Order will be cancelled back to the Participant.

An Order entered through RASH or FIX with Pegging will have its price set upon initial entry and will thereafter have its price reset in accordance with changes to the relevant Inside Quotation. An Order with Pegging receives a new timestamp whenever its price is updated and therefore will be evaluated with respect to possible execution (and routing, if it has been assigned a Routing Order Attribute) in the same manner as a newly entered Order. If the price to which an Order is pegged is not available, the Order will be rejected.

Pegging functionality allows a Participant to have the System adjust the price of the Order continually in order to keep the price within defined parameters. Thus, the System performs price adjustments that would otherwise be performed by the Participant through cancellation and reentry of Orders. The fact that a new timestamp is created for a Pegged Order whenever it has its price adjusted allows the Order to seek additional execution opportunities and ensures that the Order does not ''jump the queue'' with respect to any Orders that were previously at the Pegged Order's new price level.

If an Order with Primary Pegging is updated 1,000 times, it will be cancelled; if an Order with other forms of Pegging is updated 10,000 times, it will be cancelled. This restriction is designed to conserve System resources by limiting the persistence of Orders that update repeatedly without any reasonable prospect of execution.

Minimum Quantity

Minimum Quantity is an Order Attribute that allows a Participant to provide that an Order will not execute unless a specified minimum quantity of shares can be obtained. Thus, the functionality serves to allow a Participant that may wish to buy or sell a large amount of a security to avoid signaling its trading interest unless it can purchase a certain minimum amount. An Order with a Minimum Quantity Order Attribute may be referred to as a ''Minimum Quantity Order.'' For example, a Participant could enter an Order with a Size of 1000 shares and specify a Minimum Quantity of 500 shares. In that case, upon entry, the System would determine whether there were posted Orders executable against the incoming Order with a size

[58] This is the case because otherwise the Pegged Order would become pegged to itself if it set the NBBO.

[59] For example, if an Order to buy with Primary Pegging is entered with a limit price of $11.05 at a time when the Inside Bid is $11, the initial price of the Order will be $11. If, thereafter, the Inside Bid changes to $11.05, $11.06, and $11.04, the price of the Order at such times will be $11.05, $11.05, and $11.04.

of at least 500 shares.[60] If there were not, the Order would post on the Exchange Book in accordance with the characteristics of its underlying Order Type. Once posted to the Exchange Book, the Minimum Quantity Order retains its Minimum Quantity Order Attribute, such that the Order may execute only against incoming Orders with a size of at least the minimum quantity condition. An Order that has a Minimum Quantity Order Attribute and that posts to the Exchange Book will not be displayed.

Upon entry, an Order with a Minimum Quantity Order Attribute must have a size of at least one round lot. An Order entered through OUCH or FLITE may have a minimum quantity condition of any size of at least one round lot. An Order entered through RASH or FIX must have a minimum quantity of one round lot or any multiple thereof, and a mixed lot minimum quantity condition will be rounded down to the nearest round lot. In the event that the shares remaining in the size of an Order with a Minimum Quantity Order Attribute following a partial execution thereof are less than the minimum quantity specified by the Participant entering the Order, the minimum quantity value of the Order will be reduced to the number of shares remaining. An Order with a Minimum Quantity Order Attribute may not be displayed; if a Participant marks an Order with both a Minimum Quantity Order Attribute and a Display Order Attribute, the System will accept the Order but will give a Time-in-Force of IOC, regardless of the Time-in-Force marked by the Participant. An Order marked with a Minimum Quantity Order Attribute and a Routing Order Attribute will be rejected.

Routing

Routing is an Order Attribute that allows a Participant to designate an Order to employ one of several Routing Strategies offered by the Exchange, as described in Rule 4758; such an Order may be referred to as a ''Routable Order.'' Upon receipt of an Order with the Routing Order Attribute, the System will process the Order in accordance with the applicable Routing Strategy. In the case of a limited number of Routing Strategies, the Order will be sent directly to other market centers for potential execution. For most other Routing Strategies, the Order will attempt to access liquidity available on the Exchange in the manner specified for the underlying Order Type and will then be routed in accordance with the applicable Routing Strategy. Shares of the Order that cannot be executed are then returned to the Exchange, where they will (i) again attempt to access liquidity available on the Exchange and (ii) post to the Exchange Book or be cancelled, depending on the Time-in-Force of the Order. Under certain Routing Strategies, the Order may be routed again if the System observes an accessible quotation of another market center, and returned to the Exchange again for potential execution and/or posting to the Exchange Book.

In connection with the trading of securities governed by Regulation NMS, all Orders shall be routed for potential execution in compliance with Regulation NMS. Where appropriate, Routable Orders will be marked as Intermarket Sweep Orders.

Discretion

Discretion is an Order Attribute under which an Order has a non-displayed discretionary price range within which the entering Participant is willing to trade; such an Order may be referred to as a ''Discretionary Order.''[61] Thus, an Order with Discretion has both a price (for example, buy at $11) and a discretionary price range (for example, buy up to $11.03). Depending on the Order Type used, the price may be displayed (for example, a Price to Display Order) or non-displayed (for example, a Non-Displayed Order). The discretionary price range is always non-displayed. In addition, it should be noted that the Discretion Order Attribute may be combined with the Pegging Order Attribute, in which case either the price of the Order or the discretionary price range or both may be pegged in the ways described in Rule 4702(d) with respect to the Pegging Order Attribute. For example, an Order with Discretion to buy might be pegged to the Best Bid with a $0.05 passive Offset and might have a discretionary price range pegged to the Best Bid with a $0.02 passive Offset. In that case, if the Best Bid was $11, the price of the Order would be $10.95, with a discretionary price range up to $10.98. If the Best Bid moved to $10.99, the price of the Order would then be $10.94, with a discretionary price range up to $10.97. Alternatively, if the price of the Order was pegged but the discretionary price range was not, the price of the Order would be $10.94, but the discretionary price range would continue to range up to $10.98. Likewise, if the discretionary price range was pegged but the price of the Order was not, the Order would remain priced at $10.95 but with a discretionary price range of up to $10.97. A Participant may also specify a limit price beyond which the discretionary price range may not extend.

Under the circumstances described below, the System processes an Order with Discretion by generating a Non-Displayed Order with a Time-in-Force of IOC (a ''Discretionary IOC'') that will attempt to access liquidity available within the discretionary price range. The Discretionary IOC will not be permitted to execute, however, if the price of the execution would trade through a Protected Quotation. If more than one Order with Discretion satisfies conditions that would cause the generation of a Discretionary IOC simultaneously, the order in which such Discretionary IOCs are presented for execution is random, based on the respective processing time for each such Order. Whenever a Discretionary IOC is generated, the underlying Order with Discretion will be withheld or removed from the Exchange Book and will then be routed and/or placed on the Exchange Book if the Discretionary IOC does not exhaust the full size of the underlying Order with Discretion, with its price determined by the underlying Order Type and Order Attributes selected by the Participant.[62] Because the circumstances under which a Discretionary IOC will be generated are dependent upon a range of factors, several specific scenarios are described below.

- If an Order has been assigned a Discretion Order Attribute, but has not been assigned a Routing Order Attribute, upon entry of the Order, the System will automatically generate a Discretionary IOC with a price equal to the highest price for an Order with Discretion to buy (lowest price for an Order with Discretion to sell) within the discretionary price range and a size equal to the full size of the underlying Order to determine if there are any Orders within the discretionary price range on the Exchange Book. If the Discretionary IOC does not exhaust the

[60] As reflected in the proposed rule, the System currently allows an incoming Order with a Minimum Quantity to execute if one or more Orders on the Exchange Book satisfy the Minimum Quantity condition.

[61] The proposed rule text reflects a substantive clarification to the existing description of Discretionary Orders.

[62] It should be noted that a Discretionary IOC is deemed to be accessing liquidity for purposes of the Exchange's schedule of fees and rebates, unless one Discretionary IOC executes against another Discretionary IOC, in which case the Order that had reached the Exchange Book first would be deemed to provide liquidity. Because the Exchange has a ''taker/maker'' pricing model under which a Participant that accesses liquidity receives a rebate, a rebate would be paid with respect to a Discretionary IOC.

full size of the Order with Discretion, the remaining size of the Order with Discretion will post to the Exchange Book in accordance with the parameters that apply to the underlying Order Type. Thus, for example, if a Participant enters a Price to Display Order to buy at $11 with a discretionary price range of up to $11.03, upon entry the System will generate a Discretionary IOC to buy priced at $11.03. If there is an Order on the Exchange Book to sell priced at $11.02 and an execution at $11.02 would not trade through a Protected Quotation, the Discretionary IOC will execute against the Order on the Exchange Book, up to the full size of each Order. Any remaining size of the Price to Display Order would post to the Exchange Book in accordance with its parameters.

• After the Order posts to the Exchange Book, the System will examine whether at any time there is an Order on the Exchange Book with a price in the discretionary price range against which the Order with Discretion could execute. In doing so, the System will examine all Orders (including Orders that are not Displayed). If the System observes such an Order, it will generate a Discretionary IOC with a price equal to the highest price for an Order to buy (lowest price for an Order to sell) within the discretionary price range and a size equal to the full size of the Order.

• If an Order that uses a passive routing strategy (*i.e.,* a strategy such as BSCN [63] that does not seek routing opportunities after posting to the Exchange Book) has been assigned a Discretion Order Attribute but does not have a pegged discretionary price range, upon entry of the Order, the System will examine all Orders (including Orders that are not Displayed) on the Exchange Book to determine if there is an Order on the Exchange Book with a price in the discretionary price range against which the Order with Discretion could execute. If the System observes such an Order, it will generate a Discretionary IOC with a price equal to the price of the Order on the Exchange Book and a size equal to the applicable size of the Order on the Exchange Book. The System will also determine if there are any accessible quotations with prices that are within the discretionary price range at destinations on the applicable routing table for the selected routing strategy. If there are such quotations, the System will generate one or more Discretionary IOCs to route to such destinations, with a price and size that match the price and size of the market center's quotation. If necessary to maximize execution opportunities and comply with Regulation NMS, the System's routing broker may mark such Discretionary IOCs as Intermarket Sweep Orders. If the Discretionary IOC(s) do not exhaust the full size of the Order with Discretion, the remaining size of the Order with Discretion will post to the Exchange Book in accordance with the parameters that apply to the underlying Order Type. The System will then examine whether at any time there is an Order on the Exchange Book with a price in the discretionary price range against which the Order with Discretion could execute. In doing so, the System will examine all Orders (including Orders that are not Displayed). If the System observes such an Order, it will generate a Discretionary IOC with a price equal to the price of the Order on the Exchange Book and a size equal to the applicable size of the Order on the Exchange Book.

• If an Order that uses a reactive routing strategy (*i.e.,* a strategy such as BSTG [64] that seeks routing opportunities after posting to the Exchange Book) has been assigned a Discretion Order Attribute but does not have a pegged discretionary price range, upon entry of the Order, the System will examine all Orders (including Orders that are not Displayed) on the Exchange Book to determine if there is an Order on the Exchange Book with a price in the discretionary price range against which the Order with Discretion could execute. If the System observes such an Order, it will generate a Discretionary IOC with a price equal to the price of the Order on the Exchange Book and a size equal to the applicable size of the Order on the Exchange Book. The System will also determine if there are any accessible quotations with prices that are within the discretionary price range at destinations on the applicable routing table for the selected routing strategy. If there are such quotations, the System will generate one or more Discretionary IOCs to route to such destinations, with a price and size that match the price and size of the market center's quotation. If necessary to maximize execution opportunities and comply with Regulation NMS, the System may mark such Discretionary IOCs as Intermarket Sweep Orders. If the Discretionary IOC(s) do not exhaust the full size of the Order with Discretion, the remaining size of the Order with Discretion will post to the Exchange Book in accordance with the parameters that apply to the underlying Order Type. The System will then examine whether at any time there is an Order on the Exchange Book or an accessible quotation at another trading venue with a price in the discretionary price range against which the Order with Discretion could execute. In examining the Exchange Book, the System will examine all Orders (including Orders that are not Displayed). If the System observes such an Order or quotation, it will generate a Discretionary IOC with a price equal to the price of such the Order or quotation and a size equal to the applicable size of the Order on the Exchange Book or the displayed size of the quotation.

• If an Order that uses a passive routing strategy has been assigned a Discretion Order Attribute and does have a pegged discretionary price range, upon entry of the Order, the System will examine all Orders (including Orders that are not Displayed) on the Exchange Book to determine if there is an Order on the Exchange Book with a price in the discretionary price range against which the Order with Discretion could execute. If the System observes such an Order, it will generate a Discretionary IOC with a price equal to the price of the Order on the Exchange Book and a size equal to the applicable size of the Order on the Exchange Book. The System will also determine if there are any accessible quotations with prices that are within the discretionary price range at destinations on the applicable routing table for the selected routing strategy. If there are such quotations, the System will generate one or more Discretionary IOCs to route to such destinations, with a price and size that match the price and size of the market center's quotation. If necessary to maximize execution opportunities and comply with Regulation NMS, the System may mark such Discretionary IOCs as Intermarket Sweep Orders. If the Discretionary IOC(s) do not exhaust the full size of the Order with Discretion, the remaining size of the Order with Discretion will post to the Exchange Book in accordance with the parameters that apply to the underlying Order Type. Thereafter, the Order will not generate further Discretionary IOCs unless the Order is updated in a manner that causes it to receive a new timestamp, in which case the Order will behave in the same manner as a newly entered Order.

• If an Order that uses a reactive routing strategy has been assigned a Discretion Order Attribute and does have a pegged discretionary price range,

[63] The BSCN routing strategy is described in Rule 4758.

[64] The BSTG routing strategy is described in Rule 4758.

upon entry of the Order, the System will examine all Orders (including Orders that are not Displayed) on the Exchange Book to determine if there is an Order on the Exchange Book with a price in the discretionary price range against which the Order with Discretion could execute. If the System observes such an Order, it will generate a Discretionary IOC with a price equal to the price of the Order on the Exchange Book and a size equal to the applicable size of the Order on the Exchange Book. The System will also determine if there are any accessible quotations with prices that are within the discretionary price range at destinations on the applicable routing table for the selected routing strategy. If there are such quotations, the System will generate one or more Discretionary IOCs to route to such destinations, with a price and size that match the price and size of the market center's quotation. If necessary to maximize execution opportunities and comply with Regulation NMS, the System may mark such Discretionary IOCs as Intermarket Sweep Orders. If the Discretionary IOC(s) do not exhaust the full size of the Order with Discretion, the remaining size of the Order with Discretion will post to the Exchange Book in accordance with the parameters that apply to the underlying Order Type. The System will then examine whether at any time there is an Order on the Exchange Book or an accessible quotation at another trading venue with a price in the discretionary price range against which the Order with Discretion could execute. In examining the Exchange Book, the System will examine Displayed Orders but will not examine Non-Displayed Orders. If the System observes such an Order or quotation, it will generate a Discretionary IOC with a price equal to the price of such the Order or quotation and a size equal to the applicable size of the Order on the Exchange Book or the displayed size of the quotation.

Reserve Size

Reserve Size is an Order Attribute that permits a Participant to stipulate that an Order Type that is displayed may have its displayed size replenished from additional non-displayed size. An Order with Reserve Size may be referred to as a ''Reserve Order.'' At the time of entry, the displayed size of such an Order selected by the Participant must be one or more normal units of trading; an Order with a displayed size of a mixed lot will be rounded down to the nearest round lot. A Reserve Order with displayed size of an odd lot will be accepted but with the full size of the Order displayed. Reserve Size is not available for Orders that are not displayed; provided, however, that if a Participant enters Reserve Size for a Non-Displayed Order with a Time-in-Force of IOC, the full size of the Order, including Reserve Size, will be processed as a Non-Displayed Order.

Whenever a Participant enters an Order with Reserve Size, the System will process the Order as two Orders: A Displayed Order (with the characteristics of its selected Order Type) and a Non-Displayed Order. Upon entry, the full size of each such Order will be processed for potential execution in accordance with the parameters applicable to the Order Type. For example, a Participant might enter a Price to Display Order with 200 shares displayed and an additional 3,000 shares non-displayed. Upon entry, the Order would attempt to execute against available liquidity on the Exchange Book, up to 3,200 shares. Thereafter, unexecuted portions of the Order would post to the Exchange Book as a Displayed Price to Display Order and a Non-Displayed Order; provided, however, that if the remaining total size is less than the display size stipulated by the Participant, the Displayed Order will post without Reserve Size. Thus, if 3,050 shares executed upon entry, the Price to Display Order would post with a size of 150 shares and no Reserve Size.

When an Order with Reserve Size is posted, if there is an execution against the Displayed Order that causes its size to decrease below a normal unit of trading, another Displayed Order will be entered at the level stipulated by the Participant while the size of the Non-Displayed Order will be reduced by the same amount. Any remaining size of the original Displayed Order will remain on the Exchange Book. The new Displayed Order will receive a new timestamp, but the Non-Displayed Order (and the original Displayed Order, if any) will not; although the new Displayed Order will be processed by the System as a new Order in most respects at that time, if it was designated as Routable, the System will not automatically route it upon reentry.[65] For example, if a Price to Comply Order with Reserve Size posted with a Displayed Size of 200 shares, along with a Non-Displayed Order of 3,000 and the 150 shares of the Displayed Order was executed, the remaining 50 shares of the original Price to Comply Order would remain, a new Price to Comply Order would post with a size of 200 shares and a new timestamp, and the Non-Displayed Order would be decremented to 2,800 shares.[66]

A Participant may stipulate that the Displayed Order should be replenished to its original size. Alternatively, the Participant may stipulate that the original and subsequent displayed size will be an amount randomly determined based on factors selected by the Participant.[67] Specifically, the Participant would select both a theoretical displayed size and a range size, which may be any share amount less than the theoretical displayed size. The actual displayed size will then be determined by the System within a range in which the minimum size is the theoretical displayed size minus the range size, and the maximum size is (i) the minimum size plus (ii) an amount that is two times the range size minus one round lot. For example, if the theoretical displayed size is 600 shares and the range size is 500, the minimum displayed size will be 100 shares ($600 - 500$), and the maximum size will be 1,000 shares ($(600 - 500) + ((2 \times 500) - 100)$).

When the Displayed Order with Reserve Size is executed and replenished, applicable market data disseminated by the Exchange will show the execution and decrementation of the Displayed Order, followed by replenishment of the Displayed Order. In all cases, if the remaining size of the Non-Displayed Order is less than the fixed or random amount stipulated by the Participant, the full remaining size of the Non-Displayed Order will be displayed and the Non-Displayed Order will be removed.

Attribution

Attribution is an Order Attribute that permits a Participant to designate that the price and size of the Order will be displayed next to the Participant's MPID in market data disseminated by the Exchange. An Order with Attribution is referred to as an ''Attributable Order'' and an Order without attribution is referred to as a ''Non-Attributable Order.''

[65] Of course, if the Order uses a reactive routing strategy, such as BSTG, that routes out whenever the System observes a quotation against which the Order is marketable at another market center, the Order could be routed at any time.

[66] Because the Displayed Order is reentered and the Non-Displayed Order is not, there are circumstances in which the Displayed Order may receive a different price than the Non-Displayed Order. For example, if, upon reentry, a Price to Display Order would lock or cross a newly posted Protected Quotation, the price of the Order will be adjusted but its associated Non-Displayed Order would not be adjusted. In that circumstance, it would be possible for the better priced Non-Displayed Order to execute prior to the Price to Display Order.

[67] The ability to specify a random size reflects a substantive clarification of existing rules.

Intermarket Sweep Order

Designation of an Order as an Intermarket Sweep Order, or ISO, is an Order Attribute that allows the Order to be executed within the System by Participants at multiple price levels without respect to Protected Quotations of other market centers within the meaning of Rule 600(b) under Regulation NMS. ISOs are immediately executable within the System against Orders against which they are marketable. An Order designated as an ISO may not be assigned a Routing Order Attribute.[68] In connection with the trading of securities governed by Regulation NMS, Intermarket Sweep Orders shall be executed exclusively within the System and the entering Participant shall be responsible for compliance with Rules 610 and 611 under Regulation NMS with respect to order protection and locked and crossed markets with respect to such Orders.

Simultaneously with the routing of an ISO to the System, one or more additional limit orders, as necessary, are routed by the entering Participant to execute against the full displayed size of any Protected Quotation with a price that is superior to the price of the Order identified as an Intermarket Sweep Order (as defined in Rule 600(b) under Regulation NMS). These additional routed orders must be identified as Intermarket Sweep Orders.

Upon receipt of an ISO, the System will consider the stated price of the ISO to be available for other Orders to be entered at that price, unless the ISO is not itself accepted at that price level (for example, a Post-Only Order that has its price adjusted to avoid executing against an Order on the Exchange Book) or the ISO is not Displayed.[69]

In addition, as described with respect to various Order Types, such as the Price to Comply Order, Orders on the Exchange Book that had their price adjusted may be eligible to be reentered at the stated price of the ISO. For example, if a Price to Comply Order to buy at $11 would lock a Protected Offer at $11, the Price to Comply Order will be posted with a non-displayed price of $11 and a displayed price of $10.99. If the System then receives an ISO to buy at $11, the ISO will be posted at $11 and the Price to Comply Order will be reentered at $11 (if the Participant opted to have its Orders reentered). The respective priority of such reentered Orders will be maintained among multiple repriced Orders; however, other new Orders may also be received after receipt of the ISO but before the repricing of the Price to Comply Order is complete; accordingly, the priority of an Order on the Exchange Book vis-à-vis a newly entered Order is not guaranteed.

Display

Display is an Order Attribute that allows the price and size of an Order to be displayed to market participants via market data feeds. All Orders that are Attributable are also displayed, but an Order may be displayed without being Attributable. As discussed in Rule 4702, a Non-Displayed Order is a specific Order Type, but other Order Types may also be non-displayed if they are not assigned a Display Order Attribute; however, depending on context, all Orders that are not displayed may be referred to as ''Non-Displayed Orders.'' An Order with a Display Order Attribute may be referred to as a ''Displayed Order.''

Statistics on Order Types Usage

Although the Exchange, like many exchanges, offers a wide range of possible combinations of Order Types and Order Attributes in order to provide options that support of a range of legitimate trading strategies, the Exchange believes that an analysis of the extent of usage of particular Order Type permutations is important to promoting a deeper understanding of current market structure. Based on analysis of a month of data for the period from August 26, 2013 through September 29, 2013, the Exchange offers the following observations about the usage of different Order Types on its market:

- 38.63% of entered Order volume was Price to Comply Orders with no Order Attributes other than price and size. Such Orders were involved in 28.38% of execution volume.[70]
- 0.02% of entered Order volume was Post-Only Orders with no Order Attributes other than price and size. Such Orders were involved in 0.69% of execution volume.
- Non-Displayed Orders with a Time-in-Force of IOC and no special Order Attributes accounted for 9.84% of entered Order volume and 21.58% of execution volume. Non-Displayed Orders with a Time-in-Force of IOC marked as ISOs but with no other special Order Attributes accounted for 1.44% of entered Order volume and 25.02% of execution volume.
- Non-Displayed Orders with a Time-in-Force longer than IOC but no special Order Attributes accounted for 25.58% of entered Order volume and 3.25% of execution volume.
- Use of Post-Only Orders marked ISO but with no other special Order Attributes accounted for less than 0.01% of entered Order volume and execution volume. Price to Comply Orders marked ISO but with no other special Order Attributes accounted for 17.8% of entered Order volume and 13.42% of execution volume.
- All other Order Type and Order Attribute combinations accounted for 6.68% of entered Order volume and 7.66% of execution volume.

Thus, while a range of combinations of Order Types and Order Attributes can exist on the Exchange, the Exchange believes that these data support the conclusion that many of these possible combinations are not used to any appreciable extent. Rather, the vast majority of Order entry and Order execution volume is attributable to a small number of simple combinations: IOC Orders designed to access posted liquidity and various forms of priced limit Orders designed to access available liquidity and thereafter post to the Exchange Book to provide liquidity, which promote price discovery by offering displayed liquidity at a price that may narrow the bid/offer spread on the Exchange and/or provide price improvement to subsequent Orders. The inclusion of an ISO Order Attribute on Orders is done in full compliance with Regulation NMS and serves to provide notice to the Exchange that liquidity has been accessed liquidity on other markets at a given price level in order to allow it to post liquidity on the Exchange at that price. While the Exchange does not believe that its Order Type offerings are excessively complex, given the relatively limited usage of certain Order Types and Order Attributes, the Exchange is continuing to analyze whether changes may be made to eliminate any Order Types, Order Attributes, or permissible combinations in a manner that would further promote the goals of transparency and ease of use for Participants.

[68] However, Orders that are assigned a Routing Order Attribute may be designated as ISOs by the Exchange when routed to other market centers to maximize their opportunities for execution.

[69] Thus, for example, a Non-Displayed Order with a Time-in-Force of IOC marked ISO could execute against Orders on the Exchange Book. However, the price level of the Non-Displayed Order would be considered open for Orders to post only if applicable market data showed that the price level was available.

[70] Data about executions reflect both sides of a trade in instances where trades executed on the Exchange and one side of a trade in instances where a Routable Order executed at another market center. The data does not include information about Orders with a Time-in-Force of GTC to the extent that such Orders executed on a day after the day of their original entry.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[71] in general, and with Section 6(b)(5) of the Act[72] in particular, in that the proposal is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The proposed rule change also is designed to support the principles of Section 11A(a)(1)[73] of the Act in that it seeks to assure fair competition among brokers and dealers and among exchange markets. In particular, the Exchange believes that the reorganized and enhanced descriptions of its Order Types, Order Attributes, and related System functionality will promote just and equitable principles of trade and perfect the mechanisms of a free and open market and the national market system by providing greater clarity concerning certain aspects of the System's operations. The Exchange further believes that the proposed rule change will contribute to the protection of investors and the public interest by making the Exchange's rules easier to understand. The Exchange further believes that the proposed rules, together with the presented statistics regarding Order Type and Order Attribute usage, will promote the efficient execution of investor transactions and further enhance public understanding of the Exchange's operations, and thereby strengthen investor confidence in the Exchange and in the national market system. In addition, the Exchange believes that additional specificity in its rules will promote a better understanding of the Exchange's operation, thereby facilitating fair competition among brokers and dealers and among exchange markets.

Most of the System functionality described in the proposed rule change has already been described in previous proposed rule changes by the Exchange and approved or permitted to take effect on an immediate basis by the Commission. However, the Exchange believes that the reiteration of several principles underlying its Order Types and Order Attributes might be helpful in promoting a fuller understanding of these rules' operation and their consistency with the Act.

The functionality underlying Price to Comply Orders and Price to Display Orders provides a means by which Participants may enter a displayed limit order in compliance with Regulation NMS without the Participant definitively ascertaining whether the price of the Order would lock or cross a Protected Quotation. In the absence of the repricing functionality associated with the Order, the Exchange would need to reject the Order if it locked or crossed a Protected Quotation.

By accepting a Price to Comply Order with a locking, non-displayed price and displayed price that is one minimum increment inferior to the locking price, the Exchange allows this Order Type to achieve several purposes. First, the displayed price of the Order promotes price discovery by establishing a new NBBO or adding to liquidity available at the NBBO. Second, the non-displayed price of the Order allows the Order to provide price improvement when the Order is executed. A Price to Display Order similarly promotes price discovery by establishing a new NBBO or adding liquidity available at the NBBO. It also provides one of the Order Types through which a Market Maker may offer displayed liquidity that is Attributable to its MPID. Notably, given the price adjustment functionality of the Order, it allows a Market Maker to offer Attributable liquidity at the NBBO.

In addition, the repricing functionality associated with Price to Comply Orders and Price to Display Orders, whereby an Order that has been repriced by the System upon entry may be cancelled or reentered if a previously unavailable price level becomes available, promotes price discovery and provision of greater liquidity by facilitating the display of an Order at its chosen limit price. Because a reentered Order always receives a new timestamp, moreover, the functionality does not present fairness concerns that might arise if an Order that was not displayed became displayed at a different price level while retaining the timestamp that it received when originally entered.

The Non-Displayed Order provides a means by which Participants may access and/or offer liquidity without signaling to other Participants the extent of their trading interest. Moreover, because the Non-Displayed Order may lock a Protected Quotation, it provides a means by which a Participant may provide price improvement. For example, if the Best Bid was $11 and the Best Offer was $11.01, a Non-Displayed Order to buy at $11.01 would provide $0.01 price improvement to an incoming sell Order priced at the Best Bid.

In addition, the repricing functionality associated with Non-Displayed Order promotes provision of greater liquidity and eventual price discovery (via reporting of Order executions) because it facilitates the posting of a Non-Displayed Order at its chosen limit price. In addition, the functionality that cancels Non-Displayed Orders when crossed by a Protected Quotation helps to prevent trade-throughs by ensuring that a Non-Displayed Order will not execute at a price inferior to the Price of a Protected Quotation. Because a reentered Order always receives a new timestamp, moreover, the functionality does not present fairness concerns that might arise if an Order was able to move price while retaining an earlier timestamp.

The primary purpose of Post-Only Orders is to ''provide displayed liquidity to the market and thereby contribute to public price discovery—an objective that is fully consistent with the Act.''[74] The Post-Only Order also allows a Participant to control its trading costs by giving consideration to such costs when determining if the Order may be executed. However, the manner in which the Post-Only Order operates ensures that a Post-Only Order that locks or crosses an Order on the Exchange Book will either execute upon entry or post at a displayed price that potentially provides liquidity.[75] Moreover, because a Post-Only Order does not cancel back to the Participant if it cannot post or execute at its limit price, it does not provide a means to ascertain the existence of locking or crossing Orders without also reflecting a commitment to execute or post and display. Similarly, the functionality that allows a Post-Only Order to be marked IOC does not provide information regarding the existence of locking or crossing Orders on the Exchange Book since the Order has its price adjusted automatically, without reference to the price of any other Orders other than Orders at the NBBO.

In addition, the processing of Post-Only Orders with respect to locking or crossing Protected Quotations serves the same purposes as the processing discussed above with respect to Price to Comply Orders and Price to Display

[71] 15 U.S.C. 78f.

[72] 15 U.S.C. 78f(b)(5).

[73] 15 U.S.C. 78k–1(a)(1).

[74] SR–NYSE–2014–32 Approval Order.

[75] Due to BX's current pricing structure, Post-Only Orders priced at $1 or more are executable against Orders on the Exchange Book.

Orders. By accepting a Non-Attributable Post-Only Order that locks or crosses a Protected Quotation with a locking, non-displayed price and displayed price that is one minimum increment inferior to the locking price, the Exchange allows the displayed price of the Order to promote price discovery by establishing a new NBBO or adding to liquidity available at the NBBO, while also allowing the non-displayed price of the Order to provide price improvement when the Order is executed. An Attributable Post-Only Order similarly promotes price discovery by establishing a new NBBO or adding liquidity available at the NBBO.

The repricing functionality associated with Post-Only Orders, whereby an Order that has been repriced by the System upon entry may be cancelled or reentered if a previously unavailable price level becomes available, promotes price discovery and provision of greater liquidity by facilitating the display of an Order at its chosen limit price. Because a reentered Order always receives a new timestamp, moreover, the functionality does not present fairness concerns that might arise if an Order that was not displayed became displayed at a different price level while retaining the timestamp that it received when originally entered.

A Post-Only Order may be designated as an ISO and accepted at a price that locks or crosses a Protected Quotation, since such designation reflects a representation by the Participant that it has simultaneously routed one or more additional limit orders, as necessary, to execute against the full displayed size of any Protected Quotations that the Post-Only Order would lock or cross.[76] Because the Exchange maintains an active regulatory surveillance and enforcement program to verify that Participants are not improperly designating Orders as ISOs, the possibility for a Participant to systematically use a Post-Only Order marked ISO to occupy a price level while locking Protected Quotations is mitigated. Moreover, the System does not interpret a Post-Only Order that is marked ISO but that has its price adjusted prior to posting as the basis for accepting additional Orders at the Order's limit price level, thereby providing further assurance against the use of an ISO designation for an improper purpose.

Retail Orders and RPI Order provide a mechanism for all Participants to offer, and Participants representing retail customers to receive, price improvement of at least $0.001. The Exchange believes that the Order Types may therefore reduce trading costs for such retail customers and encourage the interaction of their Orders in an exchange-trading environment.

Several of the available Order Attributes merely provide means to designate the basic parameters of any Order: These include price, size, Time-in-Force, Attribution, and Display. The proposed rules clearly state limitations applicable to each of these parameters, such as available Times-in-Force and limitations on the permissible prices and sizes of Orders.

The Pegging Order Attribute allows a Participant to have the System adjust the price of the Order continually in order to keep the price within defined parameters. Thus, the System performs price adjustments that would otherwise be performed by the Participant through cancellation and reentry of Orders. The fact that a new timestamp is created for a Pegged Order whenever it has its price adjusted allows the Order to seek additional execution opportunities and ensures that the Order does not ''jump the queue'' with respect to any Orders that were previously at the Pegged Order's new price level. Thus, while the Order Attribute may be seen as introducing additional complexity with respect to the operation of the Exchange, it is in effect merely a process for removing and entering Orders at new prices based on changed market conditions.

The Minimum Quantity Order Attribute allows a Participant that may wish to buy or sell a large amount of a security to avoid signaling its trading interest unless it can purchase a certain minimum amount. Thus, the Order Attribute supports the interest of institutional investors and others in being able to minimize the impact of their trading on the price of securities.

The Routing Order Attribute, which is thoroughly described in existing Rule 4758, provides an optional means by which a Participant may direct the Exchange to seek opportunities to execute an Order at other market centers. The System is designed to pursue execution opportunities on behalf of Participants in an aggressive manner by, in most instances, first obtaining shares available on the Exchange Book, then routing to other market centers in accordance with the strategy designated by the Participant, then returning the Exchange Book as if a new Order before posting to the Exchange Book. In addition, to maximize execution opportunities, the System will, as appropriate and in accordance with Regulation NMS, designate a Routable Order as an Intermarket Sweep Order.

The Discretion Order Attribute allows a Participant to expand opportunities for an Order to access liquidity by allowing it to execute at any price within a specified range. Thus, while there is some complexity associated with the processing of Discretionary Orders, the Order Attribute merely allows the System to ascertain whether, under the conditions provided for in the rule, the Participant could access liquidity at a price within the range that the Participant has designated. If so, the Order Attribute generates an IOC Order to access the liquidity. Moreover, it should be noted that although in some circumstances, the System will examine Orders on the Exchange Book that are not Displayed to ascertain the existence of execution opportunities, the System would convey information to the Participant regarding such Orders only by executing against them. Thus, the discretionary price range reflects an actionable commitment by the Participant to trade at prices in that range. As a result, the Order Attribute promotes price discovery through executions that occur in the price range. Finally, it should be noted that Discretionary IOCs access liquidity. Because the Exchange has a ''taker/maker'' pricing structure under which liquidity accessing Orders receive a rebate, the Order Attribute does allow a Participant to obtain a rebate with respect to executions against previously posted Orders; however, this aspect of the Order Attribute is fully consistent with the Exchange's overall pricing structure.

The Reserve Size Order Attribute allows a Participant to display trading interest at a given price while also posting additional non-displayed trading interest. The functionality assists the Participant in managing this trading interest by eliminating the need for the Participant to enter additional size following the execution of the displayed trading interest. Thus, the functionality achieves a balance between promoting price discovery through displayed size and allowing a Participant to guard against price impact by hiding the full extent of its trading interest. The random reserve feature of the Order further assists a Participant in not revealing the extent of its trading interest because it diminishes the likelihood that other Participants will conclude that the Order is a Reserve Size Order if they repeatedly view it being replenished at the same size. Similarly, the manner in which the Exchange disseminates data regarding

[76] *See* SR–NYSE–2014–32 Approval Order (affirming that exchanges may adopt rules allowing market participants to ''ship and post'').

the execution and replenishment of a Reserve Size Order ensures that the process is indistinguishable to other Participants from the execution of an Order without Reserve Size followed by the entry of a new Order; this processing also ensures that only the displayed portion of the Reserve Size Order is treated as a Protected Quotation.

The Intermarket Sweep Order attribute is a function of Regulation NMS, which provides for an Order to execute without respect to Protected Quotations if it is designated as an ISO and if one or more additional limit orders, as necessary, are routed to execute against the full displayed size of any Protected Quotation with a price that is superior to the price of the Order identified as an ISO. As recently reaffirmed by the Commission, Regulation NMS allows such additional orders to be routed by an exchange or by the Participant that enters the ISO.[77] Accordingly, the exchange receiving an ISO may accept the receipt of the Order as a representation that the Participant entering it has satisfied its obligations; provided, however, that the exchange itself maintains a surveillance and enforcement program to verify that the Participant is not acting in violation of this requirement. For this reason, it is also consistent with the Act for a Participant to designate an Order with a Time-in-Force longer than IOC, or an Order with functionality such as the Post-Only Order, as an ISO.[78] Specifically, attaching an ISO designation to such Order reflects a representation that the Participant has determined that Protected Quotations at the price of the Order have been eliminated, such that the Order is entitled to post and provide liquidity. In the case of a Post-Only Order, however, if the Order's price is adjusted to avoid executing against an Order on the Exchange Book, the Exchange will not consider the ISO designation in determining whether the Post-Only Order's limit price level is now open, since the Post-Only ISO itself is not actually posting at that price. Accordingly, in that circumstance the use of a Post-Only ISO cannot be used to open a price level to additional Orders unless the Exchange ascertains through market data provided by other exchanges that the price level actually is open.

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. As previously stated, the Exchange is not proposing substantively to modify the operation of any of its current Order Types or Order Attributes or the operation of the System; rather, the proposed rule change is intended to provide more detail regarding the System's functionality. The proposed rule change is not designed to address any competitive issues, but rather to provide additional specificity and transparency to Participants and the investing public regarding the Exchange's Order Types, Order Attributes, and System functionality. Since the Exchange does not proposed substantively to modify the operation of Order Types, Order Attributes, or System functionality, the proposed changes will not impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2015–015 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–BX–2015–015. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal 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–BX–2015–015, and should be submitted on or before April 27, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[79]

Brent J. Fields,

Secretary.

[FR Doc. 2015–07750 Filed 4–3–15; 8:45 am]

BILLING CODE 8011–01–P

[77] SR–NYSE–2014–32 Approval Order.

[78] *Id.*

[79] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 9080]

Determination and Certification Under Section 490(b)(1)(A) of the Foreign Assistance Act Relating to the Largest Exporting and Importing Countries of Certain Precursor Chemicals

Pursuant to Section 490(b)(1)(A) of the Foreign Assistance Act of 1961, as amended, I hereby determine and certify that the top five exporting and importing countries and economies of pseudoephedrine and ephedrine (China, Denmark, Egypt, Germany, India,

Indonesia, Singapore, South Korea, Switzerland, Taiwan, and the United Kingdom) have cooperated fully with the United States, or have taken adequate steps on their own, to achieve full compliance with the goals and objectives established by the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

This determination and certification shall be published in the **Federal Register**, and copies shall be provided to the Congress together with the accompanying Memorandum of Justification.

Dated: March 13, 2015.

Antony J. Blinken,

Deputy Secretary.

[FR Doc. 2015–07845 Filed 4–3–15; 8:45 am]

BILLING CODE 4710–17–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program Update, Key West International Airport, Key West, Florida

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the Noise Compatibility Program Update submitted by the Monroe County Board of County Commissioners under the provisions of 49 U.S.C. 47501 *et seq.* (the Aviation Safety and Noise Abatement Act, hereinafter referred to as ''the Act'') and 14 CFR part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96–52 (1980). On December 19, 2013, the FAA determined that the Noise Exposure Maps submitted by the Monroe County Board of County Commissioners under Part 150 were in compliance with applicable requirements. On March 11, 2015, the FAA approved the Key West International Airport Noise Compatibility Program Update. All of the recommendations of the program that requested FAA approval were approved. No program elements relating to new or revised flight procedures for noise abatement were proposed by the airport operator.

DATES: The effective date of the FAA's approval of the Key West International Airport Noise Compatibility Program Update is March 11, 2015.

FOR FURTHER INFORMATION CONTACT: Allan Nagy, Environmental Program Specialist, Federal Aviation Administration, Orlando Airports District Office, 5950 Hazeltine National Drive, Orlando, Florida 32822, phone number: (407) 812–6331. Documents reflecting this FAA action may be reviewed at this same location by appointment with the above contact.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the Noise Compatibility Program Update for Key West International Airport, effective March 11, 2015.

Under Section 47504 of the Act, an airport operator who has previously submitted a Noise Exposure Map may submit to the FAA a Noise Compatibility Program which sets forth the measures taken or proposed by the airport Sponsor for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the Noise Exposure Maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport Noise Compatibility Program developed in accordance with Title 14 Code of Federal Regulations (CFR) Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport Sponsor with respect to which measures should be recommended for action. The FAA's approval or disapproval of each specific measure proposed by an airport Sponsor in a Record of Approval (ROA) is determined by applying approval criteria prescribed in 14 CFR 150.35(b).

The Administrator approves programs under this part, if:

(1) It is found that the program measures to be implemented would not create an undue burden on interstate or foreign commerce (including any unjust discrimination) and are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and of preventing the introduction of additional noncompatible land uses;

(2) The program provides for revision if made necessary by the revision of the Noise Exposure Map (NEM); and

(3) Those aspects of programs relating to the use of flight procedures for noise control can be implemented within the period covered by the program and without:

(i) Reducing the level of aviation safety provided;

(ii) Derogating the requisite level of protection for aircraft, their occupants and persons and property on the ground;

(iii) Adversely affecting the efficient use and management of the Navigable Airspace and Air Traffic Control Systems; or

(iv) Adversely affecting any other powers and responsibilities of the Administrator prescribed by law or any other program, standard, or requirement established in accordance with law.

Approval of a first time NCP or NCP Update is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental review of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Orlando, Florida.

The Monroe County Board of County Commissioners submitted to the FAA on October 29, 2013, the Noise Exposure Maps for the Key West International Airport. The Noise Exposure Maps were determined by FAA to be in compliance with applicable requirements on December 19, 2013. Notice of this determination was published in the **Federal Register** on December 27, 2013.

On September 15, 2014, the Monroe County Board of County Commissioners submitted to the FAA the descriptions of the Sponsor's proposed noise compatibility measures and other documentation produced during the Noise Compatibility Program Update study conducted from November, 2011 through February 11, 2015.

The Key West International Airport study contains a proposed Noise Compatibility Program Update comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from September 15, 2014 beyond the year 2015. It was requested that FAA evaluate and approve this material as a Noise Compatibility Program Update as described in Section 47504 of the Act. The FAA began its review of the Noise Compatibility Program Update on September 15, 2014, and was required by provisions of the Act to approve or disapprove the program within 180 days

(other than the use of new or modified flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program Update contained twenty-five (25) proposed actions for noise mitigation both on and off the Airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and 14 CFR part 150 have been satisfied. The overall program, therefore, was approved by the FAA effective March 11, 2015.

Outright approval was granted for thirteen (13) the specific program elements. No FAA action was requested or given for twelve (12) of the twenty-five (25) specific program elements.

These elements are the sole responsibility of the Monroe County Board of County Commissioners to both implement and fund.

These determinations are set forth in detail in a Record of Approval signed by the FAA on March 11, 2015. When a measure is disapproved by the FAA, airport Sponsors are encouraged to work with their local communities, governments and the FAA, outside of the formal Part 150 process as necessary, to implement initiatives that provide noise benefits for the surrounding community.

The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative office of the Key West International Airport. The Record of Approval will also be available on-line at: *http://www.faa.gov/airports_airtraffic/airports/environmental/airport_noise/part_150/states/.*

Issued in Orlando, Florida on March 19, 2015.

Bart Vernace,

P.E., Manager, Orlando Airports District Office.

[FR Doc. 2015–07732 Filed 4–3–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Federal Advisory Committee

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Charter renewal.

SUMMARY: The FAA is issuing this notice to advise the public of the renewal of the RTCA Charter (FAA Order 1110.77V) for two years, effective April 1, 2015. The administrator is the sponsor of the committee. The FAA and seven other government agencies use RTCA as a federal advisory committee. On January 2, 1976, the FAA, the major government user of RTCA products, assumed sponsorship on behalf of all government agencies. RTCA brings together representatives of the government and industry to form special committees and steering committees to provide advice and recommendations on key operational and technological issues that impact the Next Generation Air Transportation System (NextGen) implementation and the Air Traffic Management System. The Secretary of Transportation has determined that that information and use of committee are necessary in the public interest in connection with the performance of duties imposed on the FAA by law.

FOR FURTHER INFORMATION CONTACT: The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Steering Committee and Special Committee meetings are open to the public and announced in the **Federal Register**, except as authorized by Section 10(d) of the Federal Advisory Committee Act.

Issued in Washington, DC, on April 1, 2015.

Mohannad Dawoud,

Management Analyst, Program Oversight and Administration, ANG–A15, Federal Aviation Administration.

[FR Doc. 2015–07854 Filed 4–3–15; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Intent To Prepare an Environmental Impact Statement: Dane County, Wisconsin

AGENCY: Wisconsin Department of Transportation (WisDOT), Federal Highway Administration (FHWA), Department of Transportation.

ACTION: Federal notice of intent to prepare an Environmental Impact Statement (EIS).

SUMMARY: The FHWA is issuing this notice to advise the public that an EIS will be prepared for a proposed freeway interchange improvement project on I–39/90 from the County N interchange in the south to the I–39/90/94/WIS 30 interchange (Badger Interchange) in the north and on US 12/18 from the West Broadway interchange in the west to the County AB intersection in the east in Dane County in south-central Wisconsin. Along US 12/18, improvements at the US 51 (Stoughton Road) interchange will also be evaluated from the Voges Rd./Terminal Dr. intersection in the south and to the Broadway intersection at the north.

FOR FURTHER INFORMATION CONTACT: Tracey Blankenship, Major Projects Program Manager, Federal Highway Administration, 525 Junction Road, Suite 8000, Madison, Wisconsin, 53717–2157, Telephone: (608) 829–7510.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Wisconsin Department of Transportation (WisDOT), will prepare an EIS for proposed improvements at the I–39/90/US 12/18 interchange (Beltline Interchange) and adjacent local road systems, a distance of approximately 13.2 miles. The purpose of the project is to provide efficient transportation system linkages, address substandard geometrics, accommodate future traffic to an acceptable level, and improve overall safety. The EIS will evaluate a range of alternatives for the Beltline Interchange, adjacent roads, and connections to the local road network. The EIS will be prepared in accordance with 23 U.S.C. 139, 23 CFR 771, and 40 CFR 1500–1508. Completion of the Draft EIS (DEIS) and Final EIS (FEIS) are expected in 2016.

Public involvement is a critical component of the National Environmental Policy Act (NEPA) and will occur throughout the development of the DEIS and FEIS. All environmental documents will be made available for review by federal and state resource agencies and the public. Specific efforts to encourage involvement by, and solicit comments from, minority and low-income populations in the project study area will be made, with public involvement meetings held throughout the environmental document process. Public notice will be given as to the time and place of public involvement meetings. A public hearing will be held after the completion of the DEIS.

Inquiries about the EIS can be sent to *Craig.Pringle@dot.wi.gov.* A public Web site will be maintained for the EIS to provide information about the project and allow for online public comment; visit the I–39/90 Expansion Project Web site, *www.i39-90.wi.gov,* under the Resources tab and Environmental section. To ensure the full range of issues related to the proposed action are

addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning the proposed action and this notice should be directed to the FHWA address provided above.

Projects receiving Federal funds must comply with title VI of the Civil Rights Act, and E. O. 12898 ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.'' Federal law prohibits discrimination on the basis of race, color, age, sex, or country of national origin in the implementation of this project. It is also Federal policy to identify and address any disproportionately high and adverse effects of federal projects on the health or environment of minority and low-income populations to the greatest extent practicable and permitted by law.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: March 31, 2015.

Johnny M. Gerbitz,

Field Operations Engineer, Federal Highway Administration, Madison, Wisconsin.

[FR Doc. 2015–07857 Filed 4–3–15; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0352]

Commercial Driver's License Standards: Recreation Vehicle Industry Association Application for Exemption

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition; grant of application for exemption.

SUMMARY: FMCSA announces its decision to grant an exemption from the Federal commercial driver's license (CDL) requirements for drivers who deliver certain newly manufactured motorhomes and recreational vehicles (RVs) to dealers or trade shows before retail sale (driveaway operations). The Recreation Vehicle Industry Association (RVIA) requested the exemption because compliance with the CDL requirements prevents its members from implementing more efficient operations due to a shortage of CDL drivers. The exemption covers employees of all U.S. driveaway companies, RV manufacturers, and RV dealers transporting RVs between manufacturing sites and dealer locations and for movements prior to first retail sale. Drivers engaged in driveaway deliveries of RVs with gross vehicle weight *ratings* of 26,001 pounds or more will not be required to have a CDL as long as the empty RVs have gross vehicle *weights* or gross combination *weights* that do not meet or exceed 26,001 pounds, and any RV trailers towed by other vehicles weigh 10,000 pounds or less. RV units that have a combined gross vehicle weight exceeding 26,000 pounds are not covered by the exemption.

DATES: This exemption is effective April 6, 2015 and expires on April 6, 2017.

FOR FURTHER INFORMATION CONTACT: Mrs. Pearlie Robinson, Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202–366–4325, Email: *MCPSD@dot.gov,* Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

Docket: For access to the docket to read background documents or comments submitted to notice requesting public comments on the exemption application, go to *www.regulations.gov* at any time or visit 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., ET, Monday through Friday, except Federal holidays. The on-line Federal document management system is available 24 hours each day, 365 days each year. The docket number is listed at the beginning of this notice.

SUPPLEMENTARY INFORMATION:

Background

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from the Federal Motor Carrier Safety Regulations. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews the safety analyses and the public comments, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for the grant or denial, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is granted. The notice must also specify the effective period of the exemption (up to 2 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

Application for Exemption

The RVIA is the national trade association representing RV manufacturers and their component parts suppliers who together build more than 98 percent of all RVs produced in the United States. An RV is a vehicle designed as temporary living quarters for recreational, camping, travel and seasonal use. RVs may be motorized (motorhomes) or towable (travel trailers, fifth wheel trailers, folding camping trailers and truck campers).

The RVIA requested an exemption from the CDL requirements under 49 CFR 383.91(a)(1)–383.91(a)(2) when transporting RVs with an actual vehicle weight not exceeding 26,000 pounds, or a combination of RV trailer/tow vehicle with the actual weight of the towed unit not exceeding 10,000 pounds and the gross combined weight not exceeding 26,000 pounds. In other words, RVIA requested that CDLs not be required for driveaway operations of single or combination vehicles with a gross vehicle weight *rating* at or above 26,001 pounds, as long as the actual weight of the vehicle or combination is below 26,001 pounds. RV units that have a ship weight and combined gross vehicle weight exceeding 26,000 pounds would not be covered by the exemption. RVIA contended that compliance with the CDL rule prevents its members from implementing more efficient operations due to a shortage of CDL drivers. RVIA asserted that FMCSA should look at the actual weight of the RV when it is manifested as empty and should not require a CDL during the short time the RV is not loaded, does not carry freight, and is transported from the factory where it is manufactured, or from a holding area, to a dealership site.

In its application, RVIA contended that a shortage of drivers with CDLs is having a significant impact on the RV industry, which is just recovering from the 2008–2009 economic downturn. A large percentage of RV sales occur during the spring buying season. The jump in RV shipments trends stronger each month, increasing consistently from February through June. These excess units regularly accumulate in RV

transporters' yards. It is in this period that there is insufficient commercial driver capacity for RV transportation. The seasonal commercial driver shortage creates delays in the delivery of product to consumers and potentially reduces the RV sales. Consumers who wish to purchase an RV may have to wait weeks or months to receive delivery of their purchase because there are not enough drivers with CDLs to transport the vehicles from the factory to the dealership, especially since each RV must be individually transported. While these delays are costly and inconvenient to the RV industry and consumers, the greater costs result in potential lost sales to consumers who are unwilling to wait for their purchase.

RVIA stated that the exemption would apply to all individuals who are employees of driveaway-towaway companies, RV manufacturers, and RV dealers. RVIA contended that, due to the class nature and the number of parties that will be affected by the exemption, it is not feasible or practicable to provide the names of individuals or transporters responsible for use or operation of these CMVs. RVIA asserted that exempting drivers delivering a subset of newly manufactured RVs from the Class A and B CDL requirements would likely result in the level of safety equivalent to, or greater than, the level achieved without the exemption. RVIA noted that a CDL is not required to operate these RVs when they are in personal use.

Method To Ensure an Equivalent or Greater Level of Safety

RVIA contended that, if the exemption were granted, the level of safety associated with transportation of RVs from manufacturers to dealers would likely be equivalent to, or greater than, the level of safety obtained by complying with the CDL requirements for the following reasons:

- On average, drivers employed by RV manufacturers and dealers to deliver RVs have substantially more experience operating RVs than a typical driver operating an RV for recreational purposes.
- A thorough analysis using the FMCSA Safety Measurement System revealed that the RV driveaway-towaway companies' record of 0.234 recordable accidents per million miles traveled in 2012 is far less than the national average of 0.747 recordable accidents per million miles traveled that was used as a benchmark by the FMCSA in fiscal years 1994–1996 when developing criteria for ''Factor 6, Accident'' of the ''safety rating process.''
- FMCSA established an ''unsatisfactory rating'' threshold for all carriers operating outside of a 100 air-mile radius with a recordable accident rate greater than 1.5 accidents per million miles traveled. Accordingly RVIA claims that the, RV driveaway-towaway accident frequency is approximately 640% less than the FMCSA unsatisfactory rating threshold for 2012, the most recent year for which data is available. [In fact, RVIA's data shows that the accident frequency of RVs in 2012 (.234 per million miles) was only 15.6% of FMCSA's threshold for an unsatisfactory rating (1.5 accidents per million miles) (.23 ÷ 1.5 − 15.6%)]
- Compared to drivers using RVs for recreational purposes, RV manufacturers and driveaway-towaway companies have substantially greater economic incentive to systematically train, monitor and evaluate their RV drivers with respect to safe operation of RVs because of substantially greater exposure to liability for any traffic accidents.
- As with any new motor vehicle, newly manufactured RVs are much less likely to present a safety concern due to mechanical failures.
- Travel distances between the manufacturing sites and dealer locations are on average much shorter than typical distances which RVs travel when in recreational use and the highway presence of RVs transported from manufacturers to dealers is negligible even during the peak spring delivery season.

RVIA asserted that without the exemption, drivers making one-time deliveries of new RVs with a gross vehicle weight rating (GVWR) exceeding 26,000 pounds, or a gross combination weight rating exceeding 26,000 inclusive of a towed vehicle with a GVWR of 10,001 pounds or higher, will remain subject to CDL requirements even though end-users of RVs purchasing them from dealers in the same States would not be subject to those requirements and regulations. This anomalous situation would continue to materially curb the growth of the RV industry without countervailing safety or other benefit to the public. In particular, RV manufacturers and dealers would continue to experience a shortage of CDL operators during the busy spring season.

Public Comments

On October 1, 2014, FMCSA published notice of this application, and asked for public comment (79 FR 59343). Twelve comments were received to the public docket.

One respondent, the Advocates for Highway and Auto Safety (Advocates), recommended that the exemption not be granted. The Advocates concluded that ''the RVIA application does not meet the statutory and regulatory requirements for the exemption. Advocates argue that the application fails to consider practical alternatives, justify the need for the exemption, provide information on the specific countermeasures to be undertaken to ensure that the exemption will achieve an equivalent or greater level of safety than would be achieved absent the exemption.''

Ten respondents supported the exemption: Campers Inn; Class Transport, Inc.; Florida RV Trade Association; Horizon Transport, Inc.; Pennsylvania Recreation Vehicle and Camping Association; Quality Drive-Away Inc.; Foremost Transport, Inc.; Recreation Vehicle Indiana Council; National RV Dealers Association; and Star Fleet Trucking, Inc.

The American Truck Dealers Division of the National Automobile Dealers Association (NADD) also supported the exemption and urged FMCSA to expand the requested exemption so that it applies to *all* new motor vehicles with an actual vehicle weight (or combination weight) below 26,000 lbs.

All comments are available for review in the docket for this notice.

Response to Public Comments and Agency Decision

The FMCSA has evaluated RVIA's application for exemption and the public comments, and has decided to grant the exemption. The RVs covered by the exemption all have gross vehicle weight ratings (GVWRs) above the 26,001-pound threshold for a CDL, but their actual weights, *i.e.,* their gross vehicle weights (GVWs), will remain below that level during the driveaway or towaway operation of these vehicles. The Agency has held since 1993 that the CDL regulations do not apply to drivers of RVs, ''if the vehicle is used strictly for non-business purposes'' [Guidance to Q. 3 under 49 CFR 383.3, 58 FR 60734, at 60735, Nov. 17, 1993; posted on *www.fmcsa.dot.gov*]. For decades private owners and drivers of larger RVs, like those addressed in this exemption, have operated without CDLs, often at GVWs well above the 26,001-pound threshold, without generating any concern among law enforcement professionals that they pose a risk to highway safety. Furthermore, most private RV owners almost certainly have less experience behind the wheel of the RV than drivers

employed specifically to deliver such vehicles to a dealer or customer. While RVIA demonstrated that the manufacturers and dealers who now employ CDL-holders in driveaway/towaway operations have a recordable accident rate far below the level that would require an unsatisfactory safety rating, the Agency's experience with private RV owners suggests that the absence of a CDL would have no discernible effect on safety. That is especially likely because the drivers covered by this exemption are required to comply with all other applicable safety regulation, including medical standards and hours-of-service limits. FMCSA believes that it is impracticable for these drivers to obtain a CDL with a representative vehicle when the actual vehicle they will operate is an RV. With regard to NADD's comment to expand the exemption, FMCSA is unable to consider expanding the exemption because the issue was not in the original request for public comment. The Agency believes that the exemption sought by RVIA will likely achieve a level of safety that is equivalent to or greater than, the level of safety achieved without the exemption [49 CFR 381.305(a)].

Terms and Conditions of the Exemption

Period of the Exemption

This exemption from the requirements of 49 CFR 383.91(a)(1)—383.91(a)(2) is effective during the period of April 6, 2015 through April 6, 2017. The exemption will expire on April 6, 2017, 11:59 p.m. local time, unless renewed.

Extent of the Exemption

The exemption is restricted to employees of driveaway-towaway companies, RV manufacturers, and RV dealers transporting RVs between the manufacturing site and dealer location and for movements prior to first retail sale. Drivers covered by the exemption will not be required to hold a CDL when transporting RVs with a gross vehicle weight not exceeding 26,000 pounds, or a combination of RV trailer/tow vehicle with the gross weight of the towed unit not exceeding 10,000 pounds and the gross combined weight not exceeding 26,000 pounds. These drivers must comply with all other applicable provisions of the Federal Motor Carrier Safety Regulations.

Preemption

In accordance with 49 U.S.C. 31315(d), during the period this exemption is in effect, no State shall enforce any law or regulation that conflicts with or is inconsistent with this exemption with respect to a firm or person operating under the exemption.

Notification to FMCSA

The RVIA must notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5), involving any of the motor carriers' CMVs operating under the terms of this exemption. The notification must include the following information:

a. Date of the accident,

b. City or town, and State, in which the accident occurred, or closest to the accident scene,

c. Driver's name and driver's license number and State of issuance,

d. Vehicle number and State license plate number,

e. Number of individuals suffering physical injury,

f. Number of fatalities,

g. The police-reported cause of the accident,

h. Whether the driver was cited for violation of any traffic laws or motor carrier safety regulations, and

i. The driver's total driving time and total on-duty time period prior to the accident.

Reports filed under this provision shall be emailed to *MCPSD@DOT.GOV.*

Termination

FMCSA does not believe the drivers covered by this exemption will experience any deterioration of their safety record. However, should this occur, FMCSA will take all steps necessary to protect the public interest, including revocation or restriction of the exemption. The FMCSA will immediately revoke or restrict the exemption for failure to comply with its terms and conditions.

Issued on: March 31, 2015.

T.F. Scott Darling, III,

Chief Counsel.

[FR Doc. 2015–07811 Filed 4–3–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2015–0041]

Agency Information Collection Activities; New Emergency Information Collection Request: Report by State Driver Licensing Agencies (SDLAs) on the Annual Number of Entry-Level Commercial Driver's License (CDL) Applicants and Related Data

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FMCSA announces that the Information Collection Request (ICR) described below will be submitted to the Office of Management and Budget (OMB) for emergency approval under 5 U.S.C. 1320.13. FMCSA requests approval of this ICR by 30 days from the publication of this notice. The purpose of this information collection is to inform the public of the Agency's development of a mandatory driver-training program primarily for individuals applying for their first commercial driver's license (CDL). FMCSA is not aware of any other source for this data. The Agency has attempted to obtain this information for many years. In its search, the Agency has explored several other avenues for finding this information. For example, the Agency considered asking various trade groups representing private and public truck driving schools for their cooperation, but soon realized that these entities generally did not have the desired information either. This ICR would allow State Driver Licensing Agencies (SDLAs) to furnish this critical data and thereby inform the design of the CDL driver training program to be proposed by the Agency for public comment. The Department of Transportation (DOT) and FMCSA will also use this data to inform future commercial-driving safety initiatives.

DATES: Please send your comments by May 6, 2015. OMB must receive your comments by this date in order to act quickly on the ICR.

ADDRESSES: All comments should reference Federal Docket Management System (FDMS) Docket Number FMCSA–2015–0041. Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/Federal Motor Carrier Safety Administration, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–7245, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Robert F. Schultz, Driver and Carrier Operations Division, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, West

Building 6th Floor, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202–366–4325; email *buz.schultz@dot.gov*.

SUPPLEMENTARY INFORMATION:

Title: Report by SDLAs on the Annual Number of Entry-Level CDL Applicants and Related Data.

OMB Control Number: 2126–00XX.

Type of Request: New information collection.

Respondents: State Driver Licensing Agencies (SDLAs).

Estimated Number of Respondents: 51 respondents (a report from the SDLA of each State and the District of Columbia).

Estimated Number of Responses: 51 responses.

Estimated Time per Response: 19 hours and 30 minutes.

Form Number: MCSA–5894, ''Request for Data to State Driver Licensing Agencies''

Expiration Date: N/A. This is a new information collection.

Frequency of Response: One-time.

Estimated Total Annual Burden: 995 hours (51 respondents × 19 hours and 30 minutes per respondent, rounded).

Background

On July 6, 2012, the President signed legislation titled ''Moving Ahead for Progress in the 21st Century Act (MAP–21).'' Section 32304 of MAP–21 (49 U.S.C. 31305(c)) provides that the Secretary of Transportation must issue final regulations establishing minimum entry-level training requirements for individuals before obtaining a CDL for the first time or prior to upgrading from one class of CDL to another. The Agency is required to develop instruction and behind-the-wheel training that will be effective in providing entry-level CDL drivers the knowledge and skills they need to operate a commercial motor vehicle safely.

On September 18, 2014, Advocates for Highway and Auto Safety, the International Brotherhood of Teamsters, and Citizens for Reliable and Safe Highways sued FMCSA and DOT in the United States Court of Appeals for the District of Columbia Circuit (Case no. 14–1183). The plaintiffs petitioned for an order of mandamus compelling DOT to publish a final rule on entry-level driver training within 180 days. While as of this date the court has not ruled on the petition, the court could order that a notice of proposed rulemaking (NPRM) and final rule be drafted according to a highly expedited schedule. Obtaining this data would help address this urgent legal issue in a timely manner.

FMCSA has taken numerous steps toward satisfying the section 32304 mandate. The Agency has conducted two public listening sessions in conjunction with industry trade shows and engaged its Motor Carrier Safety Advisory Committee to provide recommendations to support the rulemaking. FMCSA learned that there is not agreement among stakeholders about how to satisfy the statutory mandate.

Next, FMCSA commissioned a neutral convener to analyze the feasibility of conducting a negotiated rulemaking (Reg Neg) to develop the regulations (5 U.S.C. 581–590). Based upon the convener's recommendation, FMCSA, on December 10, 2014, published notice of its intent to establish an Entry-Level Driver Training Advisory Committee (ELDTAC) to negotiate proposed regulations to implement section 32304. On February 12, 2015, the Agency published notice of the first meeting of the ELDTAC, which was held on February 26–27, 2015 (80 FR 7814). The FMCSA is currently engaged in regular negotiations with the ELDTAC expected to go through May 2015 with a target date for publication of an NPRM of October 15, 2015 (*Id.* at 7815).

Despite these efforts and the urgent nature and schedule of the negotiations, FMCSA lacks certain data that is crucial to its efforts to satisfy the MAP–21 mandate—for example, the number of individuals who would require entry-level CDL driver training annually. Given that this rulemaking will likely be considered ''significant'' within the meaning of E. O. 12988, obtaining this data is crucial to developing an NPRM and the required cost-benefit analysis. The data, combined with other data in the Agency's possession, will also be central to the ability of ELDTAC to build consensus among the various stakeholders.

The only known source of the number of individuals who obtain their first and upgraded CDL each year is the 50 States and the District of Columbia. The only way the Agency can obtain this information is by asking the SDLAs to report it to FMCSA.

Public Comments Invited

The Agency requests emergency processing of this information request valid for 180 days (44 U.S.C. 3507(j)(2)) based on its determination as required under the Paperwork Reduction Act and its implementing regulations as follows: The information collection is ''essential'' to FMCSA's safety mission: to reduce crashes, injuries, and fatalities involving large trucks and buses (44 U.S.C. 3507(j)(1)(A)(ii), 5 CFR 1320.13(a)(1)(ii)). Expedited review is necessary to minimize public harm that is reasonably likely to result if normal clearance processes are followed resulting from the operation of trucks and motor coaches by individuals lacking appropriate driver training that would be required by this rulemaking (44 U.S.C. 3507(j)(1)(B)(i), 5 CFR 1320.13(a)(2)(i)). In addition, use of the normal clearance process is reasonably likely to cause a ''court-ordered deadline to be missed'' (44 U.S.C. 3507(j)(1)(B)(iii), 5 CFR 1320.13(a)(2)(iii)). This ICR is narrowly focused and practical steps have been taken to obtain this information in the past, as described in this notice above to minimize its burden on the SDLAs it would apply to (5 CFR 1320.13(c)).

You are asked to comment on any aspect of this information collection, including:

(1) Whether the proposed collection is necessary for the performance of FMCSA's functions; (2) the accuracy of the estimated burden; (3) ways for FMCSA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized without reducing the quality of the collected information.

Issued under the authority of 49 CFR 1.87 on March 31, 2015.

G. Kelly Regal,

Associate Administrator for Office of Research and Information Technology.

[FR Doc. 2015–07808 Filed 4–3–15; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Limitation on Claims Against Proposed Public Transportation Projects

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: This notice announces final environmental actions taken by the Federal Transit Administration (FTA) for projects in the Cities of San Bernardino and Redlands, CA, and the Cities of Santa Ana and Garden Grove, CA. The purpose of this notice is to announce publicly the environmental decisions by FTA on the subject projects and to activate the limitation on any claims that may challenge these final environmental actions.

DATES: By this notice, FTA is advising the public of final agency actions subject to Section 139(l) of Title 23, United States Code (U.S.C.). A claim seeking judicial review of FTA actions announced herein for the listed public

transportation projects will be barred unless the claim is filed on or before September 3, 2015.

FOR FURTHER INFORMATION CONTACT: Nancy-Ellen Zusman, Assistant Chief Counsel, Office of Chief Counsel, (312) 353–2577 or Terence Plaskon, Environmental Protection Specialist, Office of Environmental Programs, (202) 366–0442. FTA is located at 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 9:00 a.m. to 5:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FTA has taken final agency actions by issuing certain approvals for the public transportation projects listed below. The actions on the projects, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the projects to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA administrative record for the projects. Interested parties may contact either the project sponsor or the relevant FTA Regional Office for more information on each project. Contact information for FTA's Regional Offices may be found at *http://www.fta.dot.gov.*

This notice applies to all FTA decisions on the listed projects as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA [42 U.S.C. 4321–4375], Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303], Section 106 of the National Historic Preservation Act [16 U.S.C. 470f], and the Clean Air Act [42 U.S.C. 7401–7671q]. This notice does not, however, alter or extend the limitation period for challenges of project decisions subject to previous notices published in the **Federal Register**. The projects and actions that are the subject of this notice are:

1. *Project name and location:* Redlands Passenger Rail Project, Cities of San Bernardino and Redlands, CA. *Project sponsor:* San Bernardino Association of Governments (SANBAG). *Project description:* The proposed project would create new passenger rail operations along an approximately nine-mile corridor from the E Street Station and San Bernardino Transit Center in Downtown San Bernardino to the University of Redlands, east of Downtown Redlands. *Final agency actions:* Section 4(f) determination; Section 106 finding of no adverse effect; project-level air quality conformity; and Final Environmental Impact Statement/Environmental Impact Report/Record of Decision, dated February 17, 2015.

2. *Project name and location:* Santa Ana-Garden Grove Fixed Guideway Project, Cities of Santa Ana and Garden Grove, CA. *Project sponsor:* City of Santa Ana, in coordination with the Orange County Transportation Authority and City of Garden Grove. *Project description:* The proposed project is an approximately 4.2-mile new streetcar system in Orange County running between the Santa Ana Regional Transportation Center (SARTC) in the City of Santa Ana and a new multimodal center at Harbor Boulevard/Westminster Avenue in the City of Garden Grove. The system includes 24 stations, an overhead contact system and series of traction power substations, and a new operations and maintenance facility near SARTC. *Final agency actions:* Section 4(f) *de minimis* impact determination; Section 106 finding of no adverse effect; project-level air quality conformity; and Finding of No Significant Impact, dated March 10, 2015. *Supporting documentation:* Revised Environmental Assessment/Final Environmental Impact Report, dated January 2015.

Issued on: March 31, 2015.

Lucy Garliauskas,

Associate Administrator Planning and Environment.

[FR Doc. 2015–07812 Filed 4–3–15; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Fiscal Years 2012 and 2013 Innovative Safety, Resiliency, and All-Hazard Emergency; Response and Recovery Program Project Selections; Fiscal Years 2013 and 2014 Low or No Emission Vehicle Deployment Program Project Selections; Fiscal Year 2012 Bus Efficiency Enhancements Research and Demonstrations Program Project Selections

AGENCY: Federal Transit Administration, DOT.

ACTION: Announcement of Research Program Project Selections.

SUMMARY: The U.S. Department of Transportation's Federal Transit Administration announces the selection of research projects funded in support of three Notice of Funding Availability, as authorized under the Moving Ahead for Progress in the 21st Century, and prior legislation.

Innovative Safety, Resiliency, and All-Hazard Emergency Response and Recovery Program: The U.S. Department of Transportation's (DOT) Federal Transit Administration (FTA) announces the selection of Innovative Safety, Resiliency, and All-Hazard Emergency Response and Recovery Program (SRER) Program projects (see Table 1) with Fiscal Year (FY) 2012 and FY 2013 appropriations for FTA's Research, Development, Demonstration and Deployment Program. The Consolidated and Further Continuing Appropriations Act, 2012, Public Law 112–55 made $25,000,000 available to carry out innovative research and demonstrations of national significance under 49 U.S.C. 5312. Of that amount, $20,800,000 was made available for innovative safety, resiliency, and all-hazards emergency response and recovery demonstration projects of national significance. An additional $8,200,000 in Section 5312 FY 2013 Research funds was made available for the same purpose for a combined amount of $29,000,000 in funds was made available from Fiscal Years 2012 and 2013. On October 1, 2013, FTA published a Notice of Funding Availability (NOFA) (78 FR 60369) announcing the availability of funding for SRER. These competitive research program funds will strengthen operational safety of public transportation, help transit systems better withstand natural disasters and other emergencies, and improve emergency response capabilities.

Low or No Emission Vehicle Deployment Program: The U.S. Department of Transportation's (DOT) Federal Transit Administration (FTA) announces the selection of Low or No Emissions Vehicle Deployment Program (LONO) projects (see Table 2) with Fiscal Year (FY) 2013 and FY 2014 appropriations for deployment of low or no emission transit buses. The Moving Ahead for Progress in the 21st Century Act (MAP–21), Public Law 112–141, July 6, 2012, amended 49 U.S.C. 5312 to add a new paragraph (d)(5) authorizing FTA to make grants to finance eligible projects under the LONO Program. The Consolidated and Further Continuing Appropriations Act, 2013, (also referred to as the Full Year Continuing Appropriations Act, 2013) Public Law 113–6, March 26, 2013, made available $24,900,000 in FY 2013 (after sequestration) funds to carry out the LONO Program. Of that amount, $21,600,000 was made available for transit buses and $3,300,000 was made available for supporting facilities and related equipment. The Consolidated

Appropriations Act, 2014, Public Law 113–76, January 17, 2014, made available $30,000,000 in FY 2014 to carry out the LONO Program. Of that amount, a minimum of $4,000,000 was made available for supporting facilities and related equipment.

On January 9, 2014, FTA published a NOFA (79 FR 1668) announcing the availability of funding for the LONO program. The main purpose of the LONO Program is to deploy the cleanest and most energy efficient U.S.-made transit buses that have been largely proven in testing and demonstrations but are not yet widely deployed in transit agency fleets. The LONO Program provides funding for transit agencies for capital acquisitions and leases of zero-emission and low-emission transit buses, including acquisition, construction, and leasing of required supporting facilities such as recharging, refueling, and maintenance facilities.

Bus Efficiency Enhancements Research and Demonstrations: The U.S. Department of Transportation's (DOT) Federal Transit Administration (FTA) announces the selection of five projects totaling $3,000,000 for Bus Efficiency Enhancements Research and Demonstrations (BEERD) program (see Table 3). On June 28, 2013, FTA published a Request for Proposals (RFP) on *www.grants.gov* and FTA's Web site announcing the availability of $3,000,000 of FY 2012 Section 5312/5314 National Research Program discretionary funds for innovative research, development, and demonstration projects targeting bus efficiency enhancements, specifically enhanced electrification of accessories, and improvements in thermal management of transit bus bodies. These projects will reduce energy use by transit buses and will have favorable impacts on meeting the needs of the riding public, public transportation operators, and the American bus industry and its supplier base. They will advance the DOT's research goals, which include but are not limited to improving safety, enhancing the state of good repair of public transit systems, providing more effective and efficient public transportation service, increasing capital and operating efficiencies, developing and deploying advanced vehicle designs and technology, reducing harmful emissions, and increasing energy efficiency. These projects also support an overarching FTA goal of developing and deploying new and innovative ideas, practices, and approaches for transit buses.

FOR FURTHER INFORMATION CONTACT: The FTA Office of Research, Demonstration and Innovation (TRI) and/or FTA Regional Office will reach out to successful applicants regarding to the next steps in applying for the funds or program-specific information (see Tables 1–3, below).

Unsuccessful SRER program applicants may contact Roy Chen, Office of Technology at email address *royweishun.chen@dot.gov* to arrange a proposal debriefing within 30 days of this announcement. A TDD is available at 1–800–877–8339 (TDD/FIRS).

Unsuccessful LONO Program applicants may contact Sean Ricketson, Office of Mobility Innovation at email address *sean.ricketson@dot.gov* to arrange a proposal debriefing within 30 days of this announcement. A TDD is available at 1–800–877–8339 (TDD/FIRS).

Unsuccessful BEERD program applicants may contact Marcel Belanger, Office of Mobility Innovation at email address *marcel.belanger@dot.gov* to arrange a proposal debriefing within 30 days of this announcement. A TDD is available at 1–800–877–8339 (TDD/FIRS).

SUPPLEMENTARY INFORMATION: In response to the SRER NOFA, FTA received 72 proposals requesting $160,000,000 in Federal funds. Project proposals were evaluated based on each applicant's responsiveness to the program evaluation criteria as detailed in the NOFA. The FTA is funding 13 SRER projects, as shown in Table 1, for a total of $29,000,000.

In response to the LONO NOFA, FTA received 50 project proposals requesting $200,000,000 in Federal funds. Project proposals were evaluated based on each applicant's responsiveness to the program evaluation criteria as detailed in the NOFA. The FTA is funding 10 LONO Program projects, as shown in Table 2, for a total of $54,469,249.

In response to the BEERD RFP, FTA received 13 project proposals requesting $14,600,000 in Federal funds. Project proposals were evaluated based on each applicant's responsiveness to the program evaluation criteria as detailed in the RFP. The FTA is funding five BEERD Program projects, as shown in Table 3, for a total of $3,000,000.

Applicants selected for competitive discretionary research funding for the SRER and BEERD Programs should work with FTA's TRI staff identified in the contacts section of this notice to finalize electronic awards in FTA's Transportation Electronic Awards Management System (TEAM) or its successor system, so that Federal funds can be obligated expeditiously. Applicants selected for the LONO Program should work with TRI staff identified in the contacts section of this notice and/or FTA Regional Office staff to finalize its electronic award in TEAM or its successor system, so that Federal funds can be obligated expeditiously.

Electronics awards must only include eligible activities applied for in the original project application. Federal funds must be used consistent with the competitive proposal and for the eligible purposes established in the NOFA and described in the FTA *Circular 6100.1E* and/or FTA *Circular 9030.1E.* In cases where the allocation amount is less than the applicant's requested amount, applicants should work with TRI staff to reduce scope or scale the project such that a complete phase or project is accomplished. Applicants are reminded that program requirements such as cost sharing or local match can be found in the corresponding NOFA or RFP. Depending on the year of funding, type of project, and the applicant's proposal, local match may be required for some projects. Local match must be identified in the electronic award at the time of obligation and must be available at the time of expenditure. A discretionary research project identification number has been assigned to each project (see Tables 1–3 of this notice) for tracking purposes and must be used in the TEAM or successor system, application.

Selected projects may be eligible for pre-award authority for each of the programs, so long as all required conditions for pre-award authority have been met and the activities undertaken in advance of Federal funding are contained in the approved statement of work. The FTA may grant pre-award authority for costs incurred after the project selections were announced. The dates of announcement, which are the earliest dates for which pre-award authority can be granted, are as follows: February 12, 2015 for SRER; February 5, 2015 for LONO; and January 16, 2015 for BEERD. The FTA's policy for pre-award authority, including the required conditions, can be found in the FY 2015 Annual Apportionments, Allocations, and Program Information Notice, published on February, 9, 2015.

Post electronic award reporting requirements include submission of the Federal Financial Report and Milestone reports in TEAM as appropriate (FTA *Circular 6100.1E, C.5010.1D* and *C9030.1E*). The grantees must comply with all applicable Federal statutes, regulations, executive orders, FTA circulars, and other Federal requirements detailed in the FY15 Master Agreement in carrying out the

project supported by the FTA research grant. The FY15 Master Agreement can be found at: *http://www.fta.dot.gov/documents/21-Master.pdf.*

The FTA emphasizes that grantees must follow all third-party procurement guidance, as described in FTA *Circular 4220.1F.*

Therese W. McMillan,
Acting Administrator.

TABLE 1—INNOVATIVE SAFETY, RESILIENCY, AND ALL-HAZARDS EMERGENCY RESPONSE AND RECOVERY DEMONSTRATION PROJECT SELECTIONS

Project ID	State	Project sponsor	Project description	Amount
D2015–SRER–001	CA	Los Angeles County Metropolitan Transportation Authority (LACMTA).	The Los Angeles County Metropolitan Transportation Authority (LACMTA) will receive funding to install and test a Platform Track Intrusion Detection System (PTIDS) at select light rail and heavy rail stations to reduce injuries, fatalities and other track intrusion incidents. The radar-based system will monitor station platforms and portions of track, and alert rail operators and LACMTA's Rail Operations Center to stop trains if a person or object is detected within the track right-of-way.	$1,722,400
D2015–SRER–002	CA	Applied Research Associates, Inc.	Applied Research Associates, Inc., in partnership with Sacramento Regional Transit District (RT), will receive funding to develop, test and demonstrate a front-end bumper design for light rail vehicles that operate in a shared right-of-way environment to improve safety, reduce injuries and minimize the impact of collisions with automobiles, pedestrians or bicyclists. Bumper prototypes will be mounted on select light rail vehicles to test compatibility during normal operation of light rail service, and during crashworthiness testing.	$1,323,414
D2015–SRER–003	CA	San Francisco Bay Area Rapid Transit District (BART).	The San Francisco Bay Area Rapid Transit District (BART) will receive funding to develop and demonstrate innovative safety technologies that will improve track worker safety and help prevent accidents involving trains and track workers. The technology will alert track workers to the presence of an approaching train and will stop the train if the workers do not acknowledge receipt of the alert.	$5,000,000
D2015–SRER–004	GA	Metropolitan Atlanta Rapid Transit Authority (MARTA).	The Metropolitan Atlanta Rapid Transit Authority (MARTA) will receive funding to install and demonstrate Bombardier's TrackSafe system along six miles of MARTA's rail system to improve track worker safety and reduce hazards associated with track inspection, maintenance and repair. The technology will be installed between Medical Center and North Springs stations and will alert track workers to the presence of an approaching train, and train operators and control center staff to the specific location of track workers.	$4,233,865
D2015–SRER–005	GA	Center for Transportation and the Environment (CTE).	The Center for Transportation and the Environment (CTE) will receive funding to develop, evaluate and plan the deployment of a Bus Exportable Power System (BEPS) that would allow existing transit buses to export power using their hybrid propulsion systems. The system essentially would transform hybrid buses into a mobile power generator for use during all-hazards emergency response and recovery.	$995,098
D2015–SRER–006	IL	The Board of Trustees of the University of Illinois.	The Board of Trustees of the University of Illinois, in partnership with multiple public transit providers across the country, will receive funding to develop and deploy prototype concrete crossties and fastening systems for light rail, heavy rail, and commuter rail transit infrastructure to increase the life cycle of critical components and help maintain rail infrastructure in a state of good repair during normal operations and natural disasters. Transit partners include MetroLink (St. Louis, MO), Metra (Chicago, IL), Washington Metropolitan Area Transit Authority (Washington, DC), New York City Transit Authority (New York, NY), and TriMet (Portland, OR).	$2,396,981

TABLE 1—INNOVATIVE SAFETY, RESILIENCY, AND ALL-HAZARDS EMERGENCY RESPONSE AND RECOVERY DEMONSTRATION PROJECT SELECTIONS—Continued

Project ID	State	Project sponsor	Project description	Amount
D2015–SRER–007	IL	UChicago Argonne LLC	UChicago Argonne LLC, in partnership with Pace Suburban Bus Service (Pace) and Metra Commuter Rail, will receive funding to research and develop a decision support tool for transit asset management that addresses all-hazards emergency response and recovery. The tool will help emergency responders to quickly assess a situation, develop an appropriate mitigation strategy, and restore transit services in the most effective manner, using available transit assets.	$2,890,600
D2015–SRER–008	LA	City of New Orleans	The City of New Orleans, in partnership with the Regional Transit Authority (RTA) and the University of New Orleans, will receive funding to improve the evacuation of city residents and vulnerable populations during emergencies and disasters. This project will focus on evacuation transportation planning provided by the City of New Orleans and RTA, and includes the identification of transportation assets that are needed for an evacuation and of current transportation assets that are used on a daily basis by the RTA.	$500,329
D2015–SRER–009	MN	Minnesota Valley Transit Authority.	Minnesota Valley Transit Authority will receive funding to equip additional buses in its Bus Rapid Transit and express bus fleets with GPS-based technology to improve safety and bus service within narrow shoulder lanes along highly congested corridors in the Minneapolis-St. Paul area. The technology will provide lane keeping information, lane departure warnings, and collision avoidance advisories to bus operators in various weather and road conditions.	$1,790,014
D2015–SRER–010 D2015–SRER–011.	NJ	New Jersey Transit Corporation.	New Jersey Transit Corporation (NJ Transit), in partnership with Stevens Institute of Technology, will receive funding to develop an advanced forecast and observation system that can provide real-time information on the potential risk and magnitude of flooding before and during significant storm surge events at specific locations critical to NJ Transit's operations. The system will help inform decision making on which equipment or rolling stock needs to be moved, which signals and substations need to be de-energized, and where staffing should be prioritized in advance of a major weather event.	$381,079 (FY12) $462,671 (FY13)
D2015–SRER–012	NY	New York Metropolitan Transportation Authority (MTA).	New York Metropolitan Transportation Authority (MTA) will receive funding to research and demonstrate an automated, data-based information collection system to measure and monitor the condition of subway railcar wheels and rail infrastructure to enhance safety, increase energy efficiency, and ensure reliable subway service. The system will be tested on MTA's Flushing (#7) Line.	$3,617,948
D2015–SRER–013	OH	Battelle Memorial Institute.	Battelle Memorial Institute, in partnership with Greater Cleveland Regional Transit Authority (GCRTA), will receive funding to research, develop and demonstrate integrated vehicle-to-vehicle and vehicle-to-infrastructure technology to minimize transit bus collisions with automobiles and pedestrians at intersections. This project will add both in-vehicle and infrastructure elements to create a connected vehicle environment for transit bus operations in the Cleveland area.	$2,741,617
D2015–SRER–014	OR	Portland State University.	Portland State University, in partnership with the Tri-County Metropolitan Transportation District of Oregon (TriMet) will receive funding to develop and test a Transportation Demand Management system that utilizes social media and Intelligent Transportation Systems (ITS) technology for emergency response and recovery in the Portland metropolitan area. The project will help TriMet and other transportation and emergency management agencies to deploy transportation services and personnel with increased effectiveness before, during and after an emergency.	$943,984
Total				$29,000,000

TABLE 2—LOW OR NO EMISSION VEHICLE DEPLOYMENT PROGRAM PROJECT SELECTIONS

Project ID	State	City	Project sponsor	Project description	Amount
D2015–LONO–001	CA	Thousand Palms.	Sunline Transit Agency, in partnership with Southern California Association of Governments.	Sunline Transit Agency, in partnership with the Southern California Association of Governments, will receive funding to purchase five hydrogen electric hybrid fuel cell buses built by BAE Systems, Ballard Power Systems and El Dorado National.	$9,803,860
D2015–LONO–009	CA	Stockton	San Joaquin Regional Transit District (RTD).	The San Joaquin Regional Transit District (RTD), will receive funding to purchase five Proterra battery-electric buses and a charging station.	$4,702,011
D2015–LONO–007	KY	Lexington	Lextran, Transit Authority of the Lexington Fayette Urban County Government.	Lextran, the transit authority in Lexington, Kentucky, will receive funding to purchase five Proterra battery-electric buses, one charging station and one maintenance area charging system.	$6,003,534
D2015–LONO–008	KY	Louisville	Transit Authority of River City (TARC).	The Transit Authority of River City (TARC), the transit agency for Louisville, Kentucky, and southern Indiana, will receive funding to deploy five Proterra battery-electric buses and a fast charging station.	$3,321,250
D2015–LONO–010	MA	Boston	Massachusetts Bay Transportation Authority (MBTA).	The Massachusetts Bay Transportation Authority (MBTA) in Boston will receive funding to develop and deploy five 60-foot articulated New Flyer battery-electric buses on the MBTA Silver Line Bus Rapid Transit System.	$4,139,188
D2015–LONO–011	MA	Worcester	Worcester Regional Transit Authority (WRTA)	The Worcester Regional Transit Authority (WRTA), the transit provider in Central Massachusetts, will receive funding to purchase and install a Proterra charging station for its existing fleet of zero-emission battery-electric buses.	$1,002,600
D2015–LONO–006	MN	Duluth	The Duluth Transit Authority (DTA).	The Duluth Transit Authority (DTA) will receive funding to purchase and deploy six Proterra Fast Charge Electric buses, two charging stations and a maintenance facility charger	$6,343,890
D2015–LONO–003	OH	Canton	Stark Area Regional Transit Authority (SARTA).	The Stark Area Regional Transit Authority (SARTA) will receive funding to purchase five hydrogen electric hybrid fuel cell buses built by BAE Systems, Ballard Power Systems and El Dorado National.	$8,877,405
D2015–LONO–004	PA	Lancaster	Red Rose Transit Authority (RRTA).	The Red Rose Transit Authority (RRTA) in Lancaster, PA, will receive funding to purchase 17 electric hybrid buses. The new, low emission buses will be manufactured by BAE Systems and Gillig. Fourteen buses will go to RRTA, and three will go to the Berks Area Regional Transportation Authority.	$2,638,400
D2015–LONO–005	TX	Dallas	Dallas Area Rapid Transit Authority (DART).	The Dallas Area Rapid Transit Authority (DART) will receive funding to purchase and operate seven all-electric Proterra buses. DART will operate the fast charge, zero-emission buses on its downtown circulator service, D-Link.	$7,637,111
Total					$54,469,249

TABLE 3—BUS EFFICIENCY ENHANCEMENTS RESEARCH AND DEMONSTRATIONS PROJECT SELECTIONS

Project ID	State	Project sponsor	Transit agency partner	Project description	Amount
D2015–BERD–002	FL	Center for Transportation and the Environment (CTE).	Central Florida Regional Transportation Authority (LYNX), Orlando, FL.	Center for Transportation and the Environment (CTE), in partnership with Central Florida Regional Transportation Authority (LYNX), will receive funding to develop and demonstrate a new thermoelectric power generator on a 40' transit bus contributed by LYNX to reduce fuel consumption and allow end of day information processing without idling.	$532,258

TABLE 3—BUS EFFICIENCY ENHANCEMENTS RESEARCH AND DEMONSTRATIONS PROJECT SELECTIONS—Continued

Project ID	State	Project sponsor	Transit agency partner	Project description	Amount
D2015–BERD–004	GA ..	Center for Transportation and the Environment (CTE).	Metropolitan Atlanta Rapid Transit Authority (MARTA), Atlanta, GA.	Center for Transportation and the Environment (CTE), in partnership with the Metropolitan Atlanta Rapid Transit Authority (MARTA), will receive funding to develop and demonstrate a BAE Systems prototype Reduced Engine Idle Load System. This first-of-its-kind effort will bring a multimode, electric accessory 'power plant' to market.	$976,030
D2015–BERD–005	MD	Maryland Transit Administration (MTA), MD.	Maryland Transit Administration (MTA), Baltimore, MD.	The Maryland Transit Administration will receive funding to develop and demonstrate a retrofit of 35 hybrid buses with a hybrid beltless alternator and support equipment to monitor fuel savings and impact on house batteries.	$495,621
D2015–BERD–001	MI ...	American Seating.	The Rapid, Grand Rapids, MI.	American Seating, in partnership with The Rapid in Grand Rapids, Michigan, will receive funding to develop and demonstrate a heated and cooled seat, which is intended to reduce fuel consumption of public transportation vehicles.	$298,906
D2015–BERD–003	UT ..	Center for Transportation and the Environment (CTE).	Utah Transit Authority (UTA), Salt Lake City, UT.	Center for Transportation and the Environment (CTE), in partnership with the Utah Transit Authority (UTA), will receive funding to develop and demonstrate a system that will eliminate or reduce idling during paratransit passenger loading operations, lowering operating costs, reducing energy usage, and improving air quality.	$697,185
Total	.....	.....	.....	.....	$3,000,000

[FR Doc. 2015–07825 Filed 4–3–15; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 365X)]

Norfolk Southern Railway Company—Discontinuance of Service Exemption—in Chicago, Cook County, Ill.

On March 17, 2015, Norfolk Southern Railway Company (NSR) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to discontinue rail service over approximately 1.5 miles of rail line between milepost KN 4.0 and milepost KN 5.5, located on NSR's LeMoyne Industrial Track in Chicago, Cook County, Ill. The line includes no stations and traverses U.S. Postal Service Zip Code 60632.

NSR states that the line does not contain any federally granted rights-of-way. Any documentation in NSR's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by July 2, 2015.

Because this is a discontinuance proceeding and not an abandonment proceeding, trail use/rail banking and public use conditions are not appropriate.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) to subsidize continued rail service will be due no later than July 15, 2015, or 10 days after service of a decision granting the petition for exemption, whichever occurs sooner. Each offer must be accompanied by a $1,600 filing fee. *See* 49 CFR 1002.2(f)(25).

All filings in response to this notice must refer to Docket No. AB 290 (Sub-No. 365X) and must be sent to: (1) Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001; and (2) William A. Mullins, Baker & Miller PLLC, 2401 Pennsylvania Ave. NW., Suite 300, Washington, DC 20037. Replies to the petition are due on or before April 27, 2015.

Persons seeking further information concerning discontinuance procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238 or refer to the full abandonment and discontinuance regulations at 49 CFR 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis (OEA) at (202) 245–0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV*.''

Decided: March 30, 2015.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Brendetta S. Jones,

Clearance Clerk.

[FR Doc. 2015–07785 Filed 4–3–15; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2015–0061]

Agency Information Collection Activities: Renewed Approval of Information Collection

AGENCY: Office of the Secretary (OST), DOT.

ACTION: Notice and request for comments.

SUMMARY: The Department of Transportation (DOT) invites public comments on our intention to request the Office of Management and Budget's (OMB) approval to reinstate a previously approved Information Collection Request (OMB Control Number 2105–0563) in accordance with the requirements of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3501 *et seq.*).

The previous approval granted the Department of Transportation authority to collect information involving National Infrastructure Investments or ''TIGER'' Discretionary Grants pursuant to Title I of the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for 2010 (the ''FY 2010 Appropriations Act''). The Office of the Secretary of Transportation (''OST'') is referring to these grants as ''TIGER Discretionary Grants.'' The original collection of information was necessary in order to receive applications for grant funds pursuant to the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act of 2010 (''FY 2010 Appropriations Act''), Title I—Department of Transportation, Office of the Secretary, National Infrastructure Investments, Public Law 111–117, 123 Stat. 3034. The purpose of the TIGER Discretionary Grants program is to advance projects that will have a significant impact on the Nation, Metropolitan area or a region.

This request for reinstatement advances the previously approved request of an information collection. The information to be collected will be used to, receive applications for grant funds, to evaluate the effectiveness of projects that have been awarded grant funds and to monitor project financial conditions and project progress in support of the National Infrastructure Investments, referred to by the Department as ''Grants for Transportation Investment Generating Economic Recovery'', or ''TIGER'' Discretionary Grants program authorized and implemented pursuant to the American Recovery and Reinvestment Act of 2009 (the ''Recovery Act'') (OMB Control Number: 2105–0563) and the grants for National Infrastructure Investments under the FY 2010 Appropriations Act or TIGER Discretionary Grant programs include promoting economic recovery and supporting projects that have a significant impact on the Nation, a metropolitan area, or a region.

DATES: Written comments should be submitted by June 5, 2015.

ADDRESSES: You may submit comments [identified by Docket No. DOT–OST–2015–0061] through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Robert Mariner, Office of the Assistant Secretary for Transportation Policy, at 202–366–8914 or *Robert.Mariner@dot.gov.*

SUPPLEMENTARY INFORMATION: OMB Control Number: 2105–0563.

Title: National Infrastructure Investments Grant Program or ''TIGER Discretionary Grants'' and Supplemental Discretionary Grants for Capital Investments in Surface Transportation Infrastructure.

Form Numbers: None.

Type of Review: Reinstatement with change of a previously approved information collection.

Background: The Transportation Investment Generating Economic Recovery or ''TIGER Discretionary Grants'' program was created as part of the American Recovery and Reinvestment Act of 2009. Through the Recovery Act and six appropriations acts, Congress provided DOT with funding for seven rounds of competitive grants totaling more than $4.6 billion for capital and planning investments in surface transportation infrastructure. Funding for 72 projects totaling more than $584 million under the TIGER program was announced on September 12, 2014. Projects were selected based on their alignment with the selection criteria specified in the **Federal Register** notice for the TIGER Discretionary Grant program. As announced in the **Federal Register** notices for each of the TIGER Discretionary Grant programs, grantees are expected to provide information to the Government so that the Government may monitor the financial conditions and progress of projects, as well as the effectiveness of projects using performance measurement metrics negotiated between the grantees and the Government.

This request reinstates the existing PRA clearance to cover the requests for information from grantees that is necessary to receive grant applications, negotiate the grant agreements, and cover the reporting requirements agreed to by recipients of TIGER Discretionary Grants.

The reporting requirements for the program are as follows:

Grantees will submit reports on the financial condition of the project and the project's progress. Grantees will submit progress reports and the Federal Financial Report (SF–425) to the Government on a quarterly basis, beginning on the 20th of the first month of the calendar-year quarter following the execution of a grant agreement, and on the 20th of the first month of each calendar-year quarter thereafter until completion of the project. The initial report will include a detailed description, and, where appropriate, drawings, of the items funded.

Grantees will also submit an Annual Budget Review and Program Plan to the Government via email 60 days prior to the end of each Agreement year that they are receiving grant funds. The Annual Budget Review and Program Plan will provide a detailed schedule of activities, estimate of specific performance objectives, include forecasted expenditures, and schedule of milestones for the upcoming year. If there is an actual or projected project cost increase, the Annual Budget Review will include a written plan for providing additional sources of funding to cover the project budget shortfall or supporting documentation of committed funds to cover the cost increase.

This information will be used to monitor grantees' use of Federal funds, ensuring accountability and financial transparency in the TIGER programs.

Grantees will also submit reports on the performance (or projected performance) of the project on performance measures that the grantee and the Government select through negotiations. The Grantees will submit a Pre-project Report that will consist of current baseline data for each of the performance measures specified in the Performance Measurement Table in the grant agreement negotiated between the grantee and the Government. The Pre-project Report will include a detailed description of data sources, assumptions, variability, and the estimated level of precision for each measure. The Grantees will submit interim Project Performance Measurement Reports to the Government for each of the performance measures specified in the Performance Measurement Table in the grant agreement negotiated between the grantee and the Government. Grantees will submit reports at each of the intervals identified for the duration of

the time period specified in the Performance Measurement Table in the grant agreement negotiated between the grantee and the Government. The Grantees will submit a Project Outcomes Report after the project is completed that will consist of a narrative discussion detailing project successes and/or the influence of external factors on project expectations.

This information collected will be used to evaluate and compare projects and the monitor results that grant funds achieve, ensuring that grant funds achieved the outcomes targeted by the TIGER Discretionary Grant program.

The Department's estimated burden for this information collection is the following:

Estimated Number of Responses: 5,570.

Estimated Number of Respondents: 500.

Estimated Costs: $4,259,310.

Target Audience: Eligible Applicants'' for TIGER Discretionary Grants are State, local, and tribal governments, including U.S. territories, transit agencies, port authorities, metropolitan planning organizations (MPOs), other political subdivisions of State or local governments, and multi-State or multi-jurisdictional groups applying through a single lead applicant (for multi-jurisdictional groups, each member of the group, including the lead applicant, must be an otherwise eligible applicant as described in this paragraph).

Frequency: Quarterly, and Yearly.

Estimated Average Burden per Response: 8 hours for each request for Quarterly Progress and Monitoring Report; 8 hours for each Annual Budget Review; 8 hours for each Quarterly Performance Measurement Report.

Estimated Total Annual Burden: 144,070 hours.

The following is detailed information and instructions regarding the specific reporting requirements for each report identified above:

TIGER Discretionary Grant program grantees will submit a Project Progress and Monitoring Report and the Federal Financial Report (SF–425) to the Government on a quarterly basis. Grantees should use the following structure when preparing the quarterly Project Progress and Monitoring Report.

• *Project Progress and Monitoring Report*

○ *Frequency:* Quarterly (on the 20th of the first month of the calendar quarter).

○ *Report covers:* Previous quarter, along with a two-quarter forecast.

○ *Start:* Upon award of grant.

○ *End:* Once construction is complete.

○ *Format/Fields and accompanying instructions (beyond project ID information):*

1. *Executive Summary.*—A clear and concise summary of the current status of the project, including identification of any major issues that have an impact on the project's scope, budget, schedule, quality, or safety, including:

• Current total project cost (forecast) vs. latest budget vs. baseline budget. Include an explanation of the reasons for any deviations from the approved budget.

• Current overall project completion percentage vs. latest plan percentage.

• Any delays or exposures to milestone and final completion dates. Include an explanation of the reasons for the delays and exposures.

• A summary of the projected and actual dates for notices to proceed for significant contracts, start of construction, start of expenditure of TIGER Discretionary Grant funds, and project completion date. Include an explanation of the reasons for any discrepancies from the corresponding project milestone dates included in the Agreement.

• Any Federal obligations and/or TIFIA disbursements occurring during the month versus planned obligations or disbursements.

• Any significant contracts advertised, awarded, or completed.

• Any significant scope of work changes.

• Any significant items identified as having deficient quality.

• Any significant safety issues.

• Any significant Federal issues such as environmental compliance, Buy America/Buy American (whichever is applicable to this Project), Davis Bacon Act Prevailing Wage requirements, *etc.*

2. *Project Activities and Deliverables.*—Highlighting the project activities and deliverables occurring during the previous quarter (reporting period), and (2) define the activities and deliverables planned for the next two reporting periods. Activities and deliverables to be reported on should include meetings, audits and other reviews, design packages submitted, advertisements, awards, construction submittals, construction completion milestones, submittals related to Recovery Act requirements, media or Congressional inquiries, value engineering/constructability reviews, and other items of significance. The two reporting period ''look ahead schedule'' will enable the Government to accommodate any activities requiring input or assistance.

3. *Action Items/Outstanding Issues.*—Drawing attention to, and tracking the progress of, highly significant or sensitive issues requiring action and direction in order to resolve. In general, issues and administrative requirements that could have a significant or adverse impact to the project's scope, budget, schedule, quality, safety, and/or compliance with Federal requirements should be included. Status, responsible person(s), and due dates should be included for each action item/outstanding issue. Action items requiring action or direction should be included in the quarterly status meeting agenda. The action items/outstanding issues may be dropped from this section upon full implementation of the remedial action, and upon no further monitoring anticipated.

4. *Project Schedule.*—An updated master program schedule reflecting the current status of the program activities should be included in this section. A Gantt (bar) type chart is probably the most appropriate for quarterly reporting purposes, with the ultimate format to be agreed upon between the grantee and the Government. It is imperative that the master program schedule be integrated, *i.e.,* the individual contract milestones tied to each other, such that any delays occurring in one activity will be reflected throughout the entire program schedule, with a realistic completion date being reported. Narratives, tables, and/or graphs should accompany the updated master program schedule, basically detailing the current schedule status, delays and potential exposures, and recovery efforts. The following information should also be included:

• Current overall project completion percentage vs. latest plan percentage.

• Completion percentages vs. latest plan percentages for major activities such as right-of-way, major or critical design contracts, major or critical construction contracts, and significant force accounts or task orders. A schedule status description should also be included for each of these major or critical elements.

• Any delays or potential exposures to milestone and final completion dates. The delays and exposures should be quantified and overall schedule impacts assessed. The reasons for the delays and exposures should be explained, and initiatives being analyzed or implemented in order to recover the schedule should be detailed.

5. *Project Cost.*—An updated cost spreadsheet reflecting the current forecasted cost vs. the latest approved budget vs. the baseline budget should be included in this section. One way to track project cost is to show: (1) Baseline Budget, (2) Latest Approved Budget, (3) Current Forecasted Cost

Estimate, (4) Expenditures or Commitments to Date, and (5) Variance between Current Forecasted Cost and Latest Approved Budget. Line items should include all significant cost centers, such as prior costs, right-of-way, preliminary engineering, environmental mitigation, general engineering consultant, section design contracts, construction administration, utilities, construction packages; force accounts/task orders, wrap-up insurance, construction contingencies, management contingencies, and other contingencies. The line items can be broken-up in enough detail such that specific areas of cost change can be sufficiently tracked and future improvements made to the overall cost estimating methodology. A Program Total line should be included at the bottom of the spreadsheet. Narratives, tables, and/or graphs should accompany the updated cost spreadsheet, basically detailing the current cost status, reasons for cost deviations, impacts of cost overruns, and efforts to mitigate cost overruns. The following information should be provided:

- Reasons for each line item deviation from the approved budget, impacts resulting from the deviations, and initiatives being analyzed or implemented in order to recover any cost overruns.
- Transfer of costs to and from contingency line items, and reasons supporting the transfers.
- Speculative cost changes that potentially may develop in the future, a quantified dollar range for each potential cost change, and the current status of the speculative change. Also, a comparison analysis to the available contingency amounts should be included, showing that reasonable and sufficient amounts of contingency remain to keep the project within the latest approved budget.
- Detailed cost breakdown of the general engineering consultant (GEC) services (if applicable), including such line items as contract amounts, task orders issued (amounts), balance remaining for tasks, and accrued (billable) costs.
- Federal obligations and/or TIFIA disbursements for the project, compared to planned obligations and disbursements.

6. *Project Funding Status.*—The purpose of this section is to provide a status report on the non-TIGER Discretionary Grant funds necessary to complete the project. This report section should include a status update of any legislative approvals or other actions necessary to provide the non-TIGER Discretionary Grant funds to the project. Such approvals might include legislative authority to charge user fees or set toll rates, or the commitment of local funding revenues to the project. In the event that there is an anticipated or actual project cost increase, the project funding status section should include a report on the anticipated or actual source of funds to cover the cost increase and any significant issues identified with obtaining additional funding.

7. *Project Quality.*—The purpose of this section is to: (1) Summarize the Quality Assurance/Quality Control activities during the previous month (reporting period), and (2) highlight any significant items identified as being deficient in quality. Deficient items noted should be accompanied by reasons and specifics concerning the deficiencies, and corrective actions taken or planned. In addition, the agency or firm responsible for the corrective action should be documented. Planned corrective actions should then be included as Action Items/Outstanding Issues.

8. *Federal Financial Report (SF–425).*—The Federal Financial Report (SF–425) is a financial reporting form used throughout the Federal Government Grant system. Grantees should complete this form and attach it to each quarterly Project Progress and Monitoring Report.

TIGER Discretionary Grant program grantees will submit an Annual Budget Review and Program Plan to the Government 60 days prior to the end of each Agreement year that they are receiving grant funds. Grantees should use the following structure when preparing the Annual Budget Review Report.

- *Annual Budget Review Report*
  - *Frequency:* Yearly (60 days before the end of the Agreement year).
  - *Report covers:* Upcoming Agreement year.
  - *Start:* 60 days before first anniversary of grant award.
  - *End:* Once construction is complete.
  - *Format/Fields and accompanying instructions (beyond project ID information):*

1. *Detailed Schedule of Activities.*—An updated master program schedule reflecting the current status of the program activities should be included in this section. A Gantt (bar) type chart is probably the most appropriate for annual reporting purposes.

2. *Estimate of Specific Performance Objectives.*—This section will discuss, what, if any performance objectives of the project will be achieved over the course of the upcoming Agreement Year and note any differences from the original project plan.

3. *Forecasted Expenditures.*—This section will discuss financial outlays that will occur in support of the project over the course of the upcoming Agreement Year and note any differences from the original project plan.

4. *Schedule of Milestones for the Upcoming Agreement Year.*—This section will discuss, what, if any project milestones will be achieved over the course of the upcoming Agreement Year and the obligations associated with each milestone, noting any differences from the original project plan.

If there are no proposed deviations from the Approved Detailed Project Budget, the Annual Budget Review shall contain a statement stating such. The grantee will meet with the Government to discuss the Annual Budget Review and Program Plan. If there is an actual or projected project cost increase, the annual submittal should include a written plan for providing additional sources of funding to cover the project budget shortfall or supporting documentation of committed funds to cover the cost increase. To the extent the annual budget update deviates from the approved project budget by more than 10 percent, then work proposed under the Annual Budget Review and Program Plan shall not commence until written approval from the Government is received.

TIGER Discretionary Grant program grantees will submit Performance Measure Reports on the performance (or projected performance) of the project using the performance measures that the grantee and the Government selected through negotiations.

- *Performance Measurement Reports*
  - *Frequency:* Quarterly (on the 20th of the first month of the calendar quarter).
  - *Report covers:* Previous quarter.
  - *Start:* Once, upon award of grant; Quarterly, once construction complete.
  - *End:* At the end of agreed upon performance measurement period.
  - *Format/Fields and accompanying instructions (beyond project ID information):*

1. *Performance Measures Narrative.*—Including a detailed description of data sources, assumptions, variability, and the estimated level of precision for each measure.

2. *Performance Measures Spreadsheet.*—Government and grantee will agree on the format of the spreadsheet for each individual project. Measures (to be negotiated between grantees and the Government, individually) may include, but are not

limited to: Average tons handled/day; average daily gross ton-miles (GTM); average container lifts per day (TEUs); containers transported on lines (TEUs); transit passenger miles and hours of travel; transit passenger & non-passenger counts; transit rider characteristics; average bike and or pedestrian users at key locations; average daily traffic (ADT) and average daily truck traffic (ADTT); average daily total train delay (minutes); average daily total (all vehicles) vehicle delay at crossings; transit service level; facility service level; average hourly (or peak & off-peak) vehicle travel time; average hourly (or peak & off-peak) buffer index; annual crash rates by type/severity; average slow order miles and average daily delay minutes due to slow orders; bridge condition (Sufficiency Rating); road closure/lost capacity time (lane-hours).

3. *[For final Report] Project Outcomes.*—Detailing Project successes and/or the influence of external factors on Project expectations. Including an *ex post* examination of project effectiveness in relation to the Pre-project Report baselines.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) whether the proposed collection of information is necessary for OST's performance; (b) the accuracy of the estimated burden; (c) ways for OST to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1:48.

Issued in Washington, DC on March 25, 2015.

Patricia Lawton,

DOT Paperwork Reduction Act Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2015–07856 Filed 4–3–15; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF VETERANS AFFAIRS

Funding Availability Under Supportive Services for Veteran Families Program

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice of Fund Availability (NOFA); correction.

SUMMARY: This notice corrects a provision requiring grantees to have spent a certain amount of their previous grant award by a certain date, as stated in the Department of Veterans Affairs' February 3, 2015 NOFA, as amended on March 17, 2015,

Announcement Type: Amendment.

Funding Opportunity Number: VA–SSVF–021015.

Catalog of Federal Domestic Assistance Number: 64.033, VA Supportive Services for Veteran Families Program.

DATES: Applications made in response to this amendment are due April 10, 2015.

FOR FURTHER INFORMATION CONTACT: Mr. John Kuhn, Supportive Services for Veteran Families Program Office, National Center on Homelessness Among Veterans, 4100 Chester Avenue, Suite 201, Philadelphia, PA 19104; (877) 737–0111 (this is a toll-free number); *SSVF@va.gov*.

For a Copy of the Application Package: Copies of the application can be downloaded directly from the SSVF Program Web site at: *www.va.gov/homeless/ssvf.asp*. Questions should be referred to the SSVF Program Office via phone at (877) 737–0111 (toll-free number) or via email at *SSVF@va.gov*. For detailed SSVF Program information and requirements, see part 62 of title 38, Code of Federal Regulations (38 CFR part 62).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 17, 2015, in FR Doc. 2015–05941, on page 13958, in the third column, under ''II. Allocation of Funds'' correct paragraph (2) to read: ''(2) Applicants must have spent no less than 46 percent of their total direct service portion of their 3-year grant award (this includes direct service staff and funds allocated for temporary financial assistance) no later than August 30, 2015.''

Dated: April 2, 2015.

Jeffrey M. Martin,

Office of Regulation Policy & Management, Office of the General Counsel, Department of Veterans Affairs.

[FR Doc. 2015–07903 Filed 4–3–15; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 80 Monday,

No. 65 April 6, 2015

Part II

The President

Proclamation 9247—National Cancer Control Month, 2015
Proclamation 9248—National Donate Life Month, 2015
Proclamation 9249—National Sexual Assault Awareness and Prevention Month, 2015

Federal Register
Vol. 80, No. 65
Monday, April 6, 2015

Presidential Documents

Title 3—

The President

Proclamation 9247 of April 1, 2015

National Cancer Control Month, 2015

By the President of the United States of America

A Proclamation

For generations, the United States has been committed to combating cancer. It is a battle fought by our finest medical researchers, devoted health care professionals, and the many loved ones who have known the pain of this disease. Over decades, our Nation has made extraordinary progress. The overall rates of cancer deaths are decreasing for both women and men, and most survivors live longer and enjoy a better quality of life than ever before. Still, cancer remains the second most common cause of death in America, and there is more work to do. This month, we stand with all those touched by cancer and redouble our efforts to prevent, detect, and treat this disease.

All people can take steps to reduce their chances of developing cancer. Maintaining a healthy weight, protecting skin from exposure to ultraviolet radiation, and limiting alcohol consumption can help individuals live healthier lives. Because cigarettes are a major cause of cancer, quitting smoking and reducing exposure to secondhand smoke can also decrease risk. For advice on how to quit smoking, go to *www.SmokeFree.gov* or call 1–800–QUIT–NOW. I also encourage Americans to visit *www.Cancer.gov* for more information on cancer prevention.

When cancer is found in an early stage, it can be easier to treat and the chances of survival often increase. My Administration has fought to make this possible for more Americans. Protections under the Affordable Care Act require most insurance plans to cover recommended preventive services without copays, including some cancer screenings for qualifying individuals. These protections also eliminate annual and lifetime dollar limits on coverage and prohibit insurers from denying coverage because of pre-existing conditions, including cancer.

New technologies and strategic investments have made the difference between life and death for many of today's cancer patients. But as Americans, we have never been satisfied to rest on the accomplishments of our past; we reach for the future and stretch the boundaries of what is possible. That is why earlier this year, I announced my plan to lead a new era of medicine—one that delivers the right treatment at the right moment and brings us closer to curing cancer in our time. By investing in new research methods that will enable clinicians to tailor treatments to individual patients, the Precision Medicine Initiative will revolutionize how our Nation combats disease.

As we continue the urgent work of improving research, treatment, and care, let us remember those lost to cancer. During National Cancer Control Month, we recognize all who dedicate their lives to advancing the fight against this disease, and we recommit to achieving a future free from cancer in all its forms.

The Congress of the United States, by joint resolution approved March 28, 1938 (52 Stat. 148; 36 U.S.C. 103), as amended, has requested the President to issue an annual proclamation declaring April as ''Cancer Control Month.''

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim April 2015 as National Cancer Control Month. I encourage citizens, government agencies, private businesses, non-profit organizations, and other interested groups to join in activities that will increase awareness of what Americans can do to prevent and control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

[FR Doc. 2015–08030
Filed 4–3–15; 11:15 am]
Billing code 3295–F5

Presidential Documents

Proclamation 9248 of April 1, 2015

National Donate Life Month, 2015

By the President of the United States of America

A Proclamation

At this moment, more than 123,000 Americans are in need of a life-saving organ transplant. Our Nation continues to face a critical shortage of donors, and every day, 21 people die waiting for an organ. This month, we renew our call for organ, eye, and tissue donors, and we honor all those who have given the extraordinary gift of life.

The decision to become a donor can save up to eight lives and enhance many more—men, women, and children who depend on the generosity and sacrifice of others to receive the vital care they require. I encourage individuals of all ages and backgrounds to consider this unique opportunity to help those in need and to discuss this choice with friends and family. For more information and to learn how to join your State's donor registry, visit *www.OrganDonor.gov.*

In the face of uncertainty and suffering, Americans have always joined together, drawing strength and comfort from our commitment to one another; we find hope through faith and our enduring belief that we are our brothers' and sisters' keepers. During National Donate Life Month, let us stand with all those who know the pain of an uncertain tomorrow and redouble our efforts to save and improve the lives of Americans across our country.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2015 as National Donate Life Month. I call upon health care professionals, volunteers, educators, government agencies, faith-based and community groups, and private organizations to join forces to boost the number of organ, eye, and tissue donors throughout our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

[FR Doc. 2015–08031
Filed 4–3–15; 11:15 am]
Billing code 3295–F5

Presidential Documents

Proclamation 9249 of April 1, 2015

National Sexual Assault Awareness and Prevention Month, 2015

By the President of the United States of America

A Proclamation

As Americans, we each have the power to shape our country's course and contribute to the extraordinary task of perfecting our Union. For more than two centuries, progress has been won by ordinary citizens—women and men who joined arms and marched toward justice. This month, we are once again reminded that we can change our culture for the better by standing together against the quiet tolerance of sexual assault and refusing to accept the unacceptable.

Nearly one in five women in America has been a victim of rape or attempted rape. Every year, too many women and too many men are sexually assaulted and abused. This is an affront to our basic decency and humanity, and it must end. Sexual assault harms our communities, weakens the foundation of our Nation, and hurts those we love most. For survivors, the awful pain can take years to heal—sometimes it never does. When an individual's possibilities are limited by the scars of violence and abuse, our country is deprived of enormous potential. Sexual assault takes a collective toll on all of us, and it is everyone's responsibility not only to speak out, but also to take action against this injustice.

More than two decades ago, then United States Senator Joe Biden did both. At a time when many victims were stigmatized or left to suffer in silence, he authored the Violence Against Women Act, which would forever improve the way our country responds to sexual assault and domestic violence. In the decades since, our Nation has built on that progress. We have taken strides toward changing the way people think about sexual misconduct, making it clear that every person has the fundamental human right to be free from sexual assault and domestic violence.

Thanks to the work of advocates, community leaders, public servants, and courageous survivors who shared their stories, our Nation has come an incredibly long way. But from schools to military bases and throughout all communities in America, we must do more to end the crime of sexual assault. My Administration has made this a priority since day one, beginning with the establishment of the first-ever White House Advisor on Violence Against Women. And we will keep fighting as long as it takes.

We have taken action to strengthen our criminal justice system, uphold the civil rights of victims and survivors of sexual assault, and ensure that all people can live free from sexual violence. Now in its second year, the White House Task Force to Protect Students from Sexual Assault is helping schools live up to their obligations to educate students in safe environments. We continue to address the impact of sexual assault on persons living with or at risk for HIV/AIDS. I have also made clear that violence and abuse have no place in the finest military this world has ever known. And last fall, we launched the ''It's On Us'' campaign to let people know everyone has a role to play in preventing and effectively responding to sexual violence.

It's on parents and caregivers to teach their children to respect and value others. It's on teammates, classmates, and colleagues to recognize sexual misconduct and intervene to stop it. It's on all of us to work for the change we need to shift the attitudes and behaviors that allow sexual assault to go unnoticed, unreported, and unpunished. During National Sexual Assault Awareness and Prevention Month, let us commit to being part of the solution and rededicate ourselves to creating a society where violence is not tolerated, survivors are supported, and all people are able to pursue their fullest measure of happiness without fear of abuse or assault.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 2015 as National Sexual Assault Awareness and Prevention Month. I urge all Americans to support survivors of sexual assault and work together to prevent these crimes in their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord two thousand fifteen, and of the Independence of the United States of America the two hundred and thirty-ninth.

[FR Doc. 2015–08032
Filed 4–3–15; 11:15 am]
Billing code 3295–F5

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