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Contents

Federal Register

Vol. 80, No. 66

Tuesday, April 7, 2015

Agriculture Department
See Commodity Credit Corporation
See Forest Service

Bureau of Consumer Financial Protection
NOTICES
Meetings:
Community Bank Advisory Council, 18605–18606

Centers for Disease Control and Prevention
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 18624–18627

Children and Families Administration
NOTICES
Advisory Committee Renewals:
Maternal, Infant and Early Childhood Home Visiting Program Evaluation, 18627
Meetings:
Tribal Consultation Meetings, 18627–18628

Coast Guard
NOTICES
Distant Water Tuna Fleet Manning Exemption Policy Guidance, 18643

Commerce Department
See First Responder Network Authority
See Industry and Security Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Geographic Partnership Programs, 18600–18601

Commodity Credit Corporation
NOTICES
Funding Availability:
Emerging Markets Program, 18588–18591
Foreign Market Development Cooperator Program, 18594–18596
Market Access Program, 18596–18598
Quality Samples Program, 18591–18594
Technical Assistance for Specialty Crops Program, 18586–18588

Comptroller of the Currency
NOTICES
Conversion Applications; Approvals:
Commonwealth Bank, F.S.B., Mt. Sterling, KY, 18706

Consumer Product Safety Commission
PROPOSED RULES
Recreational Off-Highway Vehicles; Extensions, 18556–18557

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Lender's Application Process, 18606
Applications for New Awards:
Vocational Rehabilitation Services Projects for American Indians With Disabilities, 18606–18610

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Reimbursement for Costs of Remedial Action at Active Uranium and Thorium Processing Sites; Update, 18610–18611

Environmental Protection Agency
RULES
Air Quality Designations and Technical Amendments:
2012 Primary Annual Fine Particle PM2.5 National Ambient Air Quality Standards, 18535–18551
Air Quality State Implementation Plans; Approvals and Promulgations:
Idaho, 18526–18528
Designation of Areas for Air Quality Planning Purposes; California; San Joaquin Valley; Reclassification as Serious Non-Attainment for the 1997 PM2.5 Standards, 18528–18535
PROPOSED RULES
Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Point Source Category, 18557–18580
NOTICES
Draft Scientific Assessments for Public Comment; Availabiltiy, 18619

Federal Aviation Administration
RULES
Restricted Area Boundary Descriptions:
Joint Base Lewis-McChord, WA, 18519–18522
NOTICES
Passenger Facility Charges:
Tampa International Airport, Tampa, FL, 18679–18680

Federal Communications Commission
NOTICES
Meetings:
Federal Advisory Committee Act; Downloadable Security Technology Advisory Committee, 18620

Federal Energy Regulatory Commission
RULES
Fee Schedule for the Use of Government Lands by Hydropower Licensees; Annual Update; Correction, 18526
NOTICES
Applications:
Lock 11 Hydro Partners, 18614–18615
Transcontinental Gas Pipe Line Co., LLC, 18617–18618
Combined Filings, 18611–18614, 18616–18617
Filings:
Texas Gas Transmission, LLC, 18615–18616
Terminations of Licences:
Richard Bertea, 18618–18619

Federal Highway Administration
NOTICES
Final Federal Agency Actions:
US 183 From US 290 to SH 71 (Bergstrom Expressway) in Texas, 18680–18681

Federal Motor Carrier Safety Administration
NOTICES
Hours of Service of Drivers; Exemption Applications:
American Pyrotechnics Association, 18690–18693
Qualification of Drivers; Exemption Applications:
Diabetes Mellitus, 18681–18690
Hearing, 18697–18699
Vision, 18693–18697

Federal Reserve System
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 18620–18624
Changes in Bank Control:
Acquisitions of Shares of a Bank or Bank Holding Company, 18620
Formations of, Acquisitions by, and Mergers of Bank Holding Companies, 18624
Permissible Nonbanking Activities or To Acquire Companies That Are Engaged in Permissible Nonbanking Activities; Correction, 18620

Federal Transit Administration
NOTICES
National Transit Database Annual Information Collection, 18699–18703

First Responder Network Authority
NOTICES
Further Proposed Interpretations of Parts of the Middle Class Tax Relief and Job Creation Act of 2012, 18601

Fish and Wildlife Service
PROPOSED RULES
Endangered and Threatened Wildlife and Plants:
Endangered Species Status for the Big Sandy Crayfish and the Guyandotte River Crayfish, 18710–18739
Petition To List Humboldt Marten as an Endangered or Threatened Species; Findings, 18742–18772

Food and Drug Administration
NOTICES
Guidance:
Risk Evaluation and Mitigation Strategies; Modifications and Revisions, 18629–18631
Priority Review Vouchers:
Rare Pediatric Disease Products, 18628–18629

Forest Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Community Forest and Open Space Program, 18598
Environmental Impact Statements; Availability, etc.:
Roadless Area Conservation, National Forest System Lands in Colorado, 18598–18599
Settlement Agreements:
Consent for Engineering Evaluation/Cost Analysis Nacimiento Mine Site, Santa Fe National Forest, NM, 18599–18600

Health and Human Services Department
See Centers for Disease Control and Prevention
See Children and Families Administration
See Food and Drug Administration
See Health Resources and Services Administration
See Indian Health Service
See National Institutes of Health
NOTICES
Findings of Research Misconduct, 18638–18639
Meetings:
National Advisory Committee on Children and Disasters; Teleconference, 18639

Health Resources and Services Administration
NOTICES
Privacy Act; Systems of Records, 18631–18638

Homeland Security Department
See Coast Guard
See Transportation Security Administration

Housing and Urban Development Department
RULES
Federal Awarding Agency Regulatory Implementation of Office of Management and Budgets Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Correction, 18519
NOTICES
Delegation of Authority for the Office of Public and Indian Housing, 18645–18646
Order of Succession for the Office of Public and Indian Housing, 18644–18645

Indian Health Service
NOTICES
Reimbursement Rates for Calendar Year 2015, 18639–18640

Industry and Security Bureau
RULES
Export Administration Regulations Based on the 2014 Missile Technology Control Regime Plenary Agreements; Revisions, 18522–18526

Interior Department
See Fish and Wildlife Service

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Certain Oil Country Tubular Goods From the Peoples Republic of China, 18604
Lightweight Thermal Paper From Germany, 18602–18603

Justice Department
NOTICES
Proposed Consent Decrees, 18646

Labor Department
See Occupational Safety and Health Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Labor Market Information Cooperative Agreement, 18646–18647

Legal Services Corporation
NOTICES
Meetings; Sunshine Act, 18650–18652

Maritime Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Maritime Administration Service Obligation Compliance Annual Report, 18706
Requests for Administrative Waivers of the Coastwise Trade Laws:
Vessel OCTOPUS, 18705
Vessel PACIFIC PEARL, 18704
Vessel PHANTOM, 18704–18705
Vessel SHIP FACED, 18705–18706

National Aeronautics and Space Administration
PROPOSED RULES
Federal Acquisition Regulations:
Supplement Regulatory Review No. 3, 18580–18584

National Institutes of Health
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Evaluation of the NHLBI Proteomics Centers Program; Qualitative Interviews, 18642–18643
Identifying Experts in Prevention Science Methods To Include on NIH Review Panels (OD), 18641–18642
Neurobiobank Tissue Access Request, 18640–18641
Charter Renewals:
National Cancer Institute, 18643
Meetings:
National Institute on Deafness and Other Communication Disorders, 18641

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic:
Blueline Tilefish in the South Atlantic Region; Commercial Accountability Measure and Closure, 18551–18552
Reef Fish Fishery of the Gulf of Mexico; Red Grouper Recreational Management Measures, 18552–18553
Fisheries of the Exclusive Economic Zone Off Alaska:
Northern Rockfish in the Bering Sea and Aleutian Islands Management Area, 18553–18554
Pacific Cod by Catcher/Processors Using Hook-and-Line Gear in the Western Regulatory Area of the Gulf of Alaska, 18554–18555
PROPOSED RULES
Taking of Marine Mammals Incidental to Commercial Fishing Operations:
Atlantic Large Whale Take Reduction Plan Regulations; Correction, 18584–18585
NOTICES
Meetings:
Advisory Committee on Commercial Remote Sensing; Cancellation, 18605

National Science Foundation
NOTICES
Meetings; Sunshine Act:
National Science Board, 18652

Nuclear Regulatory Commission
NOTICES
Civil Monetary Penalties:
ATC Group Services, Inc., 18652–18654
Facility Operating and Combined Licenses:
Applications and Amendments Involving Proposed No Significant Hazards Considerations, etc., 18655–18661
Meetings:
Advisory Committee on the Medical Uses of Isotopes, 18655
Requests for Nominations:
Advisory Committee on Medical Uses of Isotopes, 18654–18655

Occupational Safety and Health Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Asbestos in Construction Standard, 18649–18650
Standard on Commercial Diving Operations, 18647–18649

Presidential Documents
PROCLAMATIONS
World Autism Awareness Day (Proc. 9250), 18515–18516
ADMINISTRATIVE ORDERS
National Defense Authorization Act for Fiscal Year 2015; Delegation of Authority (Memorandum of March 27, 2015), 18517

Securities and Exchange Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 18664–18665
Meetings; Sunshine Act, 18662, 18664
Self-Regulatory Organizations; Proposed Rule Changes:
ISE Gemini, LLC, 18665–18667
NASDAQ OMX PHLX, LLC, 18662–18664, 18667–18669

Small Business Administration
PROPOSED RULES
Small Business Mentor Protege Programs:
Women-Owned Small Business Federal Contract Program; Rules of Procedure Governing Cases Before the Office of Hearings and Appeals; Extension of Comment Period, 18556
NOTICES
Disaster Declarations:
Hawaii, 18669

Social Security Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 18669–18673
Privacy Act; Systems of Records, 18673–18674

State Department
NOTICES
Charter Renewals:
Advisory Committee on International Economic Policy, 18674
Presidents Emergency Plan for AIDS Relief Scientific Advisory Board, 18674
U.S. National Commission for UNESCO, 18675
Meetings:
U.S. Department of State Advisory Committee on Private International Law, 18674–18675
Notifications to Congress of Proposed Commercial Export Licenses:
Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, 18675–18679

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Federal Motor Carrier Safety Administration
See Federal Transit Administration
See Maritime Administration

Transportation Security Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Maryland Three Airports; Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC, Metropolitan Area Flight Restricted Zone, 18643–18644

Treasury Department
See Comptroller of the Currency
See United States Mint

United States Mint
NOTICES
Meetings:
Citizens Coinage Advisory Committee; Teleconferences, 18706–18707

Veterans Affairs Department
NOTICES
Meetings:
Advisory Committee on Homeless Veterans, 18707
Clinical Science Research and Development Service Cooperative Studies Scientific Evaluation Committee, 18707–18708

Separate Parts In This Issue

Part II
Interior Department, Fish and Wildlife Service, 18710–18739

Part III
Interior Department, Fish and Wildlife Service, 18742–18772

Reader Aids

Consult the Reader Aids section at the end of this page for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

2 CFR
2400 18519

3 CFR
Proclamations:
9250 18515
Administrative Orders:
Memorandums:
Memorandum of March 27, 2015 18517

13 CFR
Proposed Rules:
121 18556
124 18556
125 18556
126 18556
127 18556
134 18556

14 CFR
73 18519

15 CFR
774 18522

16 CFR
Proposed Rules:
1422 18556

18 CFR
11 18526

24 CFR
84 18519
85 18519

40 CFR
52 (2 documents) 18526, 18528
81 (2 documents) 18528, 18535
Proposed Rules:
435 18557

48 CFR
Proposed Rules:
1801 18580
1802 18580
1805 18580
1807 18580
1812 18580
1813 18580
1823 18580
1833 18580
1836 18580
1847 18580
1850 18580
1852 18580

50 CFR
622 (2 documents) 18551, 18552
679 (2 documents) 18553, 18554
Proposed Rules:
17 (2 documents) 18710, 18742
229 18584

Presidential Documents

Title 3—

The President

Proclamation 9250 of April 1, 2015

World Autism Awareness Day, 2015

By the President of the United States of America

A Proclamation

On World Autism Awareness Day, our Nation recognizes all those around the globe who live on the autism spectrum. We celebrate the countless ways they strengthen our communities and enrich our world—and we reaffirm their fundamental rights to participate fully in society, live with respect, and achieve their greatest potential.

In the United States, millions of adults and young people live with autism spectrum disorder, including 1 out of every 68 children. They are our colleagues, classmates, friends, and loved ones, and they each have something to contribute to the American story. In large cities and small towns, individuals with autism live independent and productive lives, and our Nation is better because of their unique talents and perspectives. Their example reminds us that all people have inherent dignity and worth, and that everyone deserves a fair shot at opportunity.

My Administration is committed to helping Americans with autism fulfill their potential by ensuring access to the resources and programs they need. The Affordable Care Act prohibits companies from denying health insurance because of pre-existing conditions such as autism, and the law also requires most insurance plans to cover preventive services—including autism and developmental screenings for young children—without copays. Last year, I was proud to sign the Autism CARES Act of 2014, which bolstered training and educational opportunities for professionals serving children or adults on the autism spectrum. And as part of the BRAIN Initiative, we continue to invest in innovative research that aims to revolutionize our understanding of conditions like autism and improve the lives of all who live with them.

The greatness of our Nation lies in the diversity of our people. When more Americans are able to pursue their full measure of happiness, it makes our Union more perfect and uplifts us all. Today, let us honor advocates, professionals, family members, and all who work to build brighter tomorrows alongside those with autism. Together, we can create a world free of barriers to inclusion and full of understanding and acceptance of the differences that make us strong.

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 2, 2015, World Autism Awareness Day. I encourage all Americans to learn more about autism and what they can do to support individuals on the autism spectrum and their families.

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. 2015–08089
Filed 4–6–15; 8:45 am]
Billing code 3295–F5

Federal Register
Vol. 80, No. 66
Tuesday, April 7, 2015

Presidential Documents

Memorandum of March 27, 2015

Delegation of Authority Under the National Defense Authorization Act for Fiscal Year 2015

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby order as follows:

I hereby delegate to the Secretary of State the authority to notify the Congress as required by section 1242(a) of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291) (the ''Act'').

Any reference in this memorandum to the Act shall be deemed to be a reference to any future act that is the same or substantially the same as such provision.

You are authorized and directed to publish this memorandum in the *Federal Register*.

THE WHITE HOUSE.
Washington, March 27, 2015.

[FR Doc. 2015–08088
Filed 4–6–15; 8:45 am]
Billing code 4710–10

Rules and Regulations

Federal Register
Vol. 80, No. 66
Tuesday, April 7, 2015

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

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

2 CFR Part 2400

24 CFR Parts 84 and 85

[Docket No. FR–5783–C–01]

RIN 2501–AD66

Federal Awarding Agency Regulatory Implementation of Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Correction of RIN Number

AGENCY: Office of the General Counsel, HUD.

ACTION: Final rule; correction.

SUMMARY: This document advises that HUD's portion of the governmentwide joint interim rule that implements the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, published on December 19, 2014, displayed an incorrect RIN number. This document advises of the correct RIN number, 2501–AD66, which is also shown above in the heading of this document.

DATES: Effective April 7, 2015.

FOR FURTHER INFORMATION CONTACT: Aaron Santa Anna, Assistant General Counsel for Regulations, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10282, Washington, DC 20410–0500; telephone number 202–708–1793 (this is not a toll-free number). Hearing- and speech-impaired persons may access this number through TTY by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION: On December 19, 2014 (79 FR 75867), the Office of Management and Budget published a joint, governmentwide interim rule of all Federal award-making agencies entitled, ''Federal Awarding Agency Regulatory Implementation of Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.'' In the joint, governmentwide interim rule, HUD added 2 CFR 2400.101 and amended 24 CFR parts 84 and 85 by removing all substantive provisions and retaining in each part only a cross reference to 2 CFR 2400.101 and a savings provision. The heading for HUD's portion of the governmentwide joint interim rule inadvertently displayed RIN number 2501–AD54, which is incorrect. The correct RIN number for HUD's portion of the governmentwide joint interim rule is 2501–AD66, and this document advises of the correction.

Correction

In FR Doc. 2014–28697 appearing on page 75871 in the **Federal Register** of Friday, December 19, 2014, make the following correction. On page 75871, in the third column, correct the RIN number for ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'' to read ''2501–AD66''.

Dated: April 2, 2015.

Aaron Santa Anna,

Assistant General Counsel for Regulations.

[FR Doc. 2015–07922 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4210–67–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2015–0618; Airspace Docket No. 15–ANM–3]

RIN 2120–AA66

Amendment of Restricted Area Boundary Descriptions; Joint Base Lewis-McChord, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; technical amendment.

SUMMARY: This action makes minor corrections to the boundary descriptions of restricted areas R–6703A, R–6703B, R–6703C, R–6703D, R–6703E and R–6703F at Joint Base Lewis-McChord, WA. The changes are required due to a typographical error that occurred during publication of the final rule in the **Federal Register**.

DATES: Effective date 0901 UTC, May 7, 2015.

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

SUPPLEMENTARY INFORMATION:

Background

In a final rule published in the **Federal Register** April 29, 2013 (78 FR 24985), several instances of the symbol for minutes of arc were changed to the symbol for seconds of arc. Instead of a geographic coordinate denoted as lat. 47°52′31″ N, it was published as lat. 47°52″31″ N.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 73 to make minor updates to certain latitude/longitude coordinates in the descriptions of restricted areas R–6703A, R–6703B, R–6703C, R–6703D, R–6703E and R–6703F at Joint Base Lewis-McChord, WA. The changes are to correct a typographical error of the symbol depicting minutes of arc in the publication of the original rule.

R–6703A: The text ''Boundaries. Beginning at lat. 47°03″ 07″ N., long. 122°41″ 09″ W.; to lat. 47°04″ 34″ N., long. 122°41″ 09″ W.; to lat. 47°04″ 41″ N., long. 122°38″ 19″ W.; to lat. 47°03″ 37″ N., long. 122°35″ 40″ W.; to lat. 47°03″ 15″ N., long. 122°35″ 48″ W.; to lat. 47°03″ 06″ N., long. 122°36″ 51″ W.; to lat. 47°02″ 02″ N., long. 122°37″ 33″ W.; to lat. 47°02″ 06″ N., long. 122°38″ 33″ W.; to lat. 47°02″ 14″ N., long. 122°38″ 53″ W.; to lat. 47°02″ 19″ N., long. 122°39″ 14″ W.; to lat. 47°02″ 19″ N., long. 122°39″ 37″ W.; to lat. 47°02″ 21″ N., long. 122°40″ 17″ W.; to lat. 47°02″ 38″ N., long. 122°40″ 39.″ W.; thence via the Nisqually River to the point of beginning.'' is replaced with ''Boundaries. Beginning at lat. 47°03′ 07″ N., long. 122°41′ 09″ N.; to lat. 47°04′ 34″ N., long. 122°41′ 09″ N.; to lat. 47°04′ 41″ N., long. 122°38′ 19″ N.;

to lat. 47°03′ 37″ N., long. 122°35′ 40″ N.; to lat. 47°03′ 15″ N., long. 122°35′ 48″ N.; to lat. 47°03′ 06″ N., long. 122°36′ 51″ N.; to lat. 47°02′ 02″ N., long. 122°37′ 33″ N.; to lat. 47°02′ 06″ N., long. 122°38′ 33″ N.; to lat. 47°02′ 14″ N., long. 122°38′ 53″ N.; to lat. 47°02′ 19″ N., long. 122°39′ 14″ N.; to lat. 47°02′ 19″ N., long. 122°39′ 37″ N.; to lat. 47°02′ 21″ N., long. 122°40′ 17″ N.; to lat. 47°02′ 38″ N., long. 122°40′ 39″ N.; Thence via the Nisqually River to the point of beginning.''

R–6703B: The text ''Boundaries. Beginning at lat. 47°01″ 32″ N., long. 122°36″ 28″ W.; to lat. 47°01″ 32″ N., long. 122°36″ 51″ W.; to lat. 47°01″ 42″ N., long. 122°37″ 12″ W.; to lat. 47°02″ 02″ N., long. 122°37″ 33.″ W.; to lat. 47°03″ 06″ N., long. 122°36″ 51″ W.; to lat. 47°03″ 15″ N., long. 122°35″ 48″ W.; to the point of beginning.'' is replaced with ''Boundaries. Beginning at lat. 47°01′32″ N., long. 122°36′28″ W.; to lat. 47°01′32″ N., long. 122°36′51″ W.; to lat. 47°01′42″ N., long. 122°37′12″ W.; to lat. 47°02′02″ N., long. 122°37′33″ W.; to lat. 47°03′06″ N., long. 122°36′51″ W.; to lat. 47°03′15″ N., long. 122°35′48″ W.; to the point of beginning.''

R–6703C: The text ''Boundaries. Beginning at lat. 46°59″ 19″ N., long. 122°37″ 19″ W.; to lat. 46°59″ 15″ N., long. 122°37″ 56″ W.; Thence via the Nisqually River to lat. 47°00″ 32″ N., long. 122°38″ 59″ W.; to lat. 47°00″ 47″ N., long. 122°39″ 04″ W.; to lat. 47°00″ 57″ N., long. 122°39″ 20″ W.; to lat. 47°01″ 10″ N., long. 122°39″ 26″ W.; to lat. 47°01″ 22″ N., long. 122°39″ 45″ W.; to lat. 47°01″ 42″ N., long. 122°39″ 49″ W.; to lat. 47°02″ 00″ N., long. 122°39″ 59″ W.; to lat. 47°02″ 21″ N., long. 122°40″ 17″ W.; to lat. 47°02″ 19″ N., long. 122°39″ 37″ W.; to lat. 47°02″ 19″ N., long. 122°39″ 14″ W.; to lat. 47°02″ 14″ N., long. 122°38″ 53″ W.; to lat. 47°02″ 06″ N., long. 122°38″ 33″ W.; to lat. 47°02″ 02″ N., long. 122°37″ 33″ W.; to lat. 47°01″ 42″ N., long. 122°37″ 12″ W.; to lat. 47°01″ 32″ N., long. 122°36″ 51″ W.; to lat. 47°01″ 32″ N., long. 122°36″ 28″ W.; to the point of beginning.'' is replaced with ''Beginning at lat. 46°59′19″ N., long. 122°37′19″ W.; to lat. 46°59′15″ N., long. 122°37′56″ W.; Thence via the Nisqually River to lat. 47°00′32″ N., long. 122°38′59″ W.; to lat. 47°00′47″ N., long. 122°39′04″ W.; to lat. 47°00′57″ N., long. 122°39′20″ W.; to lat. 47°01′10″ N., long. 122°39′26″ W.; to lat. 47°01′22″ N., long. 122°39′45″ W.; to lat. 47°01′42″ N., long. 122°39′49″ W.; to lat. 47°02′00″ N., long. 122°39′59″ W.; to lat. 47°02′21″ N., long. 122°40′17″ W.; to lat. 47°02′19″ N., long. 122°39′37″ W.; to lat. 47°02′19″ N., long. 122°39′14″ W.; to lat. 47°02′14″ N., long. 122°38′53′ W.; to lat. 47°02′06″ N., long. 122°38′33″ W.; to lat. 47°02′02″ N., long. 122°37′33″ W.; to lat. 47°01′42″ N., long. 122°37′12″ W.; to lat. 47°01′32″ N., long. 122°36′51″ W.; to lat. 47°01′32″ N., long. 122°36′28″ W.; to the point of beginning.''

R–6703D: The text ''Boundaries. Beginning at lat. 46°57″ 11″ N., long. 122°38″ 51″ W.; to lat. 46°57″ 12″ N., long. 122°43″ 42″ W.; to lat. 47°03″ 07″ N., long. 122°41″ 09″ W.; to lat. 47°02″ 56″ N., long. 122°40″ 49″ W.; to lat. 47°02″ 41″ N., long. 122°40″ 48″ W.; to lat. 47°02″ 38″ N., long. 122°40″ 39″ W., to lat. 47°02″ 21″ N,. long. 122°40″ 17″ W.; to lat. 47°02″ 00″ N., long. 122°39″ 59″ W.; to lat. 47°01″ 42″ N., long. 122°39″ 49″ W.; to lat. 47°01″ 22″ N., long. 122°39″ 45″ W.; to lat. 47°01″ 10″ N., long. 122°39″ 26″ W.; to lat. 47°00″ 57″ N., long. 122°39″ 20″ W.; to lat. 47°00″ 47″ N., long. 122°39″ 04″ W.; to lat. 47°00″ 32″ N., long. 122°38″ 59″ W.; thence via the Nisqually River to lat. 46°59″ 15″ N., long. 122°37″ 56″ W.; to lat. 46°59″ 19″ N., long. 122°37″ 19″ W.; to lat. 46°58″ 16″ N., long. 122°37″ 44″ W.; to the point of beginning.'' is replaced with ''Boundaries. Beginning at lat. 46°57′11″ N., long. 122°38′51″ W.; to lat. 46°57′12″ N., long. 122°43′42″ W.; to lat. 47°03′07″ N., long. 122°41′09″ W.; to lat. 47°02′56″ N., long. 122°40′49″ W.; to lat. 47°02′41″ N., long. 122°40′48″ W.; to lat. 47°02′38″ N., long. 122°40′39″ W., to lat. 47°02′21″ N,. long. 122°40′17″ W.; to lat. 47°02′00″ N., long. 122°39′59″ W.; to lat. 47°01′42″ N., long. 122°39′49″ W.; to lat. 47°01′22″ N., long. 122°39′45″ W.; to lat. 47°01′10″ N., long. 122°39′26″ W.; to lat. 47°00′57″ N., long. 122°39′20″ W.; to lat. 47°00′47″ N., long. 122°39′04″ W.; to lat. 47°00′32″ N., long. 122°38′59″ W.; thence via the Nisqually River to lat. 46°59′15″ N., long. 122°37′56″ W.; to lat. 46°59′19″ N., long. 122°37′19″ W.; to lat. 46°58′16″ N., long. 122°37′44″ W.; to the point of beginning.''

R–6703D: The text ''Boundaries. Beginning at lat. 46°57″ 11″ N., long. 122°38″ 51″ W.; to lat. 46°57″ 12″ N., long. 122°43″ 42″ W.; to lat. 47°03″ 07″ N., long. 122°41″ 09″ W.; to lat. 47°02″ 56″ N., long. 122°40″ 49″ W.; to lat. 47°02″ 41″ N., long. 122°40″ 48″ W.; to lat. 47°02″ 38″ N., long. 122°40″ 39″ W., to lat. 47°02″ 21″ N,. long. 122°40″ 17″ W.; to lat. 47°02″ 00″ N., long. 122°39″ 59″ W.; to lat. 47°01″ 42″ N., long. 122°39″ 49″ W.; to lat. 47°01″ 22″ N., long. 122°39″ 45″ W.; to lat. 47°01″ 10″ N., long. 122°39″ 26″ W.; to lat. 47°00″ 57″ N., long. 122°39″ 20″ W.; to lat. 47°00″ 47″ N., long. 122°39″ 04″ W.; to lat. 47°00″ 32″ N., long. 122°38″ 59″ W.; thence via the Nisqually River to lat. 46°59″ 15″ N., long. 122°37″ 56″ W.; to lat. 46°59″ 19″ N., long. 122°37″ 19″ W.; to lat. 46°58″ 16″ N., long. 122°37″ 44″ W.; to the point of beginning.'' is replaced with ''Boundaries. Beginning at lat. 46°57′11″ N., long. 122°38′51″ W.; to lat. 46°57′12″ N., long. 122°43′42″ W.; to lat. 47°03′07″ N., long. 122°41′09″ W.; to lat. 47°02′56″ N., long. 122°40′49″ W.; to lat. 47°02′41″ N., long. 122°40′48″ W.; to lat. 47°02′38″ N., long. 122°40′39″ W., to lat. 47°02′21″ N,. long. 122°40′17″ W.; to lat. 47°02′00″ N., long. 122°39′59″ W.; to lat. 47°01′42″ N., long. 122°39′49″ W.; to lat. 47°01′22″ N., long. 122°39′45″ W.; to lat. 47°01′10″ N., long. 122°39′26″ W.; to lat. 47°00′57″ N., long. 122°39′20″ W.; to lat. 47°00′47″ N., long. 122°39′04″ W.; to lat. 47°00′32″ N., long. 122°38′59″ W.; thence via the Nisqually River to lat. 46°59′15″ N., long. 122°37′56″ W.; to lat. 46°59′19″ N., long. 122°37′19″ W.; to lat. 46°58′16″ N., long. 122°37′44″ W.; to the point of beginning.''

R–6703E: The text ''Boundaries. Beginning at lat. 46°57″ 11″ N., long. 122°38″ 51″ W.; to lat. 46°54″ 34″ N., long. 122°41″ 29″ W.; to lat. 46°54″ 17″ N., long. 122°43″ 36″ W.; to lat. 46°55″ 11″ N., long. 122°44″ 34″ W.; to lat. 46°57″ 12″ N., long. 122°43″ 42″ W.; to the point of beginning.'' is replaced with ''Boundaries. Beginning at lat. 46°57′11″ N., long. 122°38′51″ W.; to lat. 46°54′34″ N., long. 122°41′29″ W.; to lat. 46°54′17″ N., long. 122°43′36″ W.; to lat. 46°55′11″ N., long. 122°44′34″ W.; to lat. 46°57′12″ N., long. 122°43′42″ W.; to the point of beginning.''

R–6703F: The text ''Boundaries. Beginning at lat. 47°01″ 32″ N., long. 122°36″ 28″ W.; to lat. 47°03″ 37″ N., long. 122°35″ 40″ W.; to lat. 47°02″ 47″ N., long. 122°33″ 40″ W.; to lat. 47°02″ 43″ N., long. 122°34″ 06″ W.; to lat. 47°02″ 26″ N., long. 122°34″ 22″ W.; to lat. 47°02″ 08″ N., long. 122°34″ 38″ W.; to lat. 47°02″ 02″ N., long. 122°34″ 52″ W.; to lat. 47°01″ 57″ N., long. 122°35″ 05″ W.; to lat. 47°01″ 37″ N., long. 122°35″ 37″ W.; to lat. 47°01″ 32″ N., long. 122°36″ 05″ W.; to the point of beginning.'' is replaced with ''Boundaries. Beginning at lat. 47°01′32″ N., long. 122°36′28″ W.; to lat. 47°03′37″ N., long. 122°35′40″ W.; to lat. 47°02′47″ N., long. 122°33′40″ W.; to lat. 47°02′43″ N., long. 122°34′06″ W.; to lat. 47°02′26″ N., long. 122°34′22″ W.; to lat. 47°02′08″ N., long. 122°34′38″ W.; to lat. 47°02′02″ N., long. 122°34′52″ W.; to lat. 47°01′57″ N., long. 122°35′05″ W.; to lat. 47°01′37″ N., long. 122°35′37″ W.; to lat. 47°01′32″ N., long. 122°36′05″ W.; to the point of beginning.''

This amendment consists of minor editorial changes to correct a typographical error in the geographic coordinates. It does not affect the location, designated altitudes, or activities conducted within the restricted areas; therefore, notice and

public procedure under 5 U.S.C. 553(b) are unnecessary.

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

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the descriptions of certain Restricted areas at Joint Base Lewis-McChord, WA, correcting typographical errors.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with 311d, FAA Order 1050.1E, Environmental Impacts: Policies and Procedures. This airspace action is a minor editorial change to the descriptions of restricted areas R–6703A, R–6703B, R–6703C, R–6703D, R–6703E and R–6703F at Joint Base Lewis-McChord, WA., to correct a typographical error in the geographic coordinates. It does not alter the location, altitudes, or activities conducted within the airspace; therefore, it is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exists that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

Adoption of the Amendment

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

PART 73—SPECIAL USE AIRSPACE

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

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

§ 73.67 [Amended]

■ 2. § 73.67 is amended as follows:

* * * * *

R–6703A Joint Base Lewis-McChord, WA [Amended]

By removing the current boundaries and adding in its place the following:

Boundaries. Beginning at lat. 47°03′ 07″ N., long. 122°41′ 09″ N.; to lat. 47°04′34″ N., long. 122°41′09″ N.; to lat. 47°04′41″ N., long. 122°38′19″ N.; to lat. 47°03′37″ N., long. 122°35′40″ N.; to lat. 47°03′15″ N., long. 122°35′48″ N.; to lat. 47°03′06″ N., long. 122°36′51″ N.; to lat. 47°02′02″ N., long. 122°37′33″ N.; to lat. 47°02′06″ N., long. 122°38′33″ N.; to lat. 47°02′14″ N., long. 122°38′53″ N.; to lat. 47°02′19″ N., long. 122°39′14″ N.; to lat. 47°02′19″ N., long. 122°39′37″ N.; to lat. 47°02′21″ N., long. 122°40′17″ N.; to lat. 47°02′38″ N., long. 122°40′39″ N.; thence via the Nisqually River to the point of beginning.

* * *

R–6703B Joint Base Lewis-McChord, WA [Amended]

By removing the current boundaries and adding in its place the following:

Boundaries. Beginning at lat. 47°01′32″ N., long. 122°36′28'' W.; to lat. 47°01′32″ N., long. 122°36′51″ W.; to lat. 47°01′42″ N., long. 122°37′12″ W.; to lat. 47°02′02″ N., long. 122°37′33″ W.; to lat. 47°03′06″ N., long. 122°36′51″ W.; to lat. 47°03′15″ N., long. 122°35′48″ W.; to the point of beginning.

* * *

R–6703C Joint Base Lewis-McChord, WA [Amended]

By removing the current boundaries and adding in its place the following:

Boundaries. Beginning at lat. 46°59′19″ N., long. 122°37′19″ W.; to lat. 46°59′15″ N., long. 122°37′56″ W.; Thence via the Nisqually River to lat. 47°00′32″ N., long. 122°38′59″ W.; to lat. 47°00′47″ N., long. 122°39′04″ W.; to lat. 47°00′57″ N., long. 122°39′20″ W.; to lat. 47°01′10″ N., long. 122°39′26″ W.; to lat. 47°01′22″ N., long. 122°39′45″ W.; to lat. 47°01′42″ N., long. 122°39′49″ W.; to lat. 47°02′00″ N., long. 122°39′59″ W.; to lat. 47°02′21″ N., long. 122°40′17″ W.; to lat. 47°02′19″ N., long. 122°39′37″ W.; to lat. 47°02′19″ N., long. 122°39′14″ W.; to lat. 47°02′14″ N., long. 122°38′53′ W.; to lat. 47°02′06″ N., long. 122°38′33″ W.; to lat. 47°02′02″ N., long. 122°37′33″ W.; to lat. 47°01′42″ N., long. 122°37′12″ W.; to lat. 47°01′32″ N., long. 122°36′51″ W.; to lat. 47°01′32″ N., long. 122°36′28″ W.; to the point of beginning.

* * *

R–6703D Joint Base Lewis-McChord, WA [Amended]

By removing the current boundaries and adding in its place the following:

Boundaries. Beginning at lat. 46°57′11″ N., long. 122°38′51″ W.; to lat. 46°57′12″ N., long. 122°43′42″ W.; to lat. 47°03′07″ N., long. 122°41′09″ W.; to lat. 47°02′56″ N., long. 122°40′49″ W.; to lat. 47°02′41″ N., long. 122°40′48″ W.; to lat. 47°02′38″ N., long. 122°40′39″ W., to lat. 47°02′21″ N,. long. 122°40′17″ W.; to lat. 47°02′00″ N., long. 122°39′59″ W.; to lat. 47°01′42″ N., long. 122°39′49″ W.; to lat. 47°01′22″ N., long. 122°39′45″ W.; to lat. 47°01′10″ N., long. 122°39′26″ W.; to lat. 47°00′57″ N., long. 122°39′20″ W.; to lat. 47°00′47″ N., long. 122°39′04″ W.; to lat. 47°00′32″ N., long. 122°38′59″ W.; thence via the Nisqually River to lat. 46°59′15″ N., long. 122°37′56″ W.; to lat. 46°59′19″ N., long. 122°37′19″ W.; to lat. 46°58′16″ N., long. 122°37′44″ W.; to the point of beginning.

* * *

R–6703E Joint Base Lewis-McChord, WA [Amended]

By removing the current boundaries and adding in its place the following:

Boundaries. Beginning at lat. 46°57′11″ N., long. 122°38′51″ W.; to lat. 46°54′34″ N., long. 122°41′29″ W.; to lat. 46°54′17″ N., long. 122°43′36″ W.; to lat. 46°55′11″ N., long. 122°44′34″ W.; to lat. 46°57′12″ N., long. 122°43′42″ W.; to the point of beginning.

* * *

R–6703F Joint Base Lewis-McChord, WA [Amended]

By removing the current boundaries and adding in its place the following:

Boundaries. Beginning at lat. 47°01′32″ N., long. 122°36′28″ W.; to lat. 47°03′37″ N., long. 122°35′40″ W.; to lat. 47°02′47″ N., long. 122°33′40″ W.; to lat. 47°02′43″ N., long. 122°34′06″ W.; to lat. 47°02′26″ N., long. 122°34′22″ W.; to lat. 47°02′08″ N., long. 122°34′38″ W.; to lat. 47°02′02″ N., long. 122°34′52″ W.; to lat. 47°01′57″ N., long. 122°35′05″ W.; to lat. 47°01′37″ N., long. 122°35′37″ W.; to lat. 47°01′32″ N., long. 122°36′05″ W.; to the point of beginning.

* * *

Issued in Washington, DC, on April 1, 2015.

Gary A. Norek,

Manager, Airspace Policy and Regulations Group.

[FR Doc. 2015–08005 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 774

[Docket No. 141204999–5186–01]

RIN 0694–AG41

Revisions to the Export Administration Regulations Based on the 2014 Missile Technology Control Regime Plenary Agreements

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Industry and Security (BIS) is amending the Export Administration Regulations (EAR) to reflect changes to the Missile Technology Control Regime (MTCR) Annex that were agreed to by MTCR member countries at the September and October 2014 Plenary in Oslo, Norway, and pursuant to the 2014 Technical Experts Meeting in Prague, Czech Republic. This rule also makes conforming changes to correlate the Commerce Control List (CCL) (Supplement No. 1 to Part 774 of the EAR) with the current MTCR Annex. This final rule revises six Export Control Classification Numbers (ECCNs) to implement the changes that were agreed to at the meetings and to better align the MT controls on the CCL with the MTCR Annex.

DATES: This rule is effective April 7, 2015.

FOR FURTHER INFORMATION CONTACT: Sharon Bragonje, Nuclear and Missile Technology Controls Division, Bureau of Industry and Security, Phone: (202) 482–0434; Email: *sharon.bragonje@bis.doc.gov*.

SUPPLEMENTARY INFORMATION:

Background

The MTCR is an export control arrangement among 34 nations, including most of the world's suppliers of advanced missiles and missile-related equipment, materials, software and technology. The regime establishes a common list of controlled items (the Annex) and a common export control policy (the Guidelines) that member countries implement in accordance with their national export controls. The MTCR seeks to limit the risk of proliferation of weapons of mass destruction by controlling exports of goods and technologies that could make a contribution to delivery systems (other than manned aircraft) for such weapons.

In 1992, the MTCR's original focus on missiles for nuclear weapons delivery was expanded to include the proliferation of missiles for the delivery of all types of weapons of mass destruction (WMD), *i.e.*, nuclear, chemical and biological weapons. Such proliferation has been identified as a threat to international peace and security. One way to counter this threat is to maintain vigilance over the transfer of missile equipment, material, and related technologies usable for systems capable of delivering WMD. MTCR members voluntarily pledge to adopt the regime's export Guidelines and to restrict the export of items contained in the regime's Annex. The regime's Guidelines are implemented through the national export control laws, regulations and policies of the regime members.

Amendments to the Export Administration Regulations

This final rule revises the EAR to reflect changes to the MTCR Annex agreed to at the September and October 2014 Plenary in Oslo, Norway and pursuant to the 2014 Technical Experts Meeting in Prague, Czech Republic. Corresponding MTCR Annex references are provided below for the MTCR Annex changes agreed to at the meetings. This rule also makes three conforming changes to correlate the Commerce Control List (CCL) (Supplement No. 1 to Part 774 of the EAR) with the current MTCR Annex. These conforming changes are made to better align the MT controls on the CCL with the MTCR Annex. In the explanation below for the revisions made in this rule, BIS identifies these changes as follows: ''Oslo 2014 Plenary,'' ''Prague 2014 TEM,'' and ''CCL Conforming Change to MTCR Annex'' to assist the public in understanding the origin of each change included in this final rule.

Specifically, the following six ECCNs are affected by the changes set forth in this final rule:

ECCN 1C111. This final rule amends ECCN 1C111 by revising paragraph a.1 in the List of Items Controlled section to correct an omission error in the ISO standard referenced in order to reference the proper standard. Specifically, this final rule adds a dash and the number one ''–1'' after the number 2591, so the ISO standard correctly reads ''ISO 2591–1:1988.'' (MTCR Annex Change, Category II: Item 4.C.2.c., Prague 2014 TEM). This change is not expected to have any impact on the number of license applications received by BIS.

ECCN 1C111. This final rule also amends ECCN 1C111 by revising the Technical Note to paragraph b.5 and paragraphs d.7, d.14 and d.18 in the List of Items Controlled section to add CAS (Chemical Abstracts Service) Numbers. CAS Numbers are a numerical identifier assigned by the Chemical Abstracts Service (CAS) to every chemical substance described in the open scientific literature, including organic and inorganic compounds, minerals, isotopes and alloys. The inclusion of CAS Numbers will make it easier to identify the materials controlled under these ''items'' paragraphs of 1C111. Specifically, this final rule revises the Technical Note to paragraph b.5 to add the CAS Number ''(CAS 110–63–4)'' after the material ''poly 1,4-Butanediol'' and the CAS Number ''(CAS 25322–68–3)'' after the material ''polyethylene glycol (PEG).'' (MTCR Annex Change, Category II: Item 4.C.5.g., Oslo 2014 Plenary). This final rule revises paragraph d.7 to add the CAS Number ''(CAS 5164–11–4)'' after ''N,N diallylhydrazine.'' (MTCR Annex Change, Category II: Item 4.C.2.b.6., Oslo 2014 Plenary). This final rule revises paragraph d.14 to add the CAS Number ''(CAS 13464–98–7)'' after the material ''Hydrazinium dinitrate.'' (MTCR Annex Change, Category II: Item 4.C.2.b.13., Oslo 2014 Plenary). Lastly, this final rule revises paragraph d.18 to add the CAS Number ''(CAS 29674–96–2)'' after the material ''Methylhydrazine nitrate (MHN).'' (MTCR Annex Change, Category II: Item 4.C.2.b.18., Oslo 2014 Plenary). These changes are not expected to have any impact on the number of license applications received by BIS.

ECCN 3A101. This final rule revises paragraph a.2.a to remove paragraph a.2.a.1 and revises paragraph a.2.b to remove paragraph a.2.b.1 in the List of Items Controlled section because the quantization requirement was removed in the MTCR Annex. This final rule also redesignates paragraph a.2.a.2 as new paragraph a.2.a.1, and paragraph a.2.a.3 as new paragraph a.2.a.2 as a conforming change to the removal of items paragraph a.2.a.1. This final rule also redesignates paragraph a.2.b.2 as new paragraph a.2.b.1 and paragraph a.2.b.3 as new paragraph a.2.b.2 as a conforming change to the removal of paragraph a.2.b.1. (MTCR Annex Change, Category II: Item 14.A.1.,

Prague 2014 TEM). Paragraphs a.2.a and a.2.b are being revised to correspond with advances in technology. MTCR partners agreed it was no longer necessary to specify that the analogue-to-digital converters have an 8 bit quantization, as most microcircuits will have this capability. Those at 8 bits or above will remain controlled by ECCN 3A001.a.5.a., while the revised 3A101.a will cover those less than 8-bits. Although this change expands the scope of the 3A101, this change is not expected to have any impact on the number of license applications received by BIS because very few microcircuits are currently classified under this ECCN.

ECCN 9A106. This final rule revises paragraph d and the Note to paragraph d in the List of Items Controlled section. (MTCR Annex Change, Category II: Item 3.A.5., Oslo 2014 Plenary). This final rule revises ''items'' paragraph d by removing the term ''and'' and then adding the phrase ''and gel'' before the term ''propellant.'' Paragraph d, as a result of this change, will now control liquid, slurry and gel propellant control systems. These changes to paragraph d are being made to better control the components of propellant control systems, as well as to clarify how the parameters are applied in the context of 9A106. The term ''gel'' needs to be added to the control parameter of 9A106.d because gel is not technically a slurry. Therefore, in order to ensure that all of the intended propellant control systems are adequately described under this paragraph d, the term ''gel'' needs to be added.

Also in ECCN 9A106, this final rule revises the Note to paragraph d to delete the term ''and'' in the introductory text and to add the phrase ''and gas turbines'' after the term ''pumps'' to clarify only servo valves, pumps and gas turbines that are specified under paragraphs a, b or c are classified under 9A106.d. In addition, this final rule clarifies the scope of the Note to paragraph d by adding the phrase ''at the maximum operating mode'' after the control parameter 8,000 rpm to add greater specificity for how to apply this control parameter. Lastly, this final rule adds a new paragraph c to the Note to paragraph d to specify that gas turbines, for liquid propellant turbopumps, with shaft speeds equal to or greater than 8,000 rpm at the maximum operating mode are also controlled under 9A106.d. The changes will result in an expansion of the control parameter, so this change is expected to result in an increase of 1–2 applications received annually by BIS.

ECCN 9A110. This final rule revises the heading of ECCN 9A110. (Category II: Item 6.A.1., CCL Conforming Change to MTCR Annex). Prior to publication of this final rule, the heading of 9A110 included references to several ECCNs that are ''subject to the ITAR'' that themselves refer to the USML. The heading structure of 9A110 was slightly convoluted and difficult to understand. Therefore, this final rule revises the heading of 9A110 to make the control parameter simpler and clearer. The revisions do not change the scope of control of 9A110. These revisions to the heading of 9A110, and the additions of 9A604.f and 9A610.t described below, will better reflect the control text of the MTCR Annex with the added benefits of being simpler and easier to understand, in particular for where composite materials for commercial UAVs (under 9A110) are classified on the CCL and where composite materials for military UAVs (under 9A604.f and 9A610.t) are classified on the CCL. This change to 9A110 is not expected to have any impact on the number of license applications received by BIS.

ECCN 9A604. This final rule adds a new paragraph .f in the List of Items Controlled section. (Category II: Item 6.A.1., CCL Conforming Change to MTCR Annex). Paragraph f will control composite structures, laminates and manufactures thereof ''specially designed'' for the items controlled under USML Category IV that are specified in paragraphs f.1–f.7. Such commodities previously were classified under ECCN 9A604.x. This final rule adds a new paragraph f to allow a clearer identification of these commodities and for the designation of MT license requirements. This final rule also revises the ''MT'' control in the Reason for Control paragraph in the License Requirements section to add 9A604.f to the MT control. This addition of 9A604.f is made for consistency with the MTCR Annex. Those composite structures, laminates and manufactures thereof ''specially designed'' for items controlled under USML IV but that do not meet the MTCR thresholds remain controlled under 9A604.x. This change is not expected to have any impact on the number of license applications received by BIS.

ECCN 9A610. This final rule adds a new paragraph t in the List of Items Controlled section. (Category II: Item 6.A.1., CCL Conforming Change to MTCR Annex). Paragraph t will control composite structures, laminates and manufacturers thereof ''specially designed'' for unmanned aerial vehicles controlled under USML Category VIII(a) with a range equal to or greater than 300 km. Such commodities previously were classified under ECCNs 9A610.x. This final rule adds new paragraph t to allow a clearer identification of these commodities and also for consistency with the MTCR Annex. This final rule also makes two conforming changes in the Reason for Control paragraph in the License Requirements section. First, this final rule revises the ''NS'' control in the Reason for Control paragraph in the License Requirements section to add the new 9A610.t to the list of 9A610 commodities that are not subject to the ''NS'' control. Second, this final rule revises the ''MT'' control in the Reason for Control paragraph in the License Requirements section to add 9A610.t to the MT control. Lastly, this final rule revises the Related Control in the List of Items Controlled section to remove Related Controls paragraph (2) because it is no longer needed due to the revisions made to 9A110, 9A604 and 9A610. BIS evaluated whether adding a Related Controls reference in 9A110 to 9A604.f and 9A610.t would be helpful, but decided it was not needed because the CCL Order of Review in Supplement No. 4 to part 774 already directs persons to review the 9x515 and ''600 series'' ECCNs prior to reviewing other ECCNs on the CCL. This change is not expected to have any impact on the number of license applications received by BIS.

Savings Clause

Shipments of items removed from eligibility for a License Exception or export or reexport without a license (NLR) as a result of this regulatory action that were on dock for loading, on lighter, laden aboard an exporting or reexporting carrier, or enroute aboard a carrier to a port of export or reexport, on April 7, 2015, pursuant to actual orders for export or reexport to a foreign destination, may proceed to that destination under the previous eligibility for a License Exception or export or reexport without a license (NLR) so long as they are exported or reexported before May 7, 2015. Any such items not actually exported or reexported before midnight, on May 7, 2015, require a license in accordance with this rule.

Export Administration Act

Although the Export Administration Act expired on August 20, 2001, the President, through Executive Order 13222 of August 17, 2001, 3 CFR, 2001 Comp., p. 783 (2002), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013) and as extended by the Notice of August 7, 2014, 79 FR 46959 (August 11, 2014),

has continued the Export Administration Regulations in effect under the International Emergency Economic Powers Act. BIS continues to carry out the provisions of the Export Administration Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222.

Regulatory Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distribute impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule has been determined to be significant for purposes of Executive Order 12866.

2. Notwithstanding any other provision of law, no person may be required to respond to or be subject to a penalty for failure to comply with a collection of information, subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. This regulation involves collections previously approved by OMB under control number 0694–0088, Simplified Network Application Processing System, which includes, among other things, license applications and carries a burden estimate of 43.8 minutes for a manual or electronic submission. Total burden hours associated with the PRA and OMB control number 0694–0088 are expected to increase slightly as a result of this rule. You may send comments regarding the collection of information associated with this rule, including suggestions for reducing the burden, to Jasmeet K. Seehra, Office of Management and Budget (OMB), by email to *Jasmeet_K._Seehra@omb.eop.gov*, or by fax to (202) 395–7285.

3. This rule does not contain policies with Federalism implications as that term is defined under E.O. 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (5 U.S.C. 553(a)(1)). Immediate implementation of these amendments fulfills the United States' international commitments to the MTCR. The MTCR contributes to international peace and security by promoting greater responsibility in transfers of missile technology items that could make a contribution to delivery systems (other than manned aircraft) for weapons of mass destruction. The MTCR consists of 34 member countries that act on a consensus basis and the changes set forth in this rule implement agreements reached by MTCR member countries at the September and October 2014 Plenary in Oslo, Norway and at the 2014 Technical Experts Meeting in Prague, Czech Republic Since the United States is a significant exporter of the items in this rule, implementation of this provision is necessary for the MTCR to achieve its purpose. Moreover, it is in the public interest to waive the notice and comment requirements, as any delay in implementing this rule will disrupt the movement of affected items globally because of disharmony between export control measures implemented by MTCR members. Export controls work best when all countries implement the same export controls in a timely manner. If this rulemaking were delayed to allow for notice and comment and a 30 day delay in effectiveness, it would prevent the United States from fulfilling its commitment to the MTCR in a timely manner, would injure the credibility of the United States in this and other multilateral regimes, and may impair the international communities' ability to effectively control the export of certain potentially national- and international-security-threatening materials.

Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. Therefore, this regulation is issued in final form.

List of Subjects in 15 CFR Part 774

Exports, Reporting and recordkeeping requirements.

Accordingly, part 774 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

PART 774—[AMENDED]

■ 1. The authority citation for 15 CFR part 774 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*; 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 15 U.S.C. 1824a; 50 U.S.C. app. 5; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 7, 2014, 79 FR 46959 (August 11, 2014).

■ 2. In Supplement No. 1 to part 774 (the Commerce Control List), Category 1—Special Materials and Related Equipment, Chemicals, ''Microorganisms'' and ''Toxins,'' Export Control Classification Number (ECCN) 1C111 is amended:

■ a. By revising the introductory text of ''items'' paragraph a.1 in the List of Items Controlled section;

■ b. By revising the Technical Note to ''items'' paragraph b.5 in the List of Items Controlled section; and

■ c. By revising ''items'' paragraphs d.7, d.14, and d.18 in the List of Items Controlled section to read as follows:

Supplement No. 1 to Part 774—The Commerce Control List

* * * * *

1C111 Propellants and Constituent Chemicals for Propellants, Other Than Those Specified in 1C011, as Follows (See List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

a. * * *

a.1. Spherical or spheroidal aluminum powder (C.A.S. 7429–90–5) in particle size of less than 200×10^{-6} m (200 μm) and an aluminum content of 97% by weight or more, if at least 10 percent of the total weight is made up of particles of less than 63 μm, according to ISO 2591–1:1988 or national equivalents.

* * * * *

b. * * *

* * * * *

b.5. * * *

Technical Note: *Polytetrahydrofuran polyethylene glycol (TPEG) is a block copolymer of poly 1,4-Butanediol (CAS 110–63–4) and polyethylene glycol (PEG) (CAS 25322–68–3).*

* * * * *

d. * * *

* * * * *

d.7. N,N diallylhydrazine (CAS 5164–11–4);

* * * * *

d.14. Hydrazinium dinitrate (CAS 13464–98–7);

* * * * *

d.18. Methylhydrazine nitrate (MHN) (CAS 29674–96–2);

* * * * *

■ 3. In Supplement No. 1 to part 774 (the Commerce Control List), Category 3—Electronics, Export Control Classification Number (ECCN) 3A101 is amended by revising ''items'' paragraphs a.2.a and a.2.b in the List of Items Controlled section to read as follows:

3A101 Electronic Equipment, Devices, ''Parts'' and ''Components,'' Other Than Those Controlled by 3A001, as Follows (See List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

a. * * *

a.2.a. Analog-to-digital converter microcircuits which are radiation-hardened or have all of the following characteristics:

a.2.a.1. Rated for operation in the temperature range from below −54°C to above +125°C; *and*

a.2.a.2. Hermetically sealed; *or*

a.2.b. Electrical input type analog-to-digital converter printed circuit boards or modules, having all of the following characteristics:

a.2.b.1. Rated for operation in the temperature range from below −45°C to above +80°C; *and*

a.2.b.2. Incorporating microcircuits identified in 3A101.a.2 .a;

* * * * *

■ 4. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A106 is amended by revising ''items'' paragraph d, including the Note to paragraph d, in the List of Items Controlled section to read as follows:

9A106 Systems, ''Parts'' or ''Components,'' Other Than Those Controlled by 9A006, Usable in ''Missiles'', and ''Specially Designed'' for Liquid Rocket Propulsion Systems, as Follows (See List of Items Controlled).

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

d. Liquid, slurry and gel propellant (including oxidizers) control systems, and ''specially designed'' ''parts'' and ''components'' therefor, designed or modified to operate in vibration environments greater than 10 g rms between 20 Hz and 2000 Hz.

Note: *The only servo valves, pumps and gas turbines controlled by 9A106.d, are the following:*

a. Servo valves designed for flow rates equal to or greater than 24 liters per minute, at an absolute pressure equal to or greater than 7 MPa, that have an actuator response time of less than 100 ms;

b. Pumps, for liquid propellants, with shaft speeds equal to or greater than 8,000 rpm at the maximum operating mode or with discharge pressures equal to or greater than 7 Mpa; or

c. Gas turbines, for liquid propellant turbopumps, with shaft speeds equal to or greater than 8,000 rpm at the maximum operating mode.

* * * * *

■ 5. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A110 is amended:

■ a. By revising the heading; and

■ b. By revising the Related Controls paragraph in the List of Items Controlled section to read as follows:

9A110 Composite Structures, Laminates and Manufactures Thereof ''Specially Designed'' for 9A012 Items That are Controlled for MT Reasons.

* * * * *

List of Items Controlled

Related Controls: See also 1A002.

* * * * *

■ 6. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A604 is amended:

■ a. By revising the third entry in the License Requirements table; and

■ b. By adding items paragraph f. to the List of Items Controlled section to read as follows:

9A604 Commodities Related to Launch Vehicles, Missiles, and Rockets (See List of Items Controlled).

License Requirements

Reason for Control: * * *

Control(s)	Country chart (see Supp. No. 1 to part 738)
* * *	* *
MT applies to 9A604.a, .c, .d, and .f.	MT Column 1.
* * *	* *

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

f. Composite structures, laminates and manufactures thereof ''specially designed'' for the following items controlled under USML Category IV:

f.1. Systems capable of a range equal to or greater than 300 km;

f.2. Individual rocket stages usable in 9A604.f.1. systems;

f.3. Solid propellant rocket motors or hybrid rocket motors having a total impulse capacity equal to or greater than 8.41×10^5 Ns; or

f.4. Liquid propellant rocket engines integrated, or designed or modified to be integrated, into a liquid propellant propulsion system which has a total impulse capacity equal to or greater than 8.41×10^5 Ns.

f.5. Thrust vector control systems usable in rockets, space launch vehicles (SLVs), and missiles capable of delivering at least a 500 kg payload to a range of at least 300 km.

f.6. Re-entry vehicles or warhead heat shields usable in rockets, SLVs, and missiles capable of delivering at least a 500 kg payload to a range of at least 300 km.

f.7. Safing, arming, fuzing, and firing components usable in rockets, SLVs, and missiles capable of delivering at least a 500 kg payload to a range of at least 300 km.

* * * * *

■ 7. In Supplement No. 1 to part 774 (the Commerce Control List), Category 9—Aerospace and Propulsion, Export Control Classification Number (ECCN) 9A610 is amended:

■ a. By revising the first and third entries in the License Requirements table; and

■ b. By adding ''items'' paragraph t to the List of Items Controlled section to read as follows:

9A610 Military Aircraft and Related Commodities, Other Than Those Enumerated in 9A991.a (See List of Items Controlled).

License Requirements

Reason for Control: * * *

Control(s)	Country chart (see Supp. No. 1 to part 738)
NS applies to entire entry except 9A610.t, .u, .v, .w, and .y.	NS Column 1.
* * *	* *
MT applies to 9A610.t, .u, .v, and .w.	MT Column 1.
* * *	* *

* * * * *

List of Items Controlled

* * * * *

Items:

* * * * *

t. Composite structures, laminates and manufactures thereof ''specially designed'' for unmanned aerial vehicles controlled under USML Category VIII(a) with a range equal to or greater than 300 km.

* * * * *

Dated: April 1, 2015.

Kevin J. Wolf,

Assistant Secretary for Export Administration.

[FR Doc. 2015–07872 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 3510–33–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 11

[Docket No. RM11–6–000]

Annual Update to Fee Schedule for the Use of Government Lands by Hydropower Licensees

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Correcting amendments.

SUMMARY: The Federal Energy Regulatory Commission published a document in the **Federal Register** on Tuesday, January 20, 2015 (80 FR 2591), providing the annual update to the fee schedule in Appendix A to Part 11, which lists per-acre rental fees by county (or other geographic area) for use of government lands by hydropower licensees and updating Appendix A to Part 11 with the fee schedule of per-acre rental fees by county (or other geographic area) from October 1, 2014, through September 30, 2015 (Fiscal Year 2015).

DATES: Effective April 7, 2015.

FOR FURTHER INFORMATION CONTACT: Norman Richardson, Financial Management Division, Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, (202) 502–6219, *Norman.Richardson@ferc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of FERC's Errata Notice, issued on March 30, 2015.

On January 8, 2015, the Commission issued a Final Rule in the above-captioned proceeding. *Annual Update to Fee Schedule for the Use of Government Lands by Hydropower License,* 150 FERC ¶ 62,012 (2015). This document makes corrections to the per-acre values for the State of Alaska in the final rule published in the **Federal Register** on January 20, 2015 (80 FR 2591).

List of Subjects in 18 CFR Part 11

Public lands.

Accordingly, 18 CFR part 11 is corrected by making the following correcting amendments:

PART 11—ANNUAL CHARGES UNDER PART I OF THE FEDERAL POWER ACT

■ 1. The authority citation for Part 11 continues to read as follows:

Authority: 16 U.S.C. 792–828c; 42 U.S.C. 7101–7352.

■ 2. Amend Appendix A to Part 11 by revising the entries for Alaska to read as follows:

Appendix A to Part 11—Fee Schedule for FY 2015

State	County	Fee/ Acre Yr
*	* * *	*
Alaska	Aleutian Islands Area	$1.58
	Anchorage Area	33.28
	Fairbanks Area	19.49
	Juneau Area	33.28
	Kenai Peninsula	33.28
	All Areas	9.81
*	* * *	*

Issued: March 30, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–07927 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2014–0477; FRL–9925–77–Region 10]

Approval and Promulgation of Implementation Plans; Idaho

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to partially approve the May 22, 2014, State Implementation Plan (SIP) submittal from Idaho to revise the SIP to update the incorporation by reference of Federal air quality regulations into the SIP. The EPA is also taking final action to partially disapprove Idaho's incorporation by reference of certain provisions of the Federal prevention of significant deterioration (PSD) permitting rules that have been vacated by a Federal Court. As a result of this action, the Idaho SIP is updated to incorporate by reference certain Federal regulations as of July 1, 2013.

DATES: This final rule is effective on May 7, 2015.

ADDRESSES: The EPA has established a docket for this action under Docket Identification No. EPA–R10–OAR–2014–0477. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at EPA Region 10, Office of Air, Waste, and Toxics, AWT–150, 1200 Sixth Avenue, Seattle, Washington 98101. The EPA requests that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Donna Deneen at (206) 553–6706, *deneen.donna@epa.gov,* or by using the above EPA, Region 10 address.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we,'' ''us'' or ''our'' is used, it is intended to refer to the EPA.

Table of Contents

I. Background
II. Final Action
III. Incorporation by Reference
IV. Statutory and Executive Order Reviews

I. Background

In a notice of proposed rulemaking published on January 7, 2015 (80 FR 834), the EPA proposed action on revisions to the Idaho SIP to account for regulatory updates adopted by the Idaho Board of Environmental Quality on October 17, 2013 and submitted to the EPA on May 22, 2014. Please see our January 7, 2015, proposed rulemaking for further explanation of the revisions and the basis for our proposal to partially approve and partially disapprove the May 22, 2014, SIP submittal from Idaho. The public

comment period for the proposed rule ended on February 6, 2015. No comments were received on the proposal.

II. Final Action

Provisions the EPA is Approving and Incorporating by Reference

Consistent with the discussion and analysis in the proposed rulemaking published on January 7, 2015, the EPA is partially approving and incorporating by reference the May 22, 2014, submittal from Idaho. Specifically, we are approving and incorporating by reference the revisions to IDAPA 58.01.01.107.02 ''Availability of Reference Materials'' and IDAPA 58.01.01.107.03 ''Incorporations by Reference,'' except that we are partially disapproving the revision to IDAPA 58.01.01.107.03(c) as it relates to the incorporation by reference of specific vacated provisions at 40 CFR 52.21 (namely, 40 CFR 52.21(i)(5)(i)(c) and 40 CFR 52.21(k)(2)) for the reasons discussed in the proposal. This action updates the Idaho SIP to incorporate by reference certain Federal regulations as of July 1, 2013.

III. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Idaho Department of Environmental Quality regulations described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents generally available electronically through *www.regulations.gov* and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because this action does not involve technical standards; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction. In those areas of Indian country, the rule does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 8, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

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

Dated: March 9, 2015.

Dennis J. McLerran,

Regional Administrator, Region 10.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart N—Idaho

■ 2. In § 52.670, the table in paragraph (c) is amended by revising entry 107 to read as follows:

§ 52.670 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED IDAHO REGULATIONS AND STATUTES

State citation	Title/subject	State effective date	EPA Approval date	Explanations
Idaho Administrative Procedures Act (IDAPA) 58.01.01—Rules for the Control of Air Pollution in Idaho				
*	*	*	*	*
107	Incorporations by Reference.	3/20/2014, 3/30/2007, 7/1/1997, 5/1/1994	4/7/2015 [Insert **Federal Register** citation].	Except Section 107.03(f) through (p), and with respect to 107.03(c), its incorporation by reference of 40 CFR 52.21(i)(5)(i)(*c*) and (k)(2).
*	*	*	*	*

* * * * *

■ 3. Section 52.683 is amended by revising paragraph (a) to read as follows:

§ 52.683 Significant deterioration of air quality.

(a) The State of Idaho Rules for Control of Air Pollution in Idaho, specifically, IDAPA 58.01.01.005 through 007 (definitions), IDAPA 58.01.01.107.03(a), (b), (c) (incorporations by reference)(except, with respect to Section 107.03(c), its incorporation by reference of 40 CFR 52.21(i)(5)(i)(*c*) and (k)(2)), IDAPA 58.01.01.200 through 222 (permit to construct rules); IDAPA 58.01.01.510 through 516 (stack height rules); and IDAPA 58.01.01.575 through 581 (standards, increments and area designations) (except Section 577), are approved as meeting the requirements of title I, part C, subpart 1 of the Clean Air Act for preventing significant deterioration of air quality.

* * * * *

[FR Doc. 2015–07821 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R09–OAR–2014–0813; FRL–9925–30–Region 9]

Designation of Areas for Air Quality Planning Purposes; California; San Joaquin Valley; Reclassification as Serious Nonattainment for the 1997 $PM_{2.5}$ Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to reclassify the San Joaquin Valley (SJV) Moderate nonattainment area, including areas of Indian country within it, as a Serious nonattainment area for the 1997 $PM_{2.5}$ national ambient air quality standards (NAAQS) based on EPA's determination that the area cannot practicably attain these NAAQS by the applicable attainment date of April 5, 2015 and in response to a request from the SJV Air Pollution Control District that we reclassify the area. As a consequence of this reclassification, California must submit a Serious area plan including a demonstration that the plan provides for attainment of the 1997 annual and 24-hour $PM_{2.5}$ standards in the SJV area by the applicable attainment date, which is no later than December 31, 2015, or by the most expeditious alternative date practicable, in accordance with the requirements of part D of title I of the Clean Air Act.

DATES: This rule is effective on May 7, 2015.

ADDRESSES: The index to the docket (docket number EPA–R09–OAR–2014–0813) for this action is available electronically on the *www.regulations.gov* Web site and in hard copy at EPA Region 9, 75 Hawthorne Street, San Francisco, California, 94105. While all documents in the docket are listed in the index, some information may be publicly available for viewing only at the hard copy location (*e.g.,* copyrighted material, voluminous records, large maps), and some may not be publicly available at either location (*e.g.,* CBI). To inspect the docket materials in person, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section below.

FOR FURTHER INFORMATION CONTACT: Anita Lee, Air Planning Office (AIR–2), U.S. Environmental Protection Agency, Region 9, (415) 972–3958, *lee.anita@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to EPA.

Table of Contents

I. Proposed Action
II. Public Comments and EPA Responses
III. Final Action
A. Reclassification as Serious Nonattainment and Applicable Attainment Dates
B. Reclassification of Areas of Indian Country
C. $PM_{2.5}$ Serious Area SIP Requirements
IV. Statutory and Executive Order Reviews

I. Proposed Action

On January 12, 2015 (80 FR 1482), EPA proposed to reclassify the SJV nonattainment area, including areas of Indian country within it, from Moderate nonattainment to Serious nonattainment for the 1997 annual and 24-hour $PM_{2.5}$ standards based on EPA's determination that the area cannot practicably attain these NAAQS by the applicable attainment date of April 5, 2015.[1] Under section 188(b)(1) of the CAA, prior to an area's attainment date, EPA has discretionary authority to reclassify as a Serious nonattainment area ''any area that the Administrator determines cannot practicably attain'' the $PM_{2.5}$ NAAQS by the applicable Moderate area attainment date.[2] On September 25, 2014, the District requested that EPA reclassify the SJV nonattainment area as Serious nonattainment for the 1997 $PM_{2.5}$ standards. This request included a demonstration that the SJV area cannot practicably attain the 1997 annual $PM_{2.5}$ standard by the April 5,

[1] *See* proposed rule at 80 FR 1482 (January 12, 2015) for a more detailed discussion of the background for this action, including the history of the $PM_{2.5}$ NAAQS established in 1997, health effects and sources of $PM_{2.5}$, designation of the SJV as nonattainment for the $PM_{2.5}$ standards, and EPA's actions on the submittals from the state of California to address the nonattainment area planning requirements for the 1997 $PM_{2.5}$ NAAQS in the SJV.

[2] Section 188(b)(1) of the Act is a general expression of delegated rulemaking authority. See ''State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498 (April 16, 1992) (hereafter ''General Preamble'') at 13537, n. 15. Although subparagraphs (A) and (B) of section 188(b)(1) mandate that EPA reclassify by specified timeframes any areas that it determines appropriate for reclassification by those dates, these subparagraphs do not restrict the general authority but simply specify that, at a minimum, EPA's authority must be exercised at certain times. *See id.*

2015 attainment date.[3] EPA's proposed reclassification of the SJV area was based upon our evaluation of ambient air quality data for the 2003–2014 period indicating that it is not practicable for certain monitoring sites within the SJV area to show $PM_{2.5}$ design values at or below the level of the 1997 $PM_{2.5}$ NAAQS by April 5, 2015.

In our proposed rule, EPA identified the additional SIP revisions that California would, upon reclassification, have to submit to satisfy the statutory requirements that apply to Serious areas, including the requirements of subpart 4 of part D, title I of the Act.[4] EPA explained that under section 189(b)(2) of the Act, the State must submit the required provisions to implement best available control measures (BACM), including best available control technology (BACT), no later than 18 months after reclassification and must submit the required attainment demonstration no later than 4 years after reclassification. Given the December 31, 2015, Serious area attainment date applicable to this area under CAA section 188(c)(2), however, we noted that we expect the State to adopt and submit a Serious area plan for these NAAQS well before the statutory SIP submittal deadlines in CAA section 189(b)(2).[5]

With respect to the nonattainment new source review (NNSR) program revisions to establish appropriate ''major stationary source'' thresholds for direct $PM_{2.5}$ and $PM_{2.5}$ precursors in accordance with CAA section 189(b)(3), EPA proposed to require the State to submit these NNSR SIP revisions no later than 12 months after the effective date of final reclassification. EPA requested comment on this proposed 12-month timeframe but also noted that if California intended to seek an extension of the Serious area attainment date, the State would need to submit a request that satisfies the requirements of CAA section 188(e), including the required NNSR SIP revisions, in time for EPA to approve such an extension prior to the December 31, 2015 Serious area attainment date.

II. Public Comments and EPA Responses

EPA received one comment letter on our proposed action. The comment letter was submitted by the San Joaquin Valley Air Pollution Control District (''SJVAPCD'' or ''District'') on February 11, 2015, prior to the close of the comment period on our proposal.[6] We summarize the District's comments and provide our responses below.

Comment: The SJVAPCD expresses support for EPA's proposed 12-month timeframe for California's submission of the required NNSR SIP revisions but objects to EPA's statement indicating that, to obtain an extension of the attainment date under CAA section 188(e), the state must submit these NNSR revisions ''in time for EPA to approve such an extension prior to the December 31, 2015 Serious area attainment date.'' The District asserts that EPA ''provides no valid justification for this requirement'' and that section 188(e) of the Act contains ''no mention of NSR, either directly or by implication, that would lead one to believe that the updated NSR rule is required prior to approval of the attainment deadline extension.'' The District contends that delays in EPA's regulatory actions related to implementation of the 1997 $PM_{2.5}$ standards justify a different schedule for this submission.

In sum, the District asserts that EPA is asking the District to begin an expedited process to adopt a serious area NSR rule before the area is reclassified as a Serious area and without implementation rules or guidance. The SJVAPCD requests that EPA decide in the final rule to require the District to submit a revised NNSR rule within 12 months after EPA's final reclassification action and also to decide that ''such an NSR rule adoption deadline does not interfere with EPA's ability to approve an attainment deadline extension under 188(e).''

Response: As a preliminary matter, EPA notes that nothing in the CAA requires the Agency to promulgate any implementation rules or guidance with respect to implementation of the 1997 $PM_{2.5}$ NAAQS. The statutory provisions of the 1990 CAA Amendments addressing implementation of the PM_{10} NAAQS and EPA guidance for implementation of the PM_{10} NAAQS dating back to 1992 and 1994 are still applicable and relevant to this action.[7] Thus, the absence of revised implementation rules or additional guidance is not itself a basis for setting a particular schedule for a state to make a statutorily required SIP submission.

Upon further consideration of this question, however, EPA has determined that the specific factual circumstances in this instance justify the 12 months sought by SJVAPCD for the submission of the NNSR revisions. Accordingly, we are finalizing our proposal to require that California adopt and submit NNSR SIP revisions to implement the subpart 4 requirements for Serious $PM_{2.5}$ nonattainment areas in the SJV area no later than 12 months after the effective date of this reclassification. In light of the unique circumstances in the SJV, as discussed below, we do not intend at this time to treat these NNSR SIP revisions as a precondition to a request for an extension of the Serious area attainment date under CAA section 188(e).

Under section 188(e) of the Act, a state may apply to EPA for a single extension of the Serious area attainment date by up to 5 years, which EPA may grant if the State satisfies certain conditions. Before EPA may extend the attainment date for a Serious area under section 188(e), the state must: (1) Apply for an extension of the attainment date beyond the statutory attainment date; (2) demonstrate that attainment by the statutory attainment date is impracticable; (3) have complied with all requirements and commitments pertaining to the area in the implementation plan; (4) demonstrate to the satisfaction of the Administrator that the plan for the area includes the most stringent measures that are included in the implementation plan of any State or are achieved in practice in any State, and can feasibly be implemented in the area; and (5) submit a demonstration of attainment by the most expeditious alternative date practicable.[8] Section

[3] *See* letter titled ''Sadredin Memo'' in the docket for this rulemaking at EPA–R09–OAR–2014–0813–0002.

[4] *See* 80 FR 1482 at 1488 (January 12, 2015).

[5] *Id.* at 1489.

[6] *See* letter dated February 11, 2015, from Seyed Sadredin, Executive Director/Air Pollution Control Officer of the SJVAPCD, to Anita Lee, EPA Region 9, ''Re: Docket No. EPA–R09–OAR–2014–0813: Comments on Designation of Areas for Air Quality Planning Purposes; California; San Joaquin Valley; Reclassification as Serious Nonattainment for the 1997 $PM_{2.5}$ Standards. Proposed Rule (80 FR 7, pp. 1482–1491, January 12, 2015).''

[7] *See generally* subpart 4 of part D, title I of the CAA (''Additional Provisions for Particulate Matter Nonattainment Areas''); the General Preamble, 57 FR 13498 (April 16, 1992); and the Addendum, 59 FR 41998 (August 16, 1994); *see also Natural Resources Defense Council (NRDC)* v. *EPA,* 706 F.3d 428 (D.C. Cir. 2013) (ruling that the CAA requires implementation of the $PM_{2.5}$ standards under subpart 4 because $PM_{2.5}$ particles fall within the statutory definition of PM_{10}).

[8] For a discussion of EPA's interpretation of the requirements of section 188(e), see ''State Implementation Plans for Serious PM_{10} Nonattainment Areas, and Attainment Date Waivers for PM_{10} Nonattainment Areas Generally; Addendum to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 59 FR 41998 (August 16, 1994) (hereafter ''Addendum'') at 42002; 65 FR 19964 (April 13, 2000) (proposed action on PM_{10} Plan for Maricopa County, Arizona); 66 FR 50252 (October 2, 2001) (proposed action on PM_{10} Plan for Maricopa County, Arizona); 67 FR 48718 (July 25, 2002) (final action on PM_{10} Plan for Maricopa County, Arizona); and *Vigil* v. *EPA,* 366 F.3d 1025,

Continued

188(e) does not explicitly require the state to have a fully approved NNSR program that meets the Act's Serious area requirements before it may qualify for an extension of the Serious area attainment date.

As a result of today's reclassification of the SJV as Serious nonattainment for the 1997 $PM_{2.5}$ NAAQS, California is required to submit NNSR SIP revisions consistent with the requirements of subpart 4, including revisions to establish appropriate ''major stationary source'' thresholds for direct $PM_{2.5}$ and $PM_{2.5}$ precursors in accordance with CAA section 189(b)(3). Given the timing of this reclassification, just months before the latest permissible Serious area attainment date (December 31, 2015), and the unusually short timeframe for the State's development and submission of a plan to provide for attainment of the 1997 $PM_{2.5}$ NAAQS by this date,[9] we find it reasonable to provide the State a small amount of additional time to adopt and submit the Serious area NNSR SIP revisions required under subpart 4. Accordingly, under these particular circumstances, we do not expect the State to submit the required NNSR SIP revisions simultaneously with the Serious area attainment plan or with a request for an extension of the Serious area attainment date under CAA section 188(e). Instead, this final action requires the state to submit the NNSR SIP revisions required under subpart 4 no later than 12 months after the effective date of the reclassification.[10] The State will need to submit the Serious area attainment plan and the section 188(e) extension request before December 31, 2015 to satisfy the statutory requirements.

EPA has recently issued a new proposed rulemaking to implement the $PM_{2.5}$ NAAQS in accordance with the requirements of subparts 1 and 4 of part D, title I of the Act.[11] As part of this proposed rulemaking, the Agency is seeking comment on how to interpret the criteria in section 188(e) for granting state requests for an extension of a Serious area attainment date prospectively. Until the Agency finalizes that proposed rule, EPA encourages the State and District to review the statutory provisions of the CAA applicable to implementation of the PM_{10} NAAQS, and EPA's prior guidance in the General Preamble and Addendum, as they develop the SIP revisions necessary to satisfy the Serious area requirements that now apply in the SJV $PM_{2.5}$ nonattainment area.[12] Until EPA finalizes any new implementation rule for the 1997 $PM_{2.5}$ NAAQS, the existing guidance in the General Preamble and Addendum provide the Agency's recommendations for SIP submissions required for the $PM_{2.5}$ NAAQS.

III. Final Action

A. Reclassification as Serious Nonattainment and Applicable Attainment Date

In accordance with section 188(b)(1) of the Act, EPA is taking final action to reclassify the SJV area from Moderate to Serious nonattainment for the 1997 annual and 24-hour $PM_{2.5}$ standards of 15.0 and 65 $\mu g/m^3$, respectively, based on EPA's determination that the SJV area cannot practicably attain these standards by the applicable attainment date of April 5, 2015.

Under section 188(c)(2) of the Act, the attainment date for a Serious area ''shall be as expeditiously as practicable but no later than the end of the tenth calendar year beginning after the area's designation as nonattainment. . . .'' The SJV area was designated nonattainment for the 1997 $PM_{2.5}$ standards effective April 5, 2005.[13] Therefore, as a result of our reclassification of the SJV area as a Serious nonattainment area, the latest permissible attainment date under section 188(c)(2) of the Act, for purposes of the 1997 $PM_{2.5}$ standards in this area, is December 31, 2015.

B. Reclassification of Areas of Indian Country[14]

Eight Indian tribes are located within the boundaries of the San Joaquin Valley $PM_{2.5}$ nonattainment area: The Big Sandy Rancheria of Mono Indians of California, the Cold Springs Rancheria of Mono Indians of California, the North Fork Rancheria of Mono Indians of California, the Picayune Rancheria of Chukchansi Indians of California, the Santa Rosa Rancheria of the Tachi Yokut Tribe, the Table Mountain Rancheria of California, the Tejon Indian Tribe, and the Tule River Indian Tribe of the Tule River Reservation.

We have considered the relevance of our final action to reclassify the SJV nonattainment area as Serious for the 1997 $PM_{2.5}$ standards to each tribe located within the SJV area. As discussed in more detail in our proposed rule, we believe that the same facts and circumstances that support the reclassification for the non-Indian country lands also support reclassification for Indian country located within the SJV nonattainment area.[15] In this final action, EPA is therefore exercising our authority under CAA section 188(b)(1) to reclassify areas of Indian country geographically located in the SJV nonattainment area. Section 188(b)(1) broadly authorizes EPA to reclassify a nonattainment area—including any area of Indian country located within such area—that EPA determines cannot practicably attain the relevant standard by the applicable attainment date.

The effect of reclassification would be to lower the applicable ''major stationary source'' emissions thresholds for direct $PM_{2.5}$ and $PM_{2.5}$ precursors for purposes of the NNSR program and the Title V operating permit program (CAA sections 189(b)(3) and 501(2)(B)) thus subjecting more new or modified stationary sources to these requirements. The reclassification may also lower the *de minimis* threshold under the CAA's General Conformity requirements (40 CFR part 93, subpart B) from 100 tpy to 70 tpy. Under the General Conformity requirements, Federal agencies bear the responsibility

amended at 381 F.3d 826 (9th Cir. 2004) (remanding EPA action on PM_{10} Plan for Maricopa County, Arizona, but generally upholding EPA's interpretation of CAA section 188(e)).

[9] As explained in our proposed rule (*see* 80 FR 1482 at 1483–1484), on January 4, 2013 the D.C. Circuit remanded EPA's 2007 and 2008 rules to implement the $PM_{2.5}$ NAAQS and directed EPA to repromulgate these rules pursuant to subpart 4 of part D, title I of the Act. On June 2, 2014, EPA promulgated a rule classifying all $PM_{2.5}$ nonattainment areas as Moderate under subpart 4 and establishing a deadline for states to submit SIPs necessary to satisfy the Moderate area requirements (*see* 79 FR 31566, June 2, 2014). By this time, just over 18 months remained before the Serious area attainment date applicable to the SJV area under CAA section 188(c)(2), which is December 31, 2015. *See* 80 FR 1482 at 1484, 1487 (January 12, 2015).

[10] As explained in our proposed rule, a 12-month timeframe provides the State a reasonable amount of time to make these relatively straightforward NNSR SIP revisions while assuring that new or modified major stationary sources of $PM_{2.5}$ in the SJV area will be subject to the applicable NNSR requirements as expeditiously as practicable. *See* 80 FR 1482 at 1489.

[11] *See http://www.epa.gov/airquality/particlepollution/actions.html.*

[12] *See generally* the General Preamble, 57 FR 13498 (April 16, 1992) and Addendum, 59 FR 41998 (August 16, 1994).

[13] *See* 70 FR 944 at 956, 957 (January 5, 2005).

[14] ''Indian country'' as defined at 18 U.S.C. 1151 refers to: ''(a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.''

[15] *See* 80 FR 1482 at 1488 (January 12, 2015).

of determining conformity of actions in nonattainment and maintenance areas that require Federal permits, approvals, or funding. Such permits, approvals or funding by Federal agencies for projects in these areas of Indian country may be more difficult to obtain because of the lower *de minimis* thresholds.

Given the potential implications of the reclassification, EPA contacted tribal officials to invite government-to-government consultation on this rulemaking effort.[16] EPA did not receive comments on our proposed rule from any tribe. On February 17, 2015, after the close of the comment period on our proposal, EPA received a letter dated January 30, 2015, from the Tejon Tribe expressing interest in developing a better understanding of the reclassification and implications for air quality.[17] EPA invited the Tejon Tribe to participate in a conference call during the week of February 23, 2015, to discuss the Tribe's questions.[18] We continue to invite Indian tribes in the SJV to contact EPA with any questions about the effects of this reclassification on tribal interests and air quality. We note that although eligible tribes may opt to seek EPA approval of relevant tribal programs under the CAA, none of the affected tribes will be required to submit an implementation plan to address this reclassification.

C. $PM_{2.5}$ Serious Area SIP Requirements

As a consequence of our reclassification of the SJV area as a Serious nonattainment area for the 1997 $PM_{2.5}$ NAAQS, California is required to submit additional SIP revisions to satisfy the statutory requirements that apply to Serious areas, including the requirements of subpart 4 of part D, title I of the Act.

The Serious area SIP elements that California must submit are as follows:

1. Provisions to assure that the best available control measures (BACM), including best available control technology (BACT) for stationary sources, for the control of direct $PM_{2.5}$ and $PM_{2.5}$ precursors shall be implemented no later than 4 years after the area is reclassified (CAA section 189(b)(1)(B));

2. A demonstration (including air quality modeling) that the plan provides for attainment as expeditiously as practicable but no later than December 31, 2015, or where the State is seeking an extension of the attainment date under section 188(e), a demonstration that attainment by December 31, 2015 is impracticable and that the plan provides for attainment by the most expeditious alternative date practicable (CAA sections 188(c)(2) and 189(b)(1)(A));

3. Plan provisions that require reasonable further progress (RFP) (CAA section 172(c)(2));

4. Quantitative milestones which are to be achieved every 3 years until the area is redesignated attainment and which demonstrate RFP toward attainment by the applicable date (CAA section 189(c));

5. Provisions to assure that control requirements applicable to major stationary sources of $PM_{2.5}$ also apply to major stationary sources of $PM_{2.5}$ precursors, except where the State demonstrates to EPA's satisfaction that such sources do not contribute significantly to $PM_{2.5}$ levels that exceed the standard in the area (CAA section 189(e));

6. A comprehensive, accurate, current inventory of actual emissions from all sources of $PM_{2.5}$ and $PM_{2.5}$ precursors in the area (CAA section 172(c)(3));

7. Contingency measures to be implemented if the area fails to meet RFP or to attain by the applicable attainment date (CAA section 172(c)(9)); and

8. A revision to the NNSR program to establish appropriate ''major stationary source'' [19] thresholds for direct $PM_{2.5}$ and $PM_{2.5}$ precursors (CAA section 189(b)(3)).

Section 189(b)(2) states, in relevant part, that the State must submit the required BACM provisions ''no later than 18 months after reclassification of the area as a Serious Area'' and must submit the required attainment demonstration ''no later than 4 years after reclassification of the area to Serious.'' Thus, the Act provides the State with up to 18 months after the effective date of this reclassification (*i.e.,* until late 2016) to submit a BACM demonstration and up to 4 years after this date (*i.e.,* until early 2019) to submit a Serious area attainment demonstration. Given the December 31, 2015 Serious area attainment date for the 1997 $PM_{2.5}$ standards in this area under CAA section 188(c)(2), however, EPA expects the State to adopt and submit a Serious area plan for the 1997 $PM_{2.5}$ standards well before the statutory SIP submittal deadlines in section 189(b)(2).

Additionally, in light of the available ambient air quality data and the short amount of time available before the December 31, 2015 attainment date under CAA section 188(c)(2), EPA anticipates that California may choose to submit a request for an extension of the Serious area attainment date pursuant to section 188(e) simultaneously with its submittal of a Serious area plan for the area. If California fails to submit a request for an extension of the Serious area attainment date that satisfies the requirements of section 188(e) and the SJV area fails to attain the 1997 $PM_{2.5}$ standards by December 31, 2015, under CAA section 189(d) the State would be required to submit, within 12 months after December 31, 2015, plan revisions which provide for attainment of the $PM_{2.5}$ standards and, from the date of such submission until attainment, for an annual reduction in emissions within the SJV area of not less than 5 percent of the amount of such emissions as reported in the most recent inventory prepared for the area (hereafter ''section 189(d) plan''). If, however, California submits and EPA approves a section 188(e) request for an extension of the Serious area attainment date prior to the December 31, 2015 attainment date for the SJV area, the requirement to submit a section 189(d) plan would not apply unless and until the SJV area fails to attain the 1997 $PM_{2.5}$ standards by the extended attainment date approved by EPA under section 188(e).

Given the short amount of time available for California's development of these SIP submittals, EPA anticipates that the Serious area attainment demonstration for the SJV area may rely to some extent on existing photochemical modeling analyses developed for previous $PM_{2.5}$ plan submittals. EPA commits to work with the District and the State as they develop the necessary technical support for the Serious area plan and to provide guidance on the requirements that California must meet to qualify for an extension of the Serious area attainment date under CAA section 188(e).

Finally, for the reasons provided in our proposed rule [20] and in our responses to comments above, we are finalizing our proposal to require the State to submit the NNSR SIP revisions required for Serious areas under subpart

[16] As discussed in more detail in our proposed rule, EPA sent letters to tribal officials inviting government-to-government consultation. All eight letters can be found in the docket for this proposed action.

[17] *See* letter dated January 30, 2015 from Kathryn Montes Morgan, Tribal Chairwoman, Tejon Indian Tribe to Kerry Drake, Associate Director, EPA Region 9 Air Division.

[18] *See* email dated February 19, 2015 from Maeve Clancy, EPA Region 9 Air Division, to Kathryn Montes Morgan, Tribal Chairwoman, Tejon Indian Tribe.

[19] For any Serious area, the terms ''major source'' and ''major stationary source'' include any stationary source that emits or has the potential to emit at least 70 tons per year of PM_{10} (CAA section 189(b)(3)).

[20] *See* 80 FR 1482 at 1489.

4 no later than 12 months after the effective date of this reclassification.

VI. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *http://www2.epa.gov/laws-regulations/laws-and-executive-orders.*

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

This action is exempt from review by the Office of Management and Budget (OMB) because it relates to a designation of an area for air quality purposes and will reclassify the SJV from its current air quality designation of Moderate nonattainment to Serious nonattainment for the 1997 $PM_{2.5}$ NAAQS.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This action does not contain any information collection activities.

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. This action will not impose any requirements on small entities. The final rule requires the state to adopt and submit SIP revisions to satisfy the statutory requirements that apply to Serious areas, and would not itself directly regulate any small entities (*see* section III.C of this final rule).

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate of $100 million or more and does not significantly or uniquely affect small governments, as described in UMRA (2 U.S.C. 1531–1538). This action itself imposes no enforceable duty on any state, local, or tribal governments, or the private sector. The final action reclassifies the SJV nonattainment area as Serious nonattainment for the 1997 $PM_{2.5}$ NAAQS, which triggers existing statutory timeframes for the state to submit SIP revisions. Such a reclassification in and of itself does not impose any federal intergovernmental mandate. The final action does not require any tribes to submit implementation plans.

E. Executive Order 13132: Federalism

This action does not have federalism implications.

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

This action may have tribal implications. However, it will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. Eight Indian tribes are located within the boundaries of the SJV nonattainment area for the 1997 $PM_{2.5}$ NAAQS: The Big Sandy Rancheria of Mono Indians of California, the Cold Springs Rancheria of Mono Indians of California, the North Fork Rancheria of Mono Indians of California, the Picayune Rancheria of Chukchansi Indians of California, the Santa Rosa Rancheria of the Tachi Yokut Tribe, the Table Mountain Rancheria of California, the Tejon Indian Tribe, and the Tule River Indian Tribe of the Tule River Reservation. We note that none of the tribes located in the SJV nonattainment area have requested eligibility to administer programs under the Clean Air Act. This final action affects EPA's implementation of the new source review program because of the lower ''major stationary source'' threshold triggered by reclassification (CAA 189(b)(3)). The final action may also affect new or modified stationary sources proposed in these areas that require Federal permits, approvals, or funding. Such projects are subject to the requirements of EPA's General Conformity rule, and Federal permits, approvals, or funding for the projects may be more difficult to obtain because of the lower *de minimis* thresholds triggered by reclassification.

Given these potential implications, consistent with the EPA Policy on Consultation and Coordination with Indian Tribes, EPA contacted tribal officials early in the process of developing this regulation to permit them to have meaningful and timely input into its development. EPA invited tribal officials to consult during the development of the proposed rule and following signature of the proposed rule. As discussed in more detail in our proposed action, we sent letters to leaders of the tribes with areas of Indian country in the SJV nonattainment area inviting government-to-government consultation on the rulemaking effort. On February 17, 2015, EPA received a letter dated January 30, 2015 from the Tejon Tribe expressing an interest in developing a better understanding of, among other things, the effect of the reclassification on air quality. EPA invited the Tejon Tribe to participate in a conference call during the week of February 23, 2015, and EPA staff subsequently had preliminary conversations about this action with the Tribe but has not yet received confirmation of a request to schedule a conference call. No other Indian tribe has expressed an interest in discussing this action with EPA. We continue to invite Indian tribes in the SJV to contact EPA with any questions about the effects of this reclassification on tribal interests and air quality.

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 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 reclassifies the SJV nonattainment area as Serious nonattainment for the 1997 $PM_{2.5}$ NAAQS, which triggers additional Serious area planning requirements under the CAA. This action does not establish an environmental standard intended to mitigate health or safety risks.

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

This final 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

This action is not subject to the requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because it does not involve technical standards.

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

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. This action reclassifies the SJV nonattainment area as Serious nonattainment for the 1997 $PM_{2.5}$ NAAQS, which triggers additional Serious area planning requirements under the CAA.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective on May 7, 2015.

L. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 8, 2015. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects

40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter.

40 CFR Part 81

Environmental protection, Air pollution control, Incorporation by reference.

Dated: March 27, 2015.

Gina McCarthy,

Administrator.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. Section 52.245 is amended by adding paragraph (c) as follows:

§ 52.245 New Source Review rules.

* * * * *

(c) By May 7, 2016, the New Source Review rules for $PM_{2.5}$ for the San Joaquin Valley Air Pollution Control District must be revised and submitted as a SIP revision. The rules must satisfy the requirements of sections 189(b)(3) and 189(e) of the Clean Air Act.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 3. The authority citation for part 81 continues to read as follows:

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

■ 4. Section 81.305 is amended as follows:

■ a. In the table titled ''California—1997 Annual $PM_{2.5}$ NAAQS [Primary and secondary],'' revise the entries under ''San Joaquin Valley, CA''; and

■ b. In the table titled ''California—1997 24-Hour $PM_{2.5}$ NAAQS [Primary and secondary],'' revise the entries under ''San Joaquin Valley, CA''.

The revisions read as follows:

§ 81.305 California.

* * * * *

CALIFORNIA—1997 ANNUAL $PM_{2.5}$ NAAQS

[Primary and secondary]

Designated Area	Designation [a]		Classification	
	Date [1]	Type	Date [2]	Type
* * * *		*	*	*
San Joaquin Valley, CA:				
Fresno County		Nonattainment	May 7, 2015 ..	Serious.
Kern County (part)		Nonattainment	May 7, 2015 ..	Serious.
That portion of Kern County which lies west and north of a line described as follows: Beginning at the Kern-Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Libre Land Grant to the point of intersection with the range line common to R. 16 W. and R. 17 W., San Bernardino Base and Meridian; north along the range line to the point of intersection with the Rancho El Tejon Land Grant boundary; then southeast, northeast, and northwest along the boundary of the Rancho El Tejon Land Grant to the northwest corner of S. 3, T. 11 N., R. 17 W.; then west 1.2 miles; then north to the Rancho El Tejon Land Grant boundary; then northwest along the Rancho El Tejon line to the southeast corner of S. 34, T. 32 S., R. 30 E., Mount Diablo Base and Meridian; then north to the northwest corner of S. 35, T. 31 S., R. 30 E.; then northeast along the boundary of the Rancho El Tejon Land Grant to the southwest corner of S. 18, T. 31 S., R. 31 E.; then east to the southeast corner of S. 13, T. 31 S., R. 31 E.; then north along the range line common to R. 31 E. and R. 32 E., Mount Diablo Base and Meridian, to the northwest corner of S. 6, T. 29 S., R. 32 E.; then east to the southwest corner of S. 31, T. 28 S., R. 32 E.; then north along the range line common to R. 31 E. and R. 32 E. to the northwest corner of S. 6, T. 28 S., R. 32 E., then west to the southeast corner of S. 36, T. 27 S., R. 31 E., then north along the range line common to R. 31 E. and R. 32 E. to the Kern-Tulare County boundary.				

CALIFORNIA—1997 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary and secondary]

Designated Area	Designation [a]		Classification	
	Date [1]	Type	Date [2]	Type
Kings County		Nonattainment	May 7, 2015	Serious.
Madera County		Nonattainment	May 7, 2015	Serious.
Merced County		Nonattainment	May 7, 2015	Serious.
San Joaquin County		Nonattainment	May 7, 2015	Serious.
Stanislaus County		Nonattainment	May 7, 2015	Serious.
Tulare County		Nonattainment	May 7, 2015	Serious.
* * * *		*	*	*

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is 90 days after January 5, 2005, unless otherwise noted.
[2] This date is July 2, 2014, unless otherwise noted.

* * * * *

CALIFORNIA—1997 24-HOUR $PM_{2.5}$ NAAQS

[Primary and secondary]

Designated Area	Designation [a]		Classification	
	Date [1]	Type	Date [2]	Type
* * * *		*	*	*
San Joaquin Valley, CA:				
Fresno County		Nonattainment	May 7, 2015	Serious.
Kern County (part)		Nonattainment	May 7, 2015	Serious.
That portion of Kern County which lies west and north of a line described as follows: Beginning at the Kern-Los Angeles County boundary and running north and east along the northwest boundary of the Rancho La Libre Land Grant to the point of intersection with the range line common to R. 16 W. and R. 17 W., San Bernardino Base and Meridian; north along the range line to the point of intersection with the Rancho El Tejon Land Grant boundary; then southeast, northeast, and northwest along the boundary of the Rancho El Tejon Land Grant to the northwest corner of S. 3, T. 11 N., R. 17 W.; then west 1.2 miles; then north to the Rancho El Tejon Land Grant boundary; then northwest along the Rancho El Tejon line to the southeast corner of S. 34, T. 32 S., R. 30 E., Mount Diablo Base and Meridian; then north to the northwest corner of S. 35, T. 31 S., R. 30 E.; then northeast along the boundary of the Rancho El Tejon Land Grant to the southwest corner of S. 18, T. 31 S., R. 31 E.; then east to the southeast corner of S. 13, T. 31 S., R. 31 E.; then north along the range line common to R. 31 E. and R. 32 E., Mount Diablo Base and Meridian, to the northwest corner of S. 6, T. 29 S., R. 32 E.; then east to the southwest corner of S. 31, T. 28 S., R. 32 E.; then north along the range line common to R. 31 E. and R. 32 E. to the northwest corner of S. 6, T. 28 S., R. 32 E., then west to the southeast corner of S. 36, T. 27 S., R. 31 E., then north along the range line common to R. 31 E. and R. 32 E. to the Kern-Tulare County boundary.				
Kings County		Nonattainment	May 7, 2015	Serious.
Madera County		Nonattainment	May 7, 2015	Serious.
Merced County		Nonattainment	May 7, 2015	Serious.
San Joaquin County		Nonattainment	May 7, 2015	Serious.
Stanislaus County		Nonattainment	May 7, 2015	Serious.
Tulare County		Nonattainment	May 7, 2015	Serious.
* * * *		*	*	*

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is 90 days after January 5, 2005, unless otherwise noted.
[2] This date is July 2, 2014, unless otherwise noted.

* * * * *

[FR Doc. 2015–07765 Filed 4–6–15; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[EPA–HQ–OAR–2012–0918; FRL–9925–76–OAR]

Additional Air Quality Designations and Technical Amendment To Correct Inadvertent Error in Air Quality Designations for the 2012 Primary Annual Fine Particle ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is establishing air quality designations in the United States (U.S.) for the 2012 primary annual fine particle ($PM_{2.5}$) National Ambient Air Quality Standards (NAAQS) for five areas in Georgia and neighboring counties in Alabama and South Carolina. The EPA is also changing the initial designation of one area in Ohio, two areas in Pennsylvania, one area shared between Indiana and Kentucky, and one area shared between Kentucky and Ohio for the 2012 $PM_{2.5}$ NAAQS. These states have recently submitted complete, quality-assured, and certified air quality data for 2014, and based on that data the EPA is finalizing appropriate initial designations for these areas. Lastly, the EPA is making one minor technical amendment to correct an inadvertent error in the initial designation for a county in Pennsylvania with respect to the 2012 $PM_{2.5}$ NAAQS.

DATES: This final rule is effective on April 15, 2015.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2012–0918. All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the EPA Docket Center, William Jefferson Clinton West Building, Room 3334, 1301 Constitution Avenue NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744 and the telephone number for the Air Docket is (202) 566–1742.

In addition, the EPA has established a Web site for these rulemakings at: *http://http://epa.gov/pmdesignations/2012standards/index.htm*. This Web site includes the EPA's final $PM_{2.5}$ designations, as well as state and tribal initial recommendation letters, the EPA's modification letters, technical support documents, responses to comments and other related technical information.

FOR FURTHER INFORMATION CONTACT: For general questions concerning this action, please contact Andy Chang, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Planning Division, C539–04, Research Triangle Park, NC 27711, telephone (919) 541–2416, email at *chang.andy@epa.gov*.

SUPPLEMENTARY INFORMATION:

REGIONAL OFFICE CONTACTS:

Region 3—Leslie Jones, (215) 814–3409, *jones.leslie@epa.gov*,

Region 4—Joel Huey, (404) 562–9104, *huey.joel@epa.gov*, and

Region 5—Carolyn Persoon, (312) 353–8290, *persoon.carolyn@epa.gov*.

The public may inspect the rule and state-specific technical support information at the following locations:

Regional offices	States
EPA Region 3: Office of Air Program Planning, 1650 Arch Street, Philadelphia, PA 19103–2187, (215) 814–2178.	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia.
EPA Region 4: Air Planning Branch, Sam Nunn Atlanta Federal Center, 61 Forsyth, Street, SW, 12th Floor, Atlanta, GA 30303–8960, (404) 562–9127.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee.
EPA Region 5: Air Programs Branch, Ralph Metcalfe Federal Building, 77 West Jackson Street, Chicago, IL 60604–3590, (312) 886–6043.	Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.

Table of Contents

The following is an outline of the Preamble.

I. Background
II. Purpose and Designation Decisions Based on 2012–2014 Data
A. Deferred Areas Designated Unclassifiable/Attainment Based on 2012–2014 Data
B. Nonattainment Designations Changing to Unclassifiable/Attainment or Unclassifiable Based on 2012–2014 Data
C. Minor Technical Amendment To Correct Inadvertent Error
III. Environmental Justice Considerations
IV. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
B. Paperwork Reduction Act (PRA)
C. Regulatory Flexibility Act (RFA)
D. Unfunded Mandates Reform Act (UMRA)
E. Executive Order 13132: Federalism
F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks
H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution or Use
I. National Technology Transfer and Advancement Act (NTTAA)
J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations
K. Congressional Review Act (CRA)
L. Judicial Review

I. Background

On December 14, 2012, the EPA promulgated a revised primary annual $PM_{2.5}$ NAAQS to provide increased protection of public health and welfare from fine particle pollution (78 FR 3086; January 15, 2013). In that action, the EPA revised the primary annual $PM_{2.5}$ standard, strengthening it from 15.0 micrograms per cubic meter ($\mu g/m^3$) to 12.0 $\mu g/m^3$, which is attained when the 3-year average of the annual arithmetic means does not exceed 12.0 $\mu g/m^3$.

Section 107(d) of the Clean Air Act (CAA), 42 U.S.C. 7407(d), governs the process for initial area designations after the EPA establishes a new or revised NAAQS. Under section 107(d), each governor is required to, and each tribal leader may, if they so choose,

recommend air quality designations, including the appropriate boundaries for ''nonattainment'' areas, to the EPA by a date which cannot be later than 1 year after the promulgation of a new or revised NAAQS. The EPA considers these recommendations as part of its duty to promulgate the formal area designations and boundaries for the new or revised NAAQS. If, after careful consideration of these recommendations, public input received and the EPA's own technical analyses, the EPA believes that it is necessary to modify a state's recommendation and to promulgate a designation different from a state's recommendation, then the EPA must notify the state at least 120 days prior to promulgating the final designation and the EPA must provide the state an opportunity to demonstrate why any proposed modification is inappropriate. These modifications may relate either to an area's designation category or to the boundaries of an area.

On December 18, 2014, the Administrator of the EPA signed a final action promulgating initial designations for the 2012 $PM_{2.5}$ NAAQS for the majority of the U.S., including areas of Indian country. That rulemaking, which published in the **Federal Register** on January 15, 2015 (80 FR 2206), designated 14 areas in six states, including two multi-state areas, as nonattainment for the 2012 $PM_{2.5}$ NAAQS. The EPA also designated three areas, including the entire state of Illinois, as ''unclassifiable'' because the ambient air quality monitoring sites in these areas lacked complete data for the relevant period from 2011–2013. In the absence of complete monitoring data, the EPA could not determine, based on available information, whether these areas meet or do not meet the NAAQS, and also could not determine whether these areas contribute to a nearby violation. Lastly, the EPA deferred initial area designations for 10 areas where available data, including air quality monitoring data, were insufficient to determine whether the areas meet or do not meet the NAAQS. For these areas, the EPA noted that it believed additional future air quality monitoring data would result in complete and valid data sufficient to inform a designation determination. Accordingly, the EPA deferred designations for these areas and stated that it would use the additional time available as provided under section 107(d)(1)(B) of the CAA to assess relevant information and subsequently promulgate initial designations for the identified areas through a separate rulemaking action or actions. The 10 deferred areas included: Eight areas in the state of Georgia, including two neighboring counties in the bordering states of Alabama and South Carolina; the entire state of Tennessee, excluding three counties in the Chattanooga area; and, the entire state of Florida. The EPA designated all the remaining state areas and areas of Indian country as unclassifiable/attainment. Consistent with the EPA's ''Policy for Establishing Separate Air Quality Designations for Areas of Indian Country'' (December 20, 2011), the EPA designated one area of Indian country separately from its adjacent/surrounding state areas.[1] The lands of the Pechanga Band of Luiseño Mission Indians in Southern California were designated as a separate unclassifiable/attainment area.

The EPA's January 15, 2015, rulemaking also described a process by which the EPA would evaluate any complete, quality-assured, certified air quality monitoring data from 2014 that a state submitted for consideration before February 27, 2015 (80 FR 2209). The EPA stated that it would evaluate whether, with the inclusion of certified 2014 data, the 3-year design value for 2012–2014 suggests that a change in the initial designation would be appropriate for an area. If the EPA agreed that a change in the initial designation would be appropriate, the EPA would withdraw the designation announced in the January 15, 2015, action for such area before the effective date and issue another designation reflecting the inclusion of 2014 data (80 FR 2209).

II. Purpose and Designation Decisions Based on 2012–2014 Data

The purposes of this action are to: announce and promulgate initial area designations of unclassifiable/attainment for the 2012 $PM_{2.5}$ NAAQS for five areas in the state of Georgia, including two neighboring counties in the bordering states of Alabama and South Carolina that were initially deferred in the EPA's January 15, 2015, rulemaking; change the designation of one area in Ohio, two areas in Pennsylvania, one area shared between Indiana and Kentucky, and one area shared between Kentucky and Ohio; and make one minor technical amendment to correct an inadvertent error in the designation for Allegheny County, Pennsylvania. A discussion of each of these actions follows below.

A. Deferred Areas Designated Unclassifiable/Attainment Based on 2012–2014 Data

In this action, the EPA is designating five areas as unclassifiable/attainment in the state of Georgia, and two neighboring counties in the bordering states of Alabama and South Carolina, all of which were initially deferred in the EPA's January 15, 2015, rulemaking: Augusta (Richmond County and Columbia County in Georgia and Aiken County in South Carolina); Columbus (Muscogee County in Georgia and Russell County in Alabama); Savannah, Georgia (Chatham County and Effingham County); Valdosta, Georgia (Brooks County and Lowndes County); and Washington County, Georgia. The EPA's January 15, 2015, rulemaking stated that with respect to deferred areas, the EPA would use the additional time available as provided under section 107(d)(1)(B) of the CAA to assess relevant information and subsequently promulgate initial designations for the identified areas through separate rulemaking action or actions (80 FR 2207).[2] This final action promulgating initial designations fulfills that commitment with respect to these five areas in the state of Georgia, and the two neighboring counties in the bordering states of Alabama and South Carolina. We emphasize that the EPA is not at this time promulgating initial designations for the remainder of the areas in the U.S. that were deferred in the EPA's January 15, 2015, action.

In the January 15, 2015, action, the EPA stated that for areas deferred due to lack of sufficient data, the agency would evaluate any complete, quality-assured, certified air quality monitoring data from 2014 that a state submitted for consideration before February 27, 2015 (80 FR 2210). The states of Georgia, Alabama and South Carolina each submitted to the EPA complete, quality-assured, and certified air quality monitoring data from 2014 for five deferred areas by the prescribed deadline. These data provide the EPA with sufficient information to promulgate initial designations for these five areas. Specifically, the EPA is designating these five areas as unclassifiable/attainment because the 2014 air quality data collected in these states and submitted to the EPA indicate that the areas are attaining the 2012 $PM_{2.5}$ NAAQS. These designations are consistent with the state of Georgia's recommended area designations and

[1] For more information, visit *http://www.epa.gov/ttncaaa1/t1/memoranda/20120117indiancountry.pdf.*

[2] See also the technical support documents for the deferred Georgia areas in the rulemaking docket, documents numbered EPA–HQ–OAR–2012–0918–0324 and EPA–HQ–OAR–2012–0918–0156.

boundaries for the standard, for which the public had an opportunity to provide comment and input during the public comment period provided by the EPA for the initial area designations process.[3]

B. Nonattainment Designations Changing to Unclassifiable/Attainment or Unclassifiable Based on 2012–2014 Data

Based on complete, quality-assured, and certified air quality monitoring data from 2014 submitted to the EPA by several states prior to the February 27, 2015, deadline prescribed in the January 15, 2015, rulemaking, the EPA is changing the initial designation status for five areas. As noted in the Background section of this preamble, the EPA established a process in the January 15, 2015, rulemaking for considering 2014 air quality data in the event that such data would change the initial designation for an area. In cases where we agree that a change in the initial designation would be appropriate, the EPA would withdraw the designation announced in the January 15, 2015, action for such area before the effective date of April 15, 2015, and issue another designation reflecting the inclusion of 2014 data.

Pursuant to this process, the EPA is changing the initial designation of the following five areas for the 2012 $PM_{2.5}$ NAAQS: Canton, Ohio; Allentown, Pennsylvania; Johnstown, Pennsylvania; Cincinnati-Hamilton, Ohio-Kentucky and Louisville, Kentucky-Indiana. The EPA is changing the initial designation of all areas except for Louisville from nonattainment to unclassifiable/attainment. The initial designation for the Louisville area is changing from nonattainment to unclassifiable.

Procedurally, these changes in initial designations are consistent with our early data certification and evaluation process, as described earlier and in the January 15, 2015, rulemaking. The states of Indiana, Kentucky, Ohio and Pennsylvania submitted complete, quality-assured, and certified air quality monitoring data from 2014 to the EPA by the prescribed deadline. With the inclusion of the 2014 data that was submitted for each monitor, the 3-year design values for 2012—2014 justify changing the initial designation for these areas with respect to the 2012 $PM_{2.5}$ NAAQS.

The tables at the end of this final rule (amendments to 40 CFR 81.301—Alabama, 40 CFR 81.311—Georgia, 40 CFR 81.315—Indiana, 40 CFR 81.318—Kentucky, 40 CFR 81.336—Ohio, 40 CFR 31.339—Pennsylvania and 40 CFR 81.341—South Carolina) list all areas for which the EPA is changing the initial designation in each impacted state. This action does not impact any areas of Indian country.

1. Additional information about the Cincinnati-Hamilton, OH-KY area. The EPA's final technical support document (TSD) for the Cincinnati-Hamilton, Ohio-Kentucky area[4] provided support for the EPA's conclusion that all or portions of seven counties should be designated as nonattainment based on contribution to two violating monitors in Hamilton County, Ohio and one violating monitor in Butler County, Ohio. The final TSD notes that the violating monitor site in Butler County, Ohio [Air Quality Systems (AQS) ID 39–017–0020] began operation in the middle of 2011 as a special purpose monitor, as required by a permit for a nearby facility. Because the monitor had been in operation longer than the 2-year special purpose monitor timeframe (codified in 40 CFR part 58 subchapter C), the monitor automatically became comparable to the NAAQS. However, the EPA noted in the TSD that the 2015 annual ambient monitoring plan (AAMP) from the local agency that operates the site included a request to exempt that site from comparison to the 2012 $PM_{2.5}$ NAAQS given that the intent of the monitor is to measure concentrations specifically at the facility as part of the facility's operating permit requirements. At the time of the initial designation for the Cincinnati-Hamilton, Ohio-Kentucky area, the EPA had not yet evaluated or responded to the exemption request and noted that even in the absence of a violating monitor in Butler County, Ohio the area would still be designated as nonattainment due to its contribution to two other violating monitors in Hamilton County, based on data from 2011–2013.

Subsequent to promulgation of the initial designations, the EPA agreed with Ohio's request in the 2015 AAMP to exempt AQS site ID 36–017–0020 in Butler County, Ohio from comparison to the 2012 $PM_{2.5}$ NAAQS. To ensure continued protection of public health and welfare, the EPA has requested and the state of Ohio has agreed to operate a new monitoring site in the area that can be used in the future for comparison to the 2012 $PM_{2.5}$ NAAQS. In addition, the availability of complete, quality-assured, and certified 2014 air quality data from monitors in the surrounding area shows that the area meets the 2012 $PM_{2.5}$ NAAQS based on 2012–2014 data. Therefore, the EPA is changing the designation status of the Cincinnati-Hamilton, Ohio-Kentucky area from nonattainment to unclassifiable/attainment.

2. Additional information about the Louisville, KY-IN area. The EPA's initial nonattainment designation for the Louisville, Kentucky-Indiana area was based on ambient air quality data collected from 2011–2013 at a monitor in Clark County, Indiana showing a violation of the 2012 $PM_{2.5}$ NAAQS. In the final TSD for the Louisville area,[5] the EPA noted that air quality data in neighboring Jefferson County, Kentucky were invalid due to issues with the collection and analysis of $PM_{2.5}$ filter-based samples. The EPA further explained that if Indiana elected to early certify 2014 ambient air quality data showing that the monitor in Clark County, Indiana meets the 2012 $PM_{2.5}$ NAAQS for the design value period 2012–2014, the EPA would designate the Louisville, Kentucky-Indiana area as unclassifiable. Indiana submitted complete, quality-assured, and certified 2014 data from an ambient air quality monitor in Clark County, Indiana by the prescribed deadline of February 27, 2015, showing that the monitor is attaining the NAAQS. Accordingly, in conjunction with Indiana's submission of certified 2014 air quality data, and for the reasons explained in the January 15, 2015, rulemaking and supporting TSD, the EPA is changing the initial designation of the Louisville, Kentucky-Indiana area from nonattainment to unclassifiable. Since the data in the Jefferson County, Kentucky portion of this area are invalid because of significant problems with the collection and analysis of $PM_{2.5}$ filter-based samples, an unclassifiable designation is appropriate because the EPA is not able to determine whether air quality in the entire Louisville, Kentucky-Indiana area is meeting the 2012 $PM_{2.5}$ NAAQS, or whether the area is contributing to a potential violation in the Jefferson County, Kentucky portion of the area.

C. Minor Technical Amendment To Correct Inadvertent Error

This rulemaking also promulgates a minor technical amendment to correct an inadvertent error in the designation listing for Allegheny County in the state of Pennsylvania. This technical amendment clarifies that the entirety of Allegheny County, Pennsylvania is designated nonattainment. In the rule

[3] The period for public comment was open from February 15, 2013, to April 8, 2013 (78 FR 11124 and 78 FR 17915).

[4] Available in the rulemaking docket, document number EPA–HQ–OAR–2012–0918–0322.

[5] Available in the rulemaking docket, document number EPA–HQ–OAR–2012–0918–0322.

published on January 15, 2015, Allegheny County is listed twice in the designation tables for the 2012 $PM_{2.5}$ NAAQS in 40 CFR part 81. In the first entry of the table at 40 CFR 81.339 table (80 FR 2264), Allegheny County is correctly listed as nonattainment. However, the second entry under ''AQCR 197 Southwest Pennsylvania Intrastate,'' lists the remainder of Allegheny County as unclassifiable/attainment (80 FR 2266). The EPA is amending the designation table for Pennsylvania to reflect that the entirety of Allegheny County, Pennsylvania, is nonattainment for the 2012 $PM_{2.5}$ NAAQS, and that there is no portion of Allegheny County designated unclassifiable/attainment for the NAAQS.

III. Environmental Justice Considerations

The CAA requires the EPA to determine through a designation process whether an area meets or does not meet any new or revised national primary or secondary ambient air quality standard. This action includes initial designation determinations for several areas of the U.S. for the 2012 annual $PM_{2.5}$ NAAQS, and includes revisions to prior designation decisions based on the availability of recent air quality data showing that areas meet the 2012 annual $PM_{2.5}$ NAAQS. These designations ensure that the public is properly informed about the air quality in an area, and that in locations where air quality does not meet the NAAQS the relevant state authorities are required to initiate appropriate air quality management actions under the CAA to ensure that all those residing, working, attending school or otherwise present in those areas, regardless of minority and economic status, are protected.

IV. 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 exempt from review by the Office of Management and Budget because it responds to the CAA requirement to promulgate air quality designations after promulgation of a new or revised NAAQS.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This action fulfills the non-discretionary duty for the EPA to promulgate air quality designations after promulgation of a new or revised NAAQS and does not contain any information collection activities.

C. Regulatory Flexibility Act (RFA)

This action is not subject to the RFA. The RFA applies only to rules subject to notice and comment rulemaking requirements under the Administrative Procedure Act (APA), 5 U.S.C. 553, or any other statute. This rule is not subject to the APA but is subject to CAA section 107(d)(2)(B), which does not require notice and comment rulemaking to take this action.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538 and does not significantly or uniquely affect small governments. The action implements mandates specifically and explicitly set forth in the CAA for the 2012 $PM_{2.5}$ NAAQS (40 CFR 50.18). The CAA establishes the process whereby states take primary responsibility for developing plans to meet the 2012 $PM_{2.5}$ NAAQS.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have a 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. Areas of Indian country are not being designated as part of this action.

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

The EPA interprets Executive Order 13045 as applying to those regulatory actions that concern environmental health or safety risks that the 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 does not establish an environmental standard intended to mitigate health or safety risks.

H. Executive Order 13211: Actions 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

The 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 any population, including any minority, low-income or indigenous populations because it does not affect the level of protection provided to human health or the environment. The results of this evaluation of environmental justice considerations is contained in section III of this preamble titled, ''Environmental Justice Considerations.''

K. Congressional Review Act (CRA)

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

L. Judicial Review

Section 307 (b)(1) of the CAA indicates which Federal Courts of Appeal have venue for petitions of review of final actions by the EPA. This section provides, in part, that petitions for review must be filed in the Court of Appeals for the District of Columbia Circuit: (i) When the agency action consists of ''nationally applicable regulations promulgated, or final actions taken by the Administrator,'' or (ii) when such action is locally or regionally applicable, if ''such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.''

This final action designating areas across the U.S. for the 2012 annual $PM_{2.5}$ NAAQS is ''nationally applicable'' within the meaning of section 307(b)(1). At the core of this final action is the EPA's interpretations of the definitions of nonattainment, attainment and unclassifiable under section 107(d)(1) of the CAA, and its

application of those interpretations to areas across the country. For the same reasons, the Administrator is also determining that the final designations are of nationwide scope and effect for the purposes of section 307(b)(1). This is particularly appropriate because, in the report on the 1977 Amendments that revised section 307(b)(1) of the CAA, Congress noted that the Administrator's determination that an action is of ''nationwide scope or effect'' would be appropriate for any action that has a scope or effect beyond a single judicial circuit. H.R. Rep. No. 95–294 at 323, 324, *reprinted* in 1977 U.S.C.C.A.N. 1402–03. Here, the scope and effect of this final action extends to numerous judicial circuits since the designations apply to areas across the country. In these circumstances, section 307(b)(1) and its legislative history calls for the Administrator to find the action to be of ''nationwide scope or effect'' and for venue to be in the D.C. Circuit.

Thus, any petitions for review of final designations must be filed in the Court of Appeals for the District of Columbia Circuit within 60 days from the date final action is published in the **Federal Register.**

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: March 31, 2015.

Gina McCarthy,

Administrator.

For the reasons set forth in the preamble, 40 CFR part 81 is amended as follows:

PART 81—DESIGNATIONS OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 1. The authority citation for part 81 continues to read as follows:

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

Subpart C—Section 107 Attainment Status Designations

■ 2. Section 81.301 is amended by revising the table entitled ''Alabama—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' to read as follows:

§ 81.301 Alabama.

* * * * *

ALABAMA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Autauga County		Unclassifiable/Attainment		
Baldwin County		Unclassifiable/Attainment		
Barbour County		Unclassifiable/Attainment		
Bibb County		Unclassifiable/Attainment		
Blount County		Unclassifiable/Attainment		
Bullock County		Unclassifiable/Attainment		
Butler County		Unclassifiable/Attainment		
Calhoun County		Unclassifiable/Attainment		
Chambers County		Unclassifiable/Attainment		
Cherokee County		Unclassifiable/Attainment		
Chilton County		Unclassifiable/Attainment		
Choctaw County		Unclassifiable/Attainment		
Clarke County		Unclassifiable/Attainment		
Clay County		Unclassifiable/Attainment		
Cleburne County		Unclassifiable/Attainment		
Coffee County		Unclassifiable/Attainment		
Colbert County		Unclassifiable/Attainment		
Conecuh County		Unclassifiable/Attainment		
Coosa County		Unclassifiable/Attainment		
Covington County		Unclassifiable/Attainment		
Crenshaw County		Unclassifiable/Attainment		
Cullman County		Unclassifiable/Attainment		
Dale County		Unclassifiable/Attainment		
Dallas County		Unclassifiable/Attainment		
DeKalb County		Unclassifiable/Attainment		
Elmore County		Unclassifiable/Attainment		
Escambia County		Unclassifiable/Attainment		
Etowah County		Unclassifiable/Attainment		
Fayette County		Unclassifiable/Attainment		
Franklin County		Unclassifiable/Attainment		
Geneva County		Unclassifiable/Attainment		
Greene County		Unclassifiable/Attainment		
Hale County		Unclassifiable/Attainment		
Henry County		Unclassifiable/Attainment		
Houston County		Unclassifiable/Attainment		
Jackson County		Unclassifiable/Attainment		
Jefferson County		Unclassifiable/Attainment		
Lamar County		Unclassifiable/Attainment		
Lauderdale County		Unclassifiable/Attainment		
Lawrence County		Unclassifiable/Attainment		
Lee County		Unclassifiable/Attainment		
Limestone County		Unclassifiable/Attainment		
Lowndes County		Unclassifiable/Attainment		
Macon County		Unclassifiable/Attainment		
Madison County		Unclassifiable/Attainment		
Marengo County		Unclassifiable/Attainment		
Marion County		Unclassifiable/Attainment		
Marshall County		Unclassifiable/Attainment		
Mobile County		Unclassifiable/Attainment		
Monroe County		Unclassifiable/Attainment		
Montgomery County		Unclassifiable/Attainment		
Morgan County		Unclassifiable/Attainment		
Perry County		Unclassifiable/Attainment		
Pickens County		Unclassifiable/Attainment		
Pike County		Unclassifiable/Attainment		
Randolph County		Unclassifiable/Attainment		
Russell County		Unclassifiable/Attainment		

ALABAMA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Shelby County		Unclassifiable/Attainment		
St. Clair County		Unclassifiable/Attainment		
Sumter County		Unclassifiable/Attainment		
Talladega County		Unclassifiable/Attainment		
Tallapoosa County		Unclassifiable/Attainment		
Tuscaloosa County		Unclassifiable/Attainment		
Walker County		Unclassifiable/Attainment		
Washington County		Unclassifiable/Attainment		
Wilcox County		Unclassifiable/Attainment		
Winston County		Unclassifiable/Attainment		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

* * * * *

■ 3. Section 81.311 is amended by revising the table entitled ''Georgia—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' to read as follows:

§ 81.311 Georgia.

* * * * *

GEORGIA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Appling County		Unclassifiable/Attainment		
Atkinson County		Unclassifiable/Attainment		
Bacon County		Unclassifiable/Attainment		
Baker County		Unclassifiable/Attainment		
Baldwin County		Unclassifiable/Attainment		
Banks County		Unclassifiable/Attainment		
Barrow County		Unclassifiable/Attainment		
Bartow County				
Ben Hill County		Unclassifiable/Attainment		
Berrien County		Unclassifiable/Attainment		
Bibb County		Unclassifiable/Attainment		
Bleckley County		Unclassifiable/Attainment		
Brantley County		Unclassifiable/Attainment		
Brooks County		Unclassifiable/Attainment		
Bryan County		Unclassifiable/Attainment		
Bulloch County		Unclassifiable/Attainment		
Burke County		Unclassifiable/Attainment		
Butts County		Unclassifiable/Attainment		
Calhoun County		Unclassifiable/Attainment		
Camden County		Unclassifiable/Attainment		
Candler County		Unclassifiable/Attainment		
Carroll County		Unclassifiable/Attainment		
Catoosa County		Unclassifiable/Attainment		
Charlton County		Unclassifiable/Attainment		
Chatham County		Unclassifiable/Attainment		
Chattahoochee County		Unclassifiable/Attainment		
Chattooga County		Unclassifiable/Attainment		
Cherokee County				
Clarke County		Unclassifiable/Attainment		
Clay County		Unclassifiable/Attainment		
Clayton County				
Clinch County		Unclassifiable/Attainment		
Cobb County				
Coffee County		Unclassifiable/Attainment		
Colquitt County		Unclassifiable/Attainment		
Columbia County		Unclassifiable/Attainment		
Cook County		Unclassifiable/Attainment		
Coweta County				
Crawford County		Unclassifiable/Attainment		
Crisp County		Unclassifiable/Attainment		
Dade County		Unclassifiable/Attainment		
Dawson County		Unclassifiable/Attainment		

GEORGIA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Decatur County		Unclassifiable/Attainment		
DeKalb County				
Dodge County		Unclassifiable/Attainment		
Dooly County		Unclassifiable/Attainment		
Dougherty County				
Douglas County				
Early County		Unclassifiable/Attainment		
Echols County		Unclassifiable/Attainment		
Effingham County		Unclassifiable/Attainment		
Elbert County		Unclassifiable/Attainment		
Emanuel County		Unclassifiable/Attainment		
Evans County		Unclassifiable/Attainment		
Fannin County		Unclassifiable/Attainment		
Fayette County		Unclassifiable/Attainment		
Floyd County		Unclassifiable/Attainment		
Forsyth County				
Franklin County		Unclassifiable/Attainment		
Fulton County				
Gilmer County		Unclassifiable/Attainment		
Glascock County		Unclassifiable/Attainment		
Glynn County				
Gordon County		Unclassifiable/Attainment		
Grady County		Unclassifiable/Attainment		
Greene County		Unclassifiable/Attainment		
Gwinnett County				
Habersham County		Unclassifiable/Attainment		
Hall County		Unclassifiable/Attainment		
Hancock County		Unclassifiable/Attainment		
Haralson County		Unclassifiable/Attainment		
Harris County		Unclassifiable/Attainment		
Hart County		Unclassifiable/Attainment		
Heard County		Unclassifiable/Attainment		
Henry County				
Houston County		Unclassifiable/Attainment		
Irwin County		Unclassifiable/Attainment		
Jackson County		Unclassifiable/Attainment		
Jasper County		Unclassifiable/Attainment		
Jeff Davis County		Unclassifiable/Attainment		
Jefferson County		Unclassifiable/Attainment		
Jenkins County		Unclassifiable/Attainment		
Johnson County		Unclassifiable/Attainment		
Jones County		Unclassifiable/Attainment		
Lamar County		Unclassifiable/Attainment		
Lanier County		Unclassifiable/Attainment		
Laurens County		Unclassifiable/Attainment		
Lee County		Unclassifiable/Attainment		
Liberty County		Unclassifiable/Attainment		
Lincoln County		Unclassifiable/Attainment		
Long County		Unclassifiable/Attainment		
Lowndes County		Unclassifiable/Attainment		
Lumpkin County		Unclassifiable/Attainment		
McDuffie County		Unclassifiable/Attainment		
McIntosh County		Unclassifiable/Attainment		
Macon County		Unclassifiable/Attainment		
Madison County		Unclassifiable/Attainment		
Marion County		Unclassifiable/Attainment		
Meriwether County		Unclassifiable/Attainment		
Miller County		Unclassifiable/Attainment		
Mitchell County		Unclassifiable/Attainment		
Monroe County		Unclassifiable/Attainment		
Montgomery County		Unclassifiable/Attainment		
Morgan County		Unclassifiable/Attainment		
Murray County		Unclassifiable/Attainment		
Muscogee County		Unclassifiable/Attainment		
Newton County		Unclassifiable/Attainment		
Oconee County		Unclassifiable/Attainment		
Oglethorpe County		Unclassifiable/Attainment		
Paulding County				
Peach County		Unclassifiable/Attainment		

GEORGIA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Pickens County		Unclassifiable/Attainment		
Pierce County		Unclassifiable/Attainment		
Pike County		Unclassifiable/Attainment		
Polk County		Unclassifiable/Attainment		
Pulaski County		Unclassifiable/Attainment		
Putnam County		Unclassifiable/Attainment		
Quitman County		Unclassifiable/Attainment		
Rabun County		Unclassifiable/Attainment		
Randolph County		Unclassifiable/Attainment		
Richmond County		Unclassifiable/Attainment		
Rockdale County		Unclassifiable/Attainment		
Schley County		Unclassifiable/Attainment		
Screven County		Unclassifiable/Attainment		
Seminole County		Unclassifiable/Attainment		
Spalding County		Unclassifiable/Attainment		
Stephens County		Unclassifiable/Attainment		
Stewart County		Unclassifiable/Attainment		
Sumter County		Unclassifiable/Attainment		
Talbot County		Unclassifiable/Attainment		
Taliaferro County		Unclassifiable/Attainment		
Tattnall County		Unclassifiable/Attainment		
Taylor County		Unclassifiable/Attainment		
Telfair County		Unclassifiable/Attainment		
Terrell County		Unclassifiable/Attainment		
Thomas County		Unclassifiable/Attainment		
Tift County		Unclassifiable/Attainment		
Toombs County		Unclassifiable/Attainment		
Towns County		Unclassifiable/Attainment		
Treutlen County		Unclassifiable/Attainment		
Troup County		Unclassifiable/Attainment		
Turner County		Unclassifiable/Attainment		
Twiggs County		Unclassifiable/Attainment		
Union County		Unclassifiable/Attainment		
Upson County		Unclassifiable/Attainment		
Walker County		Unclassifiable/Attainment		
Walton County		Unclassifiable/Attainment		
Ware County		Unclassifiable/Attainment		
Warren County		Unclassifiable/Attainment		
Washington County		Unclassifiable/Attainment		
Wayne County		Unclassifiable/Attainment		
Webster County		Unclassifiable/Attainment		
Wheeler County		Unclassifiable/Attainment		
White County		Unclassifiable/Attainment		
Whitfield County		Unclassifiable/Attainment		
Wilcox County		Unclassifiable/Attainment		
Wilkes County		Unclassifiable/Attainment		
Wilkinson County		Unclassifiable/Attainment		
Worth County		Unclassifiable/Attainment		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

* * * * *

■ 4. Section 81.315 is amended by revising the table entitled ''Indiana—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' to read as follows:

§ 81.315 Indiana.

* * * * *

INDIANA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Louisville, KY-IN:				
Clark County		Unclassifiable		
Floyd County		Unclassifiable		
Chicago Area, IL-IN:				

INDIANA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Lake County		Unclassifiable		
Porter County		Unclassifiable		
Rest of State:				
Adams County		Unclassifiable/Attainment		
Allen County		Unclassifiable/Attainment		
Bartholomew County		Unclassifiable/Attainment		
Benton County		Unclassifiable/Attainment		
Blackford County		Unclassifiable/Attainment		
Boone County		Unclassifiable/Attainment		
Brown County		Unclassifiable/Attainment		
Carroll County		Unclassifiable/Attainment		
Cass County		Unclassifiable/Attainment		
Clay County		Unclassifiable/Attainment		
Clinton County		Unclassifiable/Attainment		
Crawford County		Unclassifiable/Attainment		
Daviess County		Unclassifiable/Attainment		
DeKalb County		Unclassifiable/Attainment		
Dearborn County		Unclassifiable/Attainment		
Decatur County		Unclassifiable/Attainment		
Delaware County		Unclassifiable/Attainment		
Dubois County		Unclassifiable/Attainment		
Elkhart County		Unclassifiable/Attainment		
Fayette County		Unclassifiable/Attainment		
Fountain County		Unclassifiable/Attainment		
Franklin County		Unclassifiable/Attainment		
Fulton County		Unclassifiable/Attainment		
Gibson County		Unclassifiable/Attainment		
Grant County		Unclassifiable/Attainment		
Greene County		Unclassifiable/Attainment		
Hamilton County		Unclassifiable/Attainment		
Hancock County		Unclassifiable/Attainment		
Harrison County		Unclassifiable/Attainment		
Hendricks County		Unclassifiable/Attainment		
Henry County		Unclassifiable/Attainment		
Howard County		Unclassifiable/Attainment		
Huntington County		Unclassifiable/Attainment		
Jackson County		Unclassifiable/Attainment		
Jasper County		Unclassifiable/Attainment		
Jay County		Unclassifiable/Attainment		
Jefferson County		Unclassifiable/Attainment		
Jennings County		Unclassifiable/Attainment		
Johnson County		Unclassifiable/Attainment		
Knox County		Unclassifiable/Attainment		
Kosciusko County		Unclassifiable/Attainment		
LaGrange County		Unclassifiable/Attainment		
La Porte County		Unclassifiable/Attainment		
Lawrence County		Unclassifiable/Attainment		
Madison County		Unclassifiable/Attainment		
Marion County		Unclassifiable/Attainment		
Marshall County		Unclassifiable/Attainment		
Martin County		Unclassifiable/Attainment		
Miami County		Unclassifiable/Attainment		
Monroe County		Unclassifiable/Attainment		
Montgomery County		Unclassifiable/Attainment		
Morgan County		Unclassifiable/Attainment		
Newton County		Unclassifiable/Attainment		
Noble County		Unclassifiable/Attainment		
Ohio County		Unclassifiable/Attainment		
Orange County		Unclassifiable/Attainment		
Owen County		Unclassifiable/Attainment		
Parke County		Unclassifiable/Attainment		
Perry County		Unclassifiable/Attainment		
Pike County		Unclassifiable/Attainment		
Posey County		Unclassifiable/Attainment		
Pulaski County		Unclassifiable/Attainment		
Putnam County		Unclassifiable/Attainment		
Randolph County		Unclassifiable/Attainment		
Ripley County		Unclassifiable/Attainment		
Rush County		Unclassifiable/Attainment		

INDIANA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Scott County		Unclassifiable/Attainment		
Shelby County		Unclassifiable/Attainment		
Spencer County		Unclassifiable/Attainment		
St. Joseph County		Unclassifiable/Attainment		
Starke County		Unclassifiable/Attainment		
Steuben County		Unclassifiable/Attainment		
Sullivan County		Unclassifiable/Attainment		
Switzerland County		Unclassifiable/Attainment		
Tippecanoe County		Unclassifiable/Attainment		
Tipton County		Unclassifiable/Attainment		
Union County		Unclassifiable/Attainment		
Vanderburgh County		Unclassifiable/Attainment		
Vermillion County		Unclassifiable/Attainment		
Vigo County		Unclassifiable/Attainment		
Wabash County		Unclassifiable/Attainment		
Warren County		Unclassifiable/Attainment		
Warrick County		Unclassifiable/Attainment		
Washington County		Unclassifiable/Attainment		
Wayne County		Unclassifiable/Attainment		
Wells County		Unclassifiable/Attainment		
White County		Unclassifiable/Attainment		
Whitley County		Unclassifiable/Attainment		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 5. Section 81.318 is amended by revising the table entitled ''Kentucky—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' to read as follows:

§ 81.318 Kentucky.

* * * * *

KENTUCKY—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Louisville, KY-IN:				
Bullitt County (part)		Unclassifiable		
2010 Census tracts: 201.01, 201.02, 201.03, 202.01, 202.02. 203, 204, 205, 206.01, 206.02, 207.01, 207.02, 208, 211.01 and 211.02.				
Jefferson County		Unclassifiable		
Rest of State:				
Adair County		Unclassifiable/Attainment		
Allen County		Unclassifiable/Attainment		
Anderson County		Unclassifiable/Attainment		
Ballard County		Unclassifiable/Attainment		
Barren County		Unclassifiable/Attainment		
Bath County		Unclassifiable/Attainment		
Bell County		Unclassifiable/Attainment		
Boone		Unclassifiable/Attainment		
Bourbon County		Unclassifiable/Attainment		
Boyd County		Unclassifiable/Attainment		
Boyle County		Unclassifiable/Attainment		
Bracken County		Unclassifiable/Attainment		
Breathitt County		Unclassifiable/Attainment		
Breckinridge County		Unclassifiable/Attainment		
Bullitt County (remainder)		Unclassifiable/Attainment		
Butler County		Unclassifiable/Attainment		
Caldwell County		Unclassifiable/Attainment		
Calloway County		Unclassifiable/Attainment		
Campbell County		Unclassifiable/Attainment		
Carlisle County		Unclassifiable/Attainment		
Carroll County		Unclassifiable/Attainment		

KENTUCKY—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Carter County		Unclassifiable/Attainment		
Casey County		Unclassifiable/Attainment		
Christian County		Unclassifiable/Attainment		
Clark County		Unclassifiable/Attainment		
Clay County		Unclassifiable/Attainment		
Clinton County		Unclassifiable/Attainment		
Crittenden County		Unclassifiable/Attainment		
Cumberland County		Unclassifiable/Attainment		
Daviess County		Unclassifiable/Attainment		
Edmonson County		Unclassifiable/Attainment		
Elliott County		Unclassifiable/Attainment		
Estill County		Unclassifiable/Attainment		
Fayette County		Unclassifiable/Attainment		
Fleming County		Unclassifiable/Attainment		
Floyd County		Unclassifiable/Attainment		
Franklin County		Unclassifiable/Attainment		
Fulton County		Unclassifiable/Attainment		
Gallatin County		Unclassifiable/Attainment		
Garrard County		Unclassifiable/Attainment		
Grant County		Unclassifiable/Attainment		
Graves County		Unclassifiable/Attainment		
Grayson County		Unclassifiable/Attainment		
Green County		Unclassifiable/Attainment		
Greenup County		Unclassifiable/Attainment		
Hancock County		Unclassifiable/Attainment		
Hardin County		Unclassifiable/Attainment		
Harlan County		Unclassifiable/Attainment		
Harrison County		Unclassifiable/Attainment		
Hart County		Unclassifiable/Attainment		
Henderson County		Unclassifiable/Attainment		
Henry County		Unclassifiable/Attainment		
Hickman County		Unclassifiable/Attainment		
Hopkins County		Unclassifiable/Attainment		
Jackson County		Unclassifiable/Attainment		
Jessamine County		Unclassifiable/Attainment		
Johnson County		Unclassifiable/Attainment		
Kenton County		Unclassifiable/Attainment		
Knott County		Unclassifiable/Attainment		
Knox County		Unclassifiable/Attainment		
Larue County		Unclassifiable/Attainment		
Laurel County		Unclassifiable/Attainment		
Lawrence County		Unclassifiable/Attainment		
Lee County		Unclassifiable/Attainment		
Leslie County		Unclassifiable/Attainment		
Letcher County		Unclassifiable/Attainment		
Lewis County		Unclassifiable/Attainment		
Lincoln County		Unclassifiable/Attainment		
Livingston County		Unclassifiable/Attainment		
Logan County		Unclassifiable/Attainment		
Lyon County		Unclassifiable/Attainment		
McCracken County		Unclassifiable/Attainment		
McCreary County		Unclassifiable/Attainment		
McLean County		Unclassifiable/Attainment		
Madison County		Unclassifiable/Attainment		
Magoffin County		Unclassifiable/Attainment		
Marion County		Unclassifiable/Attainment		
Marshall County		Unclassifiable/Attainment		
Martin County		Unclassifiable/Attainment		
Mason County		Unclassifiable/Attainment		
Meade County		Unclassifiable/Attainment		
Menifee County		Unclassifiable/Attainment		
Mercer County		Unclassifiable/Attainment		
Metcalfe County		Unclassifiable/Attainment		
Monroe County		Unclassifiable/Attainment		
Montgomery County		Unclassifiable/Attainment		
Morgan County		Unclassifiable/Attainment		
Muhlenberg County		Unclassifiable/Attainment		
Nelson County		Unclassifiable/Attainment		
Nicholas County		Unclassifiable/Attainment		

KENTUCKY—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Ohio County		Unclassifiable/Attainment		
Oldham County		Unclassifiable/Attainment		
Owen County		Unclassifiable/Attainment		
Owsley County		Unclassifiable/Attainment		
Pendleton County		Unclassifiable/Attainment		
Perry County		Unclassifiable/Attainment		
Pike County		Unclassifiable/Attainment		
Powell County		Unclassifiable/Attainment		
Pulaski County		Unclassifiable/Attainment		
Robertson County		Unclassifiable/Attainment		
Rockcastle County		Unclassifiable/Attainment		
Rowan County		Unclassifiable/Attainment		
Russell County		Unclassifiable/Attainment		
Scott County		Unclassifiable/Attainment		
Shelby County		Unclassifiable/Attainment		
Simpson County		Unclassifiable/Attainment		
Spencer County		Unclassifiable/Attainment		
Taylor County		Unclassifiable/Attainment		
Todd County		Unclassifiable/Attainment		
Trigg County		Unclassifiable/Attainment		
Trimble County		Unclassifiable/Attainment		
Union County		Unclassifiable/Attainment		
Warren County		Unclassifiable/Attainment		
Washington County		Unclassifiable/Attainment		
Wayne County		Unclassifiable/Attainment		
Webster County		Unclassifiable/Attainment		
Whitley County		Unclassifiable/Attainment		
Wolfe County		Unclassifiable/Attainment		
Woodford County		Unclassifiable/Attainment		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 6. Section 81.336 is amended by revising the table entitled ''Ohio—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' to read as follows:

§ 81.336 Ohio.

* * * * *

OHIO—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Cleveland, OH:				
Cuyahoga County		Nonattainment		Moderate.
Lorain County		Nonattainment		Moderate.
Rest of State:				
Adams County		Unclassifiable/Attainment		
Allen County		Unclassifiable/Attainment		
Ashland County		Unclassifiable/Attainment		
Ashtabula County		Unclassifiable/Attainment		
Athens County		Unclassifiable/Attainment		
Auglaize County		Unclassifiable/Attainment		
Belmont County		Unclassifiable/Attainment		
Brown County		Unclassifiable/Attainment		
Butler County		Unclassifiable/Attainment		
Carroll County		Unclassifiable/Attainment		
Champaign County		Unclassifiable/Attainment		
Clark County		Unclassifiable/Attainment		
Clermont County		Unclassifiable/Attainment		
Clinton County		Unclassifiable/Attainment		
Columbiana County		Unclassifiable/Attainment		
Coshocton County		Unclassifiable/Attainment		
Crawford County		Unclassifiable/Attainment		
Darke County		Unclassifiable/Attainment		
Defiance County		Unclassifiable/Attainment		

OHIO—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Delaware County		Unclassifiable/Attainment		
Erie County		Unclassifiable/Attainment		
Fairfield County		Unclassifiable/Attainment		
Fayette County		Unclassifiable/Attainment		
Franklin County		Unclassifiable/Attainment		
Fulton County		Unclassifiable/Attainment		
Gallia County		Unclassifiable/Attainment		
Geauga County		Unclassifiable/Attainment		
Greene County		Unclassifiable/Attainment		
Guernsey County		Unclassifiable/Attainment		
Hamilton County		Unclassifiable/Attainment		
Hancock County		Unclassifiable/Attainment		
Hardin County		Unclassifiable/Attainment		
Harrison County		Unclassifiable/Attainment		
Henry County		Unclassifiable/Attainment		
Highland County		Unclassifiable/Attainment		
Hocking County		Unclassifiable/Attainment		
Holmes County		Unclassifiable/Attainment		
Huron County		Unclassifiable/Attainment		
Jackson County		Unclassifiable/Attainment		
Jefferson County		Unclassifiable/Attainment		
Knox County		Unclassifiable/Attainment		
Lake County		Unclassifiable/Attainment		
Lawrence County		Unclassifiable/Attainment		
Licking County		Unclassifiable/Attainment		
Logan County		Unclassifiable/Attainment		
Lucas County		Unclassifiable/Attainment		
Madison County		Unclassifiable/Attainment		
Mahoning County		Unclassifiable/Attainment		
Marion County		Unclassifiable/Attainment		
Medina County		Unclassifiable/Attainment		
Meigs County		Unclassifiable/Attainment		
Mercer County		Unclassifiable/Attainment		
Miami County		Unclassifiable/Attainment		
Monroe County		Unclassifiable/Attainment		
Montgomery County		Unclassifiable/Attainment		
Morgan County		Unclassifiable/Attainment		
Morrow County		Unclassifiable/Attainment		
Muskingum County		Unclassifiable/Attainment		
Noble County		Unclassifiable/Attainment		
Ottawa County		Unclassifiable/Attainment		
Paulding County		Unclassifiable/Attainment		
Perry County		Unclassifiable/Attainment		
Pickaway County		Unclassifiable/Attainment		
Pike County		Unclassifiable/Attainment		
Portage County		Unclassifiable/Attainment		
Preble County		Unclassifiable/Attainment		
Putnam County		Unclassifiable/Attainment		
Richland County		Unclassifiable/Attainment		
Ross County		Unclassifiable/Attainment		
Sandusky County		Unclassifiable/Attainment		
Scioto County		Unclassifiable/Attainment		
Seneca County		Unclassifiable/Attainment		
Shelby County		Unclassifiable/Attainment		
Stark County		Unclassifiable/Attainment		
Summit County		Unclassifiable/Attainment		
Trumbull County		Unclassifiable/Attainment		
Tuscarawas County		Unclassifiable/Attainment		
Union County		Unclassifiable/Attainment		
Van Wert County		Unclassifiable/Attainment		
Vinton County		Unclassifiable/Attainment		
Warren County		Unclassifiable/Attainment		
Washington County		Unclassifiable/Attainment		
Wayne County		Unclassifiable/Attainment		
Williams County		Unclassifiable/Attainment		
Wood County		Unclassifiable/Attainment		
Wyandot County		Unclassifiable/Attainment		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.

[2] This date is April 15, 2015, unless otherwise noted.

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■ 7. Section 81.339 is amended by revising the table entitled ''Pennsylvania—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' to read as follows:

§ 81.339 Pennsylvania.

* * * * *

PENNSYLVANIA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Allegheny County, PA:				
Allegheny County		Nonattainment		Moderate.
Delaware County, PA:				
Delaware County		Nonattainment		Moderate.
Lebanon County, PA:				
Lebanon County		Nonattainment		Moderate.
Rest of State:				
AQCR 151 Northeast Pennsylvania-Upper Delaware Valley Interstate:				
Berks County		Unclassifiable/Attainment		
Bradford County		Unclassifiable/Attainment		
Carbon County		Unclassifiable/Attainment		
Lackawanna County		Unclassifiable/Attainment		
Lehigh County		Unclassifiable/Attainment		
Luzerne County		Unclassifiable/Attainment		
Monroe County		Unclassifiable/Attainment		
Northampton County		Unclassifiable/Attainment		
Pike County		Unclassifiable/Attainment		
Schuylkill County		Unclassifiable/Attainment		
Sullivan County		Unclassifiable/Attainment		
Susquehanna County		Unclassifiable/Attainment		
Tioga County		Unclassifiable/Attainment		
Wayne County		Unclassifiable/Attainment		
Wyoming County		Unclassifiable/Attainment		
AQCR 178 Northwest Pennsylvania-Youngstown Interstate:				
Cameron County		Unclassifiable/Attainment		
Clarion County		Unclassifiable/Attainment		
Clearfield County		Unclassifiable/Attainment		
Crawford County		Unclassifiable/Attainment		
Elk County		Unclassifiable/Attainment		
Erie County		Unclassifiable/Attainment		
Forest County		Unclassifiable/Attainment		
Jefferson County		Unclassifiable/Attainment		
Lawrence County		Unclassifiable/Attainment		
McKean County		Unclassifiable/Attainment		
Mercer County		Unclassifiable/Attainment		
Potter County		Unclassifiable/Attainment		
Venango County		Unclassifiable/Attainment		
Warren County		Unclassifiable/Attainment		
AQCR 45 Metropolitan Philadelphia Intrastate:				
Bucks County		Unclassifiable/Attainment		
Chester County		Unclassifiable/Attainment		
Montgomery County		Unclassifiable/Attainment		
Philadelphia County		Unclassifiable/Attainment		
AQCR 195 Central Pennsylvania Intrastate:				
Bedford County		Unclassifiable/Attainment		
Blair County		Unclassifiable/Attainment		
Cambria County		Unclassifiable/Attainment		
Centre County		Unclassifiable/Attainment		
Clinton County		Unclassifiable/Attainment		
Columbia County		Unclassifiable/Attainment		
Fulton County		Unclassifiable/Attainment		
Huntingdon County		Unclassifiable/Attainment		
Juniata County		Unclassifiable/Attainment		
Lycoming County		Unclassifiable/Attainment		
Mifflin County		Unclassifiable/Attainment		
Montour County		Unclassifiable/Attainment		
Northumberland County		Unclassifiable/Attainment		
Snyder County		Unclassifiable/Attainment		
Somerset County		Unclassifiable/Attainment		
Union County		Unclassifiable/Attainment		

PENNSYLVANIA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
AQCR 196 South Central Pennsylvania Intrastate:				
Adams County		Unclassifiable/Attainment		
Cumberland County		Unclassifiable/Attainment		
Dauphin County		Unclassifiable/Attainment		
Franklin County		Unclassifiable/Attainment		
Lancaster County		Unclassifiable/Attainment		
Perry County		Unclassifiable/Attainment		
York County		Unclassifiable/Attainment		
AQCR 197 Southwest Pennsylvania Intrastate:				
Armstrong County		Unclassifiable/Attainment		
Beaver County		Unclassifiable/Attainment		
Butler County		Unclassifiable/Attainment		
Fayette County		Unclassifiable/Attainment		
Greene County		Unclassifiable/Attainment		
Indiana County		Unclassifiable/Attainment		
Washington County		Unclassifiable/Attainment		
Westmoreland County		Unclassifiable/Attainment		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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■ 8. Section 81.341 is amended by revising the table entitled ''South Carolina—2012 Annual $PM_{2.5}$ NAAQS (Primary)'' to read as follows:

§ 81.341 South Carolina.

* * * * *

SOUTH CAROLINA—2012 ANNUAL $PM_{2.5}$ NAAQS

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Statewide:				
Abbeville County		Unclassifiable/Attainment		
Aiken County		Unclassifiable/Attainment		
Allendale County		Unclassifiable/Attainment		
Anderson County		Unclassifiable/Attainment		
Bamberg County		Unclassifiable/Attainment		
Barnwell County		Unclassifiable/Attainment		
Beaufort County		Unclassifiable/Attainment		
Berkeley County		Unclassifiable/Attainment		
Calhoun County		Unclassifiable/Attainment		
Charleston County		Unclassifiable/Attainment		
Cherokee County		Unclassifiable/Attainment		
Chester County		Unclassifiable/Attainment		
Chesterfield County		Unclassifiable/Attainment		
Clarendon County		Unclassifiable/Attainment		
Colleton County		Unclassifiable/Attainment		
Darlington County		Unclassifiable/Attainment		
Dillon County		Unclassifiable/Attainment		
Dorchester County		Unclassifiable/Attainment		
Edgefield County		Unclassifiable/Attainment		
Fairfield County		Unclassifiable/Attainment		
Florence County		Unclassifiable/Attainment		
Georgetown County		Unclassifiable/Attainment		
Greenwood County		Unclassifiable/Attainment		
Greenville County		Unclassifiable/Attainment		
Hampton County		Unclassifiable/Attainment		
Horry County		Unclassifiable/Attainment		
Jasper County		Unclassifiable/Attainment		
Kershaw County		Unclassifiable/Attainment		
Lancaster County		Unclassifiable/Attainment		
Laurens County		Unclassifiable/Attainment		
Lee County		Unclassifiable/Attainment		
Lexington County		Unclassifiable/Attainment		
McCormick County		Unclassifiable/Attainment		
Marion County		Unclassifiable/Attainment		
Marlboro County		Unclassifiable/Attainment		

SOUTH CAROLINA—2012 ANNUAL $PM_{2.5}$ NAAQS—Continued

[Primary]

Designated area [1]	Designation		Classification	
	Date [2]	Type	Date [2]	Type
Newberry County		Unclassifiable/Attainment		
Oconee County		Unclassifiable/Attainment		
Orangeburg County		Unclassifiable/Attainment		
Pickens County		Unclassifiable/Attainment		
Richland County		Unclassifiable/Attainment		
Saluda County		Unclassifiable/Attainment		
Spartanburg County		Unclassifiable/Attainment		
Sumter County		Unclassifiable/Attainment		
Union County		Unclassifiable/Attainment		
Williamsburg County		Unclassifiable/Attainment		
York County		Unclassifiable/Attainment		

[1] Includes areas of Indian country located in each county or area, except as otherwise specified.
[2] This date is April 15, 2015, unless otherwise noted.

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[FR Doc. 2015–07948 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 140501394–5279–02]

RIN 0648–XD869

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2015 Commercial Accountability Measure and Closure for Blueline Tilefish in the South Atlantic Region

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures (AMs) for commercial blueline tilefish in the exclusive economic zone (EEZ) of the South Atlantic. Commercial landings for blueline tilefish, as estimated by the Science and Research Director, have reached the commercial annual catch limit (ACL). Therefore, NMFS is closing the commercial sector for blueline tilefish in the South Atlantic EEZ at 12:01 a.m., local time, April 7, 2015, and it will remain closed until the start of the next fishing season, January 1, 2016. This closure is necessary to protect the blueline tilefish resource.

DATES: This rule is effective 12:01 a.m., local time, April 7, 2015, until 12:01 a.m., local time, January 1, 2016.

FOR FURTHER INFORMATION CONTACT: Britni LaVine, NMFS Southeast Region, telephone: 727–824–5305, email: *britni.lavine@noaa.gov.*

SUPPLEMENTARY INFORMATION: The snapper-grouper fishery of the South Atlantic includes blueline tilefish and is managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP). The South Atlantic Fishery Management Council and NMFS prepared the FMP, and the FMP is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

NMFS implemented management measures in Amendment 32 to the FMP for the Snapper-Grouper Fishery of the South Atlantic Region (Amendment 32). The final rule published in the **Federal Register**, and was effective, on March 30, 2015 (80 FR 16583). Amendment 32 contains management measures that end overfishing of blueline tilefish in the South Atlantic.

NMFS is required to close the commercial sector for blueline tilefish when the commercial ACL is reached, or is projected to be reached, by filing a notification to that effect with the Office of the Federal Register, as specified in 50 CFR 622.193(z)(1)(i). The commercial ACL for blueline tilefish is 17,841 lb (8,093 kg), round weight. NMFS has determined that the commercial ACL for South Atlantic blueline tilefish has been reached. Accordingly, the commercial sector for South Atlantic blueline tilefish is closed effective April 7, 2015, until 12:01 a.m., local time, January 1, 2016.

The operator of a vessel with a valid commercial vessel permit for South Atlantic snapper-grouper having blueline tilefish onboard must have landed and bartered, traded, or sold such blueline tilefish prior to April 7, 2015. During the closure, all sale or purchase of blueline tilefish is prohibited and harvest or possession of blueline tilefish in or from the South Atlantic EEZ is limited to the bag and possession limits specified in 50 CFR 622.187(b)(2)(iv) and 622.187(c)(1), respectively. These bag and possession limits apply in the South Atlantic on board a vessel for which a valid Federal commercial or charter vessel/headboat permit for South Atlantic snapper-grouper has been issued, without regard to where such species were harvested, *i.e.,* in state or Federal waters.

Note that the recreational sector for blueline tilefish opened on January 1 and closed March 30, 2015, when the final rule for Amendment 32 became effective, because Amendment 32 implemented a seasonal closure for the recreational sector for blueline tilefish that extends from September 1 through April 30. Currently, the recreational sector for blueline tilefish is scheduled to reopen on May 1, 2015, and stay open through August 31, 2015, if the recreational ACL has not been met.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined this temporary rule is necessary for the conservation and management of blueline tilefish and the South Atlantic snapper-grouper fishery and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.193(z)(1)(i) and is exempt from review under Executive Order 12866.

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

This action responds to the best scientific information available. The

Assistant Administrator for Fisheries, NOAA (AA), finds that the need to immediately implement this action to close the commercial sector for blueline tilefish constitutes good cause to waive the requirements to provide prior notice and opportunity for public comment pursuant to the authority set forth in 5 U.S.C. 553(b)(B), as such prior notice and opportunity for public comment are unnecessary and contrary to the public interest. Such procedures are unnecessary because the regulations at 50 CFR 622.193(z)(1)(i) have already been subject to notice and comment, and all that remains is to notify the public of the closure. Such procedures are contrary to the public interest because there is a need to immediately implement this action to protect blueline tilefish, since the capacity of the fishing fleet allows for rapid harvest of the commercial ACL. Prior notice and opportunity for public comment would require time and would potentially result in a harvest well in excess of the established commercial ACL.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Emily H. Menashes,

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

[FR Doc. 2015–07946 Filed 4–2–15; 4:15 pm]

BILLING CODE CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 150105013–5291–02]

RIN 0648–BE62

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Grouper Recreational Management Measures

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

ACTION: Final rule.

SUMMARY: NMFS issues this final rule to implement management measures described in a framework action to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP), as prepared by the Gulf of Mexico Fishery Management Council (Council). This final rule revises the daily bag limit for red grouper in the Gulf of Mexico (Gulf) and removes the recreational post-season bag limit reduction accountability measure (AM) for Gulf red grouper. Additionally, this rule corrects an error in the Gulf individual fishing quota (IFQ) multi-use provisions for the Grouper/Tilefish IFQ program. The purpose of this final rule is to modify the Gulf red grouper recreational management measures to improve recreational fishing opportunities by achieving optimal yield for the red grouper resource.

DATES: This rule is effective May 7, 2015.

ADDRESSES: Electronic copies of the framework action, which includes an environmental assessment, a regulatory impact review, and a Regulatory Flexibility Act analysis may be obtained from the Southeast Regional Office Web site at *http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/reef_fish/index.html.*

FOR FURTHER INFORMATION CONTACT: Richard Malinowski, telephone: 727–824–5305, email: *rich.malinowski@noaa.gov.*

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

On January 27, 2015, NMFS published a proposed rule for the framework action and requested public comment (80 FR 4240). The proposed rule and framework action outline the rationale for the actions contained in this final rule. A summary of the actions implemented by this final rule is provided below.

Management Measures Contained in This Final Rule

This final rule reduces the Gulf red grouper recreational bag limit from four fish to two fish within the four-fish aggregate grouper bag limit, and removes the post-season AM that reduces the daily bag limit the next fishing season when the previous fishing year's annual catch limit (ACL) is exceeded. The other post-season AMs currently codified in the regulations remain in effect without change.

Additional Change to Codified Text

In addition, this final rule corrects a mistake in the regulations that was implemented in the final rule for Amendment 32 to the FMP. NMFS changes ''red grouper multi-use allocation'' to ''gag multi-use allocation'' in § 622.22(a)(5)(ii)(B), where it erroneously stated that if red grouper is under a rebuilding plan, then ''red grouper multi-use allocation'' should be set to zero. This change is not related to the framework action.

Comments and Responses

NMFS received 28 comment submissions on the framework action and the proposed rule; 1 from a sport fishing club, 1 from a state agency, and 26 from individuals. All comments received were in regard to the bag limit reduction; no comments were received directly addressing the removal of the accountability measure. Fourteen submissions supported the bag limit reduction, which is expected to alleviate the need for in-season closures. Eight individuals specifically opposed the bag limit reduction. Other submissions were outside the scope of the rule, offering suggestions for alternative management options, such as different size and bag limits, regionalized regulations, or a tag system. These are options the Council has considered in the past, and could consider again. A summary of the comments addressing the actions being implemented by this rulemaking and NMFS' responses to those comments appears below.

Comment 1: The new regulation could lead to overfishing of the Gulf red grouper resource.

Response: NMFS disagrees that either the bag limit reduction or the removal of the post-season AM could lead to overfishing of Gulf red grouper. The two-fish bag limit, although primarily intended to extend the length of the open season, should reduce the probability of exceeding the ACL by the recreational sector. The AM that reduced the bag limit by one fish if the ACL was exceeded in the previous year was also intended to extend the length of the open season and to avoid in-season closures. However, it is difficult to implement this in-season bag limit reduction in a timely manner and the bag limit change in the middle of the season created confusion. The Council determined, and NMFS agrees, that removing this AM would increase the efficiency of operating in this recreational sector and reduce public confusion without increasing the risk of exceeding the ACL because there are other AMs that will remain in place.

Comment 2: The two-fish bag limit is unnecessary and unreasonable because the Gulf red grouper stock is healthy and abundant; there is no shortage of red grouper.

Response: NMFS agrees the stock is healthy. The latest stock assessment indicates the stock is not overfished or

undergoing overfishing. However, the Council's decision to reduce the bag limit was not based on a need to limit the harvest of red grouper. This action is intended to extend the length of the open season and avoid in-season recreational closures.

Comment 3: A longer recreational closed season is preferred rather than a reduction in the bag limit. Reducing the red grouper bag limit to two fish would reduce the incentive to fish so that, even with a longer open season, the net economic effects of the action would be negative. Fishermen usually harvest two or three red grouper per angler, but having the opportunity to harvest four fish is an incentive for the trip. Offshore harvest levels should be at least three fish per angler.

Response: NMFS disagrees that it is preferable to have a longer closed season rather than a lower bag limit. Although it is not possible to reliably forecast changes in fishing effort or the associated economic impacts of the reduction in the red grouper bag limit with available data, public comments on this and similar rules indicate the majority of anglers prefer a longer open season. Longer open seasons provide greater flexibility to schedule trips and although some fishermen may harvest more than two fish per trip, and therefore choose to not fish under the lower limit, most anglers do not. The economic analysis in the framework document explains that in 2011–2012, when the red grouper bag limit was 4 fish, more than 90 percent of trips taken by anglers fishing from private vessels or charter vessels, and more than 98 percent of headboat trips, harvested 1 or 2 red grouper per trip. As a result, lowering the limit to two fish is not expected to adversely affect the harvest of most anglers, or their decision to fish. A longer open season with a reduced bag limit is expected to create more trips and result in greater economic benefits than a shorter season with a higher bag limit, which reduces the overall number of trips.

Classification

The Regional Administrator, Southeast Region, NMFS, has determined that this final rule is necessary for the conservation and management of Gulf red grouper and is consistent with the framework action, the FMP, the Magnuson-Stevens Act and other applicable law. This final rule has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this rule would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination was published in the proposed rule and is not repeated here. No comments were received regarding the certification to the Small Business Administration. Comments regarding the general net economic effects of the action are addressed in the comments and responses section of this final rule. No changes to the final rule were made in response to these comments. As a result, a final regulatory flexibility analysis was not required and none was prepared.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Gulf, Recreational, Red grouper.

Dated: April 1, 2015.

Eileen Sobeck,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

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

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

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

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

■ 2. In § 622.22, the last sentence in paragraph (a)(5)(ii)(B) is revised to read as follows:

§ 622.22 Individual fishing quota (IFQ) program for Gulf groupers and tilefishes.

(a) * * *

(5) * * *

(ii) * * *

(B) * * * However, if red grouper is under a rebuilding plan, the percentage of gag multi-use allocation is equal to zero.

* * * * *

■ 3. In § 622.38, the first sentence in paragraph (b)(2) is revised to read as follows:

§ 622.38 Bag and possession limits.

* * * * *

(b) * * *

(2) *Groupers, combined, excluding goliath grouper*—4 per person per day, but not to exceed 1 speckled hind or 1 warsaw grouper per vessel per day, or 2 gag or 2 red grouper per person per day. * * *

* * * * *

■ 4. In § 622.41, the second sentence in paragraph (e)(2)(ii) is revised and the third sentence in the same paragraph is removed to read as follows:

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

* * * * *

(e) * * *

(2) * * *

(ii) * * * In addition, the notification will reduce the length of the recreational red grouper fishing season the following fishing year by the amount necessary to ensure red grouper recreational landings do not exceed the recreational ACT in the following fishing year.

* * * * *

[FR Doc. 2015–08001 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 141021887–5172–02]

RIN 0648–XD844

Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; modification of closure.

SUMMARY: NMFS is opening directed fishing for northern rockfish in the Bering Sea and Aleutian Islands Management Area (BSAI). This action is necessary to fully use the 2015 total allowable catch (TAC) of northern rockfish in the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), April 2, 2015, through 2400 hrs, A.l.t., December 31, 2015. Comments must be received at the following address no later than 4:30 p.m., A.l.t., April 17, 2015.

ADDRESSES: You may submit comments on this document, identified by ''NOAA–NMFS–2014–0134'' by any of the following methods:

• Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0134*, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• Mail: Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

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), 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). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

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

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

Pursuant to the final 2015 and 2016 harvest specifications for groundfish in the BSAI (80 FR 11919, March 5, 2015), NMFS closed the directed fishery for northern rockfish under § 679.20(d)(1)(iii).

As of April 1, 2015, NMFS has determined that approximately 2,300 metric tons of northern rockfish initial TAC remains unharvested in the BSAI. Therefore, in accordance with § 679.25(a)(1)(i), (a)(2)(i)(C), and (a)(2)(iii)(D), and to fully utilize the 2015 TAC of northern rockfish in the BSAI, NMFS is terminating the previous closure and is opening directed fishing for northern rockfish in the BSAI. This will enhance the socioeconomic well-being of harvesters in this area. The Administrator, Alaska Region (Regional Administrator) considered the following factors in reaching this decision: (1) The current catch of northern rockfish in the BSAI and, (2) the harvest capacity and stated intent on future harvesting patterns of vessels in participating in this fishery.

Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) and § 679.25(c)(1)(ii) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the opening of northern rockfish in the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of April 1, 2015.

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

Without this inseason adjustment, NMFS could not allow the fishery for northern rockfish in the BSAI to be harvested in an expedient manner and in accordance with the regulatory schedule. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until April 17, 2015.

This action is required by § 679.20 and § 679.25 and is exempt from review under Executive Order 12866.

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

Dated: April 2, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–07942 Filed 4–2–15; 4:15 pm]

BILLING CODE CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 140918791–4999–02]

RIN 0648–XD876

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Hook-and-Line Gear in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by catcher/processors using hook-and-line gear in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2015 Pacific cod total allowable catch apportioned to catcher/processors using hook-and-line gear in the Western Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), April 2, 2015, through 1200 hours, A.l.t., June 10, 2015.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679. Regulations governing sideboard protections for GOA groundfish fisheries appear at subpart B of 50 CFR part 680.

The A season allowance of the 2015 Pacific cod total allowable catch (TAC) apportioned to catcher/processors using hook-and-line gear in the Western Regulatory Area of the GOA is 2,850 metric tons (mt), as established by the final 2015 and 2016 harvest specifications for groundfish of the GOA (80 FR 10250, February 25, 2015).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the A season allowance of the 2015 Pacific cod TAC

apportioned to catcher/processors using hook-and-line gear in the Western Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 2,840 mt and is setting aside the remaining 10 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher/processors using hook-and-line gear in the Western Regulatory Area of the GOA. After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the directed fishing closure of Pacific cod by catcher/processors using hook-and-line gear in the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of April 1, 2015.

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

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

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

Dated: April 2, 2015.

Emily H. Menashes,

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

[FR Doc. 2015–07938 Filed 4–2–15; 4:15 pm]

BILLING CODE CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 80, No. 66
Tuesday, April 7, 2015

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

SMALL BUSINESS ADMINISTRATION

13 CFR Parts 121, 124, 125, 126, 127, and 134

RIN 3245–AG24

Small Business Mentor Protégé Program; Small Business Size Regulations; Government Contracting Programs; 8(a) Business Development/ Small Disadvantaged Business Status Determinations; HUBZone Program; Women-Owned Small Business Federal Contract Program; Rules of Procedure Governing Cases Before the Office of Hearings and Appeals

AGENCY: U.S. Small Business Administration.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The U.S. Small Business Administration (SBA) is extending the comment period for the proposed rule published in the **Federal Register** on February 5, 2015. The comment period is scheduled to close on April 6, 2015. SBA is extending the comment period an additional 30 days in response to the significant level of interest generated by the proposed rule and requests from multiple stakeholders for an extension. Given the scope of the proposed rule and the nature of the issues raised by the comments received to date, SBA believes that affected businesses need more time to review the proposal and prepare their comments.

DATES: The comment period for the proposed rule published on February 5, 2015 is extended to May 6, 2015.

ADDRESSES: You may submit comments, identified by RIN: 3245–AG24, by any of the following methods:

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

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

FOR FURTHER INFORMATION CONTACT: Brenda Fernandez, Office of Policy, Planning and Liaison, 409 Third Street SW., Washington, DC 20416; (202) 207–7337; *brenda.fernandez@sba.gov.*

SUPPLEMENTARY INFORMATION: In the rule published on February 5, 2015 at 80 FR 6618, SBA proposed to implement provisions of the Small Business Jobs Act of 2010 and the National Defense Authorization Act of 2013, which pertain to the establishment of a Government-wide mentor protégé program for all small business concerns. The rule would also make minor changes to the mentor-protégé provisions for the 8(a) Business Development program in order to make the mentor-protégé rules for each of the programs as consistent as possible. The rule would amend the current joint venture provisions to clarify the conditions for creating and operating joint venture partnerships, including the effect of such partnerships on any mentor-protégé relationships. Finally, the rule would make several additional changes to current size, 8(a) Office of Hearings and Appeals or HUBZone regulations, concerning among other things, ownership and control, changes in primary industry, standards of review and interested party status for some appeals.

Sean F. Crean,

Director, Office of Government Contracting.

[FR Doc. 2015–07887 Filed 4–6–15; 8:45 am]

BILLING CODE 8025–01–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1422

[Docket No. CPSC–2009–0087]

Recreational Off-Highway Vehicles (ROVs); Notice of Extension of Comment Period

AGENCY: U.S. Consumer Product Safety Commission.

ACTION: Extension of comment period.

SUMMARY: The Consumer Product Safety Commission (Commission or CPSC) published a notice of proposed rulemaking (NPR) in the **Federal Register** on November 19, 2014, concerning recreational off-highway vehicles (ROVs). The NPR invited the public to submit written comments by February 2, 2015. In response to two requests for an extension, the Commission extended the comment period to April 8, 2015. In response to two requests for an additional extension, the Commission is extending the comment period to June 19, 2015.

DATES: Submit comments by June 19, 2015.

ADDRESSES: You may submit comments, identified by Docket No. CPSC–2009–0087, by any of the following methods:

Electronic Submissions

Submit electronic comments in the following way:

Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. The Commission does not accept comments submitted by electronic mail (email), except through: *http://www.regulations.gov.* The Commission encourages you to submit electronic comments by using the Federal eRulemaking Portal, as described above.

Written Submissions

Submit written submissions in the following way:

Mail/Hand delivery/Courier to: Office of the Secretary, Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change, including any personal

identifiers, contact information, or other personal information provided, to: *http://www.regulations.gov.* Do not submit confidential business information, trade secret information, or other sensitive or protected information electronically. Such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received, go to: *http://www.regulations.gov* and insert the Docket No. CPSC–2009–0087 into the ''Search'' box and follow the prompts.

SUPPLEMENTARY INFORMATION: On November 19, 2014, the Commission published an NPR in the **Federal Register** proposing standards that would apply to ROVs. (79 FR 68964). The Commission issued the proposed rule under the authority of the Consumer Product Safety Act (CPSA). In response to requests for an extension of the comment period by the Recreational Off-Highway Vehicle Association (ROHVA) and the Outdoor Power Equipment Institute (OPEI), the Commission extended the comment period to April 8, 2015. (80 FR 3535 (January 23, 2015)). ROHVA and OPEI have each requested another extension to the comment period. ROHVA asked for additional time to review documents provided by the Commission. OPEI noted a need for additional time for OPEI to complete and review ''round robin'' testing that OPEI is conducting to gauge the reproducibility and repeatability of tests the Commission proposed in the NPR. The Commission has considered the requests and is extending the comment period until June 19, 2015.

Alberta E. Mills,

Acting Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 2015–07910 Filed 4–6–15; 8:45 am]

BILLING CODE 6355–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 435

[EPA–HQ–OW–2014–0598; FRL–9917–78–OW]

RIN 2040–AF35

Effluent Limitations Guidelines and Standards for the Oil and Gas Extraction Point Source Category

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes a Clean Water Act (CWA) regulation that would better protect human health and the environment and protect the operational integrity of publicly owned treatment works (POTWs) by establishing pretreatment standards that would prevent the discharge of pollutants in wastewater from onshore unconventional oil and gas extraction facilities to POTWs. Unconventional oil and gas (UOG) extraction wastewater can be generated in large quantities and contains constituents that are potentially harmful to human health and the environment. Because they are not typical of POTW influent wastewater, some UOG extraction wastewater constituents can be discharged, untreated, from the POTW to the receiving stream; can disrupt the operation of the POTW (*e.g.*, by inhibiting biological treatment); can accumulate in biosolids (sewage sludge), limiting their use; and can facilitate the formation of harmful disinfection by-products (DBPs). Based on the information collected by EPA, the requirements in this proposal reflect current industry practices for unconventional oil and gas extraction facilities, therefore, EPA does not project the proposed rule will impose any costs or lead to pollutant removals, but will ensure that such current industry best practice is maintained over time.

DATES: Comments on this proposed rule must be received on or before June 8, 2015. EPA will conduct a public hearing on the proposed pretreatment standards on May 29, 2015 at 1:00 p.m. in the EPA East Building, Room 1153, 1201 Constitution Avenue NW., Washington, DC.

ADDRESSES: Submit your comments on the proposed rule, identified by Docket No. EPA–HQ–OW–2014–0598 by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: OW-Docket@epa.gov,* Attention Docket ID No. EPA–HQ–OW–2014–0598.
- *Mail:* Water Docket, U.S. Environmental Protection Agency, Mail code: 4203M, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Attention Docket ID No. EPA–HQ–OW–2014–0598. Please include three copies.
- *Hand Delivery:* Water Docket, EPA Docket Center, EPA West Building Room 3334, 1301 Constitution Ave. NW., Washington, DC, Attention Docket ID No. EPA–HQ–OW–2014–0598. Such deliveries are only accepted during the Docket's normal hours of operation, and you should make special arrangements for deliveries of boxed information by calling 202–566–2426.

Instructions: Direct your comments to Docket No. EPA–HQ–OW–2014–0598. EPA's policy is that all comments received will be included in the public docket without change and can 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 will not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. A detailed record index, organized by subject, is available on EPA's Web site at *http://water.epa.gov/scitech/wastetech/guide/oilandgas/unconv.cfm.* 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 in EPA Docket Center, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is 202–566–1744,

and the telephone number for the Water Docket is 202–566–2426.

Pretreatment Hearing Information: EPA will conduct a public hearing on the proposed pretreatment standards on May 29, 2015 at 1:00 p.m. in the East Building, Room 1153, 1201 Constitution Avenue NW., Washington, DC. Registration is not required for this public hearing, however pre-registration will be possible via a link on EPA's Web site: at *http://water.epa.gov/scitech/wastetech/guide/oilandgas/unconv.cfm.* During the hearing, the public will have an opportunity to provide oral comment to EPA on the proposed pretreatment standards. EPA will not address any issues raised during the hearing at that time but these comments will be included in the public record for the rule. For security reasons, we request that you bring photo identification with you to the meeting. Also, if you let us know in advance of your plans to attend, it will expedite the process of signing in. Seating will be provided on a first-come, first-served basis. Please note that parking is very limited in downtown Washington, and use of public transit is recommended. EPA Headquarters complex is located near the Federal Triangle Metro station. Upon exiting the Metro station, walk east to 12th Street. On 12th Street, walk south to Constitution Avenue. At the corner, turn right onto Constitution Avenue and proceed to EPA East Building entrance.

FOR FURTHER INFORMATION CONTACT: For technical information, contact Lisa Biddle, Engineering and Analysis Division, Telephone: 202–566–0350; email: *biddle.lisa@epa.gov.* For economic information, contact Karen Milam, Engineering and Analysis Division, Telephone: 202–566–1915; email: *milam.karen@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Regulated Entities
II. How To Submit Comments
III. Supporting Documentation
IV. Overview
V. Legal Authority
VI. Purpose and Summary of Proposed Rule
A. Purpose of the Regulatory Action
B. Summary of the Proposed Rule
C. Summary of Costs and Benefits
VII. Solicitation of Data and Comments
VIII. Background
A. Clean Water Act
B. Effluent Limitations Guidelines and Standards Program
1. Best Practicable Control Technology Currently Available (BPT)
2. Best Conventional Pollutant Control Technology (BCT)
3. Best Available Technology Economically Achievable (BAT)
4. Best Available Demonstrated Control Technology (BADCT)/New Source Performance Standards (NSPS)
5. Pretreatment Standards for Existing Sources (PSES) and Pretreatment Standards for New Sources (PSNS)
C. Oil and Gas Extraction Effluent Guidelines Rulemaking History
1. Subpart C: Onshore
2. Subpart E: Agricultural and Wildlife Use
D. State Pretreatment Requirements That Apply to UOG Extraction Wastewater
E. Related Federal Requirements in the Safe Drinking Water Act
IX. Summary of Data Collection
A. Site Visits and Contacts With Treatment Facilities and Vendors
B. Meetings with Stakeholder Organizations
1. Stakeholder Organizations
2. State Stakeholders
C. Secondary Data Sources
D. Drilling Info Desktop® Data Set
E. EPA Hydraulic Fracturing Study
X. Description of the Oil and Gas Industry
A. Economic Profile
B. Industry Structure and Economic Performance
C. Financial Performance
XI. Scope
XII. Unconventional Oil and Gas Extraction: Resources, Process, and Wastewater
A. Unconventional Oil and Gas Extraction Resources
B. Unconventional Oil and Gas Extraction Process
1. Well Drilling
2. Well Completion
3. Production
C. UOG Extraction Wastewater
1. Drilling Wastewater
2. Produced Water
D. UOG Extraction Wastewater Characteristics
1. Total Dissolved Solids (TDS) and TDS-Contributing Ions
2. Organic Constituents
3. Radioactive Constituents
E. Wastewater Management and Disposal Practices
1. Injection into Disposal Wells
2. Reuse in Fracturing
3. Transfer to Centralized Waste Treatment Facilities
4. Transfer to POTWs
XIII. Subcategorization
XIV. Proposed Regulation
A. Discussion of Options
1. PSES and PSNS Option Selection
2. Other Options Considered
B. Pollutants of Concern
C. POTW Pass Through Analysis
XV. Environmental Impacts
A. Pollutants
B. Impacts From the Discharge of Pollutants Found in UOG Extraction Wastewater
C. Impact on Surface Water Designated Uses
1. Drinking Water Uses
2. Aquatic Life Support Uses
3. Livestock Watering Uses
4. Irrigation Uses
5. Industrial Uses
XVI. Non-Water Quality Environmental Impacts Associated With the Proposed Rule
XVII. Implementation
A. Implementation Deadline
B. Upset and Bypass Provisions
C. Variances and Modifications
XVIII. Statutory and Executive Order Reviews
A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review
B. Paperwork Reduction Act
C. Regulatory Flexibility Act
D. Unfunded Mandates Reform Act
E. Executive Order 13132: Federalism
F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks
H. Executive Order 13211: Energy Effects
I. National Technology Transfer Advancement Act
J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

I. Regulated Entities

Entities potentially regulated by this proposed action include:

Category	Examples of regulated entities	North American Industry Classification System (NAICS) Code
Industry	Crude Petroleum and Natural Gas Extraction	211111
	Natural Gas Liquid Extraction	211112

This section is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this proposed action. Other types of entities that do not meet the above criteria could also be regulated. To determine whether your facility would be regulated by this proposed action, you should carefully examine

the applicability criteria listed in 40 CFR 435.30 and the definitions in 40 CFR 435.33(b) of the proposed rule and detailed further in Section XI—Scope, of this preamble. If you still have questions regarding the proposed applicability of this action to a particular entity, consult the person listed for technical information in the preceding **FOR FURTHER INFORMATION CONTACT** section.

II. How To Submit Comments

The public can submit comments in written or electronic form. (See the **ADDRESSES** section above.) Electronic comments must be identified by the Docket No. EPA–HQ–OW–2014–0598 and must be submitted as a MS Word, WordPerfect, or ASCII text file, avoiding the use of special characters and any form of encryption. EPA requests that any graphics included in electronic comments also be provided in hard-copy form. EPA also will accept comments and data on disks in the aforementioned file formats. Electronic comments received on this notice can be filed online at many Federal Depository Libraries. No confidential business information (CBI) should be sent by email.

III. Supporting Documentation

The proposed rule is supported by a number of documents including the Technical Development Document for Proposed Effluent Limitations Guidelines and Standards for Oil and Gas Extraction (TDD), Document No. EPA–821–R–15–003 (DCN SGE00704). This and other supporting documents are available in the public record for this proposed rule and on EPA's Web site at *http://water.epa.gov/scitech/wastetech/guide/oilandgas/unconv.cfm.*

IV. Overview

This preamble describes the reasons for the proposed rule; the legal authority for the proposed rule; a summary of the options considered for the proposal; background information, including terms, acronyms, and abbreviations used in this document; and the technical and economic methodologies used by the Agency to develop the proposed rule. In addition, this preamble also solicits comment and data from the public.

V. Legal Authority

EPA proposes this regulation under the authorities of sections 101, 301, 304, 306, 307, 308, and 501 of the CWA, 33 U.S.C. 1251, 1311, 1314, 1316, 1317, 1318, 1324, and 1361.

VI. Purpose and Summary of Proposed Rule

A. Purpose of the Regulatory Action

Responsible development of America's oil and gas resources offers important economic, energy security, and environmental benefits. EPA is working with states and other stakeholders to understand and address potential impacts of hydraulic fracturing, an important process involved in producing unconventional oil and natural gas, so the public has confidence that oil and natural gas production will proceed in a safe and responsible manner.[1] EPA is moving forward with several initiatives to provide regulatory clarity with respect to existing laws and using existing authorities where appropriate to enhance human health and environmental safeguards. This proposed rule would fill a gap in existing federal wastewater regulations to ensure that the current practice of not sending wastewater discharges from this sector to POTWs continues into the future. This proposed rule does not, however, address the practice of underground injection of wastewater discharges from this sector since such activity is not subject to the CWA but rather the Safe Drinking Water Act (SDWA) (see TDD Chapter A.3).

Recent advances in the well completion process, combining hydraulic fracturing and horizontal drilling, have made extraction of oil and natural gas from *low permeability, low porosity* geologic formations (referred to hereafter as unconventional oil and gas (UOG) resources) more technologically and economically feasible than it had been. As a result, according to the U.S. Department of Energy (DOE), in 2012, U.S. crude oil and natural gas production reached their highest levels in more than 15 and 30 years, respectively (DCN SGE00989). DOE projects natural gas production in the U.S. will likely increase by 56 percent by 2040, compared to 2012 production levels (DCN SGE00989). Similarly, DOE projects that by 2019, crude oil production in the United States (U.S.) will increase by 48 percent compared to 2012 production levels (DCN SGE00989).

Hydraulic fracturing is used to extract oil and natural gas from highly impermeable rock formations, such as shale rock, by injecting fracturing fluids at high pressures to create a network of fissures in the rock formations and give the oil and/or natural gas a pathway to travel to the well for extraction. Pressure within the low permeability, low porosity geologic formations forces wastewaters, as well as oil and/or gas, to the surface. In this proposed rulemaking, oil and gas extraction includes production, field exploration, drilling, well completion, and/or well treatment; wastewater sources associated with these activities in low permeability, low porosity formations are collectively referred to as UOG extraction wastewater.

Direct discharges of oil and gas extraction wastewater pollutants from onshore oil and gas resources, including UOG resources, to waters of the U.S. have been regulated since 1979 under the existing Oil and Gas Effluent Limitations Guidelines and Standards (ELGs) (40 CFR part 435), the majority of which fall under subpart C, the Onshore Subcategory. The limitations for direct dischargers in the Onshore Subcategory represent Best Practicable Control Technology Currently Available (BPT). Based on the availability and economic practicability of underground injection technologies, the BPT-based limitations for direct dischargers require zero discharge of pollutants to waters of the U.S. However, there are currently no requirements in subpart C that apply to onshore oil and gas extraction facilities that are ''indirect dischargers,'' *i.e.,* those that send their discharges to POTWs (municipal wastewater treatment facilities) which treat the water before discharging it to waters of the U.S.

UOG extraction wastewater can be generated in large quantities and contains constituents that are potentially harmful to human health and the environment. Wastewater from UOG wells often contains high concentrations of total dissolved solids (TDS) (salt content). The wastewater can also contain various organic chemicals, inorganic chemicals, metals, and naturally-occurring radioactive materials (referred to as technologically enhanced naturally occurring radioactive material or TENORM).[2] This potentially harmful wastewater creates a need for appropriate wastewater

[1] For more information on EPA's continued engagement with states and other stakeholders, see: *http://www2.epa.gov/hydraulicfracturing.*

[2] Naturally occurring radioactive materials that have been concentrated or exposed to the accessible environment as a result of human activities such as manufacturing, mineral extraction, or water processing is referred to as technologically enhanced naturally occurring radioactive material (TENORM). ''Technologically enhanced'' means that the radiological, physical, and chemical properties of the radioactive material have been altered by having been processed, or beneficiated, or disturbed in a way that increases the potential for human and/or environmental exposures. (See EPA 402–r–08–005–v2)

management infrastructure and management practices. Historically, operators primarily managed their wastewater via underground injection (where available). Where UOG wells were drilled in areas with limited underground injection wells, and/or there was a lack of wastewater management alternatives, it became more common for operators to look to public and private wastewater treatment facilities to manage their wastewater.

POTWs collect wastewater from homes, commercial buildings, and industrial facilities and pipe it to their sewage treatment plant. In some cases, industrial dischargers can haul wastewater to the treatment plant by tanker truck. The industrial wastewater, commingled with domestic wastewater, is treated by the POTW and discharged to a receiving waterbody. However, most POTWs are designed primarily to treat municipally generated, not industrial, wastewater. They typically provide at least secondary level treatment and, thus, are designed to remove suspended solids and organic material using biological treatment. As mentioned previously, wastewater from UOG extraction can contain high concentrations of TDS, radioactive elements, metals, chlorides, sulfates, and other dissolved inorganic constituents that POTWs are not designed to remove. Because they are not typical of POTW influent wastewater, some UOG extraction wastewater constituents can be discharged, untreated, from the POTW to the receiving stream; can disrupt the operation of the POTW (*e.g.,* by inhibiting biological treatment); can accumulate in biosolids (sewage sludge), limiting their use; and can facilitate the formation of harmful DBPs.

Under section 307(b) of the CWA, there are general and specific prohibitions on the discharge to POTWs of pollutants in specified circumstances in order to prevent ''pass through'' or ''interference.'' Pass through is defined as whenever the introduction of pollutants from a user will result in a discharge that causes or contributes to a violation of any requirement of the POTW permit. See 40 CFR 403.3(p). Interference means a discharge that, among other things, inhibits or disrupts the POTW or prevents biosolids use consistent with the POTW's chosen method of disposal. See 40 CFR 403.3(k). These general and specific prohibitions must be implemented through local limits established by POTWs in certain cases. See 40 CFR 403.5(c). POTWs with approved pretreatment programs must develop and enforce local limits to implement the general prohibitions on user discharges that pass through or interfere with the POTW or discharges to the POTW prohibited under the specific prohibitions in 40 CFR 403.5(b). In the case of POTWs not required to develop a pretreatment program, the POTWs must develop local limits where there is interference or pass through and the limits are necessary to ensure compliance with the POTW's National Pollutant Discharge Elimination System (NPDES) permit or biosolids use.

Under section 307(b) of the CWA, EPA is authorized to establish nationally applicable pretreatment standards for industrial categories that discharge indirectly (*i.e.,* requirements for an industrial discharge category that sends its wastewater to any POTW) for key pollutants, such as TDS and its constituents, not susceptible to treatment by POTWs or for pollutants that would interfere with the operation of POTWs. Generally, EPA designs nationally applicable pretreatment standards for categories of industry (also referred to as categorical pretreatment standards) to ensure that wastewaters from direct and indirect industrial dischargers are subject to similar levels of treatment. EPA, in its discretion under section 304(g) of the Act, periodically evaluates indirect dischargers not subject to categorical pretreatment standards to identify potential candidates for new pretreatment standards. To date, EPA has not established nationally applicable pretreatment standards for the onshore oil and gas extraction point source subcategory.

To legally discharge wastewater, the POTW must have an NPDES permit that limits the type and quantity of pollutants that it can discharge. Discharges from POTWs are subject to the secondary treatment effluent limitations at 40 CFR part 133, which address certain conventional pollutants but do not address the main parameters of concern in UOG extraction wastewater (*e.g.,* TDS, chloride, radionuclides, etc.). POTWs are also subject to water quality-based effluent limitations (WQBELs) where necessary to protect state water quality standards, as required under CWA section 301(b)(1)(C).

It is currently uncommon for POTWs to establish local limits for some of the parameters of concern identified for this proposed rulemaking. This is due to a number of factors, including lack of sufficient information regarding pollutants in the wastewater being sent to POTWs; lack of national water quality recommendations for key pollutants, such as TDS; and lack of state water quality criteria for such key pollutants in some states, all of which can create significant informational hurdles to including appropriate WQBELs in POTW permits. Where a POTW's permit does not contain a WQBEL for all of the constituents of concern in the wastewater being sent to POTWs, it is difficult to demonstrate pass through of industrial pollutants (because ''pass through'' here means making the POTW exceed its permit limits), and thus difficult for POTWs to establish local limits to implement the general prohibition in the pretreatment regulations. See Section XV. for additional information.

As a result of the gap in federal CWA regulations, increases in onshore oil and gas extraction from UOG resources and the related generation of wastewater requiring management, concerns over the level of treatment provided by public wastewater treatment facilities, as well as potential interference with treatment processes, and concerns over water quality and aquatic life impacts that can result from inadequate treatment, EPA proposes technology-based categorical pretreatment standards under the CWA for discharges of pollutants into POTWs from existing and new onshore UOG extraction facilities in subpart C of 40 CFR part 435. Consistent with existing BPT-based requirements for direct dischargers in this subcategory, EPA proposes pretreatment standards for existing and new sources (PSES and PSNS, respectively) that would prohibit the indirect discharge of wastewater pollutants associated with onshore UOG extraction facilities.

Based on the information reviewed as part of this proposed rulemaking, this proposed prohibition reflects current industry practice. EPA has not identified any existing onshore UOG extraction facilities that currently discharge UOG extraction wastewater to POTWs. However, because onshore unconventional oil and gas extraction facilities have discharged to POTWs in the past, and because the potential remains that some facilities can consider discharging to POTWs in the future, EPA proposes this rule.

B. Summary of the Proposed Rule

EPA proposes pretreatment standards for existing and new sources (PSES and PSNS, respectively) that would prohibit the indirect discharge of wastewater pollutants associated with onshore UOG extraction facilities. EPA is defining UOG extraction wastewater as sources of wastewater pollutants associated with production, field exploration, drilling, well completion, or well treatment for

unconventional oil and gas extraction (*e.g.,* produced water (which includes formation water, injection water, and any chemicals added downhole or during the oil/water separation process); drilling muds; drill cuttings; produced sand). According to sources surveyed by EPA (see Section IX), there are no known discharges to POTWs from UOG extraction at the time of this proposal. UOG extraction wastewater is typically managed through disposal via underground injection wells, reuse in subsequent fracturing jobs, or transfer to a privately owned wastewater treatment facility (see Section XII.E). EPA proposes PSES and PSNS that would require zero discharge of pollutants and be effective on the effective date of this rule.

EPA does not propose pretreatment standards for wastewater pollutants associated with conventional oil and gas extraction facilities at this time (see Section XIV). EPA proposes to reserve such standards to a future rulemaking, if appropriate.

C. Summary of Costs and Benefits

Because the data reviewed by EPA show that the UOG extraction industry is not currently managing wastewaters by sending them to POTWs, the proposed rule causes no incremental change to current industry practice that EPA measured as compliance costs or monetized benefits.

Still, EPA has considered that while states, localities, and POTWs are not currently approving these wastewaters for acceptance at POTWs, some POTWs continue to receive requests to accept UOG extraction wastewater (DCN SGE00742; DCN SGE00743; DCN SGE00762). This proposed rule would provide regulatory certainty and would eliminate the burden on POTWs to analyze such requests.

The proposed rule would also eliminate the need to develop requirements in states where UOG extraction is not currently occurring, but is likely to occur in the future. There are few states where existing regulations address UOG extraction wastewater discharges to POTWs (see Section VIII.D. and TDD Chapter A.2.). While EPA knows there will likely be some reduction in state and POTW staff time and resources, EPA did not attempt to estimate, quantitatively, monetary savings associated with the reduced burden to states and localities that would result from this proposed rule.

Most POTWs are not able to sufficiently treat TDS and many other pollutants in UOG extraction wastewater, and thus this proposed rule would potentially prevent elevated TDS and the presence of other pollutants in POTW effluent. Prevention of the discharge of TDS accomplished by the proposed rule would further protect water quality because national water quality criteria recommendations have not yet been established for many constituents of TDS.

The proposed rule could impose some costs on industry if discharging wastewaters to POTWs becomes economically attractive to UOG operations relative to other management options such as reuse or disposal via underground injection wells in the future. EPA did not estimate these potential compliance costs or environmental benefits because of the uncertainty about future demand for POTWs to accept UOG extraction wastewaters and the associated incremental costs or benefits.

VII. Solicitation of Data and Comments

EPA solicits comments on the proposed rule, including EPA's rationale as described in this preamble. EPA seeks comments on issues specifically identified in this document as well as any other issues that are not specifically addressed in this document. Comments are most helpful when accompanied by specific examples and supporting data. Specifically, EPA solicits information and data on the following topics.

1. EPA's proposed definitions of UOG and UOG extraction wastewater and specifically whether the proposed definition of unconventional oil and gas is sufficiently clear to enable oil and gas extraction operators and/or pretreatment authorities to determine whether specific wastewaters are from conventional or unconventional sources. See Section XII.

2. Whether or not there are any existing onshore UOG extraction facilities that currently discharge UOG extraction wastewater to POTWs in the U.S. See Section XII.E.4. If existing discharges to POTWs are identified, EPA requests comment on whether or not the proposed effective date remains appropriate. See Section XVII.

3. Costs and benefits to POTWs, states, and localities associated with the proposed rule. See Section VI.C.

4. Volumes of, and pollutants and concentrations in, wastewater generated from UOG extraction. See Section XII.

5. The nature and frequency of requests received by POTWs to accept UOG extraction wastewater, and the likelihood that such requests will continue to be submitted in the future. EPA is particularly interested in hearing from POTWs and states on this matter. See Section VI.C. and Section XIV.A.2.

6. Volumes of, and pollutants and concentrations in, wastewater generated from conventional oil and gas extraction. See Section XIV.A.2.c.

7. The prevalence of conventional oil and gas wastewater discharges to POTWs, including information on any pretreatment that could be applied, geologic formations the gas or oil is extracted from, and locations within the U.S. See Section XII. and Section XIV.A.2.

8. Removal and ''pass through'' of UOG extraction wastewater pollutants at POTWs. See Section XIV. and Section XII.E.4.

9. The environmental impacts of UOG extraction wastewater discharges to POTWs. See Section XV.

VIII. Background

A. Clean Water Act

Congress passed the Federal Water Pollution Control Act Amendments of 1972, also known as the CWA, to ''restore and maintain the chemical, physical, and biological integrity of the Nation's waters.'' 33 U.S.C. 1251(a). The CWA establishes a comprehensive program for protecting our nation's waters. Among its core provisions, the CWA prohibits the discharge of pollutants from a point source to waters of the U.S., except as authorized under the CWA. Under section 402 of the CWA, discharges can be authorized through a NPDES permit. The CWA establishes a two-pronged approach for these permits, technology-based controls that establish the floor of performance for all dischargers, and water quality-based limits where the technology-based limits are insufficient for the discharge to meet applicable water quality standards. To serve as the basis for the technology-based controls, the CWA authorizes EPA to establish national technology-based effluent limitations guidelines and new source performance standards for discharges from different categories of point sources, such as industrial, commercial, and public sources, that discharge directly into waters of the U.S.

The CWA also authorizes EPA to promulgate nationally applicable pretreatment standards that restrict pollutant discharges from facilities that discharge pollutants indirectly, by sending wastewater to POTWs, as outlined in sections 307(b) and (c) and 33 U.S.C. 1317(b) and (c). Specifically, the CWA authorizes that EPA establish pretreatment standards for those pollutants in wastewater from indirect dischargers that EPA determines are not susceptible to treatment by a POTW or which would interfere with POTW

operations. Pretreatment standards must be established to prevent the discharge of any pollutant that can pass through, interfere with, or are otherwise incompatible with POTW operations. CWA sections 307(b) and (c). The legislative history of the 1977 CWA amendments explains that pretreatment standards are technology-based and analogous to BAT effluent limitations for the removal of toxic pollutants. As further explained in the legislative history, the combination of pretreatment and treatment by the POTW is intended to achieve the level of treatment that would be required if the industrial source were making a direct discharge. Conf. Rep. No. 95–830, at 87 (1977), reprinted in U.S. Congress. Senate. Committee on Public Works (1978), A Legislative History of the CWA of 1977, Serial No. 95–14 at 271 (1978).

Direct dischargers (those discharging directly to surface waters) must comply with effluent limitations in NPDES permits. Technology-based effluent limitations in NPDES permits for direct dischargers are derived from effluent limitations guidelines (CWA sections 301 and 304) and new source performance standards (CWA section 306) promulgated by EPA, or based on best professional judgment (BPJ) where EPA has not promulgated an applicable effluent guideline or new source performance standard (CWA section 402(a)(1)(B) and 40 CFR 125.3). Additional limitations based on water quality standards are also required to be included in the permit where necessary to meet water quality standards. CWA section 301(b)(1)(C). The effluent guidelines and new source performance standards are established by regulation for categories of industrial dischargers and are based on the degree of control that can be achieved using various levels of pollution control technology, as specified in the Act.

EPA promulgates national effluent guidelines and new source performance standards for major industrial categories for three classes of pollutants: (1) Conventional pollutants (total suspended solids, oil and grease, biochemical oxygen demand (BOD_5), fecal coliform, and pH), as outlined in CWA section 304(a)(4) and 40 CFR 401.16; (2) toxic pollutants (*e.g.,* metals such as arsenic, mercury, selenium, and chromium; and organic pollutants such as benzene, benzo-a-pyrene, phenol, and naphthalene), as outlined in section 307(a) of the Act, 40 CFR 401.15 and 40 CFR part 423, appendix A; and (3) nonconventional pollutants, which are those pollutants that are not categorized as conventional or toxic (*e.g.,* ammonia-N, phosphorus, and TDS).

B. Effluent Limitations Guidelines and Standards Program

EPA develops ELGs that are technology-based regulations for specific categories of dischargers. EPA bases these regulations on the performance of control and treatment technologies. The legislative history of CWA section 304(b), which is the heart of the effluent guidelines program, describes the need to press toward higher levels of control through research and development of new processes, modifications, replacement of obsolete plants and processes, and other improvements in technology, taking into account the cost of controls. Congress has also stated that EPA need not consider water quality impacts on individual water bodies as the guidelines are developed; see Statement of Senator Muskie (October 4, 1972), *reprinted in* U.S. Senate Committee on Public Works, Legislative History of the Water Pollution Control Act Amendments of 1972, Serial No. 93–1, at 170).

There are four types of standards applicable to direct dischargers (facilities that discharge directly to surface waters), and two types of standards applicable to indirect dischargers (facilities that discharge to POTWs), described in detail below. Subsections 1 through 4 describe standards for direct discharges and subsection 5 describes standards for indirect discharges.

1. Best Practicable Control Technology Currently Available (BPT)

Traditionally, EPA defines BPT effluent limitations based on the average of the best performances of facilities within the industry, grouped to reflect various ages, sizes, processes, or other common characteristics. BPT effluent limitations control conventional, toxic, and nonconventional pollutants. In specifying BPT, EPA looks at a number of factors. EPA first considers the cost of achieving effluent reductions in relation to the effluent reduction benefits. The Agency also considers the age of equipment and facilities, the processes employed, engineering aspects of the control technologies, any required process changes, non-water quality environmental impacts (including energy requirements), and such other factors as the Administrator deems appropriate. See CWA section 304(b)(1)(B). If, however, existing performance is uniformly inadequate, EPA can establish limitations based on higher levels of control than what is currently in place in an industrial category, when based on an Agency determination that the technology is available in another category or subcategory, and can be practically applied.

2. Best Conventional Pollutant Control Technology (BCT)

The 1977 amendments to the CWA require EPA to identify additional levels of effluent reduction for conventional pollutants associated with BCT technology for discharges from existing industrial point sources. In addition to other factors specified in section 304(b)(4)(B), the CWA requires that EPA establish BCT limitations after consideration of a two-part ''cost reasonableness'' test. EPA explained its methodology for the development of BCT limitations in July 9, 1986 (51 FR 24974). Section 304(a)(4) designates the following as conventional pollutants: BOD_5, total suspended solids (TSS), fecal coliform, pH, and any additional pollutants defined by the Administrator as conventional. The Administrator designated oil and grease as an additional conventional pollutant on July 30, 1979 (44 FR 44501; 40 CFR part 401.16).

3. Best Available Technology Economically Achievable (BAT)

BAT represents the second level of stringency for controlling direct discharge of toxic and nonconventional pollutants. In general, BAT-based effluent guidelines and new source performance standards represent the best available economically achievable performance of facilities in the industrial subcategory or category. Following the statutory language, EPA considers the technological availability and the economic achievability in determining what level of control represents BAT. CWA section 301(b)(2)(A). Other statutory factors that EPA considers in assessing BAT are the cost of achieving BAT effluent reductions, the age of equipment and facilities involved, the process employed, potential process changes, and non-water quality environmental impacts, including energy requirements and such other factors as the Administrator deems appropriate. CWA section 304(b)(2)(B). The Agency retains considerable discretion in assigning the weight to be accorded these factors. *Weyerhaeuser Co.* v. *Costle,* 590 F.2d 1011, 1045 (D.C. Cir. 1978).

4. Best Available Demonstrated Control Technology (BADCT)/New Source Performance Standards (NSPS)

NSPS reflect effluent reductions that are achievable based on the best available demonstrated control

technology (BADCT). Owners of new facilities have the opportunity to install the best and most efficient production processes and wastewater treatment technologies. As a result, NSPS should represent the most stringent controls attainable through the application of the BADCT for all pollutants (that is, conventional, nonconventional, and toxic pollutants). In establishing NSPS, EPA is directed to take into consideration the cost of achieving the effluent reduction and any non-water quality environmental impacts and energy requirements. CWA section 306(b)(1)(B).

5. Pretreatment Standards for Existing Sources (PSES) and New Sources (PSNS)

As discussed above, section 307(b) of the Act calls for EPA to issue pretreatment standards for discharges of pollutants from existing sources to POTWs. Section 307(c) of the Act calls for EPA to promulgate pretreatment standards for new sources (PSNS). Both standards are designed to prevent the discharge of pollutants that pass through, interfere with, or are otherwise incompatible with the operation of POTWs. Categorical pretreatment standards for existing sources are technology-based and are analogous to BPT and BAT effluent limitations guidelines, and thus the Agency typically considers the same factors in promulgating PSES as it considers in promulgating BAT. See *Natural Resources Defense Council* v. *EPA,* 790 F.2d 289, 292 (3rd Cir. 1986). Similarly, in establishing pretreatment standards for new sources, the Agency typically considers the same factors in promulgating PSNS as it considers in promulgating NSPS (BADCT).

C. Oil and Gas Extraction Effluent Guidelines Rulemaking History

EPA promulgated the first Oil and Gas Extraction ELGs (40 CFR part 435) in 1979, and substantially amended the regulation in 1993 (Offshore), 1996 (Coastal), and 2001 (Synthetic-based drilling fluids). The Oil and Gas Extraction industry is subcategorized in 40 CFR part 435 as follows: (1) Subpart A: Offshore; (2) subpart C: Onshore; (3) subpart D: Coastal; (4) subpart E: Agricultural and Wildlife Water Use; and (5) subpart F: Stripper.

The existing subpart C regulation covers wastewater discharges from field exploration, drilling, production, well treatment, and well completion activities in the oil and gas industry. Although unconventional oil and gas resources occur in offshore and coastal regions, recent development of UOG resources in the U.S. has occurred primarily onshore in regions to which the regulations in subpart C (Onshore) and subpart E (Agricultural and Wildlife Water Use) apply and thus, the gap in onshore regulations is the focus of this proposed rulemaking effort. For this reason, only the regulations that apply to onshore oil and gas extraction are described in more detail here.

1. Subpart C: Onshore

Subpart C applies to facilities engaged in the production, field exploration, drilling, well completion, and well treatment in the oil and gas extraction industry which are located landward of the inner boundary of the territorial seas—and which are not included in the definition of other subparts—including subpart D (Coastal). The regulations at 40 CFR 435.32 specify the following for BPT: There shall be no discharge of waste water pollutants into navigable waters from any source associated with production, field exploration, drilling, well completion, or well treatment (*i.e.*, produced water, drilling muds, drill cuttings, and produced sand). The existing regulations do not include national categorical pretreatment standards for discharges to POTWs. The existing oil and gas extraction ELGs did not establish requirements that would apply to privately-owned wastewater treatment facilities that accept oil and gas extraction wastewaters but that are not engaged in production, field exploration, drilling, well completion, or well treatment. Discharges from such facilities are not subject to 40 CFR part 435, but rather are subject to requirements in 40 CFR part 437, the Centralized Waste Treatment Category.

2. Subpart E: Agricultural and Wildlife Use

Subpart E applies to onshore facilities located in the continental U.S. and west of the 98th meridian for which the produced water has a use in agriculture or wildlife propagation when discharged into navigable waters. Definitions in 40 CFR 435.51(c) explain that the term ''use in agricultural or wildlife propagation'' means that (1) the produced water is of good enough quality to be used for wildlife or livestock watering or other agricultural uses; and (2) the produced water is actually put to such use during periods of discharge. The regulations at 40 CFR 435.52 specify that the only allowable discharge is produced water, with an oil and grease concentration not exceeding 35 milligrams per liter (mg/L). The BPT regulations prohibit the discharge of waste pollutants into navigable waters from any source (other than produced water) associated with production, field exploration, drilling, well completion, or well treatment (*i.e.*, drilling muds, drill cuttings, produced sands).

D. State Pretreatment Requirements That Apply to UOG Extraction Wastewater

In addition to applicable federal requirements, some states regulate the management, storage, and disposal of UOG extraction wastewater, including regulations concerning pollutant discharges to POTWs from oil and gas extraction facilities. In addition to pretreatment requirements, some states have indirectly addressed the issue of pollutant discharges to POTWs by limiting the management and disposal options available for operators to use.

During initial development of Marcellus shale gas resources, some operators managed UOG wastewater by transfer to POTWs. EPA did not identify other areas in the U.S. where POTWs routinely accepted UOG extraction wastewaters. Refer to TDD Chapter A.2 which summarizes how Pennsylvania, Ohio, and West Virginia responded to UOG extraction wastewater discharges into their POTWs. EPA did not identify any state level requirements that require zero discharges of pollutants from UOG operations to POTWs in the same manner as the proposed rule.

E. Related Federal Requirements in the Safe Drinking Water Act

As required by the SDWA section 1421, EPA has promulgated regulations to protect underground sources of drinking water through Underground Injection Control (UIC) programs that regulate the injection of fluids underground. These regulations are found at 40 CFR parts 144–148, and specifically prohibit any underground injection not authorized by UIC permit. 40 CFR 144.11. The regulations classify underground injection into six classes; wells that inject fluids brought to the surface in connection with oil and gas production are classified as Class II UIC wells. Thus, onshore oil and gas extraction facilities that seek to meet the zero discharge requirements of the existing ELGs or proposed pretreatment standard through underground injection of wastewater must obtain a Class II UIC permit for such disposal.

IX. Summary of Data Collection

In developing the proposed rule, EPA considered information collected through site visits and telephone contacts with UOG facility operators, facilities that treat and/or dispose of UOG extraction wastewater, and wastewater management equipment

vendors. EPA also collected information through outreach to stakeholders including industry organizations, environmental organizations, and state regulators. EPA conducted an extensive review of published information and participated in industry conferences and webinars. The following describes EPA's data collection activities that support the proposed rule.

A. Site Visits and Contacts With Treatment Facilities and Vendors

EPA conducted seven site visits between May, 2012 and September, 2013 to UOG extraction companies and UOG extraction wastewater treatment facilities. The purpose of these visits was to collect information about facility operations, wastewater generation and management practices, and wastewater treatment and reuse. Six of the seven visits were to facilities in Pennsylvania, and one was in Arkansas, however, information collected often covered operations beyond just those visited during the site visits, at times including company operations in many UOG formations across the U.S. In addition to site visits, EPA conducted 11 telephone conferences or meetings with UOG operators and facilities that treat and/or dispose of UOG extraction wastewater. EPA collected detailed information from the facilities visited and contacted, such as information about the operations associated with wastewater generation, wastewater treatment, and reuse. EPA also contacted 11 vendors of equipment and processes used to manage and treat UOG extraction wastewater. EPA prepared site visit and telephone meeting reports, and telephone call reports summarizing the collected information. EPA has included in the public record site visit reports, meeting reports, and telephone contact reports that contain all information collected for which facilities have not asserted a claim of CBI.

B. Meetings With Stakeholder Organizations

Since announcing initiation of this proposed rulemaking activity, EPA has actively reached out to interested stakeholders to solicit input from well operators, industry trade associations, interested regulatory authorities, technology vendors, and environmental organizations. Stakeholder involvement in the regulatory development process is essential to the success of this effort. EPA will continue to engage with the affected regulated sector and concerned stakeholders throughout the rulemaking process.

1. Stakeholder Organizations

In addition to the site visit related activities described above, EPA participated in multiple meetings with industry stakeholders, their representatives, and/or their members, including America's Natural Gas Alliance (ANGA), American Petroleum Institute (API) and the Independent Petroleum Association of America (IPAA). The purpose of the meetings was to discuss EPA's thinking concerning a pretreatment standard for the UOG extraction industry, to better understand industry wastewater management practices, and to gather information to inform its proposed rulemaking (see DCN SGE00967).

EPA participated in conference calls with the environmental stakeholders, Environmental Defense Fund (EDF) and Clean Water Action. The purpose of these meetings was to explain EPA's thinking about the standard under development and learn about the perspectives of these stakeholders regarding wastewater management in the UOG extraction industry.

EPA participated in a two conference calls with the Center for Sustainable Shale Development (CSSD), a collaborative group made up of environmental organizations, philanthropic foundations, and energy companies from the Appalachian Basin. The purpose of these calls was to learn about the performance standards under development by the CSSD for sustainable shale gas development, based on an ''independent, third-party evaluation process.''

2. State Stakeholders

In an effort to improve future implementation of any UOG regulation, EPA initiated an EPA-State implementation pilot project coordinated by the Environmental Council of States (ECOS) and the Association of Clean Water Administrators (ACWA) to draw on experience of state agency experts. Through this pilot project, EPA has been able to more thoroughly consider the strengths and weaknesses of different approaches in order to select one that produces environmental results while more fully considering implementation burden. This pilot effort with the states has also been an opportunity to hear ideas on how technology innovation can be fostered during both development and implementation of the regulation.

In addition to the state implementation pilot, EPA also reached out to EPA regional, as well as state, pretreatment coordinators. One way EPA did this was by participating in calls, where EPA staff learned about past or present discharges to POTWs from UOG operations. See DCN SGE00742; DCN SGE00743.

C. Secondary Data Sources

EPA conducted an extensive search and review of published information about UOG development, wastewater generation and management practices, and wastewater treatment, disposal, and reuse. Because of the rapid developments in the UOG industry, in addition to reviewing published information, EPA participated in more than 10 industry conferences and webinars between March 2012 and June 2014. Presenters at these conferences provided information about current industry wastewater management practices. EPA also obtained information from EPA Regions and states. EPA Region 3 provided information about the development of the Marcellus shale gas industry and disposal of shale gas wastewater, including discharges to POTWs.

D. Drilling Info Desktop® Data Set

EPA used a propriety database of all oil and gas wells in the U.S., called DI Desktop®, obtained from DrillingInfo. This comprehensive database includes information such as well API number, operator name, basin (*e.g.,* Western Gulf), formation (*e.g.,* Eagle Ford), well depth, drilling type (horizontal, directional, vertical), and completion date. It also includes annual oil, gas, and water production for each well. EPA primarily used this database to quantify and identify locations of existing UOG wells, quantify wastewater generation rates, and supplement geological information (*e.g.,* basin, formation) in other data sources.

E. EPA Hydraulic Fracturing Study

At the request of Congress, EPA's Office of Research and Development is conducting a study to better understand any potential impacts of hydraulic fracturing on drinking water resources. The scope of the research includes the full lifecycle of water in hydraulic fracturing, including wastewater management and disposal. In support of its study, EPA conducted a series of technical workshops, including, among others, a workshop on Wastewater Treatment and Related Modeling. In support of the proposed rule, EPA reviewed information collected in support of the Congressionally-mandated study and attended meetings, workshops, and roundtable discussions pertaining to water and wastewater management and treatment in the UOG extraction industry. See DCN SGE00063,

DCN SGE00585, DCN SGE00604, DCN SGE00614, DCN SGE00616, DCN SGE00691, and DCN SGE00721.

X. Description of the Oil and Gas Industry

Oil and Gas Extraction is the exploration and production of crude oil and natural gas from wells. Refer to Section XII for additional background on unconventional gas resources, extraction processes, and wastewater generation. As explained previously, the scope of this proposed rulemaking is limited to pretreatment standards for wastewater generated from unconventional, rather than conventional, oil and gas extraction facilities. The description here provides a broader description of the oil and gas industry in order to provide the context in which the UOG industry lies.

A. Economic Profile

The major products of the Oil and Gas Extraction Industry are petroleum, natural gas, and natural gas liquids.[3] Domestic consumption of crude oil and petroleum products is met by a combination of domestic production and imports. Like oil consumption, natural gas consumption is met both by domestic production and imports of natural gas, although imports contribute a much lower share of total domestic consumption for natural gas than for oil. Domestic consumption of natural gas rose throughout the 1980s and 1990s due to low prices relative to prices for oil products. This led to investments in infrastructure for natural gas, especially electric generation facilities (DCN SGE00809). According to 2012 Energy Information Administration (EIA) data, 8 percent of the gross domestic supply of natural gas (from domestic production and imports) was consumed in the natural gas production and delivery process, as lease and plant fuel (5 percent of total) and fuel for pipeline and distribution services (3 percent of total) (DCN SGE00906). The remaining 92 percent of gross supply is available to natural gas consumers, and was delivered to the following sectors: Electrical power (36 percent of total), industrial (28 percent of total), residential (16 percent of total), commercial (11 percent of total), and vehicle fuel (0.1 percent of total) (DCN SGE00906).

Natural gas can be produced both from conventional natural gas deposits and unconventional deposits. Natural gas, and especially unconventional natural gas, has become increasingly significant to the U.S. energy economy. The rising importance of natural gas results, in part, from its lower air pollution characteristics compared to other fossil fuels; its substantial, and increasing, domestic supply; and the presence of a well-developed processing and transmission/distribution infrastructure in the U.S. (DCN SGE00010). Increased natural gas production from shale formations also has the potential to reduce U.S. dependence on energy-related imports.

Between 2000 and 2012, total marketed production of natural gas in the U.S. as a whole grew by another 25 percent, with an average annual growth rate of 0.8 percent (DCN SGE00908). The sharp rise in production of shale gas contributed to a lower price of natural gas, thereby increasing the gap between prices of gas and oil, which made oil a relatively more attractive option for producers. Beginning in 2005, the disparity between oil and natural gas prices started to grow as oil prices continued to rise while natural gas prices declined. Many firms that produce both gas and oil began to focus on acquisition of, and production from, liquids-rich formations over natural gas production (DCN SGE00817, DCN SGE00832).

Overall, domestic crude oil production steadily declined between 2000 and 2008, while steadily increasing after that. This shift towards liquids production is evident in the sharp rise in production from tight oil resources, including shale, beginning in 2008. From 2007 to 2013, the EIA estimated that tight oil production increased 10-fold, from 0.34 to 3.48 million barrels per day (DCN SGE00902). Future domestic demand for liquid fuels will depend on the future level of activities dependent on liquid fuels, such as transportation. Demand will also be affected by the fuel efficiency of the consumption technology. The transportation sector will continue to account for the largest share of total consumption despite its share of total consumption falling due to improvements in vehicle efficiency. The industrial sector is the only end-use sector likely to see an increase in consumption of petroleum and liquids (DCN SGE00913).

While oil and natural gas are often considered together, the way in which prices are set for each greatly differs. While the price of oil is set at the global level, natural gas prices for the U.S. tend to be set regionally. In recent years, the ratio of oil prices to natural gas prices has reached historically high levels (DCN SGE00547). While these two products have some commonalities in their uses, oil and gas are not perfect substitutes as they require different transportation and processing infrastructure, and have a number of differentiated uses.

EPA gathered information on the industry via the NAICS, which is a standard created by the U.S. Census for use in classifying business establishments within the U.S. economy. The industry category that would be affected by this proposed rule is Oil and Gas Extraction Industry (NAICS 21111). This industry has two subcategories: (1) Crude Petroleum and Natural Gas Extraction (NAICS 211111), which is made up of facilities that have wells with petroleum or natural gas or produce crude petroleum from surface shale or tar sands, and Natural Gas Liquid Extraction (NAICS 211112), which recover liquid hydrocarbons from oil and gas field gases and sulfur from natural gas.

B. Industry Structure and Economic Performance

According to data from the Statistics of U.S. Businesses (SUSB), in 2011 there were 6,528 firms under the overall oil and gas extraction sector. This reflects a total 2 percent growth from 2000 to 2011 and an average annual growth rate of 0.2 percent. The Crude Petroleum and Natural Gas Extraction segment contributed 6,523 (or 99%) firms to the total Oil and Gas Extraction sector, and the Natural Gas Liquid Extraction segment contributed 136 (less than 1%) firms to the overall sector. Although the Natural Gas Liquid Extraction segment is much smaller in numbers compared to the Crude Petroleum and Natural Gas Extraction segment, the total percent change in number of firms from 2000 to 2011 is much higher for natural gas liquids extraction at 62% as compared to 2% for crude petroleum and natural gas extraction. If the ratio of oil-to-natural gas prices remains high, there could be a shift towards drilling in liquids-rich shale formations, making this sector increasingly important to oil and gas extraction firms (DCN SGE00832; DCN SGE00807; DCN SGE00817; DCN SGE00921).

In 2011, 99% of the Oil and Gas Extraction Industry was estimated to be small businesses when using the Small Business Administration definition of a small business as having 500 or fewer employees. Average revenues for firms for the overall oil and gas extraction sector in 2007 were estimated at $54

[3] Natural gas can include ''natural gas liquids'' (NGLs), components that are liquid at ambient temperature and pressure. NGLs are hydrocarbons—in the same family of molecules as natural gas and crude oil, composed exclusively of carbon and hydrogen. Ethane, propane, butane, isobutane, and pentane are all NGLs.

million. This is an average revenue of $46 million per firm in the crude petroleum and natural gas extraction segment, and average revenue of $414 million per firm in the natural gas liquid extraction segment. The oil and gas extraction sector overall has an average of 18 employees per firm. Breaking it out per segment, the natural gas liquid extraction segment has an average of 74 employees per firm, whereas the crude petroleum and natural gas extraction segment shows an average of 17 employees per firm. See the Industry Profile (DCN SGE00932) for more information.

The oil market is a globally integrated market with multiple supply sources that are connected to multiple markets. Because of the Organization of Petroleum Exporting Countries' (OPEC's) high accounting of global oil reserves, OPEC is able to place producer quotas on members in an effort to manage world oil prices. Other oil producers have relatively smaller reserves and have no influence, individually, on price (DCN SGE00854). On the other hand, global oil prices are also greatly influenced by global demand for oil, with the largest sources of demand being the U.S. and China (DCN SGE00854). While the U.S. is also one of the largest crude oil producers, it remains a major importer (demander) of oil; as a result the level of U.S. imports can significantly influence oil prices. The recent upsurge in U.S. oil production, largely from tight and shale oil resources, with a consequent decline in U.S. imports, has exerted downward pressure on international oil prices.

In North America, specifically within the U.S., there is a relatively mature, integrated natural gas market with a robust spot market for the natural gas commodity. Essentially, the spot market is the daily market, where natural gas is bought and sold for immediate delivery. For understanding the price of natural gas on a specific day, the spot market price is most informative. In U.S. natural gas markets, natural gas spot prices are determined by overall supply and demand (DCN SGE00547).

Large volume consumers of natural gas, mainly industrial consumers and electricity generators, generally have the ability to switch between oil and natural gas. When the price of gas is low relative to oil, these consumers could switch to gas, increasing demand for natural gas and increasing gas prices. Alternatively, when gas prices are high, demand could shift in the opposite direction causing a relative decrease in natural gas prices (DCN SGE00921).

C. Financial Performance

EPA reviewed financial performance of UOG extraction firms and other oil and gas firms. EPA found no deterioration in financial performance and conditions for UOG firms over the previous decade, and this suggests that UOG firms are well-positioned for continued investment in UOG exploration and development. The strong growth in revenue and total capital outlays by the UOG firms during the latter part of the last decade—which coincides with the growth in UOG exploration and production activity—underscores the economic opportunity provided by the emerging UOG resource and the industry's commitment to investing and producing UOG for the foreseeable future. See the Industry Profile (DCN SGE00932) for more information.

XI. Scope

Through the proposed rule, EPA is not reopening the regulatory requirements applicable to direct dischargers. Rather, EPA would amend subpart C only to add requirements for indirect dischargers where there currently are none: Specifically, pretreatment standards for facilities engaged in oil and gas extraction from UOG sources that send their discharges directly to POTWs. For purposes of this proposed rulemaking, EPA proposes to define ''unconventional oil and gas (UOG)'' as ''crude oil and natural gas [4] produced by a well drilled into a low porosity, low permeability formation (including, but not limited to, shale gas, shale oil, tight gas, tight oil).'' As a point of clarification, although coalbed methane would fit this definition, the proposed pretreatment standards would not apply to pollutant discharges to POTWs associated with coalbed methane extraction. EPA notes that the requirements in the existing effluent guidelines for direct dischargers also do not apply to coalbed methane extraction, as this industry did not exist at the time that the effluent guidelines were developed and was not considered by the Agency in establishing the effluent guidelines (DCN SGE00761). To reflect the fact that neither the proposed pretreatment standards nor the existing effluent guideline requirements apply to coalbed methane extraction, EPA is expressly reserving a separate unregulated subcategory for coalbed methane in the proposed rule. For information on coalbed methane, see *http://water.epa.gov/scitech/wastetech/guide/oilandgas/cbm.cfm.* The remainder of the information presented in this document is specific to the UOG resources subject to the proposed rule.

XII. Unconventional Oil and Gas Extraction: Resources, Process, and Wastewater

A. Unconventional Oil and Gas Extraction Resources

For purposes of the proposed rule, UOG consists of crude oil and natural gas [5] produced by wells drilled into formations with low porosity and low permeability. UOG resources include shale oil and gas, resources that were formed, and remain, in low permeability shale. UOG resources also include tight oil and gas, resources that were formed in a source rock and migrated into a reservoir rock such as sandstone, siltstones, or carbonates. The tight oil/gas reservoir rocks have permeability and porosity lower than reservoirs of conventional oil and gas resources but with permeability generally greater than shale. As described above, while coalbed methane is sometimes referred to as an unconventional resource, the proposed rule does not apply to this industry.

B. Unconventional Oil and Gas Extraction Process

1. Well Drilling

Prior to the well development processes described in the following subsections, operators conduct exploration and obtain surface use agreements, mineral leases, and permits. These steps can take a few months to several years to complete. When completed, operators construct the well pad and begin the well development process, as described in the following subsections.

Drilling occurs in two phases: exploration and development. Exploration activities are those operations involving the drilling of wells to locate hydrocarbon bearing formations and to determine the size and production potential of hydrocarbon reserves. Development activities involve the drilling of production wells once a hydrocarbon reserve has been discovered and delineated.

Drilling for oil and gas is generally performed by rotary drilling methods, which involve the use of a circularly rotating drill bit that grinds through the earth's crust as it descends. Drilling fluids (muds) are injected down through

[4] Natural gas can include ''natural gas liquids,'' components that are liquid at ambient temperature and pressure.

[5] Natural gas can include ''natural gas liquids,'' components that are liquid at ambient temperature and pressure.

the drill bit via a pipe that is connected to the bit, and serve to cool and lubricate the bit during drilling. Drilling fluids can be water or synthetic based. Synthetic-based drilling fluids are also referred to as non-aqueous drilling fluids. Air is also used in place of water or synthetic based drilling fluids for the vertical phase of wells. The rock chips that are generated as the bit drills through the earth are termed drill cuttings. The drilling fluid also serves to transport the drill cuttings back up to the surface through the space between the drill pipe and the well wall (this space is termed the annulus), in addition to controlling downhole pressure. As drilling progresses, pipes called ''casing'' are inserted into the well to line the well wall. Drilling continues until the hydrocarbon bearing formations are encountered.

In UOG resources, the crude oil and natural gas often occur continuously within a formation. As a result, UOG drilling often employs ''horizontal drilling.'' Horizontal drilling involves a sequence of drilling steps: (1) Vertical (described above) and (2) horizontal. In horizontal drilling, operators drill vertically down to a desired depth, about 500 feet above the target formation (called the ''kickoff point''), and then gradually turn the drill approximately 90 degrees to continue drilling laterally continuously through the target formation. UOG wells are also drilled vertically or directionally,[6] depending on the characteristics of the formation. Directional drilling is a technique used to drill a wellbore at an angle off of the vertical to reach an end location not directly below the well pad; horizontal drilling is considered a type of directional drilling. In UOG well drilling, well depths range from approximately 1,000 to 13,500 feet deep (but the majority of wells are drilled between 6,000 and 12,000 feet), wells often have a long horizontal lateral which can vary in length between 1,000 and 5,000 feet, and it takes approximately 5 to 60 days to complete well drilling. See TDD, Chapter B.3.

2. Well Completion

Once the target formation has been reached, and a determination has been made as to whether or not the formation has commercial potential, the well is made ready for production by a process termed ''well completion.'' Well completion involves cleaning the well to remove drilling fluids and debris, perforating the casing that lines the producing formation[7], inserting production tubing to transport the hydrocarbon fluids to the surface, installing the surface wellhead, stimulating the well, setting plugs in each stage, and eventually drilling the plugs out of the well and allowing fluids to return to the surface. During perforation, operators lower a perforation gun into the stage using a line wire. The perforation gun releases an explosive charge to create holes that penetrate approximately one foot into the formation rock in a radial fashion. These perforations create a starting point for the hydraulic fractures.

Since UOG resources are extracted from formations with low porosity and low permeability in which the natural reservoir and fluid characteristics do not permit the oil and/or natural gas to readily flow to the wellbore, hydraulic fracturing is often used to complete the well and extract UOG resources.[8] Although there are some vertical and directional UOG wells that are hydraulically fractured, existing literature indicates that the majority of UOG wells are horizontally drilled and hydraulically fractured. Therefore, the remainder of this discussion focuses on the hydraulic fracturing of horizontally drilled UOG wells; however, all drill types (including vertical and directional) would be covered by this proposed rule.

Hydraulic fracturing involves the injection of fracturing fluids (*e.g.,* mixtures of water, sand, and other additives) at high pressures into the well to create small fractures in the rock formation. The primary component of fracturing fluid is the base fluid into which proppant (*e.g.,* sand) and chemicals are added. Currently, the most common base fluid is water; however, other fluids such as liquid nitrogen and propane (LPG) are also used. Historically, base fluid consisted exclusively of freshwater, but as more wastewater is increasingly reused/recycled, base fluid can contain mixtures of fresh water blended with reused/recycled UOG extraction wastewater. Chemical additives, used to adjust the fracturing fluid properties, vary according to the formation, target resource (*e.g.,* shale oil), chemical composition of base fluid (*e.g.,* volume of reused/recycled wastewater in base fluid), and operator preference (DCN SGE00721; DCN SGE00070; DCN SGE00780; DCN SGE00781). Additives commonly include, among other things, acids (*e.g.,* hydrochloric acid), biocides (*e.g.,* glutaraldehyde), friction reducers (*e.g.,* ethylene glycol, petroleum distillate), and gelling agents (*e.g.,* guar gum, hydroxyethyl cellulose) (DCN SGE00721; DCN SGE00070; DCN SGE00780; DCN SGE00781). See TDD, Chapter C.1.

The amount of fracturing fluid required per well typically depends on the well trajectory (*e.g.,* vertical, horizontal), well length, and target resource (*e.g.,* shale oil). UOG wells require between 50,000 to over ten million gallons of fracturing fluid per well (DCN SGE00532; DCN SGE00556; DCN SGE00637.A3). Operators typically fracture a horizontal well in eight to 23 stages using between 250,000 and 420,000 gallons (6,000 and 10,000 barrels) of fracturing fluid per stage (DCN SGE00280). Literature reports that tight oil and gas wells typically require less fracturing fluid than shale oil and gas wells (DCN SGE00533).

Because laterals in horizontally drilled UOG wells are between 1,000 and 5,000 feet long, operators typically hydraulically fracture horizontal wells in stages to maintain the high pressures necessary to stimulate the well over the entire length. Stages are completed starting with the stage at the end of the wellbore and working back towards the wellhead.[9] Operators use anywhere between eight and 23 stages (DCN SGE00280). A fracturing crew can fracture two to three stages per day when operating 12 hours per day or four to five stages per day when operating 24 hours per day.[10] Consequently, a typical well can take between two and seven days to complete (DCN SGE00239; DCN SGE00090).

Once the stage is hydraulically fractured, a stage plug is inserted down the wellbore separating it from additional stages until all stages are completed. After all of the stages have been completed, the plugs are drilled out of the wellbore allowing the fracturing fluids and other fluids to return to the surface. At the wellhead,

[6] Shale oil and gas wells, are primarily drilled directionally (and specifically horizontally), while tight oil and gas wells are drilled vertically and directionally.

[7] In some instances, open-hole completions may be used, where the well is drilled into the top of the target formation and casing is set from the top of the formation to the surface. Open-hole well completions leave the bottom of the wellbore uncased.

[8] Hydraulic fracturing techniques are also often used to improve recovery from conventional oil and gas wells. However, the scope of this section is focused on UOG extraction, therefore, the application of this process to conventional wells is not further discussed here.

[9] The first stage is fractured with what is known as the pad fracture. The pad is the injection of high pressure water and chemical additives (no proppant) to create the initial fractures into the formation. After the pad is pumped down hole, proppant is introduced to the fracturing fluid for the additional stages.

[10] The hours per day depends on the operator, local ordinances, and weather.

a combination of liquid (produced water), sand, oil, and/or gas are routed through phase separators that separate products from wastes.

A portion of produced water can return to the wellhead at this time; this waste stream is often referred to as ''flowback'' and consists of the portion of fracturing fluid injected into the wellbore that returns to the surface during initial well depressurization often combined with formation water.[11] Higher volumes of water are generated in the beginning of the flowback process. Over time, flowback rates decrease as the well goes into the production phase. Operators typically store flowback in 500 barrel fracturing tanks onsite before treatment or transport offsite.[12] In addition to flowback, small quantities of oil and/or gas can be produced during the initial flowback process. The small quantities of produced gas could be flared or captured if the operator is using ''green completions'', which involves capturing the gas rather than flaring.[13]

The flowback period typically lasts from a few days to a few weeks before the production phase commences (DCN SGE00010; DCN SGE00011; DCN SGE00622; DCN SGE00592; DCN SGE00286). At some wells, the majority of fracturing fluid can be recovered within a few hours (DCN SGE00010; DCN SGE00011; DCN SGE00622; DCN SGE00592; DCN SGE00286). See TDD, Chapter B.3.

3. Production

After the initial flowback period, the well begins producing oil and/or gas; this next phase is referred to as the production phase. During the production phase, UOG wells produce oil and/or gas and generate long-term produced water. Long-term produced water, generated during the well production phase after the initial flowback process, consists primarily of formation water and continues to be produced throughout the lifetime of the well, though typically at much lower rates than flowback (DCN SGE00592). This long-term produced water is typically stored onsite in tanks or pits (DCN SGE00280; DCN SGE00275; DCN SGE00636) and is periodically trucked, or sometimes piped, offsite for treatment, reuse, or disposal. See TDD, Chapter B.3.

C. UOG Extraction Wastewater

UOG extraction wastewater, as EPA proposes to define it (see Section VII.B.) includes the following sources of wastewater pollutants:[14]

- Produced water—the water (brine) brought up from the hydrocarbon-bearing strata during the extraction of oil and gas. This can include formation water, injection water, and any chemicals added downhole or during the oil/water separation process. Based on the stage of completion and production the well is in, produced water can be further broken down into the following components:
  - Flowback—After the hydraulic fracturing procedure is completed and pressure is released, the direction of fluid flow reverses, and the fluid flows up through the wellbore to the surface. The water that returns to the surface is commonly referred to as ''flowback.''
  - Long-term produced water—This is the wastewater generated by UOG wells during the production phase of the well after the flowback process. Long-term produced water continues to be produced throughout the lifetime of the well.
- Drilling wastewater, including pollutants from:
  - Drill cuttings—The particles generated by drilling into subsurface geologic formations and carried out from the wellbore with the drilling fluid.
  - Drilling muds—The circulating fluid (mud) used in the rotary drilling of wells to clean and condition the hole and to counterbalance formation pressure.
- Produced sand—The slurried particles used in hydraulic fracturing, the accumulated formation sands and scales particles generated during production. Produced sand also includes desander discharge from the produced water waste stream, and blowdown of the water phase from the produced water treating system.

EPA identified drilling wastewater and produced water as the major sources of wastewater pollutants associated with UOG extraction, therefore, these wastewaters are described further below.

1. Drilling Wastewater

As discussed in Section XII.B.1., operators inject drilling fluids down the well bore during drilling to cool the drill bit and to remove fragments of rock (drill cuttings) from the wellbore (DCN SGE00090; DCN SGE00274). Drilling fluid can be water or synthetic based. Air has recently been used in place of drilling fluids in the vertical phase of wells. Operators can use a combination of drilling fluids and air during the drilling process of a single well. The drilling fluid used depends on the properties of the formation, the depth, and associated regulations, safety, and cost considerations (DCN SGE00090; DCN SGE00635; TDD Chapter B.3).

When returned to the surface, ground rock removed from the wellbore (drill cuttings) is entrained in the drilling fluid. Operators separate the solids from the drilling fluid on the surface, striving to remove as much solids (drill cuttings) from the drilling fluid as possible. The separation process generates two streams: a solid waste stream referred to as drill cuttings and a liquid waste stream referred to as drilling wastewater. Operators typically transfer their drill cuttings to a landfill (DCN SGE00090; DCN SGE00635). Drilling wastewater is often reused/recycled until well drilling is complete (though in some cases it is processed for discharge and/or disposal).

At the end of drilling, operators use a variety of practices to manage drilling wastewater, primarily reuse/recycle in drilling subsequent wells. The following list presents drilling wastewater management options used by UOG operators (DCN SGE00740):

- Reuse/recycle wastewater in subsequent drilling and/or fracturing jobs[15]
- Disposal via landfill[16]
- Disposal via underground injection wells
- Land application
- Transfer wastewater to a centralized waste treatment (CWT) facility
- On-site burial[16]

Nearly all of the volume of drilling fluid circulated during drilling is recovered as drilling wastewater and requires management. Typical drilling wastewater volumes for UOG drilling

[11] Formation water is naturally occurring water contained in the reservoir rock pores.

[12] Fracturing tanks cannot be transported when they contain wastewater. Wastewater is typically transported via trucks with approximately 100 to 120 barrel capacities or via pipe (DCN SGE00635).

[13] On April 17, 2012, the U.S. EPA issued regulations under the Clean Air Act, requiring the natural gas industry to reduce air pollution by using green completions, or reduced emission completions. EPA identified a transition period until January 1, 2015 to allow operators to locate and install green completion equipment (40 CFR part 60 and 63).

[14] Stormwater is not considered a source of UOG extraction wastewater. In general, no permit is required for discharges of stormwater from any field activities or operations associated with oil and gas production, except as specified in 40 CFR 122.26(c)(1)(iii) for discharges of a reportable quantity or that contribute to a violation of a water quality standard.

[15] Synthetic fluids, which are more expensive than water-based drilling fluid, are almost always reused/recycled in drilling additional wells.

[16] Burial and landfill disposal options are generally limited to ''semisolid'' waste. Solidification processes may occur prior to transferring the waste to the landfill or they may occur at the landfill. (DCN SGE00139).

vary from 100,000 to 300,000 gallons per well depending primarily on vertical depth, horizontal length, and the well bore diameter (DCN SGE00740).

2. Produced Water

a. Flowback

As explained above, the portion of produced water that returns to the wellhead after the plugs are drilled out of the wellbore is often referred to as ''flowback'' and the largest daily volume of produced water generated occurs during the flowback period. Over time, flowback rates decrease as the well begins to produce oil and gas. Initially, flowback has characteristics that can resemble the fracturing fluid. During the flowback period, the generated wastewater increasingly resembles characteristics of the underlying formation.

The volume of flowback produced by a well varies, and it is often looked at in relation to the volume of the fracturing fluid used to fracture the well (as explained in Section XII.B.2. above, fracturing fluid volumes used depend on many factors, including the total number of stages drilled). Flowback recovery percentages also vary due to factors such as resource type (*e.g.,* shale oil) and well trajectory and have been documented anywhere between 3 and 75 percent of the volume of the fracturing fluid injected, with median flowback recovery between 4 and 29 percent (DCN SGE00724). These percent recoveries can result in total flowback volumes ranging from less than 210,000 gallons per well to more than 2,100,000 gallons per well (5,000 to 50,000 barrels per well) (DCN SGE00724). See TDD, Chapter C. 2.

b. Long-term Produced Water

After flowback generation, long-term produced water is generated during the well production phase. Long-term produced water has characteristics that primarily reflect the formation. The long-term produced water flow rate from a UOG well gradually decreases over time. In addition, the amount of produced water generated per well varies by formation. Median long-term produced water flow rates vary by resource type (*e.g.,* shale oil) and well trajectory and can be between 200 and 800 gallons per day (4.8 to 19 barrels per day), depending on well trajectory, formation type and well age (DCN SGE00635; DCN SGE00724). See TDD, Chapter C.2.

D. UOG Extraction Wastewater Characteristics

EPA reviewed published characterization data for UOG extraction wastewater. Produced water data included measurements of TDS, anions/cations, metals, hardness, radioactive constituents, and organics. The characteristics of UOG produced water vary primarily depending on the characteristics of the UOG formation (DCN SGE00090). Drilling wastewater characterization data included suspended solids, salts, metals, and organics. Because drilling wastewater is typically recycled/re-used for drilling another well, detailed pollutant specific information is less readily available for drilling wastewater than for produced water. As such, the remainder of this section is specific to produced water.[17]

1. TDS and TDS-Contributing Ions

TDS provides a measure of the dissolved matter, including salts (*e.g.,* sodium, chloride, nitrate), organic matter, and minerals (DCN SGE00046). TDS is not a specific chemical, but is defined as the portion of solids that pass through a filter with a nominal pore size of 2.0 micron (μm) or less (EPA Method 160.1). Table XII–1. shows ranges and median TDS concentrations associated with various shale and tight oil and gas formations.

TABLE XII–1—CONCENTRATIONS OF TDS IN PRODUCED WATERS IN VARIOUS UOG FORMATIONS

Shale/tight oil and gas formation	TDS concentration range (mg/L)	TDS median concentration (mg/L)	Number of data points
Bakken	98,000–220,000	150,000	13
Barnett	25,000–150,000	50,000	40
Bradford-Venango-Elk (Tight)	32,000–400,000	180,000	5
Cleveland (Tight)	84,000–220,000	120,000	11
Cotton Valley/Bossier (Tight)	110,000–230,000	170,000	3
Dakota (Tight)	2,900–7,700	6,000	3
Devonian	320–250,000	130,000	11
Eagle Ford	3,700–89,000	21,000	1,648
Fayetteville	13,000–57,000	25,000	6
Haynesville/Bossier	110,000–120,000	120,000	2
Marcellus	680–350,000	92,000	383
Mississippi Lime (Tight)		150,000	1
New Albany		88,000	1
Niobrara	39,000–140,000	100,000	8
Pearsall	300,000–380,000	370,000	3
Spraberry (Tight)	58,000–160,000	130,000	26
Utica	6,500–44,000	16,000	8
Woodford-Cana-Caney	14,000–110,000	36,000	8

Source: See TDD, Chapter C.3.

Salts are the majority of TDS in UOG produced water, and sodium chloride constitutes approximately 50 percent of the TDS in UOG produced water (DCN SGE00046). In addition to sodium and chloride, UOG produced water typically contains divalent cations such as calcium, strontium, magnesium, and, in some formations, barium and radium. Other ions such as potassium, bromide, fluoride, nitrate, nitrite, phosphate, and sulfate can also contribute to TDS in UOG produced water. Metals, other than those contributing to TDS (*e.g.,* calcium, magnesium, strontium), are typically

[17] As explained above, produced water includes both flowback and long-term produced water.

not found in high concentrations in UOG produced water. Table XII–2. presents ranges and median concentrations of TDS and TDS-contributing ions in UOG produced water. Based on available data, concentrations of TDS and TDS-contributing ions, including divalent cations, typically increase from flowback to long-term produced water. See TDD, Chapter C.3.

TABLE XII–2—CONCENTRATIONS OF TDS AND TDS-CONTRIBUTING IONS IN UOG PRODUCED WATERS

Constituent	Concentration range (mg/L)	Median concentration (mg/L)	Number of data points
TDS	20–400,000	110,000	2,223
Chloride	64–230,000	48,000	2,063
Sodium	64–98,000	25,000	1,913
Calcium	13–34,000	3,400	2,068
Strontium	0–8,000	580	207
Magnesium	3–15,000	570	2,030
Bromide	0.2–4,300	540	119
Potassium	0–5,800	290	344
Barium	0–16,000	100	289
Sulfate	0–3,400	71	1,585
Phosphate	12–88	12	3
Nitrate	5–10	5	3
Nitrite		5	2
Fluoride	0.045–390	2.5	99

Source: See TDD, Chapter C.3.

2. Organic Constituents

Organic constituents in UOG produced water can originate from both the fracturing fluid that is injected down the wellbore and from the UOG formation itself. Organic constituents and hydrocarbons in UOG produced water appear to be less frequently sampled in comparison to the well-documented TDS concentrations. EPA has reviewed available data on organic pollutants in produced water and found a range of pollutant concentrations: phenol (0.7 to 460 parts per billion (ppb)), pyridine (1.1 to 2,600 ppb), benzene (0.99 to 800,000 ppb), ethyl benzene (0.63 to 650 ppb), toluene (0.91 to 1,700,000 ppb), and total xylenes (3 to 440,000 ppb) (DCN SGE00724). See TDD, Chapter C.3.

3. Radioactive Constituents

Oil and gas formations contain varying levels of radioactivity resulting from uranium decay which can be transferred to UOG produced water. Radioactive decay products typically include uranium 238, radium 226, and radium 228. EPA identified available data on some radioactive elements in UOG produced water, including radium 226, radium 228, gross alpha, and gross beta, and, therefore, focused the radioactive constituent discussion and data presentation on data for these parameters. Radium 226, which has a half-life over 1,000 years, has been found in UOG produced water at concentrations up to 16,900 picocuries per liter (pCi/L) (DCN SGE00241; DCN SGE00724). As a point of comparison, the International Atomic Energy Agency (IAEA) published a report in 2014 that included radium isotope concentrations in rivers and lakes. The average of measured concentrations of radium 226 found in U.S. rivers and lakes was 0.56 pCi/L (21 millibecquerel per liter (mBq/L)) and the measured values ranged from 0.01 to 1.7 pCi/L (0.37 to 63 mBq/L) (DCN SGE00769). Data for radium 228 were limited.

Data characterizing produced water radioactivity concentrations were not available for all shale and tight oil and gas formations. However, the available data [18] from five different tight or shale oil and gas formations show that the concentrations of one or more radioactive constituents (radium 226, radium 228, gross alpha, gross beta) in UOG produced water was above naturally occurring concentrations in rivers and lakes throughout the world. The highest reported radium 228 value was in the Ganges River in India and was measured at 0.07 pCi/L (2.6 mBq/L). (See DCN SGE00769)

[18] A report was released by the Pennsylvania Department of Environmental Protection, titled ''Technologically Enhanced Naturally Occurring Radioactive Materials (TENORM) Study Report'' on January 15, 2015. These data have not yet been incorporated into EPA's analyses. The report presents additional data for the Marcellus Shale formation, which is one of the five formations for which EPA has identified additional data sources. See TDD Chapter C.3 and DCN SGE00933.

E. Wastewater Management and Disposal Practices

Historically, UOG operators primarily managed their wastewater using the following four methods: [19]

- Disposal via underground injection wells;
- Reuse in subsequent fracturing jobs;
- Transfer to a POTW; or
- Transfer to a privately owned wastewater treatment facility (also called a CWT facility).[20]

(DCN SGE00613; DCN SGE00276); DCN SGE00528).

The frequency with which UOG operators use each of the management options listed above varies by operator, formation, and sometimes within each region of the formation (DCN SGE00579; DCN SGE00276). Relative cost is also an important factor for an UOG operator when considering how to manage their wastewater. This proposed rule addresses only transfers to a POTW. Historically, the oil and gas industry has most commonly managed its wastewater by underground injection (DCN SGE00182), but the industry is increasingly turning to reuse, and in some areas transfer to CWT facilities, to manage increasing volumes of UOG extraction wastewater (see TDD, Chapter D).

[19] Occasionally, UOG operators in the western U.S. may use evaporation as a means of wastewater management.

[20] Operators may haul wastewater to CWT facilities that handle the wastewater by (1) treating for reuse; (2) direct discharging to surface water; or (3) indirect discharging to surface water through a POTW.

1. Injection into Disposal Wells

Underground injection involves pumping wastes into a deep underground formation with a confining layer of impermeable rock. The receiving formation must also be porous enough to accept the wastewater. In previous decades, and in most oil and gas basins, drillers found underground injection of oil and gas extraction wastewater to be the most economical and reliable means of disposal; this is similarly the case today (DCN SGE00623). As of 2009, over 90 percent of oil and gas wastewater (conventional and unconventional) was disposed of via Class II injection wells (DCN SGE00623; DCN SGE00132).

The availability of underground injection as a disposal method varies by state. Some states have a large number of Class II disposal wells (*e.g.,* Texas, Oklahoma, Kansas) while others have very few (*e.g.,* Pennsylvania, West Virginia). In many UOG formations, distances from the average producing well to the nearest disposal well are short and disposal capacity is abundant making it the least expensive disposal practice (DCN SGE00635).

2. Reuse in Fracturing

Reuse involves mixing flowback and/or long-term produced water from previously fractured wells with source water [21] to create the base fluid used to fracture a new well (DCN SGE00046). Reused UOG extraction wastewater is typically transported, by truck, from storage to the fracturing site just prior to the start of hydraulic fracturing. When hydraulic fracturing commences, the stored UOG wastewater is pumped from the fracturing tanks and blended with source water to form the base fluid. The blending occurs upstream of other steps such as sand and fracturing chemical addition or pressurization by the pump trucks (DCN SGE00625).

In considering whether to reuse wastewater, operators evaluate wastewater generation rates compared to water demand for new fracturing jobs, water quality and treatment requirements for use in fracturing, and the risks and costs of wastewater management and transportation for reuse compared to disposal, or transfer practices. Typically, for an operator to reuse wastewater, the cost per barrel for reuse must be less than the cost per barrel for disposal or transfer (DCN SGE00095). The cost for reuse depends on several factors that vary by formation and operator; and, therefore, the potential for reusing UOG extraction wastewater for fracturing varies by formation and operator.

Since the late 2000s, UOG operators have increased wastewater reuse (DCN SGE00613). The Petroleum Equipment Suppliers Association (PESA) surveyed 205 UOG operators in 2012 about their wastewater management practices. Survey results included 143 operators active in major UOG formations. UOG operators reported reusing 23 percent of the total volume of wastewater generated to refracture another well. The survey results also showed that most operators anticipated reusing higher percentages of their wastewater in the two to three years following the survey (DCN SGE00707; DCN SGE00708; DCN SGE00575). EPA participated in several site visits and conference calls with operators in several UOG formations that have been able to reuse 100 percent of the volume of their wastewater under certain circumstances (DCN SGE00625; DCN SGE00635; DCN SGE00275; DCN SGE00636).

3. Transfer to Centralized Waste Treatment Facilities

Some operators manage UOG extraction wastewater by transporting it to CWT facilities for treatment. Following treatment, these facilities can return it to an operator for reuse to fracture another well (''zero discharge'') and/or discharge it, either to surface water or to a POTW. Operators can choose to use CWT facilities if they drill and complete relatively few wells, making discharging to CWT facilities more feasible than investing in other management options (DCN SGE00300), or if other wastewater management options are not available or cost effective in the region where they are operating (DCN SGE00139; DCN SGE00182). EPA identified 73 commercial CWT facilities that accept UOG extraction wastewater. See TDD, Chapter D.3. EPA found that the number of CWT facilities available to operators in the Marcellus and Utica Shale formations has increased with the number of wells drilled. A similar trend was observed in the Fayetteville Shale formation in Arkansas (DCN SGE00704).

Operators can haul their wastewater to ''zero discharge'' CWT facilities that treat but do not discharge UOG extraction wastewater, either to surface water or to a POTW. Instead, they return the wastewater to UOG operators for reuse in subsequent hydraulic fracturing jobs. Commercial CWT facilities that fall into this category typically allow operators to unload a truck load of wastewater for treatment and take a load of treated wastewater on a cost per barrel basis (DCN SGE00245). Some of these facilities offer operators the option of unloading a truck load of wastewater without taking a load of treated wastewater for a surcharge, as long as other operators are in need of additional treated wastewater. The CWT facility can also provide this service if it can dispose of the wastewater without discharge (DCN SGE00299). For example, one facility in Wyoming treats UOG extraction wastewater for reuse by removing TDS and other pollutants through electrocoagulation followed by reverse osmosis (RO). The facility evaporates the concentrated brine from the RO unit in large evaporation ponds to dispose of wastewater not reused by operators (DCN SGE00374).

Some operators can haul their wastewater to CWT facilities that discharge directly to surface waters. Discharges from these CWT facilities are controlled by NDPES permits that include pollutant discharge limitations based on the technology-based ELGs set out in 40 CFR part 437 (representing the floor), or more stringent WQBELs where the technology-based effluent limits are not sufficiently stringent to meet applicable state water quality standards. The ELGs established by EPA for CWTs do not include limitations for TDS; however, to meet applicable state water quality standards, direct discharging CWT facilities can use treatment processes (*e.g.,* evaporation/condensation, reverse osmosis) that remove TDS.

Finally, other operators can haul their wastewater to CWT facilities that discharge indirectly to a POTW. Discharges from the CWT facility to the POTW are controlled by an Industrial User Agreement (IUA) that must incorporate the pretreatment standards set out in 40 CFR part 437.

4. Transfer to POTWs

Historically, in locations such as in Pennsylvania where disposal wells and CWT facilities were limited, operators managed UOG extraction wastewater by transfer to POTWs (DCN SGE00011; DCN SGE00739; DCN SGE00598). This practice can be problematic because POTWs are not able to remove many of the constituents found in UOG extraction wastewater (DCN SGE00011; DCN SGE00600; DCN SGE00765). Because they are not typical of POTW influent wastewater, UOG extraction wastewater constituents can be discharged, largely untreated, from the POTW to the receiving stream; can disrupt the operation of the POTW (*e.g.,* by inhibiting biological treatment); can accumulate in biosolids, limiting their

[21] Source waters may include freshwater, ground water, treated municipal wastewater, and other industrial wastewater.

use; and can facilitate the formation of harmful DBPs (which are a concern for downstream drinking water uses). These constituents can interfere with POTW operations and can increase salt loads in receiving streams to the detriment of downstream water use. (DCN SGE00286; DCN SGE00345; DCN SGE00579; DCN SGE00531; DCN SGE00633). See TDD, Chapter D.5. As discussed above, EPA has not been able to identify any existing UOG discharges at present to POTWs (DCN SGE00579; DCN SGE00286; DCN SGE00345). The lack of existing discharges to POTWs can be attributed to the availability of one or more cost effective alternative wastewater management options (injection for disposal, reuse/recycling, and transfer to a CWT), concerns about inability of POTWs to treat such waste appropriately, and concerns that such discharges can disrupt POTW treatment processes. In a few cases, they can also be associated with state-level drivers (see TDD Chapter A.2).

XIII. Subcategorization

In developing ELGs, EPA can divide an industry category into groupings called ''subcategories'' to provide a method for addressing variations among products, processes, and other factors, which result in distinctly different effluent characteristics that affect the determination of the ''best available'' technology. See *Texas Oil & Gas Ass'n.* v. *U.S. EPA,* 161 F.3d 923, 939–40 (5th Cir. 1998). Regulation of a category by subcategories provides that each subcategory has a uniform set of effluent limitations or pretreatment standards that take into account technological achievability, economic impacts, and non-water quality environmental impacts unique to that subcategory. In some cases, effluent limitations or pretreatment standards within a subcategory can be different based on consideration of these same factors, which are identified in CWA section 304(b)(2)(B). The CWA requires EPA, in developing effluent guidelines and pretreatment standards, to consider a number of different factors, which are also relevant for subcategorization. The CWA also authorizes EPA to take into account other factors that the Administrator deems appropriate. CWA section 304(b).

Within the oil and gas extraction category, EPA has already established subcategories. As explained in Section VIII.C., the existing oil and gas extraction ELGs are divided into five subcategories. The scope of the proposed rule is specific to subpart C: onshore. The proposed rule is specific to pollutant discharges from UOG extraction as defined in Section XI. EPA considered whether further subcategorization of the UOG extraction industry was warranted. EPA evaluated a number of factors including available data regarding wastewater chemical constituents, generation volumes, and rates. Although some differences can be observed among these characteristics (between different types of unconventional resource and geologic formations, and sometimes between wells within the same source), EPA proposes that further subcategorization is not appropriate because EPA has not identified any onshore UOG operations that currently discharge to POTWs.

XIV. Proposed Regulation

A. Discussion of Options

1. PSES and PSNS Option Selection

EPA proposes to establish PSES and PSNS that apply to wastewater discharges from onshore UOG extraction facilities. Generally, EPA designs PSES and PSNS to ensure that wastewaters from direct and indirect industrial dischargers are subject to similar levels of treatment prior to discharge to waters of the U.S. This means that, typically, the requirements for indirect dischargers are analogous to those for direct dischargers. As explained in Section VIII.C., the existing requirements for BPT for the Onshore Subcategory are zero discharge of wastewater pollutants into waters of the U.S. from any source associated with production, field exploration, drilling, well completion, or well treatment. As also explained in Section VIII.C., the existing BPT requirements do not apply to discharges to POTWs.

Most POTWs are designed primarily to treat municipally generated wastewater. POTWs typically provide at least secondary level treatment and, thus, are designed to remove settleable solids, suspended solids and organic material using biological treatment. EPA is not aware of any POTWs that are designed to treat dissolved pollutants in UOG extraction wastewater such as TDS (*e.g.,* chlorides, sulfates, metals) or radioactive elements. As a result, the mass of untreated pollutants would be discharged from the POTW to the receiving water, could disrupt the operation of the POTW (*e.g.,* by inhibiting biological treatment) or could facilitate the formation of harmful DBPs.

As explained in Section XII.E., EPA evaluated the practices currently used to manage UOG extraction wastewaters. Based on the information reviewed as part of this proposed rulemaking, EPA identified that current industry practice is not to discharge pollutants from onshore UOG extraction to POTWs. Rather, the vast majority of this wastewater is managed by disposal in underground injection wells and/or re-use in fracturing another well.[22] A small, but in some geographic areas increasing, portion of the industry also transfers its wastewater to privately owned wastewater treatment facilities (also referred to as CWT facilities).

Because of this information, EPA identified one candidate PSES/PSNS option; that is, zero discharge of wastewater pollutants to POTWs. UOG extraction wastewater is discussed in Section XII.C.

The technology basis for the proposed PSES is disposal in UIC wells and/or wastewater reuse/recycling to fracture another well. Because existing UOG extraction facilities currently employ alternative wastewater management practices, the technology basis for meeting a zero discharge requirement is widely available. While EPA estimates that there will be no incremental pollutant reductions associated with the proposed PSES, the technology basis is best performing in that it achieves zero discharges of pollutants in UOG extraction wastewater. Additionally, because this technology represents current industry practice nationwide, no facilities will incur incremental costs for compliance with the proposed PSES and, therefore, the proposed PSES is economically achievable. For the same reasons, the proposed PSES will result in no incremental non-water quality environmental impacts. Finally, because the proposal represents current industry practice, EPA proposes that PSES requiring zero discharge of wastewater pollutants be effective as of the effective date of this rule.

As previously noted, under section 307(c) of the CWA, new sources of pollutants into POTWs must comply with standards which reflect the greatest degree of effluent reduction achievable through application of the best available demonstrated control technologies. Congress envisioned that new treatment systems could meet tighter controls than existing sources because of the opportunity to incorporate the most efficient processes and treatment systems into the facility design. EPA proposes PSNS that would control the same pollutants using the same technologies proposed for control by PSES. The technologies used to control

[22] While pollutant discharges from onshore oil and gas extraction produced water are allowed under subpart E in certain geographic locations for use in agriculture or wildlife propagation, EPA has not found that these types of permits are typically written for unconventional oil and gas extraction wastewater (as defined for the proposed rule).

pollutants at existing sources, disposal in UIC wells and/or wastewater reuse/recycling to fracture another well, are fully available to new sources. They achieve the greatest degree of effluent reduction available: zero discharge of pollutants in UOG extraction wastewater. Furthermore, EPA has not identified any technologies that are demonstrated to be available for new sources that are different from those identified for existing sources. Finally, EPA determined that the proposed PSNS present no barrier to entry into the market for new sources. While EPA cannot say with certainty exactly how new sources will manage their UOG extraction wastewater, information in the record indicates that new sources would manage their UOG extraction wastewater following current industry practice. EPA has found that overall impacts from the proposed standards on new sources would be minimal, as is the case for existing sources, since the costs faced by new sources generally will be the same as those faced by existing sources. EPA projects no (and, therefore, acceptable) incremental non-water quality environmental impacts. Therefore, EPA proposes to establish PSNS that are the same as the proposed PSES.

2. Other Options Considered

a. ''No Rule''

In addition to the PSES/PSNS option of zero discharge of wastewater pollutants, EPA also considered the option of no proposed PSES or PSNS, a ''no rule'' option. Based on the discussion above that no UOG facilities are currently transferring wastewater to POTWs, and given available alternative management options such as disposal in UIC wells and reuse/recycling, EPA considered the option of no proposed rule. A ''no rule'' option would impose no change to the existing pretreatment regulatory regime, or industry practice, and would, therefore, be a ''no incremental cost and pollutant reduction'' option.

EPA, however, did not select this ''no rule'' option for several reasons. First, there is no national federal regulation that would prevent or require pretreatment of such discharges—and, as mentioned above, EPA is not aware of any POTWs that are designed to treat dissolved pollutants common in UOG extraction wastewater. This means that constituents of such wastewater could be discharged to receiving waters when other [available] options such as reuse and proper disposal in a Class II UIC well better protect water quality and aquatic communities and help further the zero discharge goal of the CWA. CWA section 101(a)(1). Second, as detailed in Chapter A.2 of the TDD, few states have regulations or policies that prevent discharges of pollutants in UOG extraction wastewater to POTWs or that mandate pre-treatment prior to discharge to a POTW. In the absence of such regulations or policies, resource-constrained control authorities and/or POTWs who receive requests to accept UOG extraction wastewater would be in the position of having to evaluate whether to accept transfers of wastewater on a case-by-case basis. Third, history demonstrates that absent controls preventing the transfer of or requiring pretreatment of such wastewater, POTWs can accept it, as occurred in Pennsylvania (see TDD Chapters A.2 and D.5), where POTWs were used to manage UOG extraction wastewater until the state took action, including promulgating new regulations requiring pretreatment. Among the drivers behind these actions taken by Pennsylvania was that some waters were impaired by TDS. (DCN SGE00187).

To avoid future scenarios where POTWs receive UOG extraction wastewater, it is reasonable to codify the good practice already adopted by the industry that is technologically and economically viable. Moreover, it is beneficial to the states as a practical matter to establish federal regulations that mandate this existing practice, in order to avoid the burden for each state to potentially repeat the effort of promulgating state-level regulations. EPA has discussed this proposed rule with several states, who have indicated that a federal pretreatment standard would reduce their administrative burden (DCN SGE00762; DCN SGE00762; DCN SGE00743).

EPA also considered the future burden that continued lack of pretreatment standards can impose on POTWs. The UOG extraction industry is predicted to continue to grow in the future, resulting in the installation, fracturing, and possible refracturing of hundreds of thousands of wells. Well operators will continue to generate UOG extraction wastewater and could request local POTWs to accept their wastewater for discharge. In the absence of federal pretreatment standards, POTWs can legally accept UOG extraction wastewater to the extent that such wastewater transfers are in compliance with state and local requirements. Evaluating each potential customer (industrial user), developing a determination for each new UOG extraction wastewater source on a case-by-case basis could be burdensome for POTWs. In addition, where a POTW determines it can accept this wastewater, complying with applicable reporting requirements could be a significant burden to some POTWs. EPA concluded that a national-level determination that UOG extraction wastewater contains pollutant concentrations that could pass through POTWs, and development of categorical pretreatment standards, will avoid burdening individual POTWs with evaluating each individual request. Thus, the national categorical pretreatment standards will reduce the process burden on pretreatment Control Authorities (*e.g.,* POTWs). While EPA does not have the information to quantify the reductions in administrative burden that will likely result from the proposed rule, states generally support EPA's position that such reductions will be realized (DCN SGE00762; DCN SGE00762; DCN SGE00743).

Moreover, as explained above, because some pollutants of concern in UOG extraction wastewater will not be physically, chemically, or biologically reduced by the treatment processes typically used at POTWs, these pollutants are expected to be discharged from the POTW into receiving waters. In addition, these pollutants can cause operational problems for the POTW's biological treatment processes and alter the POTW's ability to adequately remove BOD, TSS, and other pollutants for which it is regulated. For some UOG pollutants, such as radionuclides, the data indicate POTWs will remove some portion while discharging the remainder (DCN SGE00136). In these cases, some portion of the radionuclides will partition to the POTW biosolids, which can cause the POTW to incur increased costs to change its selected method of biosolids management (DCN SGE00615). See also TDD Chapter D.5.

Finally, EPA did not select the ''no rule'' option because it concluded that national pretreatment standards provide clear direction and certainty to industry, POTWs, states, and the public that UOG extraction wastewaters are not treated by POTWs and should not be transferred to them. Categorical pretreatment standards support the CWA goal that the discharge of pollutants into the nation's navigable waters be eliminated. CWA section 101(a).

b. Non-Zero Numeric Discharge Pretreatment Requirements

EPA considered an option that would have included non-zero numerical discharge pre-treatment requirements prior to discharge to a POTW. Such an

option could be similar to the one adopted in Pennsylvania in 2010 that requires pretreatment of oil and gas wastewaters before discharge to a POTW to meet a maximum TDS concentration of 500 mg/L as well as specific numerical concentrations for other pollutants. Some have suggested this would provide an ''escape-valve'' for the future in the event that UIC disposal well capacity is exhausted. Others have suggested this would allow the water to be available for re-use (other than in fracturing another well) if technologies become available to pre-treat it to remove dissolved pollutants in a cost effective manner.

EPA does not propose an option with numerical discharge pretreatment requirements prior to discharge to a POTW for the following reasons. First, the existing requirements for direct discharges of UOG extraction wastewater in the Onshore Subcategory require no discharge of pollutants. As explained above, EPA generally establishes requirements for direct and indirect discharges so that the wastewater receives comparable treatment prior to discharge to waters of the U.S.

Second, the option EPA proposes, zero discharge of pollutants in UOG extraction wastewater to POTWs, is widely available, economically achievable and has no incremental (and, therefore, acceptable) non-water quality environmental impacts. Because the proposed zero pollutant discharge requirement is current practice and, therefore, clearly both available and achievable, any option that includes non-zero discharge requirements for any pollutants would potentially increase pollutant discharges from current industry best practices. Such an option would not fulfill the CWA requirement to establish limitations based on ''Best Available Technology Economically Achievable'' (CWA section 301(b)(2)(A)), or the CWA goals of eliminating the discharge of pollutants into navigable waters (CWA section 101(a)(1)).

Third, EPA does not have any data to demonstrate that UIC capacity nationwide will be expended and that this current management approach will not be available in the future (DCN SGE00613). In fact, industry has been managing oil and gas extraction wastewater through underground injection for decades. In recent years, industry has greatly expanded its knowledge about the ability to re-use UOG flowback and long-term produced water (the major contributors to UOG extraction wastewater by volume) in fracturing another well. Consequently, while the UOG industry continues to grow and new wells are being fractured, the need for UIC capacity for UOG extraction wastewater is decreasing, even in geographic locations with an abundance of UIC capacity (see TDD Chapter D.2).

Fourth, EPA identified technologies that currently exist to treat dissolved pollutants in UOG extraction wastewater. Relative to underground injection and reuse/recycling to fracture another well (the basis for the preferred option EPA proposes), these technologies are costly, would result in more pollutant discharges, and are energy intensive. While EPA did not attempt to calculate a numerical standard for TDS, data collected for this proposed rulemaking demonstrate that the current technologies are capable of reducing TDS (and other dissolved pollutants) well below 500 mg/L. To the extent that these technologies or others are developed in the future to reduce pollutants in UOG extraction wastewater to enable them to be reused for purposes other than fracturing another well, these pre-treated wastewaters can be used directly for the other applications without going through a POTW.[23]

c. Conventional Oil and Gas Wastewater

As explained in Section VIII., while the existing oil and gas regulation applies to both conventional and UOG extraction (except coalbed methane), the proposed rule would add pretreatment standards only for facilities engaged in oil and gas extraction from UOG sources that send their discharges to POTWs. EPA proposes to reserve standards for conventional oil and gas extraction for possible future rulemaking, if appropriate. This is consistent with EPA's stated scope throughout the development of this proposed rule. See specific comment solicitation on conventional oil and gas extraction wastewaters in Section VII.

B. Pollutants of Concern

Since the effectiveness of the technology basis for the proposed standards results in zero discharge of all pollutants, it is not appropriate in this proposed rule to further specify the pollutants of concern. Rather, as is the case for the existing BPT requirements, the proposed PSES/PSNS apply to the discharge of all pollutants in UOG extraction wastewater.

[23] As a point of clarification, except in certain geographic areas, these wastewaters would remain subject to the requirements in the Onshore Subcategory that require no discharge of pollutants to waters of the U.S. (40 CFR 435.30).

C. POTW Pass Through Analysis

Sections 307(b) and (c) of the CWA authorize EPA to promulgate pretreatment standards for pollutants that are not susceptible to treatment by POTWs or which would interfere with the operation of POTWs. EPA looks at a number of factors in selecting the technology basis for pretreatment standards for existing and new sources. These factors are generally the same as those considered in establishing the direct discharge technology basis. However, unlike direct dischargers whose wastewater will receive no further treatment once it leaves the facility, indirect dischargers send their wastewater to POTWs for further treatment.

Therefore, before establishing PSES/PSNS for a pollutant, EPA examines whether the pollutant ''passes through'' a POTW to waters of the U.S. or interferes with the POTW operation or biosolids disposal practices. In determining whether a pollutant would pass through POTWs for these purposes, EPA generally compares the percentage of a pollutant removed by well-operated POTWs performing secondary treatment to the percentage removed by a candidate technology basis. A pollutant is determined to pass through POTWs when the median percentage removed nationwide by well-operated POTWs is less than the median percentage removed by the candidate technology basis. Pretreatment standards are established for those pollutants regulated under the direct discharge level of control (typically BAT/NSPS) that passes through. In addition, EPA can regulate pollutants that do not pass through but otherwise interfere with POTW operations or biosolids disposal practices. This approach to the definition of pass through satisfies two competing objectives set by Congress: (1) That standards for indirect dischargers be equivalent to standards for direct dischargers, and (2) that the treatment capability and performance of POTWs be recognized and taken into account in regulating the discharge of pollutants from indirect dischargers.

Historically, EPA's primary source of POTW removal data is its 1982 ''Fate of Priority Pollutants in Publicly Owned Treatment Works'' (also known as the 50 POTW Study) (see DCN SGE00765). The 50 POTW study presents data on the performance of 50 POTWs achieving secondary treatment in removing certain toxic pollutants. While the 50 POTW study demonstrates a wide variability in the effectiveness of POTWs in removing toxic pollutants, it demonstrates that POTWs remove these pollutants by less

than 100%. Although this study does not contain information on pollutant removals for TDS, as explained earlier, secondary treatment technologies are generally understood to be ineffective at removing TDS and as such little to no TDS removals are likely to occur at POTWs through secondary treatment (DCN SGE00011; DCN SGE00600). While the POTW study also does not contain information for other pollutants that may be present in UOG extraction wastewater, it is reasonable for EPA to conclude that removal of UOG extraction wastewater pollutants by a well-operated POTW would be less than 100%, the percentage removal by the candidate technology basis for the proposed rule, and therefore would if discharged to a POTW ''pass through'' the POTW, as the term applies under the CWA, into waters of the U.S.

XV. Environmental Impacts

UOG production generates significant volumes of wastewater that need to be managed. As described in Section XII.C.2, wells can produce flowback volumes ranging between 210,000 and 2,100,000 gallons during the initial flowback process.[24] During the production phase, wells typically produce smaller volumes of water (median flow rates range from 200–800 gallons per day) and continue producing wastewater throughout the life of the well.

In general, evidence of environmental impacts to surface waters from discharges of UOG extraction wastewater is sparsely documented. Some of the environmental impacts documented to date, such as increased DBP formation in downstream drinking water treatment plants, resulted from wastewater pollutants that passed untreated through POTWs in Pennsylvania (TDD, Chapter D.5).

A. Pollutants

As described in Section XII.D., high concentrations of TDS are common in UOG extraction wastewater. As shown in Table XII–2. (in Section XII.D.), major inorganic constituents leaching from geologic formations such as sodium, potassium, bromide, calcium, fluoride, nitrate, phosphate, chloride, sulfate, and magnesium represent most of the TDS in UOG extraction wastewater. TDS in produced water can also include barium, radium, and strontium. Based on available data, TDS cations (positively charged ions) in UOG extraction wastewater are generally dominated by sodium and calcium, and the anions (negatively charged ions) are dominated by chloride (DCN SGE00284). TDS concentrations vary among the UOG formations. Table XII–1. (in Section XII.D.), presents the varying TDS concentrations in tight and shale oil and gas formations. The highest median TDS concentration (370,000 mg/L) is found in the Pearsall shale gas formation. For comparison, sea water contains approximately 35,000 mg/L TDS.

B. Impacts From the Discharge of Pollutants Found in UOG Extraction Wastewater

Conventional POTW treatment operations are designed primarily to treat organic waste and remove total suspended solids and constituents responsible for biochemical oxygen demand, not to treat waters with high TDS. When transfers of UOG extraction wastewater to POTWs were occurring in Pennsylvania, these POTWs, lacking adequate TDS removal processes, diluted UOG extraction wastewaters with other sewage flows and discharged TDS-laden effluent into local streams and rivers. POTWs not sufficiently treating TDS in UOG extraction wastewater were a suspected source of elevated TDS levels in the Monongahela River in 2009 (DCN SGE00525). Also see TDD, Chapter D.5 for additional examples.

In addition to UOG wastewater pollutants passing through POTWs, other industrial discharges of inadequately treated UOG extraction wastewater pollutants have also been associated with in-stream impacts. One study reviewed by EPA of discharges from a CWT facility in western Pennsylvania that treats UOG extraction wastewater examined the water quality and isotopic compositions of discharged effluents, surface waters, and stream sediments (DCN SGE00629).[25] The study found that the discharge of the effluent from the CWT facility increased downstream concentrations of chloride and bromide above background levels. The chloride concentrations 1.7 kilometers downstream of the treatment facility were two to ten times higher than chloride concentrations found in similar reference streams in western Pennsylvania. Radium 226 levels in stream sediments at the point of discharge were approximately 200 times greater than upstream and background sediments. EPA intends to further study the frequency and magnitude of such impacts from CWTs.

C. Impact on Surface Water Designated Uses

UOG extraction wastewater TDS levels are high enough, if discharged untreated to surface water, to affect adversely a number of designated uses of surface water, including drinking water, aquatic life support, livestock watering, irrigation, and industrial use.

1. Drinking Water Uses

Available data indicate the levels of TDS in UOG extraction wastewaters can often significantly exceed recommended drinking water concentrations. Because TDS concentrations in drinking water sources are typically well below the recommended drinking water levels, few drinking water treatment facilities have technologies to remove TDS. Two published standards for TDS in drinking water include the U.S. Public Health Service recommendation and EPA's secondary maximum contaminant level recommendation that TDS in drinking water should not exceed 500 mg/L. High concentrations of TDS in drinking water primarily degrade its taste rather than pose a human health risk. Taste surveys found that water with less than 300 mg/L TDS is considered excellent, and water with TDS above 1,100 mg/L is unacceptable (DCN SGE00939). The World Health Organization dropped its health-based recommendations for TDS in 1993, instead retaining 1,000 mg/L as a secondary standard for taste (DCN SGE00947).

EPA also reviewed a study concerning unintentional creation of harmful DBPs due to insufficient removal of bromide and other UOG wastewater constituents by POTWs accepting UOG extraction wastewaters (DCN SGE00535; DCN SGE00587). DBPs have been shown to have both adverse human health and ecological affects. The study found that UOG extraction wastewaters contain various inorganic and organic DBP precursors that can react with disinfectants used by POTWs to promote the formation of DBPs, or alter speciation of DBPs, particularly brominated-DBPs, which are suspected to be among the more toxic DBPs (DCN SGE00535; DCN SGE00985). These precursors are a concern for drinking water managers wherever they can enter raw water intakes. See TDD, Chapter D.5 for further discussion of DBP formation associated with UOG extraction wastewaters.

[24] As explained in the TDD (Chapter B) the length of the flowback process is variable. Literature generally reports it as 30 days or less (DCN SGE00532).

[25] Discharges from CWT facilities are subject to ELGs in 40 CFR part 437 and would not be subject to the proposed rule. However, the effect of discharges of treated oil and gas wastewaters from CWT facilities that lack high level treatment is similarly representative of POTWs.

2. Aquatic Life Support Uses

TDS and its accompanying salinity play a primary role in the distribution and abundance of aquatic animal and plant communities. High levels of TDS can impact aquatic biota through increases in salinity, loss of osmotic balance in tissues, and toxicity of individual ions. Increases in salinity have been shown to cause shifts in biotic communities, limit biodiversity, exclude less-tolerant species and cause acute or chronic effects at specific life stages (DCN SGE00946). A detailed study of plant communities associated with irrigation drains, reported substantial changes in marsh communities in part because of an increase in dissolved solids (DCN SGE00941). Observations over time indicate a shift in plant community coinciding with increases in dissolved solids from estimated historic levels of 270 to 1170 mg/L, as species that are less salt tolerant such as coontail (*Ceratophyllus demersum*) and cattail (*Typha* sp.) were nearly eliminated. A related study found that lakes with higher salinity exhibit lower aquatic biodiversity, with species distribution also affected by ion composition (DCN SGE00940).

It is often a specific ion concentration in TDS that is responsible for adverse effects to aquatic ecosystems. For example, a TDS concentration of 2,000 mg/L with chloride as the primary anionic constituent is acutely toxic to aquatic life, but the same TDS concentration composed primarily of sulfate is nontoxic. Sodium chloride accounts for about 50 percent of the TDS typically found in UOG extraction wastewater. As reported in Table XII–2 (in Section XII.D.), chloride has been measured at concentrations up to 230,000 mg/L. Macroinvertebrates, such as fresh water shrimp and aquatic insects that are a primary prey of many fish species, have open circulatory systems that are especially sensitive to pollutants like chloride. Based on laboratory toxicity data from EPA's 1988 chloride criteria document and more recent studies, invertebrate sensitivity to chloride acute effect concentrations ranged from 953 mg/L to 13,691 mg/L. Chronic effect concentrations of chloride ranged from 489 mg/L to 556 mg/L. In addition to the laboratory data, EPA also reviewed data from a 2009 Pennsylvania Department of Environmental Protection violation report documenting a fish kill attributed to a spill of diluted produced water in Hopewell Township, PA. TDS at the location of the fish kill was as high as 7,000 mg/L. While not related to UOG extraction wastewater, negative impacts of high TDS, including fish kills, were documented during 2009 at Dunkard Creek located in Monongalia County, Pennsylvania. (DCN SGE00001 and DCN SGE00001.A01)

EPA has published chemical-specific national recommended water quality criteria for some of the TDS constituents in UOG extraction wastewater, such as barium, chloride, manganese, and iron, based on a variety of human health or ecological benchmarks. A review of state and tribal water quality standards in 2012 indicated that 26 states had adopted a numeric or narrative criterion for TDS, either for state-wide or site-specific application (DCN SGE00945). The TDS criteria levels and the designated uses they are intended to protect vary greatly from state to state. For example, Alaska has a criterion of 1,500 mg/L TDS to protect aquatic life; Mississippi has a criterion of 750 mg/L monthly average for protection of fish, wildlife and recreation criteria, and Illinois has a statewide 1,000 mg/L TDS criterion for aquatic life and a 1,500 mg/L TDS criterion for secondary contact recreation and indigenous aquatic life. TDS criteria adopted specifically for the protection of aquatic life have been developed for at least 16 of the 26 states, with some criteria applying only to specific waterbodies. Oregon has the most stringent TDS criterion using a standard of 100 mg/L for all freshwater streams and tributaries in order to protect aquatic life, public water use, agriculture, and recreation.

3. Livestock Watering Uses

POTW discharges to surface waters containing high concentrations of TDS can impact downstream uses for livestock watering. High TDS concentrations in water sources for livestock watering can adversely affect animal health by disrupting cellular osmotic and metabolic processes (DCN SGE01053). Domestic livestock, such as cattle, sheep, goats, horses, and pigs have varying degrees of sensitivity to TDS in drinking water as shown in Table XV–1. Sheep seem to be more tolerant of saline water than most domestic species, but will only drink it if introduced to the saline water over a period of several weeks (DCN SGE00937).

TABLE XV–1—TOLERANCES OF LIVESTOCK TO TDS IN DRINKING WATER

Livestock	Total Dissolved Solids (TDS) (mg/L)		
	No adverse effects on animals expected	Animals can have initial reluctance to drink or there can be some scouring, but stock should adapt without loss of production	Loss of production and a decline in animal condition and health would be expected. Stock can tolerate these levels for short periods if introduced gradually
Beef cattle	0–4,000	4,000–5,000	5,000–10,000
Dairy cattle	0–2,400	2,400–4,000	4,000–7,000
Sheep	0–4,000	4,000–10,000	10,000–13,000
Horses	0–4,000	4,000–6,000	6,000–7,000
Pigs	0–4,000	4,000–6,000	6,000–8,000
Poultry	0–2,000	2,000–3,000	3,000–4,000

Source: Australia and New Zealand Water Quality Guidelines 2000. Chapter 3 Primary Industries—9.3 Livestock drinking water guidelines (DCN SGE00937).

4. Irrigation Uses

If UOG extraction wastewater discharges to POTWs increase TDS concentrations in receiving streams, downstream irrigation uses of that surface water can be negatively affected. Elevated TDS levels can limit the usefulness of water for irrigation. Excessive salts affect crop yield in the short term, and the soil structure in the long term. Primary direct impacts of high salinity water on plant crops include physiological drought, increased osmotic potential of soil, specific ion toxicity, leaf burn, and nutrient uptake interferences (DCN SGE00938). In general, for various classes of crops the salinity tolerance decreases in the following order: forage crops, field crops, vegetables, fruits.

The suitability of water for irrigation is classified using several different measurements, including TDS and electrical conductivity (EC). Table XV–2. shows a classification of TDS concentrations for irrigation suitability.

TABLE XV–2—PERMISSIBLE LIMITS FOR CLASSES OF IRRIGATION WATER

Class of water	Concentrations of TDS	
	Electrical conductivity [a] (dS/m)	TDS by gravimetric (mg/L)
Class 1. Excellent	0.250	175
Class 2. Good	0.250–0.750	175–275
Class 3. Permissible [b]	0.750–2.0	525–1,400
Class 4. Doubtful [c]	2.0–3.0	1.400–2,100
Class 5. Unsuitable [c]	3.0	>2,100

a = TDS (mg/L) ≈ Electrical Conductivity (EC) (deci-Siemen/meter (dS/m)) × 640 for EC < 5 dS/m.
b = leaching needed if used.
c = good drainage needed and sensitive plants will have difficulty obtaining stands.
Source: Fipps (2003) (DCN SGE00936).

In addition to short-term impacts to crop plants, irrigating with high TDS water can result in gradual accumulation of salts or sodium in soil layers and eventual decrease in soil productivity. The susceptibility of soils to degradation is dependent on the soil type and structure. Sandy soils are less likely than finely textured soils to accumulate salts or sodium. Soils with a high water table or poor drainage are more susceptible to salt or sodium accumulation. The most common method of estimating the suitability of a soil for crop production is through calculation of its sodicity as estimated by the soil's sodium absorption ratio (SAR). The SAR value is calculated by the equation: [26]

$$\frac{[Na^{+}]}{\sqrt{\frac{[Ca^{2+}]+[Mg^{2+}]}{2}}}$$

The impact of irrigation water salinity on crop productivity is a function of both the SAR value and the electrical conductivity. The actual field-observed impacts are very site-specific depending on soil and crop system. (DCN SGE00938)

5. Industrial Uses

POTW discharges to surface waters are often upstream of industrial facilities that withdraw surface waters for various cooling and process uses. High levels of TDS can adversely affect industrial applications requiring the use of water in cooling tower operations, boiler feed water, food processing, and electronics manufacturing. Concentrations of TDS above 500 mg/L result in excessive corrosivity, scaling, and sedimentation in water pipes, water heaters, boilers and household appliances. Depending on the industry, TDS in intake water can interfere with chemical processes within the plant. Some industries requiring ultrapure water, such as semi-conductor manufacturing facilities, are particularly sensitive to high TDS levels due to the treatment cost for the removal of TDS.

XVI. Non-Water Quality Environmental Impacts Associated With the Proposed Rule

Because the elimination or reduction of one form of pollution can create or aggravate other environmental problems, EPA considers non-water quality environmental impacts (including energy impacts) that can result from the implementation of proposed regulations. EPA evaluated the potential impact of the proposed pretreatment standards on air emissions, solid waste generation, and energy consumption.

The proposed PSES/PSNS would prohibit the discharge to POTWs of wastewater pollutants associated with UOG extraction. Because EPA knows of no POTWs that are currently accepting UOG extraction wastewater, the proposed PSES will require no changes in current industry wastewater management practices and, consequently, will have no incremental impacts on air emissions, solid waste generation, or energy consumption. Based on the reasoning that new sources will follow current industry practice, EPA projects no incremental non-water quality environmental impacts associated with PSNS.

XVII. Implementation

A. Implementation Deadline

Because the requirements of the proposed rule are based on current practice, EPA proposes that the PSES/NSPS standards based on the regulatory options being proposed apply on the effective date of the final rule.

B. Upset and Bypass Provisions

A ''bypass'' is an intentional diversion of waste streams from any portion of a treatment facility. An ''upset'' is an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. EPA's regulations for indirect dischargers concerning bypasses and upsets are set forth at 40 CFR 403.16 and 403.17.

C. Variances and Modifications

The CWA requires application of effluent limitations established pursuant to section 304 for direct dischargers and section 307 for all indirect dischargers. However, the statute provides for the modification of these national requirements in a limited number of circumstances. Moreover, the Agency

[26] The variables in the equation are defined as follows: $[Na^{+}]$ – Sodium concentration (mg/L); $[Ca^{2+}]$ – Calcium concentration (mg/L); $[Mg^{2+}]$ – Magnesium concentration (mg/L).

has established administrative mechanisms to provide an opportunity for relief from the application of the national pretreatment standards for categories of existing sources.

EPA can develop pretreatment standards different from the otherwise applicable requirements for an individual existing discharger if it is fundamentally different with respect to factors considered in establishing the standards applicable to the individual discharger. Such a modification is known as a ''fundamentally different factors'' (FDF) variance. See 40 CFR 403.13. EPA, in its initial implementation of the effluent guidelines program, provided for the FDF modifications in regulations. These were variances from the BCT effluent limitations, BAT limitations for toxic and nonconventional pollutants, and BPT limitations for conventional pollutants for direct dischargers. FDF variances for toxic pollutants were challenged judicially and ultimately sustained by the Supreme Court in *Chemical Manufacturers Association* v. *Natural Resources Defense Council,* 479 U.S. 116, 124 (U.S. 1985). FDF variances, however, are not available for new sources. *E.I. Dupont* v. *Train,* 430 U.S. 112, 138 (U.S. 1977).

Subsequently, in the Water Quality Act of 1987, Congress added new CWA section 301(n). This provision explicitly authorizes modifications of the otherwise applicable BAT effluent limitations or categorical pretreatment standards if a discharger is fundamentally different with respect to the factors specified in CWA section 304 or 403 (other than costs) from those considered by EPA in establishing the effluent limitations or pretreatment standards. CWA section 301(n) also defined the conditions under which EPA can establish alternative requirements. Under section 301(n), an application for approval of a FDF variance must be based solely on (1) information submitted during rulemaking raising the factors that are fundamentally different or (2) information the applicant did not have an opportunity to submit. The alternate limitation must be no less stringent than justified by the difference and must not result in markedly more adverse non-water quality environmental impacts than the national limitation or standard.

The legislative history of section 301(n) underscores the necessity for the FDF variance applicant to establish eligibility for the variance. EPA's regulations at 40 CFR 403.13 are explicit in imposing this burden upon the applicant. The applicant must show that the factors relating to the discharge controlled by the applicant's permit that are claimed to be fundamentally different are, in fact, fundamentally different from those factors considered by EPA in establishing the applicable pretreatment standards. In practice, very few FDF variances have been granted for past ELGs. An FDF variance may be available to an existing source subject to the proposed PSES, but an FDF variance is not available to a new source that would be subject to PSNS.

XVIII. 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 a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993). Accordingly, EPA submitted this action to the Office of Management and Budget (OMB) for review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011) and any changes made in response to OMB recommendations have been documented in the docket for this action.

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.3(b). This proposal would codify current industry practice and would not impose any additional reporting requirements.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any proposed rule that would be subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of the proposed rule on small entities, small entity is defined as: (1) a small business that is primarily engaged in Crude Petroleum and Natural Gas Extraction and Natural Gas Liquid Extraction by NAICS code 211111 and 211112 with fewer than 500 employees (based on Small Business Administration size standards).

After considering the economic impacts of the proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. The small entities that would be subject to the requirements of this proposed rule are small businesses that engage in UOG extraction as defined in Section XI. No small businesses will experience an impact because the proposed rulemaking does not impose any new requirement that is not already being met by the industry.

D. Unfunded Mandates Reform Act

This proposed rule does not contain a Federal mandate that can result in expenditures of $100 million or more for state, local, and tribal governments, in the aggregate, or the private sector in any one year. As explained in Section VI.C., this proposed rule has no costs. Thus, this proposed rule would not be subject to the requirements of sections 202 or 205 of the Unfunded Mandates Reform Act (UMRA).

This proposed rule also would not be subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. EPA has not identified any oil and gas facilities that are owned by small governments.

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, as specified in Executive Order 13132. The proposed rule would not alter the basic state-federal scheme established in the CWA under which EPA authorizes states to carry out the NPDES permit program. EPA expects the proposed rule would have little effect on the relationship between, or the distribution of power and responsibilities among, the federal and state governments. Thus, Executive Order 13132 does not apply to this action. Although this order does not apply to this action, as explained in Section IX., EPA coordinated closely with states through a workgroup, as well as outreach efforts to pretreatment coordinators and pretreatment authorities.

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

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). It will not have substantial direct

effects on tribal governments, 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. The proposed rule contains no Federal mandates for tribal governments and does not impose any enforceable duties on tribal governments. Thus, Executive Order 13175 does not apply to this action.

Although Executive Order 13175 does not apply to this action, EPA coordinated with tribal officials in developing this action. EPA coordinated with federally recognized tribal governments in May and June of 2014, sharing information about the UOG pretreatment standards proposed rulemaking with the National Tribal Caucus and the National Tribal Water Council. As part of this outreach effort, EPA collected data about UOG operations on tribal reservations, UOG operators that are affiliated with Indian tribes, and POTWs owned or operated by tribes that can accept industrial wastewaters (see DCN SGE00785). Based on this information, there are no tribes operating UOG wells that discharge wastewater to POTWs nor are there any tribes that own or operate POTWs that accept industrial wastewater from UOG facilities; therefore, this proposed rule will not impose any costs on tribes.

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

E.O. 13045 (62 FR 19885, April 23, 1997) applies to rules that are economically significant according to E.O. 12866 and involve a health or safety risk that can disproportionately affect children. This proposed action would not be subject to E.O. 13045 because it is estimated to cost less than $100 million and does not involve a safety or health risk that can have disproportionately negative effects on children.

H. Executive Order 13211: Energy Effects

This proposed action is not subject to Executive Order 13211, because it not a ''significant energy action'' as defined in Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action will not have a significant adverse effect on the supply, distribution, or use of energy, as described in Section XVI. of the proposed rule.

I. National Technology Transfer Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This proposed rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

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

Executive Order 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the U.S.

EPA determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. The proposed rule changes the control technology required but will neither increase nor decrease environmental protection (as described in Section VII.C.).

EPA welcomes comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify potential environmental justice considerations associated with this proposed regulation.

List of Subjects in 40 CFR Part 435

Environmental protection, Pretreatment, Waste treatment and disposal, Water pollution control, Unconventional oil and gas extraction.

Dated: March 31, 2015.

Gina McCarthy,

Administrator.

Therefore, it is proposed that 40 CFR part 435 be amended as follows:

PART 435—OIL AND GAS EXTRACTION POINT SOURCE CATEGORY

■ 1. The authority citation for part 435 continues to read as follows:

Authority: 33 U.S.C. 1311, 1314, 1316, 1317, 1318, 1342 and 1361.

■ 2. Add § 435.33 to read as follows:

§ 435.33 Pretreatment standards of performance for existing sources (PSES).

(a) *PSES for Wastewater from Conventional Oil and Gas Extraction.* [Reserved]

(b) *PSES for Wastewater from Unconventional Oil and Gas Extraction.* Except as provided in 40 CFR 403.7 and 403.13, any existing source subject to this section, must achieve the following pretreatment standards for existing sources (PSES).

(1) There shall be no discharge of wastewater pollutants associated with production, field exploration, drilling, well completion, or well treatment for unconventional oil and gas extraction (*e.g.,* drilling muds, drill cuttings, produced sand, produced water) into publicly owned treatment works.

(2) For the purposes of this section,

(i) *Unconventional oil and gas* means crude oil and natural gas produced by a well drilled into a low porosity, low permeability formation (including, but not limited to, shale gas, shale oil, tight gas, tight oil).

(ii) *Drill cuttings* means the particles generated by drilling into subsurface geologic formations and carried out from the wellbore with the drilling fluid.

(iii) *Drilling muds* means the circulating fluid (mud) used in the rotary drilling of wells to clean and condition the hole and to counterbalance formation pressure.

(iv) *Produced sand* means the slurried particles used in hydraulic fracturing, the accumulated formation sands, and scales particles generated during production. Produced sand also includes desander discharge from the produced water waste stream, and blowdown of the water phase from the produced water treating system.

(v) *Produced water* means the water (brine) brought up from the hydrocarbon-bearing strata during the extraction of oil and gas, and can include formation water, injection water, and any chemicals added

downhole or during the oil/water separation process.

■ 3. Add § 435.34 to read as follows:

§ 435.34 Pretreatment standards of performance for new sources (PSNS).

(a) *PSNS for Wastewater from Conventional Oil and Gas Extraction.* [Reserved]

(b) *PSNS for Wastewater from Unconventional Oil and Gas Extraction.* Except as provided in 40 CFR 403.7 and 403.13, any new source with discharges subject to this section must achieve the following pretreatment standards for new sources (PSNS).

(1) There shall be no discharge of wastewater pollutants associated with production, field exploration, drilling, well completion, or well treatment for unconventional oil and gas extraction (*e.g.,* drilling muds, drill cuttings, produced sand, produced water) into publicly owned treatment works.

(2) For the purposes of this section, the definitions of unconventional oil and gas, drill cuttings, drilling muds, produced sand, and produced water are as specified in § 435.33(b)(2)(i) through (v).

■ 4. Add subpart H to read as follows:

Subpart H—Coalbed Methane Subcategory [Reserved]

[FR Doc. 2015–07819 Filed 4–6–15; 8:45 a.m.]

BILLING CODE 6560–50–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1801, 1802, 1805, 1807, 1812, 1813, 1823, 1833, 1836, 1847, 1850, and 1852

RIN 2700–AE19

NASA FAR Supplement Regulatory Review No. 3

AGENCY: National Aeronautics and Space Administration.

ACTION: Proposed rule.

SUMMARY: NASA is updating the NASA FAR Supplement (NFS) with the goal of eliminating unnecessary regulation, streamlining overly-burdensome regulation, clarifying language, and simplifying processes where possible. This proposed rule is the third and final in a series and includes updates and revisions to 10 parts of the NFS. On January 18, 2011, President Obama signed Executive Order (E.O.) 13563, Improving Regulations and Regulatory Review, directing agencies to develop a plan for a retrospective analysis of existing regulations. The revisions to this proposed rule are part of NASA's retrospective plan under E.O. 13563 completed in August 2011.

DATES: Interested parties should submit comments to NASA at the address below on or before June 8, 2015 to be considered in formulation of the final rule.

ADDRESSES: Interested parties may submit comments, identified by RIN number 2700–AE19 via the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments. Comments may also be submitted to Cynthia Boots via email at *cynthia.d.boots@nasa.gov.*

FOR FURTHER INFORMATION CONTACT: Cynthia Boots, NASA, Office of Procurement, email: *cynthia.d.boots@nasa.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

The NASA FAR Supplement (NFS) is codified at 48 CFR part 1800. Periodically, NASA performs a comprehensive review and analysis of the regulation, makes updates and corrections, and reissues the NASA FAR Supplement. The last reissue was in 2004. The goal of the review and analysis is to reduce regulatory burden where justified and appropriate and make the NFS content and processes more efficient and effective, faster and simpler, in support of NASA's mission. Consistent with Executive Order (E.O.) 13563, Improving Regulations and Regulatory Review, NASA is currently reviewing and revising the NFS with an emphasis on streamlining it and reducing associated burdens. Due to the volume of the NFS, these revisions are being made in increments. This proposed rule is the third and final rule. The three rules together will constitute the NFS update and reissue. This proposed rule includes regulatory revisions to the following ten parts of the NFS:

1801—Federal Acquisition Regulations Systems
1802—Definitions
1805—Publicizing Contract Actions
1807—Acquisition Planning
1812—Acquisition of Commercial Items
1813—Simplified Acquisition Procedures
1823—Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace
1833—Protests, Disputes and Appeals
1836—Construction and Architect-Engineer Contracts
1847—Transportation
1850—Extraordinary Contractual Actions and the Safety Act
1852—Solicitation Provisions and Contract Clauses

Further, this proposed rule provides notice that no regulatory changes will be made to the following ten parts of the NFS:

1803—Improper Business Practices and Personal Conflicts of Interest
1804—Administrative Matters
1808—Required Sources of Supplies and Services
1811—Describing Agency Needs
1825—Foreign Acquisition
1839—Acquisition of Information Technology
1835—Research and Development Contracting
1845—Government Property
1848—Value Engineering
1872—Acquisition of Investigations

NASA analyzed the existing regulation to determine whether any portions should be modified, streamlined, expanded, or repealed in order to make the regulation more efficient and effective. Special emphasis was placed on identifying and eliminating or simplifying overly burdensome processes that could be streamlined without jeopardizing Agency mission effectiveness. Additionally, NASA sought to identify current regulatory coverage that is not regulatory in nature, and to remove or relocate such coverage to internal guidance. In addition to substantive changes, this proposed rule includes administrative changes necessary to make minor corrections and updates.

Specifically, the changes in this proposed rule are summarized as follows:

1801.106 is revised to reflect currently approved OMB Information Collection Requests

1802.101 is revised to update the definition of Head of Contracting Activity to reflect internal organizational changes.

1805.303(a)(i) is revised to delete the dollar figure of $3.5 million but retain the reference to the threshold at FAR 5.303(a). Consequently, if the threshold at FAR 5.303(a) changes at any time, NFS 1805.303(a)(i) will continue to be correct and will not require rule-making to reflect the FAR change.

1807.107 and 1807.107–70 are deleted from the regulation. These sections provide NASA-internal direction to contracting officers and are not regulatory in nature. These sections, with minor edits, will remain non-codified internal guidance.

1807.7200 is revised to reflect a change to a Web site address.

1807.7201, the definition of ''contract opportunity'' is revised to delete ''$25,000'' and replace it with ''the simplified acquisition threshold''.

1812.301, the list of NFS clauses authorized for use in acquisition of

commercial items updated through additions and deletions to reflect the list of currently approved clauses.

1813.000 is deleted. This section is internal guidance. This cite stated that simplified acquisition procedures were not applicable to R&D contracts for which proposals were solicited via a NASA Research Announcement (NRA) or an Announcement of Opportunity (OA). Removing the text from the regulation removes unnecessary regulation and it permits NASA to utilize simplified acquisition procedures for R&D contracting, as appropriate.

1823.7001, NASA solicitation provisions and contract clauses, is revised to specify that a safety and health plan may be required for acquisitions above the simplified acquisition threshold when the work will be conducted completely or partly on a Federally-controlled facility. The revision also provides three options to the contracting officer concerning the requirement for a safety and health plan. The contracting officer may use the clause at 1852.223–70, Safety and Health, when the safety and health plan will be evaluated as part of proposal evaluation. The contracting officer may use the FAR clause 52.236–13, Accident Prevention, and its Alternate I, when the safety and health plan will submitted after contract award for approval. The contracting officer may use the clause at 1852.223–72, Safety and Health (Short Form), when a safety and health plan is not required to be submitted under the contract. Additionally, when using the FAR clause at 52.236–13 with its Alternate I, the contracting officer is authorized to modify the wording in paragraph (f) of Alternate I to specify: (1) When the proposed plan is due and (2) Whether the contractor may commence work prior to approval of the plan; or (3) To what extent the contractor may commence work before the plan is approved.

1833.103 is revised to clarify that bidders or offerors may either protest directly to the contracting officer, or alternatively, request an independent review by the Assistant Administrator of Procurement, consistent with FAR 33.103.

Likewise, the corresponding clause at 1852.233 is revised to reflect the same clarification.

1833.106–70 and 1833.215 are revised to correct capitalization and lower case usage, consistent with FAR convention.

1836.513, Accident prevention, is revised to allow the use of FAR clause 52.236–13, Accident Prevention in certain circumstances, as specified at 1823.7001, when a safety and health plan is required under the contract but will not be evaluated with proposals.

1847, The clause at 1852.247–71, Protection of the Florida Manatee, is revised to reflect current technical requirements and organizational points of contact in order to ensure that information essential to protecting the endangered manatee will be properly conveyed to contractors working on-site at NASA Kennedy Space Center (KSC). The clause was previously published as a proposed rule 73 FR 63420.

1850.104, Several administrative changes are made to the processing of contractor requests under the Safety Act. Although most of these changes involve internal NASA operations, the coverage will remain in the NFS because it is important for offerors to have a full understanding of agency activities related to the unique authority of the Safety Act.

1850.104–70 is deleted. This section assigned cognizance for indemnification applications to the NASA installation with the highest dollar value of contracts. The administrative changes to 1850.104 described immediately above clarify that all indemnity applications will be made to NASA HQ, with the NASA Administrator as the approval authority.

B. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This proposed rule is not a ''significant regulatory action'' under section 3(f) of E.O. 12866. This proposed rule is not a major rule under 5 U.S.C. 804.

C. Regulatory Flexibility Act

NASA does not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* because it mainly clarifies or updates existing regulations. In several instances, this proposed rule deletes existing requirements which eases the regulatory burden on all entities, minimizing the number of resources used to collect the data and report it to the government.

D. Paperwork Reduction Act

The proposed rule contains no new information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects in 48 CFR 1801, 1802, 1805, 1807, 1812, 1813, 1823, 1833, 1836, 1847, 1850, and 1852

Government procurement.

Cynthia Boots,

Alternate Federal Register Liaison.

Accordingly, 48 CFR parts 1801, 1802, 1805, 1807, 1812, 1813, 1823, 1833, 1836, 1847, 1850, and 1852 are proposed to be amended as follows:

PART 1801—FEDERAL ACQUISITION REGULATIONS SYSTEM

■ 1. The authority citation for part 1801 is revised to read as follows

Authority: 51 U.S.C. 20113(a).

■ 2. Section 1801.106 is revised to read as follows:

1801.106 OMB approval under the Paperwork Reduction Act.

(1) *NFS requirements.* The following OMB control numbers apply:

NFS Segment	OMB Control No.
1823	2700–0089
1827	2700–0052
1843	2700–0054
NF 533	2700–0003
NF 1018	2700–0017

PART 1802—DEFINITIONS OF WORDS AND TERMS

■ 3. The authority citation for part 1802 is revised to read as follows:

Authority: 51 U.S.C. 20113(a).

■ 4. In section 1802.101, the definition for ''Head of the contracting activity (HCA)'' is revised to read as follow:

1802.101 Definitions.

* * * * *

Head of the contracting activity (HCA) means, for field installations, the Director or other head, and for NASA Headquarters, the Director for Headquarters Operations. For Human Exploration and Operations Mission Directorate (HEOMD) contracts, the HCA is the Associate Administrator for HEOMD in lieu of the field Center Director(s). For NASA Shared Services Center (NSSC) contracts, the HCA is the Executive Director of the NSSC in lieu of the field Center Director(s).

* * * * *

PART 1805 —PUBLICIZING CONTRACT ACTIONS

■ 5. The authority citation for part 1805 is revised to read as follows:

Authority: 51 U.S.C. 20113(a).

■ 6. Section 1805.303 is revised to read as follows:

1805.303 Announcement of contract awards.

(a)(i) In lieu of the threshold cited in FAR 5.303(a), a NASA Headquarters public announcement is required for award of contract actions that have a total anticipated value, including unexercised options, of $5 million or greater.

PART 1807—ACQUISITION PLANNING

■ 7. The authority citation for part 1807 is revised to read as follows:

Authority: 51 U.S.C. 20113(a).

Subpart 1807.1 [Removed]

■ 8. Subpart 1807.01, consisting of sections 1807.107 and 1807.107–70, is removed.

■ 9. In section 1807.7200, paragraph (b) is revised to read as follows:

1807.7200 Policy.

* * * * *

(b) The annual forecast and semiannual update are available on the NASA Acquisition Internet Service (*http://www.hq.nasa.gov/office/procurement/forecast/index.html*).

■ 10. In section 1807.7201, the definition for ''Contract opportunity'' is revised to read as follows:

1807.7201 Definitions.

* * * * *

Contract opportunity means planned new contract awards exceeding the simplified acquisition threshold (SAT).

PART 1812—ACQUISITION OF COMMERCIAL ITEMS

■ 11. The authority citation for part 1812 is revised to read as follows:

Authority: 51 U.S.C. 20113(a).

■ 12. Section 1812.301 is revised to read as follows:

1812.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(f)(i) The following clauses are authorized for use in acquisitions of commercial items when required by the clause prescription:

(A) 1852.204–75, Security Classification Requirements.

(B) 1852.204–76, Security Requirements for Unclassified Information Technology Resources.

(C) 1852.215–84, Ombudsman.

(D) 1852.216–80, Task Order Procedures (Alternate I).

(E) 1852.216–88, Performance Incentive.

(F) 1852.219–73, Small Business Subcontracting Plan.

(G) 1852.219–75, Small Business Subcontracting Reporting.

(H) 1852.223–70, Safety and Health.

(I) 1852.223–71, Frequency Authorization.

(J) 1852.223–72, Safety and Health (Short Form).

(K) 1852.223–73, Safety and Health Plan.

(L) 1852.223–75, Major Breach of Safety and Security (Alternate I).

(M) 1852.225–70, Export Licenses.

(N) 1852.228–76, Cross-Waiver of Liability for International Space Station Activities.

(O) 1852.228–78, Cross-Waiver of Liability for Science or Space Exploration Activities Unrelated to the International Space Station.

(P) 1852.237–70, Emergency Evacuation Procedures.

(Q) 1852.237–72, Access to Sensitive Information.

(R) 1852.237–73, Release of Sensitive Information.

(S) 1852.246–72, Material Inspection and Receiving Report.

(T) 1852.247.71, Protection of the Florida Manatee.

■ 13. In section 1812.7000:

■ a. Paragraphs (d) is removed;

■ b. Paragraphs (a), (b), and (c) are redesignated as paragraph (b), (c), and (d), respectively; and

■ c. Paragraph (a) is added.

The addition reads as follows:

1812.7000 Anchor tenancy contracts.

(a) The term ''anchor tenancy'' means an arrangement in which the United States Government agrees to procure sufficient quantities of a commercial space product or service needed to meet Government mission requirements so that a commercial venture is made viable.

* * * * *

PART 1813—SIMPLIFIED ACQUISITION PROCEDURES

■ 14. The authority citation for part 1813 is revised to read as follows:

Authority: 51 U.S.C. 20113(a).

1813.000 [Removed]

■ 15. Section 1813.000 is removed.

PART 1823 —ENVIROMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

■ 16. The authority citation for part 1823 is revised to read as follows:

Authority: 51 U.S.C. 20113(a).

■ 17. In section 1823.7001:

■ a. Paragraph (c) is revised;

■ b. Paragraphs (d) and (e) are redesignated as paragraphs (e) and (f), respectively, and newly redesignated paragraph (f) is revised; and

■ c. Paragraph (d) is added.

The revisions and addition read as follows:

1823.7001 NASA solicitation provisions and contract clauses.

* * * * *

(c) The contracting officer shall insert the clause at 1852.223–73, Safety and Health Plan, in solicitations above the simplified acquisition threshold when the work will be conducted completely or partly on a Federally-controlled facility and the safety and health plan will be evaluated in source selection as approved by the source selection authority. This clause may be modified to identify specific information that is to be included in the plan. After receiving the concurrence of the center safety and occupational health official(s), the contracting officer shall incorporate the plan as an attachment into any resulting contract. The contracting officer shall insert the clause, with its Alternate I, in Invitations for Bid.

(d) The contracting officer shall insert FAR clause at 52.236–13 with its Alternate I in solicitations and contracts when the work will be conducted completely or partly on a Federally-controlled facility and a Safety and Health Plan will be reviewed after award as a contract deliverable. The contracting officer may modify the wording in paragraph (f) of Alternate I to specify:

(1) When the proposed plan is due; and

(2) Whether the contractor may commence work prior to approval of the plan; or

(3) To what extent the contractor may commence work before the plan is approved.

The requiring activity, in consultation with the cognizant health and safety official(s), will identify the data deliverable requirements for the safety and health plan. After receiving the concurrence of the center safety and occupational health official(s), the

contracting officer shall incorporate the plan as an attachment into the contract.

* * * * *

(f) The contracting officer shall insert the clause at 1852.223–72, Safety and Health (Short Form) in solicitations and contracts above the simplified acquisition threshold when work will be conducted completely or partly on Federally-controlled facilities and that do not contain the clause at 1852.223–73 or the FAR clause at 52.236–13 with its Alternate I.

PART 1833—PROTESTS, DISPUTES, AND APPEALS

■ 18. The authority citation for part 1833 is revised to read as follows:

Authority: 51 U.S.C. 20113(a).

■ 19. Section 1833.103 is revised to read as follows:

1833.103 Protests to the agency.

(d)(4) The provision at 1852.233–70 provides for an alternative to a protest to the United States Government Accountability Office (GAO). This alternative gives bidders or offerors the ability to protest directly to the contracting officer (CO) or to request an independent review by the Assistant Administrator for Procurement (or designee). The Agency review shall be deemed to be at the CO level when the request is silent as to the level of review desired. The Agency review shall be deemed to be at the level of the Assistant Administrator for Procurement (or designee) when the request specifies a level above the CO, even if the request doesn't specifically request an independent review by the Assistant Administrator for Procurement. Such reviews are separate and distinct from the Ombudsman Program described at 1815.7001.

(e) NASA shall summarily dismiss and take no further action upon any protest to the Agency if the substance of the protest is pending in judicial proceedings or the protester has filed a protest on the same acquisition with the GAO prior to receipt of an Agency protest decision.

(4) When a bidder or offeror submits an Agency protest to the CO or alternatively requests an independent review by the Assistant Administrator for Procurement, the decision of the CO or the Assistant Administrator for Procurement shall be final and is not subject to any appeal or reconsideration within NASA.

1833.106–70 [Amended]

■ 20. In section 1833.106–70, remove the words ''Contracting officers'' and add in their place the words ''The contracting officer''.

1833.215 [Amended]

■ 21. In section 1833.215, remove the word ''agency'' and add in its place the word ''Agency''.

PART 1836—CONSTRUCTION AND ARCHITECT–ENGINEER CONTRACTS

■ 22. The authority citation for part 1836 is revised to read as follows:

Authority: 51 U.S.C. 20113(a).

■ 23. Section 1836.513 is revised to read as follows:

1836.513 Accident prevention.

For additional guidance on the use of FAR clause 52.236–13, Accident Prevention, and its Alternate I in NASA contracts, see 1823.7001(d).

PART 1850—EXTRAORDINARY CONTRACTUAL ACTIONS AND THE SAFETY ACT

■ 24. The authority citation for part 1850 is added to read as follows:

Authority: 51 U.S.C. 20113(a).

1850.103–570 [Amended]

■ 25. In section 1850.103–570, paragraph (a), remove the words ''Associate General Counsel for General Law'' and add in their place the words ''Associate General Counsel for Contracts and Procurement Law''.

1850.103–670 [Amended]

■ 26. In section 1850.103–670, paragraph (b), remove the words ''Associate General Counsel for General Law'' and add in their place the words ''Associate General Counsel for Contracts and Procurement Law''.

■ 27. Section 1850.104–2 is added to read as follows:

1850.104–2 General.

(a) Requests for the exercise of residual powers shall be sent to the Headquarters Office of Procurement, Program Operations Division for review and processing. The NASA Administrator is the approval authority for the Memorandum of Decision.

■ 28. Section 1850.104–3 is revised to read as follows:

1850.104–3 Special procedures for unusually hazardous or nuclear risks.

(a) *Indemnification requests.* (1) Contractor indemnification requests must be submitted to the cognizant contracting officer for the contract for which the indemnification clause is requested. The request shall be submitted six (6) months in advance of the desired effective date of the requested indemnification in order to allow sufficient time for the request to be reviewed, analyzed, and approved by the Agency. Contractors shall submit a single request and shall ensure that duplicate requests are not submitted by associated divisions, subsidiaries, or central offices of the contractor.

(ii) The Contractor's request for indemnification must identify a sufficient factual basis for indemnification by explaining specifically what work activities under the contract create the unusually hazardous or nuclear risk and identifying the timeframes in which the risk would be incurred.

(iii) The contractor shall also provide evidence, such as a certificate of insurance or other customary proof of insurance, that such insurance is either in force or is available and will be in force during the indemnified period.

(b) *Action on indemnification requests.* (1) If recommending approval, the contracting officer shall forward the required information to the NASA Headquarters Office of Procurement, Program Operations Division, along with the following:

(i) For contracts of five years duration or longer, a determination, with supporting rationale, whether the indemnification approval and insurance coverage and premiums should be reviewed for adequacy and continued validity at points in time within the extended contract period.

(ii) The specific definition of the unusually hazardous risk to which the contractor is exposed in the performance of the contract(s), including specificity about which activities present such risk and the anticipated timeframes in which the risk will be incurred;

(iv) A complete discussion of the contractor's financial protection program; and

(vi) The extent to, and conditions under, which indemnification is being approved for subcontracts.

(2) The NASA Administrator is the approval authority for using the indemnification clause in a contract by a Memorandum of Decision.

(4)(ii) If approving subcontractor indemnification, the contracting officer shall document the file with a memorandum for record addressing the items set forth in FAR 50.104–3(b) and include an analysis of the subcontractor's financial protection program. In performing this analysis, the contracting officer shall take into consideration the availability, cost, terms and conditions of insurance in relation to the unusually hazardous risk.

■ 29. Section 1850.104–4 is added to read as follows:

1850.104–4 Contract clause.

The contracting officer shall obtain the NASA Administrator's approval prior to including clause 52.250–1 in a contract.

1850.104–70 [Removed]

■ 30. Section 1850.104–70 is removed.

PART 1852—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 31. The authority citation for part 1852 is revised to read as follows:

Authority: 51 U.S.C. 20113(a).

■ 32. Sections 1852.223–72 and 1852.223–73 are revised to read as follows:

1852.223–72 Safety and Health (Short Form).

As prescribed in 1823.7001(f), insert the following clause:

SAFETY AND HEALTH (SHORT FORM) (XX/XX)

(a) Safety is the freedom from those conditions that can cause death, injury, occupational illness; damage to or loss of equipment or property, or damage to the environment. NASA is committed to protecting the safety and health of the public, our team members, and those assets that the Nation entrusts to the Agency.

(b) The Contractor shall have a documented, comprehensive and effective health and safety program with a proactive process to identify, assess, and control hazards and take all reasonable safety and occupational health measures consistent with standard industry practice in performing this contract

(c) The Contractor shall insert the substance of this clause, including this paragraph (c) in subcontracts that exceed the simplified acquisition threshold where work will be conducted completely or partly on Federally-controlled facilities.

(End of clause)

1852.223–73 Safety and Health Plan.

As prescribed in 1823.7001(c), insert the following clause:

SAFETY AND HEALTH PLAN (XX/XX)

(a) The offeror shall submit a detailed safety and occupational health plan as part of its proposal. The plan shall include a detailed discussion of the policies, procedures, and techniques that will be used to ensure the safety and occupational health of Contractor employees and to ensure the safety of all working conditions throughout the performance of the contract.

(b) The plan shall similarly address subcontractor employee safety and occupational health for those proposed subcontracts or subcontract effort where the work will be conducted completely or partly on a Federally-controlled facility

(d) This plan, as approved by the Contracting Officer, will be incorporated into any resulting contract.

(End of clause)

ALTERNATE I (XX/XX)

As prescribed in 1823.7001(c)(1), delete the first sentence in paragraph (a) of the basic provision and substitute the following:

The apparent low bidder, upon request by the Contracting Officer, shall submit a detailed safety and occupational health plan. The plan shall be submitted within the time specified by the Contracting Officer. Failure to submit an acceptable plan shall make the bidder ineligible for the award of a contract.

■ 33. Section 1852.233–70 is revised to read as follows:

1852.233–70 Protests to NASA.

As prescribed in 1833.106–70, insert the following provision:

PROTESTS TO NASA (XX/XX)

(a) In lieu of a protest to the United States Government Accountability Office (GAO), bidders or offerors may submit a protest under 48 CFR part 33 (FAR part 33) directly to the Contracting Officer for consideration by the Agency. Alternatively, bidders or offerors may request an independent review by the Assistant Administrator for Procurement, who will serve as or designate the official responsible for conducting an independent review. Such reviews are separate and distinct from the Ombudsman Program described at 1815.7001.

(b) Bidders or offerors shall specify whether they are submitting a protest to the Contracting Officer or requesting an independent review by the Assistant Administrator for Procurement.

(c) Protests to the Contracting Officer shall be submitted to the address or email specified in the solicitation (email is an acceptable means for submitting a protest to the Contracting Officer). Alternatively, requests for independent review by the Assistant Administrator for Procurement shall be addressed to the Assistant Administrator for Procurement, NASA Headquarters, Washington, DC 20456–0001.

(End of provision)

■ 34. Section 1852.247–71 is revised to read as follows:

1852.247–71 Protection of the Florida Manatee.

As prescribed in 1847.7001, insert the following clause:

PROTECTION OF THE FLORIDA MANATEE (XX/XX)

(a) Pursuant to the Endangered Species Act of 1973 (Pub. L. 93–205), as amended, and the Marine Mammals Protection Act of 1972 (Pub. L. 92–522), the Florida Manatee *(Trichechus Manatus)* has been designated an endangered species, and the Indian River Lagoon system within and adjacent to National Aeronautics and Space Administration's (NASA's) Kennedy Space Center (KSC) has been designated as a critical habitat of the Florida Manatee. The KSC Environmental Management Branch will advise all personnel associated with the project of the potential presence of manatees in the work area, and the need to avoid collisions and/or harassment of the manatees. Contractors shall ensure that all employees, subcontractors, and other individuals associated with this contract and who are involved in vessel operations, dockside work, and selected disassembly functions are aware of the civil and criminal penalties for harming, harassing, or killing manatees.

(b) All contractor personnel shall be responsible for complying with all applicable Federal and/or state permits (*e.g.,* Florida Department of Environmental Protection, St. Johns River Water Management District, Fish & Wildlife Service) in performing water-related activities within the contract. Where no Federal and/or state permits are required for said contract, and the contract scope requires activities within waters at KSC, the Contractor shall obtain a KSC Manatee Protection Permit from the Environmental Management Branch. All conditions of Federal, state, and/or KSC regulations and permits for manatee protection shall be binding to the contract. Notification and coordination of all water related activities at KSC will be done through the Environmental Management Branch.

(c) The Contractor shall incorporate the provisions of this clause in applicable subcontracts.

(End of clause)

[FR Doc. 2015–07737 Filed 4–6–15; 8:45 am]

BILLING CODE 7510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 150122067–5229–01]

RIN 0648–BE83

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations; Correction

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

ACTION: Proposed rule; request for comments; correction.

SUMMARY: NMFS published a proposed rule in the **Federal Register** on March 19, 2015, to amend the regulations implementing the Atlantic Large Whale Take Reduction Plan. This action proposed to change the minimum number of traps per trawl to allow fishing with a single trap in certain Massachusetts and Rhode Island state waters; and proposed to modify the

requirement to use one endline on trawls within certain areas in Massachusetts state waters. NMFS also proposed a ¼ mile buffer in waters surrounding certain islands in Maine to allow fishing with a single trap. In addition, NMFS proposed additional gear marking requirements for those waters allowing single traps as well as two new high use areas for humpback whales (*Megaptera novaeangliae*) and North Atlantic right whales (*Eubalaena glacialis*). In that proposal, NMFS provided the wrong address for the submission of electronic comments. With this document, we correct our error by publishing the correct **ADDRESSES** section in its entirety.

DATES: We will accept comments on the March 19, 2015, (80 FR 14345) proposed rule that are received or postmarked on or before April 20, 2015.

ADDRESSES: You may submit comments on the March 19, 2015, proposed rule, identified by NOAA–NMFS–2015–0012, by either of the following methods:

- Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal.

1. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0012.*

2. Click the ''Comment Now!'' icon, complete the required fields.

3. Enter or attach your comments.

- Mail: Submit written comments to Kim Damon-Randall, Assistant Regional Administrator for Protected Resources, NMFS Greater Atlantic Region, 55 Great Republic Dr., Gloucester, MA 01930, Attn: Large Whale Proposed Rule.

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: Kate Swails, NMFS Greater Atlantic Regional Fisheries Office, 978–282–8481, *Kate.Swails@noaa.gov;* or, Kristy Long, NMFS Office of Protected Resources, 206–526–4792, *Kristy.Long@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Correction

In a proposed rule that published in the **Federal Register** on March 19, 2015 (FR Doc. 2015–06272), (80 FR 14345) the **ADDRESSES** section provided the wrong address for the submission of electronic comments. The corrected **ADDRESSES** section appears above. All other information in the proposed rule, other than the **ADDRESSES** section, remains exactly the same as previously published.

Dated: March 27, 2015.

Samuel D. Rauch III,

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

[FR Doc. 2015–08003 Filed 4–6–15; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 80, No. 66

Tuesday, April 7, 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

Commodity Credit Corporation

Notice of Funds Availability: Inviting Applications for the Technical Assistance for Specialty Crops Program

Announcement Type: New.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.604.

SUMMARY: The Commodity Credit Corporation (CCC) announces that it is inviting proposals for the 2016 Technical Assistance for Specialty Crops (TASC) program. The intended effect of this notice is to solicit applications from the private sector and from government agencies for fiscal year 2016 and to set out criteria for the award of funds in October 2015. The TASC program is administered by personnel of the Foreign Agricultural Service (FAS).

DATES: To be considered for funding, applications must be received by 5 p.m. Eastern Daylight Time, June 8, 2015. Any applications received after this time will be considered only if funds are still available.

FOR FURTHER INFORMATION CONTACT: Entities wishing to apply for funding assistance should contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service *by courier address:* Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: podadmin@fas.usda.gov.* Information is also available on the FAS Web site at *http://www.fas.usda.gov/programs/technical-assistance-specialty-crops-tasc.*

SUPPLEMENTARY INFORMATION:

A. Funding Opportunity Description

Authority: The TASC program is authorized by section 3205 of Pubic Law 107–171. TASC regulations appear at 7 CFR part 1487.

Purpose: The TASC program is designed to assist U.S. organizations by providing funding for projects that address sanitary, phytosanitary, or technical barriers that prohibit or threaten the export of U.S. specialty crops. U.S. specialty crops, for the purpose of the TASC program, are defined to include all cultivated plants, or the products thereof, produced in the United States, except wheat, feed grains, oilseeds, cotton, rice, peanuts, sugar, and tobacco.

Prior to the enactment of the Agricultural Act of 2014 (Act) on February 7, 2014, the TASC program was not available to address technical barriers to trade except for those that were related to sanitary or phytosanitary issues. The Act amended the statute authorizing the TASC program to allow the program to be used to address technical barriers to trade regardless of whether the barriers are related to a sanitary or phytosanitary barrier. The TASC regulations have been amended to reflect the recent statutory change.

As a general matter, TASC program projects should be designed to address the following criteria:

- Projects should identify and address a sanitary, phytosanitary, or other technical barrier that prohibits or threatens the export of U.S. specialty crops;
- Projects should demonstrably benefit the represented industry rather than a specific company or brand;
- Projects must address barriers to exports of commercially-available U.S. specialty crops for which barrier removal would predominantly benefit U.S. exports; and
- Projects should include an explanation as to what specifically could not be accomplished without Federal funding assistance and why the participating organization(s) would be unlikely to carry out the project without such assistance.

Examples of expenses that CCC may agree to reimburse under the TASC program include, but are not limited to: initial pre-clearance programs, export protocol and work plan support, seminars and workshops, study tours, field surveys, development of pest lists, pest and disease research, reasonable logistical and administrative support, and travel and per diem expenses.

B. Award Information

In general, and subject to the availability of funding, all qualified proposals received before the specified application deadline will compete for funding. The limited funds and the range of barriers affecting the exports of U.S. specialty crops worldwide preclude CCC from approving large budgets for individual projects. Proposals requesting more than $500,000 in any given year will not be considered. Additionally, private entities may submit multi-year proposals that may be considered in the context of a detailed strategic implementation plan. The maximum duration of an activity is 5 years. Funding in such cases may, at FAS' discretion, be provided one year at a time with commitments beyond the first year subject to interim evaluations and funding availability. In order to validate funding eligibility, proposals must specify previous years of TASC funding for each proposed activity/title/market/constraint combination. Government entities are not eligible for multi-year funding.

Applicants may submit multiple proposals, and applicants with previously approved TASC proposals may apply for additional funding. The number of approved projects that a TASC participant can have underway at any given time is five. Please see 7 CFR part 1487 for additional restrictions.

FAS will consider providing either grant funds as direct assistance to U.S. organizations or technical assistance on behalf of U.S. organizations, provided that the organization submits timely and qualified proposals. FAS will review all proposals against the evaluation criteria contained in the program regulations.

Funding for successful proposals will be provided through specific agreements. These agreements will incorporate the proposal as approved by FAS. FAS must approve in advance any subsequent changes to the project. FAS or another Federal agency may be involved in the implementation of approved projects.

C. Eligibility Information

1. Eligible Applicants: Any U.S. organization, private or government, with a demonstrated role or interest in exporting U.S. agricultural commodities may apply to the program. Government organizations consist of Federal, State,

and local agencies. Private organizations include non-profit trade associations, universities, agricultural cooperatives, state regional trade groups, and private companies.

Foreign organizations, whether government or private, may participate as third parties in activities carried out by U.S. organizations, but are not eligible for funding assistance from the program.

2. Cost Sharing or Matching: FAS considers the applicant's willingness to contribute resources, including cash, goods, and services of the U.S. industry and foreign third parties, when determining which proposals are approved for funding.

3. Proposals should include a justification for funding assistance from the program—an explanation as to what specifically could not be accomplished without Federal funding assistance and why the participating organization(s) would be unlikely to carry out the project without such assistance.

D. Application and Submission Information

1. Application through the Unified Export Strategy (UES): Organizations are strongly encouraged to submit their applications to FAS through the UES application Internet Web site. Using the UES application process reduces paperwork and expedites FAS's processing and review cycle. Applicants planning to use the UES Internet-based system must contact FAS/Program Operations Division to obtain site access information, including a user ID and password. The UES Internet-based application may be found at the following URL address: *https://www.fas.usda.gov/ues/webapp/.*

Although FAS highly recommends applying via the Internet-based UES application, as this format virtually eliminates paperwork and expedites the FAS processing and review cycle, applicants also have the option of submitting an electronic version to FAS at *podadmin@fas.usda.gov.*

2. Content and Form of Application Submission: All TASC proposals must contain complete information about the proposed projects as described in § 1487.5(b) of the TASC program regulations.

In addition, in accordance with 2 CFR part 25, each entity that applies to the TASC program and does not qualify for an exemption under 2 CFR 25.110 must:

(i) Provide a valid DUNS number in each application or plan it submits to CCC;

(ii) Be registered in the System for Award Management (SAM) prior to submitting an application or plan; and

(iii) 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 CCC.

Similarly, in accordance with 2 CFR part 170, each entity that applies to the TASC program and does not qualify for an exception under 2 CFR 170.110(b) must ensure it has the necessary processes and systems in place to comply with the applicable reporting requirements of 2 CFR part 170 should it receive TASC funding.

Incomplete applications and applications that do not otherwise conform to this announcement will not be accepted for review.

3. Submission Dates and Times: TASC proposals are reviewed on a rolling basis during the fiscal year as long as TASC funding is available as set forth below:

- Proposals received by, but not later than, 5 p.m. Eastern Daylight Time, June 8, 2015, will be considered for funding with other proposals received by that date;
- Proposals not approved for funding during the review period will be reconsidered for funding after the review period only if the applicant specifically requests such reconsideration in writing, and only if funding remains available;
- Proposals received after 5 p.m. Eastern Daylight Time, June 8, 2015, will be considered in the order received for funding only if funding remains available.

Notwithstanding the foregoing, a proposal may be submitted for expedited consideration under the TASC Quick Response process if, in addition to meeting all requirements of the TASC program, a proposal clearly identifies a time-sensitive activity. In these cases, a proposal may be submitted at any time for an expedited evaluation. Such a proposal must include a specific request for expedited evaluation.

FAS will track the time and date of receipt of all proposals.

4. Funding Restrictions: Although funded projects may take place in the United States or abroad, all eligible projects must specifically address sanitary, phytosanitary, or related technical barriers to the export of U.S. specialty crops.

Certain types of expenses are not eligible for reimbursement by the program, such as the costs of market research, advertising, or other promotional expenses, and will be set forth in the written program agreement between CCC and the participant. CCC will also not reimburse unreasonable expenditures or any expenditure made prior to approval of a proposal.

5. Other Submission Requirements: All Internet-based applications must be properly submitted by 5 p.m., Eastern Daylight Time, June 8, 2015, in order to be considered for funding; late submissions received after the deadline will be considered only if funding remains available. All applications submitted by email must be received by 5 p.m. Eastern Daylight Time, June 8, 2015, at *podadmin@fas.usda.gov* in order to receive the same consideration.

E. Application Review Information

1. Criteria: FAS follows the evaluation criteria set forth in § 1487.6 of the TASC regulations and in this Notice. Reviewers will evaluate according to the following criteria: (1) The nature of the specific export barrier and the extent to which the proposal is likely to successfully remove, resolve, or mitigate that barrier (12.5%);

(2) The potential trade impact of the proposed project on market retention, market access, and market expansion, including the potential for expanding commercial sales in the targeted market (12.5%);

(3) The completeness and viability of the proposal. Among other things, this can include the cost of the project and the amount of other resources dedicated to the project, including cash and goods and services of the U.S. industry and foreign third parties (15%) and the effectiveness and potential of the performance measures (10%);

(4) The ability of the organization to provide an experienced staff with the requisite technical and trade experience to execute the proposal (15%);

(5) The extent to which the proposal is targeted to a market in which the United States is generally competitive (17.5%);

(6) The degree to which time is essential to addressing specific export barriers (5%); and

(7) The ability of the applicant to provide a broad base of producer representation (12.5%).

2. Review and Selection Process: FAS will review proposals for eligibility and will evaluate each proposal against the criteria referred to above. The purpose of this review is to identify meritorious proposals, recommend an appropriate funding level for each proposal based upon these factors, and submit the proposals and funding recommendations to the Deputy Administrator, Office of Trade Programs. FAS may, when appropriate, request the assistance of other U.S.

government subject area experts in evaluating the merits of a proposal.

F. Federal Award Administration Information

1. Award Notices: FAS will notify each applicant in writing of the final disposition of the submitted application. FAS will send an approval letter and agreement to each approved applicant. The approval letter and agreement will specify the terms and conditions applicable to the project, including levels of funding, timelines for implementation, and written evaluation requirements.

2. Administrative and National Policy Requirements: The agreements will incorporate the details of each project as approved by FAS. Each agreement will identify terms and conditions pursuant to which CCC will reimburse certain costs of each project. Agreements will also outline the responsibilities of the participant. Interested parties should review the TASC program regulations found at 7 CFR part 1487 in addition to this announcement. TASC program regulations are available at the following URL address: *http://www.fas.usda.gov/programs/technical-assistance-specialty-crops-tasc.* Hard copies may be obtained by contacting the Program Operations Division at (202) 720–4327.

3. Reporting: TASC participants will be required to submit regular interim reports and a final performance report, each of which evaluate the TASC project using the performance measures presented in the approved proposal, as set forth in the written program agreement.

G. Federal Awarding Agency Contact

For additional information and assistance, contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture.

Courier address: Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: podadmin@fas.usda.gov.*

Signed at Washington, DC on the 1st of April, 2015.

Asif Chaudhry,

Acting Administrator, Foreign Agricultural Service, and Vice President, Commodity Credit Corporation.

[FR Doc. 2015–07934 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Notice of Funds Availability: Inviting Applications for the Emerging Markets Program

SUMMARY: The Commodity Credit Corporation (CCC) announces that it is inviting proposals for the 2016 Emerging Markets Program (EMP). The intended effect of this notice is to solicit applications from the private sector and from government agencies for fiscal year 2016 and to set out criteria for the award of funds under the program in October 2015. The EMP is administered by personnel of the Foreign Agricultural Service (FAS).

DATES: To be considered for funding, applications must be received by 5 p.m. Eastern Daylight Time, June 8, 2015. Any applications received after this time will be considered only if funds are still available.

FOR FURTHER INFORMATION CONTACT: Entities wishing to apply for funding assistance should contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service *by courier address:* Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: podadmin@fas.usda.gov.* Information is also available on the Foreign Agricultural Service Web site at *http://www.fas.usda.gov/programs/emerging-markets-program-emp.*

SUPPLEMENTARY INFORMATION:

A. Funding Opportunity Description

Announcement Type: New.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.603.

Authority: The EMP is authorized by section 1542(d)(1) of the Food, Agriculture, Conservation and Trade Act of 1990 (The Act), as amended. The EMP regulations appear at 7 CFR part 1486.

1. Purpose. The EMP assists U.S. entities in developing, maintaining, or expanding exports of U.S. agricultural commodities and products by funding activities that improve emerging markets' food and rural business systems, including reducing potential trade barriers in such markets. The EMP is intended primarily to support export market development efforts of the private sector, but EMP resources may also be used to assist public organizations.

All U.S. agricultural commodities, except tobacco, are eligible for consideration. Agricultural product(s) should be comprised of at least 50 percent U.S. origin content by weight, exclusive of added water, to be eligible for funding. Proposals that seek support for multiple commodities are also eligible. EMP funding may only be used to develop, maintain, or expand emerging markets for U.S. agricultural commodities and products through generic activities. EMP funding may not be used to support the export of another country's products to the United States, or to promote the development of a foreign economy as a primary objective.

2. Appropriate Activities. All EMP projects must fall into at least one of the following four categories:

(a) Assistance to teams consisting primarily of U.S. individuals expert in assessing the food and rural business systems of other countries. This type of EMP project must include all three of the following:

- Conduct an assessment of the food and rural business system needs of an emerging market;
- Make recommendations on measures necessary to enhance the effectiveness of these systems; and
- Identify opportunities and projects to enhance the effectiveness of the emerging market's food and rural business systems.

To be eligible, such proposals must clearly demonstrate that experts are primarily agricultural consultants, farmers, other persons from the private sector, and government officials, and that they have expertise in assessing the food and rural business systems of other countries.

(b) Assistance to enable individuals from emerging markets to travel to the United States so that these individuals can, for the purpose of enhancing the food and rural business systems in their countries, become familiar with U.S. technology and agribusiness and rural enterprise operations by consulting with food and rural business system experts in the United States.

(c) Assistance to enable U.S. agricultural producers and other individuals knowledgeable in agricultural and agribusiness matters to travel to emerging markets to assist in transferring their knowledge and expertise to entities in emerging markets. Such travel must be to emerging markets. Travel to developed markets is not eligible under the program even if the traveler's targeted market is an emerging market.

(d) Technical assistance to implement the recommendations, projects, and/or opportunities identified under 2(a) above. Technical assistance that does not implement the recommendations, projects, and/or opportunities identified

by assistance under 2(a) above is not eligible under the EMP.

Proposals that do not fall into one or more of the four categories above, regardless of previous guidance provided regarding the EMP, are not eligible for consideration under the program.

EMP funds may not be used to support normal operating costs of individual organizations, nor as a source to recover pre-award costs or prior expenses from previous or ongoing projects. Proposals that counter national strategies or duplicate activities planned or already underway by U.S. non-profit agricultural commodity or trade associations (''cooperators'') will not be considered. Other ineligible expenditures include: Branded product promotions (*e.g.,* in-store, restaurant advertising, labeling, *etc.*); advertising, administrative, and operational expenses for trade shows; Web site development; equipment purchases; and the preparation and printing of brochures, flyers, and posters (except in connection with specific technical assistance activities such as training seminars). For a more complete description of ineligible expenditures, please refer to the EMP regulations.

3. Eligible Markets. The Act defines an emerging market as any country that the Secretary of Agriculture determines:

(a) Is taking steps toward developing a market-oriented economy through the food, agriculture, or rural business sectors of the economy of the country; and

(b) Has the potential to provide a viable and significant market for U.S. agricultural commodities or products of U.S. agricultural commodities.

Because EMP funds are limited and the range of potential emerging market countries is worldwide, consideration will be given only to proposals that target countries or regional groups with per capita income of less than $12,745 (the current ceiling on upper middle income economies as determined by the World Bank [World Development Indicators; July 2014, *http://siteresources.worldbank.org/DATASTATISTICS/Resources/CLASS.XLS])* and populations of greater than 1 million.

Income limits and their calculation can change from year to year with the result that a given country may qualify under the legislative and administrative criteria one year, but not the next. Therefore, CCC has not established a fixed list of emerging market countries.

A few countries technically qualify as emerging markets but may require a separate determination before funding can be considered because of political sensitivities.

B. Award Information

In general, and subject to the availability of funding, all qualified proposals received before the application deadline will compete for EMP funding.

The applicants' willingness to contribute resources, including cash, goods and services, will be a critical factor in determining which proposals are funded under the EMP. Each proposal will also be judged on the potential benefits to the industry represented by the applicant and the degree to which the proposal demonstrates industry support.

The limited funds and the range of eligible emerging markets worldwide generally preclude CCC from approving large budgets for individual projects. While there is no minimum or maximum amount set for EMP-funded projects, most projects are funded at a level of less than $500,000 and for a duration of approximately one year. Private entities may submit multi-year proposals requesting higher levels of funding that may be considered in the context of a detailed strategic implementation plan. Funding in such cases is generally limited to three years and provided one year at a time with commitments beyond the first year subject to interim evaluations and funding availability. Government entities are not eligible for multi-year funding.

Funding for successful proposals will be provided through specific agreements. The CCC, through FAS, will be kept informed of the implementation of approved projects through the requirement to provide interim progress reports and final performance reports. Changes in the original project timelines and adjustments within project budgets must be approved in advance by FAS.

Note: EMP funds awarded to government agencies must be expended or otherwise obligated by close of business, September 30, 2016.

C. Eligibility and Qualification Information

1. Eligible Applicants: Any U.S. private or government entity (*e.g.,* universities, non-profit trade associations, agricultural cooperatives, state regional trade groups (SRTGs), state departments of agriculture, federal agencies, profit-making entities, and consulting businesses) with a demonstrated role or interest in exports of U.S. agricultural commodities or products may apply to the program. Proposals from research and consulting organizations will be considered if they provide evidence of substantial participation by and financial support from the U.S. industry. For-profit entities are also eligible but may not use program funds to conduct private business, promote private self-interests, supplement the costs of normal sales activities or promote their own products or services beyond specific uses approved by CCC in a given project.

U.S. export market development cooperators and SRTGs may seek funding to address priority, market specific issues and to undertake activities not suitable for funding under other CCC market development programs, *e.g.,* the Foreign Market Development Cooperator (Cooperator) Program and the Market Access Program (MAP). Foreign organizations, whether government or private, may participate as third parties in activities carried out by U.S. organizations, but are not eligible for funding assistance from the program.

2. Cost Sharing: No private sector proposal will be considered without the element of cost-share from the applicant and/or U.S. partners. The EMP is intended to complement, not supplant, the efforts of the U.S. private sector. There is no minimum or maximum amount of cost-share, though the range in recent successful proposals has been between 35 and 75 percent. The degree of commitment to a proposed project, represented by the amount and type of private funding, is one factor used in determining which proposals will be approved for funding. Cost-share may be actual cash invested or professional time of staff assigned to the project. Proposals for which private industry is willing to commit cash, rather than in-kind contributions, such as staff resources, will be given priority consideration.

Cost-sharing is not required for proposals from government agencies, but is mandatory for all other eligible entities, even when they may be party to a joint proposal with a government agency. Contributions from USDA or other government agencies or programs may not be counted toward the stated cost-share requirement of other applicants. Similarly, contributions from foreign (non-U.S.) organizations may not be counted toward the cost-share requirement, but may be counted in the total cost of the project.

3. Other: Proposals should include a justification for funding assistance from the program—an explanation as to what specifically could not be accomplished without Federal funding assistance and why the participating organization(s)

would be unlikely to carry out the project without such assistance. Applicants may submit more than one proposal.

D. Application and Submission Information

1. Address to Request Application Package: EMP applicants have the opportunity to utilize the Unified Export Strategy (UES) application process, an online system that provides a means for interested applicants to submit a consolidated and strategically coordinated single proposal that incorporates funding requests for any or all of the market development programs administered by FAS.

Applicants are strongly encouraged to submit their applications to FAS through the UES application Internet Web site. The Internet-based format reduces paperwork and expedites FAS' processing and review cycle. Applicants planning to use the on-line UES system must contact the Program Operations Division to obtain site access information. The Internet-based application is located at the following URL address: *https://www.fas.usda.gov/ues/webapp/.*

Although FAS highly recommends applying via the Internet-based application, applicants also have the option of submitting an electronic version to FAS at *podadmin@fas.usda.gov.*

2. Content and Form of Application Submission: To be considered for the EMP, an applicant must submit to FAS information required by this Notice of Funds Availability and the EMP regulations at 7 CFR part 1486. EMP regulations and additional information are available at the following URL address: *http://www.fas.usda.gov/programs/emerging-markets-program-emp.*

In addition, in accordance with 2 CFR part 25, each entity that applies to the EMP and does not qualify for an exemption under 2 CFR § 25.110 must:

(i) Provide a valid DUNS number in each application or plan it submits to CCC;

(ii) Be registered in the System for Award Management (SAM) prior to submitting an application or plan; and

(iii) 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 CCC.

Similarly, in accordance with 2 CFR part 170, each entity that applies to the EMP and does not qualify for an exception under 2 CFR § 170.110(b) must ensure it has the necessary processes and systems in place to comply with the applicable reporting requirements of 2 CFR part 170 should it receive EMP funding.

Applications should be no longer than ten (10) pages and include the following information:

(a) Date of proposal;

(b) Name of organization submitting proposal;

(c) Organization address, telephone and fax numbers;

(d) Tax ID number;

(e) DUNS number;

(f) Primary contact person;

(g) Full title of proposal;

(h) Target market(s);

(i) Specific description of activity/activities to be undertaken;

(j) Clear demonstration that successful implementation will benefit an emerging market's food and rural business system and/or reduce potential trade barriers, and will benefit a particular industry as a whole, not just the applicant(s);

(k) Current conditions in the target market(s) affecting the intended commodity or product;

(l) Description of problem(s) (*i.e.,* constraint(s)) to be addressed by the project, such as the need to assess and enhance food and rural business systems of the emerging market, lack of awareness by foreign officials of U.S. technology and business practices, impediments (infrastructure, financing, regulatory or other non-tariff barriers) to the effectiveness of the emerging market's food and rural business systems previously identified by an EMP project that are to be implemented by the applicant, *etc.*;

(m) Project objectives;

(n) Performance measures: Benchmarks for quantifying progress in meeting the objectives;

(o) Rationale: Explanation of the underlying reasons for the project proposal and its approach, the anticipated benefits, and any additional pertinent analysis;

(p) Explanation as to what specifically could not be accomplished without Federal funding assistance and why the participating organization(s) would be unlikely to carry out the project without such assistance;

(q) Timeline(s) for implementation of activity, including start and end dates;

(r) Information on whether similar activities are or have previously been funded with USDA resources in the target country or countries (*e.g.,* under MAP and/or Cooperator programs);

(s) Detailed line item activity budget:

- Cost items should be allocated separately to each participating organization; and
- Expense items constituting a proposed activity's overall budget (*e.g.,* salaries, travel expenses, consultant fees, administrative costs, *etc.*), with a line item cost for each, should be listed, clearly indicating:

(1) Which items are to be covered by EMP funding;

(2) Which by the participating U.S. organization(s); and

(3) Which by foreign third parties (if applicable).

Cost items for individual consultant fees should show calculation of daily rate and number of days. Cost items for travel expenses should show number of trips, destinations, cost, and objective for each trip; and

(t) Qualifications of applicant(s) should be included as an attachment.

3. Funding Restrictions: Certain types of expenses are not eligible for reimbursement by the program, and there are limits on other categories of expenses, such as indirect overhead charges, travel expenses, and consulting fees. CCC will also not reimburse unreasonable expenditures or expenditures made prior to approval of a proposal. Full details of the funding restrictions are available in the EMP regulations.

4. Submission Dates and Times: EMP proposals are reviewed on a rolling basis during the fiscal year as long as EMP funding is available as set forth below:

- Proposals received by, but not later than, 5 p.m. Eastern Daylight Time, June 8, 2015, will be considered for funding with other proposals received by that date;
- Proposals not approved for funding during the review period will be reconsidered for funding after the review period only if the applicant specifically requests such reconsideration in writing, and only if funding remains available;
- Proposals received after 5 p.m. Eastern Daylight Time, June 8, 2015, will be considered in the order received for funding only if funding remains available.

5. *Other Submission Requirements:* All Internet-based applications must be properly submitted by 5 p.m., Eastern Daylight Time, June 8, 2015, in order to be considered for funding; late submissions received after the deadline will be considered only if funding remains available. All applications submitted by email must be received by 5 p.m. Eastern Daylight Time, June 8, 2015, at *podadmin@fas.usda.gov* in order to receive the same consideration.

E. Application Review Information

Evaluation criteria. FAS will consider a number of factors when reviewing proposals, including:

- Appropriateness of the activity, including the ability of the applicant to provide an experienced U.S.-based staff with knowledge and expertise to ensure adequate development, supervision, and execution of the proposed project; the entity's willingness to contribute resources, including cash and goods and services of the U.S. industry, with greater weight given to cash contributions (for private sector proposals only); and the conditions or constraints affecting the level of U.S. exports and market share for the agricultural commodity/product (30%);
- Market Impact, including the degree to which the proposed project is likely to contribute to the development, maintenance, or expansion of U.S. agricultural exports to emerging markets; and demonstration of how a proposed project will benefit a particular industry as a whole; and the quality of the project's proposed performance measures (50%); and the
- Completeness and viability of the proposal, along with past program results and evaluations, if applicable (20%).

Please see 7 CFR part 1486 for additional evaluation criteria.

2. Review and Selection Process: All applications undergo a multi-phase review within FAS, by appropriate FAS field offices, and, as needed, by the private sector Advisory Committee on Emerging Markets to determine the qualifications, quality, appropriateness of projects, and reasonableness of project budgets.

F. Federal Award Administration Information

1. Award Notices: FAS will notify each applicant in writing of the final disposition of the submitted application. FAS will send an approval letter and project agreement to each approved applicant. The approval letter and agreement will specify the terms and conditions applicable to the project, including the levels of EMP funding and cost-share contribution requirements.

2. Administrative and National Policy Requirements: Interested parties should review the EMP regulations, which are available at the following URL address: *http://www.fas.usda.gov/programs/emerging-markets-program-emp.*

3. Reporting. Quarterly progress reports for all programs one year or longer in duration are required. Projects of less than one year generally require a mid-term progress report. Final performance reports are due 90 days after completion of each project. Content requirements for both types of reports are contained in the Project Agreement. Final financial reports are also due 90 days after completion of each project as attachments to the final reports. Please see 7 CFR part 1486 for additional reporting requirements.

G. Federal Awarding Agency Contact(s)

For additional information and assistance, contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture.

Courier address: Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or by phone: (202) 720–4327, or by fax: (202) 720–9361, or by email: *podadmin@fas.usda.gov.*

Signed at Washington, DC on 1st day of April, 2015.

Asif Chaudhry,

Acting Administrator, Foreign Agricultural Service and Vice President, Commodity Credit Corporation.

[FR Doc. 2015–07940 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Notice of Funds Availability: Inviting Applications for the Quality Samples Program

Announcement Type: New.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.605.

SUMMARY: The Commodity Credit Corporation (CCC) announces it is inviting proposals for the 2016 Quality Samples Program (QSP). The intended effect of this notice is to solicit applications from eligible applicants for fiscal year 2016 and to set out the criteria for the award of funds under the program in October 2015. QSP is administered by personnel of the Foreign Agricultural Service (FAS).

DATES: To be considered for funding, applications must be received by 5 p.m. Eastern Daylight Time, June 8, 2015. Any applications received after this time will be considered only if funds are still available.

FOR FURTHER INFORMATION CONTACT: Entities wishing to apply for funding assistance should contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service *by courier address:* Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: podadmin@fas.usda.gov.* Information is also available on the FAS Web site at *http://www.fas.usda.gov/programs/quality-samples-program-qsp.*

SUPPLEMENTARY INFORMATION:

A. Funding Opportunity Description

Authority: QSP is authorized under Section 5(f) of the CCC Charter Act, 15 U.S.C. 714c(f).

Purpose: QSP is designed to encourage the development and expansion of export markets for U.S. agricultural commodities by assisting U.S. entities in providing commodity samples to potential foreign importers to promote a better understanding and appreciation for the high quality of U.S. agricultural commodities.

QSP participants will be responsible for procuring (or arranging for the procurement of) commodity samples, exporting the samples, and providing the on-site technical assistance necessary to facilitate successful use of the samples by importers. Participants that are funded under this announcement may seek reimbursement from QSP for the sample purchase price, the cost of transporting the samples domestically to the port of export, and then to the foreign port or point of entry. Transportation costs from the foreign port or point of entry to the final destination will not be eligible for reimbursement. CCC will not reimburse the costs incidental to purchasing and transporting samples, for example, inspection or documentation fees. Although providing technical assistance is required for all projects, QSP will not reimburse the costs of providing technical assistance. A QSP participant will be reimbursed after CCC reviews its reimbursement claim and determines that the claim is complete.

General Scope of QSP Projects: QSP projects are the activities undertaken by a QSP participant to provide an appropriate sample of a U.S. agricultural commodity to a foreign importer, or a group of foreign importers, in a given market. The purpose of the project is to provide information to an appropriate target audience regarding the attributes, characteristics, and proper use of the U.S. commodity. A QSP project addresses a single market/commodity combination.

As a general matter, QSP projects should conform to the following guidelines:

- Projects should benefit the represented U.S. industry and not a specific company or brand;
- Projects should develop a new market for a U.S. product, promote a new U.S. product, or promote a new use for a U.S. product, rather than promote

the substitution of one established U.S. product for another;

- Sample commodities provided under a QSP project must be in sufficient supply and available on a commercial basis;
- The QSP project must either subject the commodity sample to further processing or substantial transformation in the importing country, or the sample must be used in technical seminars in the importing country designed to demonstrate to an appropriate target audience the proper preparation or use of the sample in the creation of an end product;
- Samples provided in a QSP project shall not be directly used as part of a retail promotion or supplied directly to consumers. However, the end product, that is, the product resulting from further processing, substantial transformation, or a technical seminar, may be provided to end-use consumers to demonstrate to importers consumer preference for that end product; and
- Samples shall be in quantities less than a typical commercial sale and limited to the amount sufficient to achieve the project goal (*e.g.,* not more than a full commercial mill run in the destination country).
- Projects should be completed within one year of CCC approval.

QSP projects shall target foreign importers and audiences who:

- Have not previously purchased the U.S. commodity that will be transported under QSP;
- Are unfamiliar with the variety, quality attribute, or end-use characteristic of the U.S. commodity;
- Have been unsuccessful in previous attempts to import, process, and market the U.S. commodity (*e.g.,* because of improper specification, blending, formulation, sanitary, or phytosanitary issues);
- Are interested in testing or demonstrating the benefits of the U.S. commodity; or
- Need technical assistance in processing or using the U.S. commodity.

B. Award Information

Under this announcement, the number of projects per participant will not be limited. However, individual projects will be limited to $75,000 of QSP reimbursement. Projects comprised of technical preparation seminars, that is, projects that do not include further processing or substantial transformation, will be limited to $15,000 of QSP reimbursement as these projects require smaller samples. Financial assistance will be made available on a reimbursement basis only; cash advances will not be made available to any QSP participant.

All proposals will be reviewed against the evaluation criteria contained herein and funds will be awarded on a competitive basis. Funding for successful proposals will be provided through specific agreements between the applicant and CCC subject to the availability of funding. These agreements will incorporate the proposal as approved by FAS. FAS must approve in advance any subsequent changes to the project.

C. Eligibility Information

1. Eligible Applicants: Any United States private or government entity with a demonstrated role or interest in exporting U.S. agricultural commodities may apply to the program. Government organizations consist of Federal, State, and local agencies. Private organizations include non-profit trade associations, universities, agricultural cooperatives, state regional trade groups, and profit-making entities.

2. Cost Sharing: FAS considers the applicant's willingness to contribute resources, including cash, goods, and services of the U.S. industry and foreign third parties, when determining which proposals to approve for funding.

3. Proposals should include a justification for funding assistance from the program—an explanation as to what specifically could not be accomplished without Federal funding assistance and why the participating organization(s) would be unlikely to carry out the project without such assistance. Applicants may submit more than one proposal.

D. Application and Submission Information

1. Address to Request Application Package: Organizations are strongly encouraged to submit their QSP applications to FAS through the Uniform Export Strategy (UES) application Internet Web site. The UES allows applicants to submit a single consolidated and strategically coordinated proposal that incorporates requests for funding and recommendations for virtually all of the FAS marketing programs, financial assistance programs, and market access programs. The suggested UES format encourages applicants to examine the constraints or barriers to trade that they face, identify activities that would help overcome such impediments, consider the entire pool of complementary marketing tools and program resources, and establish realistic export goals.

Applicants planning to use the Internet-based system must contact the FAS/Program Operations Division to obtain Web site access information. The Internet-based application may be found at the following URL address: *https://www.fas.usda.gov/ues/webapp/.*

Although FAS highly recommends applying via the Internet-based application, as this format virtually eliminates paperwork and expedites the FAS processing and review cycle, applicants also have the option of submitting an electronic version of their application to FAS at *podadmin@fas.usda.gov.*

2. Content and Form of Application Submission: To be considered for QSP, an applicant must submit to FAS information detailed in this notice.

In addition, in accordance with 2 CFR part 25, each entity that applies to QSP and does not qualify for an exemption under 2 CFR 25.110 must:

(i) Provide a valid DUNS number in each application or plan it submits to CCC;

(ii) Be registered in the System for Award Management (SAM) prior to submitting an application or plan; and

(iii) 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 CCC.

Similarly, in accordance with 2 CFR part 170, each entity that applies to the QSP and does not qualify for an exception under 2 CFR 170.110(b) must ensure it has the necessary processes and systems in place to comply with the applicable reporting requirements of 2 CFR part 170 should it receive QSP funding.

Incomplete applications and applications that do not otherwise conform to this announcement will not be accepted for review.

Proposals should contain, at a minimum, the following:

(a) Organizational information, including:

- Organization's name, address, Chief Executive Officer (or designee), Federal Tax Identification Number (TIN), and DUNS number;
- Type of organization;
- Name, telephone number, fax number, and email address of the primary contact person;
- A description of the organization and its membership;
- A description of the organization's prior export promotion experience; and
- A description of the organization's experience in implementing an appropriate trade/technical assistance component;

(b) Market information, including:

- An assessment of the market;

• A long-term strategy in the market; and

• U.S. export value/volume and market share (historic and goals) for 2009–2015;

(c) Project information, including:

• A brief project title;

• Amount of funding requested;

• A brief description of the specific market development trade constraint or opportunity to be addressed by the project, performance measures for the years 2016–2018, which will be used to measure the effectiveness of the project, a benchmark performance measure for 2014, the viability of long-term sales to this market, the goals of the project, and the expected benefits to the represented industry;

• A description of the activities planned to address the constraint or opportunity, including how the sample will be used in the end-use performance trial, the attributes of the sample to be demonstrated and its end-use benefit, and details of the trade/technical servicing component (including who will provide and who will fund this component);

• A sample description (*i.e.,* commodity, quantity, quality, type, and grade), including a justification for selecting a sample with such characteristics (this justification should explain in detail why the project could not be effective with a smaller sample);

• An itemized list of all estimated costs associated with the project for which reimbursement will be sought;

• Beginning and end dates for the proposed project;

• The importer's role in the project regarding handling and processing the commodity sample; and

• Explanation as to what specifically could not be accomplished without Federal funding assistance and why the participating organization(s) would be unlikely to carry out the project without such assistance;

(d) Information indicating all funding sources and amounts to be contributed by each entity that will supplement implementation of the proposed project. This may include the organization that submitted the proposal, private industry entities, host governments, foreign third parties, CCC, FAS, or other Federal agencies. Contributed resources may include cash, goods or services.

3. Submission Dates and Times: QSP funding is reviewed on a rolling basis during the fiscal year as long as remaining QSP funding is available as set forth below:

• Proposals received by, but not later than, 5 p.m. Eastern Daylight Time, June 8, 2015, will be considered for funding with other proposals received by that date;

• Proposals not approved for funding during this review period will be reconsidered for funding after the review period only if the applicant specifically requests such reconsideration in writing, and only if funding remains available;

• Proposals received after 5 p.m. Eastern Daylight Time, June 8, 2015, will be considered in the order received for funding only if funding remains available.

4. Other Submission Requirements: All Internet-based applications must be properly submitted by 5 p.m., Eastern Daylight Time, June 8, 2015, in order to be considered for funding; late submissions received after the deadline will be considered only if funding remains available. All applications submitted by email must be received by 5 p.m. Eastern Daylight Time, June 8, 2015, at *podadmin@fas.usda.gov* in order to receive the same consideration.

5. Funding Restrictions: Proposals that request more than $75,000 of CCC funding for individual projects will not be considered. Projects comprised of technical preparation seminars will be limited to $15,000 in QSP funding. CCC will not reimburse expenditures made prior to approval of a proposal or unreasonable expenditures.

E. Application Review Information

1. Criteria and Review Process: Following is a description of the FAS process for reviewing applications and the criteria for allocating available QSP funds.

FAS will use the following criteria in evaluating proposals:

• The ability of the organization to provide an experienced staff with the requisite technical and trade experience to execute the proposal;

• The extent to which the proposal is targeted to a market in which the United States is generally competitive;

• The potential for expanding commercial sales in the proposed market;

• The nature of the specific market constraint or opportunity involved and how well it is addressed by the proposal;

• The extent to which the importer's contribution in terms of handling and processing enhances the potential outcome of the project;

• The amount of reimbursement requested and the organization's willingness to contribute resources, including cash, goods and services of the U.S. industry, and foreign third parties; and

• How well the proposed technical assistance component assures that performance trials will effectively demonstrate the intended end-use benefit.

Proposals will be evaluated by the Commodity Branch offices in the FAS' Cooperator Programs Division. The Commodity Branches will review each proposal against the factors described above. The purpose of this review is to identify meritorious proposals, recommend an appropriate funding level for each proposal based upon these factors, and submit proposals and funding recommendations to the Deputy Administrator, Office of Trade Programs.

2. Anticipated Announcement Date: Announcements of funding decisions for QSP are anticipated during October 2015.

F. Federal Award Administration Information

1. *Award Notices:* FAS will notify each applicant in writing of the final disposition of the submitted application. FAS will send an approval letter and agreement to each approved applicant. The approval letter and agreement will specify the terms and conditions applicable to the project, including the levels of QSP funding, and any cost-share contribution requirements.

2. *Administrative and National Policy Requirements:* The agreements will incorporate the details of each project as approved by FAS. Each agreement will identify terms and conditions pursuant to which CCC will reimburse certain costs of each project. Agreements will also outline the responsibilities of the participant, including, but not limited to, procurement (or arranging for procurement) of the commodity sample at a fair market price, arranging for transportation of the commodity sample within the time limit specified in the agreement (organizations should endeavor to ship commodities within 6 months of the effective date of the agreement), compliance with cargo preference requirements (shipment on United States flag vessels, as required), compliance with the Fly America Act requirements (shipment on United States air carriers, as required), timely and effective implementation of technical assistance, and submission of a written evaluation report within 90 days of expiration or termination of the agreement.

QSP projects are subject to review and verification by FAS' Compliance, Security and Emergency Planning Division. Upon request, a QSP participant shall provide to CCC the

original documents that support the participant's reimbursement claims. CCC may deny a claim for reimbursement if the claim is not supported by adequate documentation.

3. *Reporting:* A written evaluation report must be submitted within 90 days of the expiration or termination of each participant's QSP agreement. Evaluation reports should address all performance measures that were presented in the proposal.

G. Federal Agency Contact(s)

For additional information and assistance, contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture.

Courier address: Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: podadmin@fas.usda.gov.*

Signed at Washington, DC on the 1 st of April, 2015.

Asif Chaudhry,

Acting Administrator, Foreign Agricultural Service, and Vice President, Commodity Credit Corporation.

[FR Doc. 2015–07935 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Notice of Funds Availability: Inviting Applications for the Foreign Market Development Cooperator Program

SUMMARY: The Commodity Credit Corporation (CCC) announces that it is inviting proposals for the 2016 Foreign Market Development Cooperator (Cooperator) program. The intended effect of this notice is to solicit applications from eligible applicants for fiscal year 2016 and to set out criteria for the award of funds under the program in October 2015. The Cooperator program is administered by personnel of the Foreign Agricultural Service (FAS).

DATES: All applications must be received by 5 p.m. Eastern Daylight Time, June 8, 2015. Applications received after this date will not be considered.

FOR FURTHER INFORMATION CONTACT: Entities wishing to apply for funding assistance should contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service *by courier address:* Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: uesadmin@fas.usda.gov.* Information is also available on the FAS Web site at *http://www.fas.usda.gov/programs/foreign-market-development-program-fmd.*

SUPPLEMENTARY INFORMATION:

A. Funding Opportunity Description

Announcement Type: New.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.600.

Authority: The Cooperator program is authorized by title VII of the Agricultural Trade Act of 1978, as amended. Cooperator program regulations appear at 7 CFR part 1484.

Purpose: The Cooperator program is designed to create, expand, and maintain foreign markets for U.S. agricultural commodities and products through cost-share assistance. Financial assistance under the Cooperator program will be made available on a competitive basis and applications will be reviewed against the evaluation criteria contained herein and in the Cooperator program regulations. All U.S. agricultural commodities, except tobacco, are eligible for consideration.

FAS allocates funds in a manner that effectively supports the strategic decision-making initiatives of the Government Performance and Results Act (GPRA) of 1993. In deciding whether a proposed project will contribute to the effective creation, expansion, or maintenance of foreign markets, FAS considers whether the applicant provides a clear, long-term agricultural trade strategy and a program effectiveness time line against which results can be measured at specific intervals using quantifiable product or country goals. FAS also considers the extent to which a proposed project targets markets with the greatest growth potential. These factors are part of the FAS resource allocation strategy to fund applicants who can demonstrate performance and address the objectives of the GPRA.

B. Award Information

Under the Cooperator program, and subject to the availability of funding, FAS enters into agreements with eligible nonprofit U.S. trade organizations to share the cost of certain overseas marketing and promotion activities. Funding priority is given to organizations that have the broadest possible producer representation of the commodity being promoted and that are nationwide in membership and scope. Cooperators may receive assistance only for generic activities that do not involve promotions targeted directly to consumers. The program generally operates on a reimbursement basis.

C. Eligibility Information

1. Eligible Applicants: To participate in the Cooperator program, an applicant must be a nonprofit U.S. agricultural trade organization.

2. Cost Sharing: To participate in the Cooperator program, an applicant must agree to contribute resources to its proposed promotional activities. The Cooperator program is intended to supplement, not supplant, the efforts of the U.S. private sector. The contribution must be at least 50 percent of the value of resources provided by CCC for activities conducted under the project agreement.

The degree of commitment of an applicant to the promotional strategies contained in its application, as represented by the agreed cost-share contributions specified therein, is considered by FAS when determining which applications will be approved for funding. Cost-share may be actual cash invested or in-kind contributions, such as professional staff time spent on design and execution of activities. The Cooperator program regulations, including sections 1484.50 and 1484.51, provide detailed discussion of eligible and ineligible cost-share contributions.

3. Other: Applications should include a justification for funding assistance from the program—an explanation as to what specifically could not be accomplished without federal funding assistance and why participating organization(s) are unlikely to carry out the project without such assistance.

D. Application and Submission Information

1. Address to Request Application Package: Organizations are encouraged to submit their FMD applications to the FAS through the Unified Export Strategy (UES) application Internet Web site. The UES allows applicants to submit a single consolidated and strategically coordinated proposal that incorporates requests for funding and recommendations for virtually all of the FAS marketing programs, financial assistance programs, and market access programs. The suggested UES format encourages applicants to examine the constraints or barriers to trade faced, identify activities that would help overcome such impediments, consider the entire pool of complementary marketing tools and program resources, and establish realistic export goals.

Applicants planning to use the Internet-based system must contact the FAS/Program Operations Division to obtain site access information. The Internet-based application may be found at the following URL address: *https://www.fas.usda.gov/ues/webapp/.*

FAS highly recommends applying via the Internet-based application as this format virtually eliminates paperwork and expedites the FAS processing and review cycle. However, applicants also have the option of submitting an electronic version of their application to FAS at *uesadmin@fas.usda.gov.*

2. Content and Form of Application Submission: To be considered for the Cooperator program, an applicant must submit to FAS information required by the Cooperator program regulations in section 1484.20.

In addition, in accordance with 2 CFR part 25, each entity that applies to the Cooperator program and does not qualify for an exemption under 2 CFR 25.110 must:

(i) Provide a valid DUNS number in each application or plan it submits to CCC;

(ii) Be registered in the System for Award Management (SAM) prior to submitting an application or plan; and

(iii) 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 CCC.

Similarly, in accordance with 2 CFR part 170, each entity that applies to the Cooperator program and does not qualify for an exception under 2 CFR 170.110(b) must ensure it has the necessary processes and systems in place to comply with the applicable reporting requirements of 2 CFR part 170 should it receive funding under the Cooperator program. Incomplete applications and applications that do not otherwise conform to this announcement or the Cooperator program regulations will not be accepted for review.

FAS administers various other agricultural export assistance programs, including the Market Access Program (MAP), the Emerging Markets Program, the Quality Samples Program, and the Technical Assistance for Specialty Crops program. Any organization that is not interested in applying for the Cooperator program but would like to request assistance through one of the other programs mentioned should contact the Program Operations Division.

3. Submission Dates and Times: All applications must be received by 5 p.m. Eastern Daylight Time, June 8, 2015. All Cooperator program applicants, regardless of the method of submitting an application, also must submit by the application deadline, an original signed certification statement as specified in 7 CFR 1484.20(a)(14) to the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture, Room 6512, 1400 Independence Ave. SW., Washington, DC 20250. Applications or certifications received after this date will not be considered.

4. Funding Restrictions: Certain types of expenses are not eligible for reimbursement by the program, and there are limits on other categories of expenses. CCC also will not reimburse unreasonable expenditures or expenditures made prior to approval. Full details are available in the Cooperator program regulations, including sections 1484.54 and 1484.55.

E. Application Review Information

1. Criteria and Review Process: Following is a description of the FAS process for reviewing applications and the criteria for allocating available Cooperator program funds.

(1) Phase 1—Sufficiency Review and FAS Divisional Review

Applications received by the closing date will be reviewed by FAS to determine the eligibility of the applicants and the completeness of the applications. These requirements appear in sections 1484.14 and 1484.20 of the Cooperator program regulations as well as in this Notice. Applications that meet the requirements then will be further evaluated by the appropriate Commodity Branch office of the FAS/Cooperator Programs Division. The Commodity Branch will review each application against the criteria listed in section 1484.21 of the Cooperator program regulations. The purpose of this review is to identify meritorious proposals. The Commodity Branch then recommends an appropriate funding level for each approved application for consideration by the Office of the Deputy Administrator, Office of Trade Programs.

(2) Phase 2—Competitive Review

Meritorious applications are passed on to the Office of the Deputy Administrator, Office of Trade Programs, for the purpose of allocating available funds among those applicants. Applicants will compete for funds on the basis of the following allocation criteria as appropriate (the number in parentheses represents a percentage weight factor):

(a) Contribution Level (40)

- The applicant's 6-year average share (2011–2016) of all contributions under the Cooperator program (contributions may include cash and goods and services provided by U.S. entities in support of foreign market development activities) compared to;
- The applicant's 6-year average share (2011–2016) of the funding level for all Cooperator program participants.

(b) Past Export Performance (20)

- The 6-year average share (2010–2015) of the value of exports promoted by the applicant compared to;
- The applicant's 6-year average share (2010–2015) of the funding level for all Cooperator participants plus, for those groups participating in the MAP program, a 6-year average share (2010–2015) of all MAP budgets.

(c) Past Demand Expansion Performance (20)

- The 6-year average share (2010–2015) of the total value of world trade of the commodities promoted by the applicant compared to;
- The applicant's 6-year average share (2010–2015) of all Cooperator program expenditures plus, for those groups participating in the MAP program, a 6-year average share (2010–2015) of all MAP expenditures.

(d) Future Demand Expansion Goals (10)

- The projected total dollar value of world trade of the commodities being promoted by the applicant for the year 2021 compared to;
- The applicant's requested funding level.

(e) Accuracy of Past Demand Expansion Projections (10)

- The actual dollar value share of world trade of the commodities being promoted by the applicant for the year 2014 compared to;
- The applicant's past projected share of world trade of the commodities being promoted by the applicant for the year 2014, as specified in the 2011 Cooperator program application.

The Commodity Branches' recommended funding levels for each applicant are converted to percentages of the total Cooperator program funds available and then multiplied by each weight factor to determine the amount of funds allocated to each applicant.

2. Anticipated Announcement Date: Announcements of funding decisions for the Cooperator program are anticipated during October 2015.

F. Federal Award Administration Information

1. Award Notices: FAS will notify each applicant in writing of the final disposition of its application. FAS will send an approval letter and project agreement to each approved applicant.

The approval letter and project agreement will specify the terms and conditions applicable to the project, including the levels of Cooperator program funding, and cost-share contribution requirements.

2. Administrative and National Policy Requirements: Interested parties should review the Cooperator program regulations, which are available at the following URL address: *http://www.fas.usda.gov/programs/foreign-market-development-program-fmd.* Hard copies may be obtained by contacting the Program Operations Division.

3. Reporting: FAS requires various reports and evaluations from Cooperators. Reporting requirements are detailed in the Cooperator program regulations in sections 1484.53, 1484.70, and 1484.72.

G. Federal Agency Contact(s)

For additional information and assistance, contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture.

Courier address: Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: uesadmin@fas.usda.gov.*

Signed at Washington, DC, on the 1st of April 2015.

Asif Chaudhry,

Administrator, Foreign Agricultural Service, and Vice President, Commodity Credit Corporation.

[FR Doc. 2015–07943 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Notice of Funds Availability: Inviting Applications for the Market Access Program

SUMMARY: The Commodity Credit Corporation (CCC) announces that it is inviting proposals for the 2016 Market Access Program (MAP). The intended effect of this notice is to solicit applications from eligible applicants for fiscal year 2016 and to set out criteria for the award of funds under the program in October 2015. The MAP is administered by personnel of the Foreign Agricultural Service (FAS).

DATES: All applications must be received by 5 p.m. Eastern Daylight Time, June 8, 2015. Applications received after this date will not be considered.

FOR FURTHER INFORMATION CONTACT: Entities wishing to apply for funding assistance should contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service *by courier address:* Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: uesadmin@fas.usda.gov.* Information is also available on the FAS Web site at *http://www.fas.usda.gov/programs/market-access-program-map.*

SUPPLEMENTARY INFORMATION:

A. Funding Opportunity Description

Announcement Type: New.

Catalog of Federal Domestic Assistance (CFDA) Number: 10.601.

Authority: The MAP is authorized under Section 203 of the Agricultural Trade Act of 1978, as amended. MAP regulations appear at 7 CFR part 1485.

Purpose: The MAP is designed to create, expand, and maintain foreign markets for U.S. agricultural commodities and products through cost-share assistance. Financial assistance under the MAP will be made available on a competitive basis, and applications will be reviewed against the evaluation criteria contained herein and in the MAP regulations. All U.S. agricultural commodities, except tobacco, are eligible for consideration.

FAS allocates funds in a manner that effectively supports the strategic decision-making initiatives of the Government Performance and Results Act (GPRA) of 1993. In deciding whether a proposed project will contribute to the effective creation, expansion, or maintenance of foreign markets, FAS considers whether the applicant provides a clear, long-term agricultural trade strategy and a program effectiveness time line against which results can be measured at specific intervals using quantifiable product or country goals. FAS also considers the extent to which a proposed project targets markets with the greatest growth potential. These factors are part of the FAS resource allocation strategy to fund applicants who can demonstrate performance and address the objectives of the GPRA.

B. Award Information

Under the MAP, and subject to the availability of funding, the CCC enters into agreements with eligible Participants to share the cost of certain overseas marketing and promotion activities. MAP Participants may receive assistance for generic or brand promotion activities. For generic activities, funding priority is given to organizations that have the broadest possible producer representation of the commodity being promoted and that are nationwide in membership and scope. Only non-profit U.S. agricultural trade organizations, nonprofit state regional trade groups (SRTGs), U.S. agricultural cooperatives, and State government agencies can participate directly in the brand program. The MAP generally operates on a reimbursement basis.

C. Eligibility Information

1. Eligible Applicants: To participate in the MAP, an applicant must be a nonprofit U.S. agricultural trade organization, a nonprofit SRTG, a U.S. agricultural cooperative, or a State government agency. A small-sized U.S. commercial entity may participate through a MAP Participant.

2. Cost Sharing: To participate in the MAP, an applicant must agree to contribute resources to its proposed promotional activities. The MAP is intended to supplement, not supplant, the efforts of the U.S. private sector. In the case of generic promotion, the contribution must be at least 10 percent of the value of resources provided by CCC for such generic promotion. In the case of brand promotion, the contribution must be at least 50 percent of the total cost of such brand promotion.

The degree of commitment of an applicant to the promotional strategies contained in its application, as represented by the agreed cost-share contributions specified therein, is considered by FAS when determining which applications will be approved for funding. Cost-share may be actual cash invested or in-kind contributions, such as professional staff time spent on design and execution of activities. The MAP regulations, in section 1485.16, provide detailed discussion of eligible and ineligible cost-share contributions.

3. Other: Applications should include a justification for funding assistance from the program—an explanation as to what specifically could not be accomplished without federal funding assistance, and why participating organization(s) are unlikely to carry out the project without such assistance.

D. Application and Submission Information

1. Address to Request Application Package: Organizations are encouraged to submit their MAP applications to FAS through the Unified Export Strategy (UES) application Internet Web site. The UES allows interested applicants to submit a single consolidated and strategically coordinated proposal that incorporates requests for funding and

recommendations for virtually all of the FAS marketing programs, financial assistance programs, and market access programs. The suggested UES format encourages applicants to examine the constraints or barriers to trade that they face, identify activities that would help overcome such impediments, consider the entire pool of complementary marketing tools and program resources, and establish realistic export goals. Applicants planning to use the Internet-based system must contact the FAS/Program Operations Division to obtain Web site access information. The Internet-based application may be found at the following URL address: *https://www.fas.usda.gov/ues/webapp/.*

FAS highly recommends applying via the Internet-based application, as this format virtually eliminates paperwork and expedites the FAS processing and review cycle. However, applicants also have the option of submitting an electronic version of their application to FAS at *uesadmin@fas.usda.gov.*

2. Content and Form of Application Submission: To be considered for the MAP, an applicant must submit to FAS information required by the MAP regulations in section 1485.13.

In addition, in accordance with 2 CFR part 25, each entity that applies to MAP and does not qualify for an exemption under 2 CFR 25.110 must:

(i) Provide a valid DUNS number in each application or plan it submits to CCC;

(ii) Be registered in the System for Award Management (SAM) prior to submitting an application or plan; and

(iii) 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 CCC.

Similarly, in accordance with 2 CFR part 170, each entity that applies to MAP and does not qualify for an exception under 2 CFR 170.110(b) must ensure it has the necessary processes and systems in place to comply with the applicable reporting requirements of 2 CFR part 170 should it receive MAP funding.

Incomplete applications and applications that do not otherwise conform to this announcement and the MAP regulations will not be accepted for review.

FAS administers various other agricultural export assistance programs including the Foreign Market Development Cooperator (Cooperator) program, the Emerging Markets Program, the Quality Samples Program, and the Technical Assistance for Specialty Crops program. Any organization that is not interested in applying for the MAP, but would like to request assistance through one of the other programs mentioned should contact the Program Operations Division.

3. Submission Dates and Times: All applications must be received by 5 p.m. Eastern Daylight Time, June 8, 2015. All MAP applicants, regardless of the method of submitting an application, must also submit by the application deadline, an original signed certification statement as specified in 7 CFR 1485.13(a)(2)(i)(E) to the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture, Room 6512, 1400 Independence Ave. SW., Washington, DC 20250. Applications or certifications received after this date will not be considered.

4. Funding Restrictions: Certain types of expenses are not eligible for reimbursement by the program, and there are limits on other categories of expenses. CCC also will not reimburse unreasonable expenditures or expenditures made prior to approval. Full details are available in the MAP regulations in section 1485.17.

E. Application Review Information

1. Criteria and Review Process: Following is a description of the FAS process for reviewing applications and the criteria for allocating available MAP funds.

(1) Phase 1—Sufficiency Review and FAS Divisional Review

Applications received by the closing date will be reviewed by FAS to determine the eligibility of the applicants and the completeness of the applications. These requirements appear in sections 1485.12 and 1485.13 of the MAP regulations. Applications that meet the requirements then will be further evaluated by the appropriate Commodity Branch office of the FAS/Cooperator Programs Division. The Commodity Branch will review each application against the criteria listed in section 1485.14(b) and (c) of the MAP regulations as well as in this Notice. The purpose of this review is to identify meritorious proposals and to recommend an appropriate funding level for each application based upon these criteria.

(2) Phase 2—Competitive Review

Meritorious applications then will be passed on to the Office of the Deputy Administrator, Office of Trade Programs, for the purpose of allocating available funds among the applicants. Applicants will compete for funds on the basis of the following allocation criteria as applicable (the number in parentheses represents a percentage weight factor):

(a) Applicant's Contribution Level (40)

- The applicant's 4-year average share (2013–2016) of all contributions under the MAP (cash and goods and services provided by U.S. entities in support of overseas marketing and promotion activities) compared to;
- The applicant's 4-year average share (2013–2016) of the funding level for all MAP Participants.

(b) Past Performance (30)

- The 3-year average share (2012–2014) of the value of exports promoted by the applicant compared to;
- The applicant's 2-year average share (2014–2015) of the funding level for all MAP Participants plus, for those groups participating in the Cooperator program, the 2-year average share (2014–2015) of all Cooperator program budgets.

(c) Projected Export Goals (15)

- The total dollar value of projected exports promoted by the applicant for 2016 compared to;
- The applicant's requested funding level;

(d) Accuracy of Past Projections (15)

- Actual exports for 2014 as reported in the 2016 MAP application compared to;
- Past projections of exports for 2014 as specified in the 2014 MAP application.

The Commodity Branches' recommended funding levels for each applicant are converted to percentages of the total MAP funds available and then multiplied by each weight factor as described above to determine the amount of funds allocated to each applicant.

2. Anticipated Announcement Date: Announcements of funding decisions for the MAP are anticipated during October 2015.

F. Federal Award Administration Information

1. Award Notices: FAS will notify each applicant in writing of the final disposition of its application. The FAS will send an approval letter and program agreement to each approved applicant. The approval letter and program agreement will specify the terms and conditions applicable to the project, including the levels of MAP funding and cost-share contribution requirements.

2. Administrative and National Policy Requirements: Interested parties should

review the MAP regulations, which are available at the following URL address: *http://www.fas.usda.gov/programs/market-access-program-map.* Hard copies may be obtained by contacting the Program Operations Division.

3. Reporting: FAS requires various reports and evaluations from MAP Participants. Reporting requirements are detailed in the MAP regulations in section 1485.22 and 1485.23.

G. Federal Agency Contact(s)

For additional information and assistance, contact the Program Operations Division, Office of Trade Programs, Foreign Agricultural Service, U.S. Department of Agriculture.

Courier address: Room 6512, 1400 Independence Ave. SW., Washington, DC 20250, or *by phone:* (202) 720–4327, or *by fax:* (202) 720–9361, or *by email: uesadmin@fas.usda.gov.*

Signed at Washington, DC, on the 1st of April 2015.

Asif Chaudhry,

Acting Administrator, Foreign Agricultural Service, and Vice President, Commodity Credit Corporation.

[FR Doc. 2015–07941 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Community Forest and Open Space Program

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service (FS) is seeking comments from all interested individuals and organizations on the extension with no revision of a currently approved information collection; Community Forest and Open Space Program.

The Agency is in the process of a proposed rule revision that will include a new information collection request; when the revised rule is final, the Agency will merge the new information collection with this information collection.

DATES: Comments must be received in writing on or before June 15, 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 Maya Solomon, USDA Forest Service, Cooperative Forestry Staff, 1400 Independence Avenue SW., Mailstop 1123, Washington, DC 20250. Comments may also be submitted electronically via email to *communityforest@fs.fed.us.* If comments are sent electronically, do not duplicate via regular mail.

The public may inspect comments received at the USDA Forest Service, Yates Building, 1400 Independence Avenue, Washington, DC during normal business hours. Visitors are encouraged to call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Maya Solomon, Forest Legacy Program Specialist, by phone at 202–206–1376. Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Title: Community Forest and Open Space Program.

OMB Number: 0596–0189.

Expiration Date of Approval: August 31, 2015.

Type of Request: Extension with no change.

Abstract: The purpose of Community Forest Program is to achieve community benefits through grants to local governments, Tribal Governments, and qualified nonprofit organizations to establish community forests by acquiring and protecting private forestlands. This proposed rule includes information requirements necessary to implement Community Forest Program and comply with grants regulations and OMB Circulars. The information requirements will be used to help the Forest Service in the following areas: (1) To determine that the applicant is eligible to receive funds under the program, (2) to determine if the proposal meets the qualifications in the law and regulations, (3) to evaluate and rank the proposals based on a standard, consistent information; and (4) to determine if the projects costs are allowable and sufficient cost share is provided.

Local governmental entities, Tribal Governments, and qualified nonprofit organizations are the only entities eligible for the program, and therefore are the only organizations from which information will be collected.

The information collection currently required for a request for proposals and grant application is approved and has been assigned the OMB Control No. 0596–0227.

Estimated Annual Number of Respondents: 150.

Estimated Burden per Response: 22.

Estimated Number of Responses per Respondent: 1.

Estimated Number of Total Annual Responses: 150.

Estimated Total Annual Burden on Respondents: 4,778 hours.

Comment Is Invited

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: April 1, 2015.

Victoria C. Christiansen,

Associate Deputy Chief, State and Private Forestry.

[FR Doc. 2015–07996 Filed 4–6–15; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Roadless Area Conservation; National Forest System Lands in Colorado

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare a supplemental environmental impact statement.

SUMMARY: The U.S. Department of Agriculture is initiating a supplemental environmental impact statement (SEIS) to propose reinstatement of the North Fork Coal Mining Area exception of the Colorado Roadless Rule. The exception would allow for temporary road construction for coal exploration and/or coal-related surface activities in a 19,100-acre area defined as the North Fork Coal Mining Area. The Forest Service will use the SEIS to address specific deficiencies identified by the District Court of Colorado in *High Country Conservation Advocates* v.

United States Forest Service (D. Colo. June 27, 2014).

DATES: Comments must be received in writing by May 22, 2015.

ADDRESSES: Comments may be submitted electronically at *https://cara.ecosystem-management.org/Public/CommentInput?Project=46470.* In addition written comments can be submitted via hard-copy mail to: Colorado Roadless Rule, 740 Simms Street, Golden, CO 80401.

All comments, including names and addresses, are placed in the record and are available for public inspection and copying.

FOR FURTHER INFORMATION CONTACT: Ken Tu at 303–275–5156. Individuals using telecommunication devices for the deaf (TDD) may call the Federal Information Relay Services at 1–800–877–8339 between 8 a.m. and 8 p.m. Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: On July 3, 2012 (77 FR 39576), the U.S. Department of Agriculture promulgated the Colorado Roadless Rule, a state-specific regulation for management of Colorado Roadless Areas. This Rule addressed State-specific concerns while conserving roadless area characteristics. One State-specific concern was to avoid foreclosing exploration and development of coal resources on the Grand Mesa, Uncompahgre, and Gunnison (GMUG) National Forests. The Colorado Roadless Rule addressed this by defining a 19,100-acre area as the North Fork Coal Mining Area, and developing an exception that allows temporary road construction for coal-related activities within that defined area.

In July 2013, High Country Conservation Advocates, WildEarth Guardians, and Sierra Club challenged the Forest Service's decision to consent to the Bureau of Land Management (BLM) modifying two existing coal leases, the BLM's companion decision to modify the leases, BLM's authorization of an exploration plan in the lease modification areas, and the North Fork Coal Mining Area exception of the Colorado Roadless Rule. In June 2014, the District Court of Colorado found the environmental documents supporting the four decisions to be in violation of the National Environmental Policy Act (NEPA) due to analysis deficiencies. In September 2014, the District Court of Colorado vacated the lease modifications, the exploration plan, and the North Fork Coal Mining Area exception of the Colorado Roadless Rule (36 CFR 294.43(c)(1)(ix)).

This supplemental NEPA process will only address the Colorado Roadless Rule. The lease modifications and exploration plan authorization will be addressed in future environmental analyses, if needed.

Purpose and Need

The purpose and need for this supplemental EIS is to provide management direction for conserving roadless characteristics within the area while addressing the State interest in not foreclosing exploration and development of the coal resources in the North Fork Coal Mining Area.

Proposed Action

The proposed action for the Colorado Roadless Rule supplemental is to reinstate the North Fork Coal Mining Area exception as written in 36 CFR 294.43(c)(1)(ix). In addition, the Forest Service is proposing to administratively correct the North Fork Coal Mining Area boundary to remedy clerical errors.

Alternative to the Proposed Action

The other alternative being considered is the no-action alternative, which is the continuation of current management following the District Court ruling to vacate the North Fork Coal Mining Area exception. The Colorado Roadless Rule contains a severability clause (36 CFR 294.48(f)), which allows the rest of the Rule to remain in effect. Therefore, the District Court of Colorado's ruling only changed management of Colorado Roadless Areas in the North Fork Coal Mining Area. Currently, the North Fork Coal Mining Area is being managed the same as other non-upper tier Colorado Roadless Areas. Valid existing coal leases would operate according the terms of their leases.

Cooperating Agencies

The Colorado Department of Natural Resources and the BLM will participate as cooperating agencies in the preparation of the SEIS.

Responsible Official

The Responsible Official for the rulemaking and SEIS is the Secretary of Agriculture or his designee.

Decision To Be Made

The Responsible Official will determine whether to reinstate the North Fork Coal Mining Area exception, or continue to manage the area without the exception. In addition, the Forest Service will determine if corrections to the North Fork Coal Mining Area boundary should be made to adjust for clerical errors.

Scoping Process

The Forest Service is seeking public comments for 45 days from the publication date of this notice. Comments should be limited to issues related to the proposed action, which is limited only to reinstating the North Fork Coal Mining Area exception of the Colorado Roadless Rule. The Forest Service is not seeking comments on the other portions of the Colorado Roadless Rule, roadless area boundary modifications, or other roadless areas in Colorado.

Due to the extensive public participation process that occurred with the development of the Colorado Roadless Rule, no public meetings are planned for this 45 day scoping effort. However, public meetings may be held in Denver and Paonia, Colorado after the release of the Supplemental Draft Environmental Impact Statement (SDEIS) and proposed rule.

Estimated Timeline

The SDEIS and proposed rule is estimated to be released in early fall 2015. The Supplemental Final EIS is estimated spring 2016.

Brian Ferebee,

Deputy Regional Forester, Rocky Mountain Region.

[FR Doc. 2015–07886 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Administrative Settlement Agreement and Order on Consent for Engineering Evaluation/Cost Analysis Nacimiento Mine Site, Santa Fe National Forest, New Mexico

AGENCY: Forest Service, USDA.

ACTION: Notice of Settlement.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9622(i), notice is hereby given of an Administrative Settlement Agreement and Order on Consent (ASAOC), between the United States Department of Agriculture Forest Service (Forest Service) and Williams Express LLC (Williams), under Sections 104, 107 and 122 of CERCLA, regarding the Nacimiento Mine Site located on the Santa Fe National Forest near Cuba, New Mexico. The property that is the subject of this proposed ASAOC is areas where hazardous substances and/or pollutants or contaminants are located on the surface features of the federally owned portion of the Site designated as Operable Unit 1 (OU1).

This ASAOC requires Williams perform an Engineering Evaluation and Cost Analysis (EE/CA) report to develop, evaluate, and select cleanup alternatives involving mining waste piles and other surface features located on the federally owned portion of OU1 at the Site. The performance of this work must be approved and monitored by the Forest Service. Also under the ASAOC, Williams will reimburse up to $7,500 of the Forest Service's oversight costs related to the EE/CA.

For thirty (30) days following the date of publication of this notice, the United States will receive written comments relating to the ASAOC. The United States will consider all comments received and may modify or withdraw its consent to the ASAOC if comments received disclose facts or considerations that indicate that the settlement is inappropriate, improper, or inadequate. The United States' response to any comments received will be available for public inspection at the USDA, Office of General Counsel, Mountain Region, 740 Simms Street, Golden, Colorado 80401, and the Forest Service's Southwestern Regional Office, 333 Broadway SE., Albuquerque, NM 87102.

DATES: Comments must be submitted on or before May 7, 2015.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection at the offices located at the United States Department of Agriculture, Forest Service, Southwestern Regional Office, 333 Broadway SE., Albuquerque, NM 87102, or from Kirk M. Minckler with USDA's Office of the General Counsel, (303) 275–5549. Comments should reference the Nacimiento Mine, Santa Fe National Forest, Sandoval County, New Mexico, and should be addressed to Kirk M. Minckler, USDA Office of the General Counsel, P.O. Box 25005, Denver, CO 80225–005.

FOR FURTHER INFORMATION CONTACT: For technical information, contact Steven J. McDonald, USDA Forest Service Southwestern Region, 333 Broadway SE., Albuquerque, NM 87102, phone (505) 842–3838. For legal information, contact Kirk M. Minckler, USDA Office of the General Counsel, P.O. Box 25005, Denver, CO 80225–0005; phone (303) 275–5549, Fax: (303) 275–5557; email: *kirk.minckler@ogc.usda.gov.*

Dated: March 31, 2015.

Danny R. Montoya,

Acting Deputy Regional Forester, USDA Forest Service, Southwestern Region.

[FR Doc. 2015–07898 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 3410–11–P

DEPARTMENT OF COMMERCE

U.S. Census Bureau

Proposed Information Collection; Comment Request; Geographic Partnership Programs

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: To ensure consideration, written comments must be submitted on or before June 8, 2015.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the Internet at *jjessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information or copies of the information collection instrument(s) and instructions to Laura Waggoner, U.S. Census Bureau, Washington, DC 20233 (or via the Internet at *laura.l.waggoner@census.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

The mission of the Geography Division (GEO) within the Census Bureau is to plan, coordinate, and administer all geographic and cartographic activities needed to facilitate Census Bureau statistical programs throughout the United States and its territories. GEO manages programs to continuously update geographic data including addresses, spatial features, boundaries, and geographic entities in the Master Address File/Topologically Integrated Geographic Encoding and Referencing System (MAF/TIGER) System. GEO also conducts research into geographic concepts, methods, and standards needed to facilitate Census Bureau data collection and dissemination programs.

Geographic Partnership Programs (GPPs) encourages participants, following Census Bureau guidelines, to review, update, and suggest modifications to geographic data to maintain MAF/TIGER and to ensure the accurate reporting of data from censuses and surveys. Because state, local, and tribal governments have geographic data and current knowledge about where growth and change are occurring in their jurisdictions, their input into the overall development of a continually maintained address list for censuses and surveys makes a vital contribution. The Census Bureau recognizes that state, local, and tribal governments have authoritative geographic data for their jurisdiction. The benefits to local governments in sharing that information as part of the Census Bureau's GPPs are realized with quality data for more accurate results of censuses and surveys.

II. Method of Collection

This notice is for a generic clearance that will cover a number of activities required for updating MAF/TIGER with participant-provided address and other geographic information, or obtain address and spatial data for research and evaluation purposes. The information collected in these programs in cooperation with state, local, and tribal governments and other partners is essential to the mission of the Census Bureau and directly contributes to the successful outcome of censuses and surveys conducted by the Census Bureau. The generic clearance allows the Census Bureau to focus its resources on actual operational planning, development of procedures, and implementation of programs to update and improve the geographic data maintained in MAF/TIGER.

The Census Bureau will develop guidelines and procedures for state, local, and tribal government submissions of address data and geographic boundaries, and will outline the mutual roles and responsibilities of each party within each GPP. The GPP listed below, is not exhaustive of all activities that may be performed under this generic clearance. The Census Bureau will follow the approved procedure when submitting any additional activities not specifically listed here.

Geographic Support System Initiative (GSS–I)

The GSS–I is an integrated program designed to improve geographic data and enhance the quality assessment and measurement for MAF/TIGER. The GSS–I builds on the accomplishments of the last decade's MAF/TIGER Enhancement Program (MTEP), which redesigned MAF/TGER, improved the positional accuracy of TIGER spatial features, and emphasized quality measurement. The Census Bureau plans

on a continual update process for MAF/TIGER throughout the decade to support current surveys, including the American Community Survey (ACS). Major participants are the Census Bureau with state, local, and tribal governments. The Census Bureau will contact state, local, and tribal governments to obtain files containing their geographic data to explore data exchange opportunities, and share best practices on maintaining quality geographic data. Governments can provide a file of their geographic data or provide data through a web-based application sponsored by the Census Bureau. Governments can choose the format and medium to provide their data directly to the Census Bureau, or may elect to standardize their data using Community TIGER.

III. Data

OMB Control Number: 0607–0795.

Form Number: Not available at this time.

Type of Review: Regular submission.

Affected Public: State, local, and tribal governments.

Estimated Number of Respondents (Fiscal Year (FY) 2015):

GEO Contact with Local Governments: 1,000.

GEO Acquisition of Local Geographic Data and Content Clarification: 500.

Community TIGER Contact with Local Governments: 200.

Community TIGER Updates: 200.

Estimated Number of Respondents (FY 2016 & FY 2017):

GEO Contact with Local Governments: 2,000.

GEO Acquisition of Local Geographic Data and Content Clarification: 1,000.

Community TIGER Contact with Local Governments: 500.

Community TIGER Updates: 500.

Estimated Time per Response (all FYs):

GEO Contact with Local Governments: 2 hours.

GEO Acquisition of Local Geographic Data and Content Clarification: 10 hours.

Community TIGER Contact with Local Governments: 2 hours.

Community TIGER Updates: 40 hours.

Estimated Total Annual Burden Hours (FY 2015):

GEO Contact with Local Governments: 2,000.

GEO Acquisition of Local Geographic Data and Content Clarification: 5,000.

Community TIGER Contact with Local Governments: 400.

Community TIGER Updates: 8,000.

Estimated Total Annual Burden Hours (FY 2016 & FY 2017):

GEO Contact with Local Governments: 4,000.

GEO Acquisition of Local Geographic Data and Content Clarification: 10,000.

Community TIGER Contact with Local Governments: 1,000.

Community TIGER Updates: 20,000.

Estimated Total Annual Cost to Public: $0.

Respondent Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. Sections 16, 141, and 193.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: April 2, 2015.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2015–07888 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 3510–07–P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

First Responder Network Authority

[Docket Number: 150306226–5315–02]

RIN 0660–XC017

Further Proposed Interpretations of Parts of the Middle Class Tax Relief and Job Creation Act of 2012

AGENCY: First Responder Network Authority, National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice and request for comments; extension of comment period.

SUMMARY: The First Responder Network Authority (FirstNet) published a notice and request for comments in the **Federal Register** on March 13, 2015, titled ''Further Proposed Interpretations of Parts of the Middle Class Tax Relief and Job Creation Act of 2012'' (*Second Notice*). The comment period for the *Second Notice,* which would have ended on April 13, 2015, is extended to April 28, 2015.

DATES: Comments must be submitted on or before April 28, 2015.

ADDRESSES: Written comments may be submitted electronically through *www.regulations.gov* or by mail to First Responder Network Authority, National Telecommunications and Information Administration, U.S. Department of Commerce, 12201 Sunrise Valley Drive, M/S 243, Reston, VA 20192. Comments received related to the Second Notice will be made a part of the public record and will be posted to *www.regulations.gov* without change. Comments should be machine-readable and should not be copy-protected. Comments should include the name of the person or organization filing the comment as well as a page number on each page of the submission. All personally identifiable information (*e.g.,* name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Eli Veenendaal, First Responder Network Authority, National Telecommunications and Information Administration, U.S. Department of Commerce, 12201 Sunrise Valley Drive, M/S 243, Reston, VA 20192; 703–648–4167; or *elijah.veenendaal@firstnet.gov.*

SUPPLEMENTARY INFORMATION: On March 13, 2015, FirstNet published a notice and request for comments in the **Federal Register**, titled ''Further Proposed Interpretations of Parts of the Middle Class Tax Relief and Job Creation Act of 2012'' (80 FR 13336). That **Federal Register** notice listed April 13, 2015, as the end date for the comment period. FirstNet is extending the comment deadline from April 13, 2015, to April 28, 2015. This extension responds to numerous inquiries from interested parties that have requested additional time to respond based on the significant nature of the *Second Notice.* All other information in the original notice remains unchanged.

Dated: March 31, 2015.

Eli Veenendaal,

Attorney-Advisor, First Responder Network Authority.

[FR Doc. 2015–07691 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 3510–TL–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–840]

Lightweight Thermal Paper From Germany: Final Results of the Antidumping Duty Administrative Review; 2012–2013

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

SUMMARY: On December 1, 2014, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on lightweight thermal paper (LWTP) from Germany.[1] The period of review (POR) is November 1, 2012, through October 31, 2013. We invited interested parties to comment on the preliminary results. After reviewing the comments received and making corrections to the margin calculation program, we continue to find that Papierfabrik August Koehler SE (Koehler) did not make sales of subject merchandise at less than normal value. The final dumping margin for Koehler, listed below in the section entitled ''Final Results of the Review,'' is unchanged from the preliminary results.

DATES: *Effective Date:* April 7, 2015.

FOR FURTHER INFORMATION CONTACT: David Goldberger, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC, 20230; telephone (202) 482–4136.

Background

Since the publication of the *Preliminary Results,* in January 2015, Koehler submitted a case brief. The Department is conducting this administrative review in accordance with section 751(a)(1) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise covered by the order is LWTP.[2]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties are addressed in the Issues and Decision Memorandum, which is dated concurrently with, and adopted by, this notice. A list of the issues which parties raised and to which we respond in the Issues and Decision Memorandum is attached to this notice as Appendix I. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS).[3] ACCESS is available to registered users at *http://access.trade.gov* and to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Final Results of the Review

As a result of this review, we determine that the following weighted-average dumping margin exists for the period November 1, 2012, through October 31, 2013.

Manufacturer/Exporter	Percent margin
Papierfabrik August Koehler SE ...	0.00

Disclosure

We intend to disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Assessment Rates

The Department will determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries, in accordance with 19 CFR 351.212(b). The Department intends to issue appropriate assessment instructions to CBP 15 days after publication of these final results of review. Because we have calculated a zero margin for Koehler in the final results of this review, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

The Department clarified its ''automatic assessment'' regulation on May 6, 2003.[4] This clarification applies to entries of subject merchandise during the POR produced by Koehler for which it did not know that the merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate effective during the POR if there is no rate for the intermediate company(ies) involved in the transaction. *See Assessment Policy Notice* for a full discussion of this clarification.

Discontinuation of Cash Deposit Requirements

On January 22, 2015, the U.S. International Trade Commission determined, pursuant to section 751(c) of the Act (*i.e.,* as a result of a five-year ''sunset'' review), that revocation of the antidumping duty order on the subject merchandise would not be likely to lead to the continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[5] Accordingly, the antidumping duty order on LWTP from Germany was revoked effective November 24, 2013.[6] As a result, we have instructed CBP to discontinue collection of cash deposits of antidumping duties on entries of the subject merchandise made on or after November 24, 2013.

Notification to Importers

This notice also serves as a final 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 Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

[1] *See Lightweight Thermal Paper from Germany; Preliminary Results of Antidumping Duty Administrative Review; 2012–2013,* 79 FR 71086 (December 1, 2014) (*Preliminary Results*).

[2] For a complete description of the scope, *see Antidumping Duty Orders: Lightweight Thermal Paper from Germany and the People's Republic of China,* 73 FR 70959 (November 24, 2008). *See also* memorandum entitled ''Lightweight Thermal Paper from Germany: Issues and Decision Memorandum for the Final Results of the Antidumping Duty Administrative Review; 2012–2013'' (Issues and Decision Memorandum).

[3] On November 24, 2014, Enforcement and Compliance changed the name of Import Administration'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).

[4] *See Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003) (*Assessment Policy Notice*).

[5] *See Lightweight Thermal Paper From China And Germany; Determination,* 80 FR 3252 (January 22, 2015).

[6] *See Lightweight Thermal Paper From the People's Republic of China and Germany: Continuation of the Antidumping and Countervailing Duty Orders on the People's Republic of China, Revocation of the Antidumping Duty Order on Germany,* 80 FR 5083 (January 30, 2015).

Notification Regarding Administrative Protective Orders

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

The final results of this administrative review and notice are published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221.

Dated: March 31, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Topic Discussed in the Issues and Decision Memorandum

1. Ministerial Errors in Margin Calculation Program

[FR Doc. 2015–07974 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–840]

Lightweight Thermal Paper From Germany: Rescission 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 rescinding its administrative review of the antidumping duty order on lightweight thermal paper (LWTP) from Germany for the period of November 1, 2013, through November 23, 2013, based on the withdrawal of all requests for review.

DATES: *Effective Date:* April 7, 2015.

FOR FURTHER INFORMATION CONTACT: David Goldberger, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4136.

SUPPLEMENTARY INFORMATION:

Background

On November 3, 2014, the Department published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on LWTP from Germany for the period of review (POR) November 1, 2013, to October 31, 2014.[1]

On December 1, 2014, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), the Department received a timely request from Appvion Inc. (the petitioner), a domestic interested party, to conduct an administrative review of the POR sales of Papierfabrik August Koehler SE (Koehler). Also on this date, Koehler timely requested a review of its POR sales.

On December 23, 2014, the Department published in the **Federal Register** a notice of initiation of an administrative review of the antidumping duty order on LWTP from Germany with respect to Koehler.[2] On January 7, 2015, Koehler withdrew its request for review.[3] On January 30, 2015, as a result of a five-year (''sunset'') review, the Department revoked the antidumping duty order on imports of LWTP from Germany, effective November 24, 2013.[4] Therefore, the POR for this administrative review was revised to November 1, 2013, through November 23, 2013.[5]

On February 20, 2015, the petitioner withdrew its request for review of Koehler.[6]

Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), the Department will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation of the requested review. Koehler and the petitioner withdrew their requests for review before the 90-day deadline (*i.e.,* March 23, 2015), and no other party requested an administrative review of the antidumping duty order on LWTP from Germany for the POR. Therefore, in response to the timely withdrawal of requests for review and pursuant to 19 CFR 351.213(d)(1), the Department is rescinding this review in its entirety.

Assessment

The Department will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). The Department intends to issue appropriate assessment instructions directly to CBP 15 days after the date of publication of this notice in the **Federal Register**.

Notification to Importers

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

Notification Regarding Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is published in accordance with section 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: April 1, 2015.

Gary Taverman,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2015–07973 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 3510–DS–P

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 79 FR 65176 (November 3, 2014).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 79 FR 76956 (December 23, 2014).

[3] *See* January 7, 2015, Letter from Koehler.

[4] *See Lightweight Thermal Paper From the People's Republic of China and Germany: Continuation of the Antidumping and Countervailing Duty Orders on the People's Republic of China, Revocation of the Antidumping Duty Order on Germany,* 80 FR 5083 (January 30, 2015).

[5] *See* February 10, 2015, Memorandum to the File regarding revision of POR due to revocation of antidumping duty order.

[6] *See* February 20, 2015, Letter from the petitioner.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–943]

Certain Oil Country Tubular Goods From the People's Republic of China: Final Results of Expedited First Sunset Review of the Antidumping Duty Order

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

SUMMARY: The Department of Commerce (''the Department'') finds that revocation of the antidumping duty (''AD'') order on certain oil country tubular goods (''OCTG'') from the People's Republic of China (''PRC'') would be likely to lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: *Effective:* April 7, 2015.

FOR FURTHER INFORMATION CONTACT: David Cordell or Angelica Townshend, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0408 or (202) 482–3019, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 21, 2010, the Department published the AD order on OCTG from the PRC.[1] On December 1, 2014, the Department published a notice of initiation of the first sunset review of the AD order on OCTG from the PRC, pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act'').[2]

On December 3, 2014, Maverick Tube Corporation (''Maverick'') timely notified the Department of its intent to participate.[3] On December 10, 2014, Boomerang Tube (''Boomerang''), Energex Tube, a division of JMC Steel Group (''Energex Tube''), EVRAZ Rocky Mountain Steel (''EVRAZ''), IPSCO Tubulars, Inc. (''IPSCO''), Tejas Tubular Products, Inc. (''Tejas Tubular''), Vallourec Star, L.P. (''Vallourec''), and Welded Tube USA Inc. (''Welded Tube'') filed their intent to participate[4]

On December 15, 2014, United States Steel Corporation (''U.S. Steel'') likewise timely notified the Department of its intent to participate.[5] On December 31, 2014, the Department received an adequate substantive response from Boomerang, Energex Tube, EVRAZ, IPSCO, Maverick, Tejas Tubular, U.S. Steel, Vallourec, and Welded Tube within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[6] The Department did not receive substantive responses from any respondent interested party. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited (120-day) sunset review of the AD order on OCTG from the PRC.

Scope of the Order

This order covers OCTG. The Issues and Decision Memorandum, which is hereby adopted by this notice, provides a full description of the scope of the order.[7]

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.[8] 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 Decision Memorandum can be accessed at *http://enforcement.trade.gov/frn/*. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Analysis of Comments Received

In the Issues and Decision Memorandum, we have addressed all issues that parties raised in this review. The issues include the likelihood of continuation or recurrence of dumping and the magnitude of the dumping margins likely to prevail if the Department revoked the order.

Final Results of Sunset Review

Pursuant to section 752(c)(3) of the Act, the Department determines that revocation of the AD order on OCTG from the PRC would be likely to lead to continuation or recurrence of dumping at weighted-average margins up to 99.14 percent.[9]

Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing the results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: March 31, 2015.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. History of the Order
5. Discussion of the Issues
a. Likelihood of Continuation or Recurrence of Dumping
b. Magnitude of the Margin of Dumping Likely to Prevail
6. Final Results of Sunset Review
7. Recommendation

[FR Doc. 2015–07976 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 3510–DS–P

[1] *See Certain Oil Country Tubular Goods From the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order,* 75 FR 28551 (May 21, 2010) (''*Amended Final Determination and Order*'').

[2] *See Initiation of Five-Year (''Sunset'') Review,* 79 FR 71091 (December 1, 2014).

[3] *See* Letter to the Department from Maverick, dated December 3, 2014.

[4] *See* Letter to the Department from Boomerang, Energex Tube, EVRAZ, IPSCO, Tejas Tubular, Vallourec, and Welded Tube, dated December 10, 2014.

[5] *See* Letter to the Department from U.S. Steel, dated December 15, 2014.

[6] *See* Letter from domestic interested parties to the Department, entitled ''Oil Country Tubular Goods from China, First Sunset Review: Substantive Response to Notice of Initiation,'' dated December 31, 2014.

[7] *See* ''Expedited First Sunset Review of the Antidumping Duty Order on Certain Oil Country Tubular Goods from the People's Republic of China: Issues and Decision Memorandum,'' from Gary Taverman, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Enforcement and Compliance, dated concurrently with this notice (''Issues and Decision Memorandum'').

[8] 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).

[9] *See Amended Final Determination and Order,* 75 FR 28551–28552 (May 21, 2010).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Cancellation of Meeting of Advisory Committee on Commercial Remote Sensing

AGENCY: National Oceanic and Atmospheric Administration.

ACTION: Notice of public meeting cancellation.

SUMMARY: The Advisory Committee on Commercial Remote Sensing (ACCRES) meeting on April 28, 2015 is cancelled.

DATES: Date and Time: The cancelled meeting will be rescheduled in May or June of 2015.

ADDRESSES: The meeting location will be announced at the time the new meeting announcement is placed in the **Federal Register**.

SUPPLEMENTARY INFORMATION: As required by section 10(a) (2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1982), notice is hereby given of the meeting of ACCRES. ACCRES was established by the Secretary of Commerce (Secretary) on May 21, 2002, to advise the Secretary through the Under Secretary of Commerce for Oceans and Atmosphere on long- and short-range strategies for the licensing of commercial remote sensing satellite systems.

FOR FURTHER INFORMATION CONTACT: Tahara Dawkins, NOAA/NESDIS/CRSRA, 1335 East West Highway, Room 8260, Silver Spring, Maryland 20910; telephone (301) 713–3385, fax (301) 713–1249, email *Tahara.Dawkins@noaa.gov,* or Richard James at telephone (301) 713–0572, email *Richard.James@noaa.gov.*

Tahara Dawkins,

Director Commercial Remote Sensing and Regulatory Affairs.

[FR Doc. 2015–07875 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 3510–HR–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Community Bank Advisory Council Meeting

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the announcement of a public meeting of the Community Bank Advisory Council (CBAC or Council) of the Consumer Financial Protection Bureau (Bureau). The notice also describes the functions of the Council. Notice of the meeting is permitted by section 6 of the CBAC Charter and is intended to notify the public of this meeting. Specifically, Section X of the CBAC Charter states: (1) Each meeting of the Council shall be open to public observation, to the extent that a facility is available to accommodate the public, unless the Bureau, in accordance with paragraph (4) of this section, determines that the meeting shall be closed. The Bureau also will make reasonable efforts to make the meetings available to the public through live recording. (2) Notice of the time, place and purpose of each meeting, as well as a summary of the proposed agenda, shall be published in the **Federal Register** not more than 45 or less than 15 days prior to the scheduled meeting date. Shorter notice may be given when the Bureau determines that the Council's business so requires; in such event, the public will be given notice at the earliest practicable time. (3) Minutes of meetings, records, reports, studies, and agenda of the Council shall be posted on the Bureau's Web site (*www.consumerfinance.gov*). (4) The Bureau may close to the public a portion of any meeting, for confidential discussion. If the Bureau closes a meeting or any portion of a meeting, the Bureau will issue, at least annually, a summary of the Council's activities during such closed meetings or portions of meetings.

DATES: The meeting date is Wednesday, April 22, 3:00 p.m. to 4:30 p.m. Eastern Daylight Time.

ADDRESSES: The meeting location is Consumer Financial Protection Bureau, 1275 First Street NE., Washington, DC 20002.

FOR FURTHER INFORMATION CONTACT: Jennifer Draper, Consumer Advisory Board & Councils, External Affairs, 1700 G Street NW., Washington, DC 20552; telephone: 202–435–7176; *CFPB_CABandCouncilsEvents@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 1014(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (*http://www.sec.gov/about/laws/wallstreetreform-cpa.pdf*) (Dodd-Frank Act) provides: ''The Director shall establish a Community Bank Advisory Board to advise and consult with the Bureau in the exercise of its functions under the Federal consumer financial laws, and to provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information.'' 12 U.S.C. 5494.

(a) The purpose of the Council is outlined in Section 1014(a) of the Dodd-Frank Act (*http://www.sec.gov/about/laws/wallstreetreform-cpa.pdf*), which states that the Council shall ''advise and consult with the Bureau in the exercise of its functions under the Federal consumer financial laws'' and ''provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information.'' (b) To carry out the Council's purpose, the scope of its activities shall include providing information, analysis, and recommendations to the Bureau. The Council will generally serve as a vehicle for market intelligence and expertise for the Bureau. Its objectives will include identifying and assessing the impact on consumers and other market participants of new, emerging, and changing products, practices, or services. (c) The Council will also be available to advise and consult with the Director and the Bureau on other matters related to the Bureau's functions under the Dodd-Frank Act.

II. Agenda

The Community Bank Advisory Council will discuss credit scores and credit reporting.

Persons who need a reasonable accommodation to participate should contact *CFPB_504Request@cfpb.gov,* 202–435–9EEO, 1–855–233–0362, or 202–435–9742 (TTY) at least ten business days prior to the meeting or event to request assistance. The request must identify the date, time, location, and title of the meeting or event, the nature of the assistance requested, and contact information for the requester. CFPB will strive to provide, but cannot guarantee that accommodation will be provided for late requests.

Individuals who wish to attend the Community Bank Advisory Council meeting must RSVP to *cfpb_cabandcouncilsevents@cfpb.gov* by noon, Tuesday, April 21, 2015. Members of the public must RSVP by the due date and must include ''CBAC'' in the subject line of the RSVP.

III. Availability

The Council's agenda will be made available to the public on Monday, April 6, 2015, via *consumerfinance.gov.* Individuals should express in their RSVP if they require a paper copy of the agenda.

A recording and transcript of this meeting will be available after the

meeting on the CFPB's Web site *consumerfinance.gov.*

Dated: April 1, 2015.

Christopher D'Angelo,

Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2015–07977 Filed 4–6–15; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2015–ICCD–0009]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Lender's Application Process (LAP)

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before May 7, 2015.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2015–ICCD–0009 or via postal mail, commercial delivery, or hand delivery. If the regulations.gov site is not available to the public for any reason, ED will temporarily accept comments at *ICDocketMgr@ed.gov.* Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted; ED will ONLY accept comments during the comment period in this mailbox when the regulations.gov site is not available. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Mailstop L–OM–2–2E319, Room 2E103, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Courtney Clemons, 202–377–3673.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Lender's Application Process (LAP).

OMB Control Number: 1845–0032.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: Private Sector.

Total Estimated Number of Annual Responses: 10.

Total Estimated Number of Annual Burden Hours: 2.

Abstract: The Lender's Application Process (LAP) is submitted by lenders who are eligible for reimbursement of interest and special allowance, as well as Federal Insured Student Loan (FISL) claims payment, under the Federal Family Education Loan Program. The information will be used by ED to update Lender Identification Numbers (LID's), lender names, addresses with 9 digit zip codes, and other pertinent information.

Dated: April 2, 2015.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2015–07892 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Vocational Rehabilitation Services Projects for American Indians With Disabilities

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

Overview Information

Vocational Rehabilitation Services Projects for American Indians With Disabilities

Notice inviting applications for new awards for fiscal year (FY) 2015.

Catalog of Federal Domestic Assistance (CFDA) Number: 84.250K.

DATES: Applications Available: April 7, 2015.

Deadline for Transmittal of Applications: June 8, 2015.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of this program is to provide vocational rehabilitation (VR) services to American Indians with disabilities who reside on or near Federal or State reservations, consistent with their individual strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that they may prepare for and engage in high-quality employment that will increase opportunities for economic self-sufficiency.

Priority: In accordance with 34 CFR 75.105(b)(2)(iv), this priority is from section 121(b)(4) of the Rehabilitation Act of 1973, as amended (29 U.S.C. 741(b)(4)).

Competitive Preference Priority: For FY 2015 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i) we award an additional 10 points to an application that meets this priority.

This priority is:

Continuation of Previously Funded Tribal Programs.

In making new awards under this program, we give priority to applications for the continuation of programs that have been funded under the Vocational Rehabilitation Services Projects for American Indians with Disabilities program.

Program Authority: 29 U.S.C. 741.

Applicable Regulations: (a) The Education Department General

Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 81, 82, and 84. (b) The Office of Management and Budget (OMB) Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485. (c) The Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR part 200, as adopted and amended in 2 CFR part 3474. (d) The regulations for this program in 34 CFR parts 369 and 371.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $12,607,000.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in FY 2016 from the list of unfunded applicants from this competition.

Estimated Range of Awards: $300,000–$600,000.

Estimated Average Size of Awards: $450,000.

Estimated Number of Awards: 25.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* The governing bodies of Indian tribes (and consortia of those governing bodies) located on Federal and State reservations. The definition of ''Indian Tribe'' was amended by the Workforce Innovation and Opportunity Act enacted on July 22, 2014, to include ''a tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450(b)(l)).''

In addition, the Department published final regulations in the **Federal Register** on February 5, 2015 (80 FR 6452), amending the definition of ''reservation'' in 34 CFR 369.4 and 371.4. The amended definition now reads, '' 'Reservation' means a Federal or State Indian reservation; public domain Indian allotment; former Indian reservation in Oklahoma; land held by incorporated Native groups, regional corporations, and village corporations under the provisions of the Alaska Native Claims Settlement Act; or a defined area of land recognized by a State or the Federal Government where there is a concentration of tribal members and on which the tribal government is providing structured activities and services.''

2. *Cost Sharing or Matching:* Cost sharing is required by 34 CFR 371.40.

IV. Application and Submission Information

1. *Address to Request Application Package:* You can obtain an application package via the Internet or from the Education Publications Center (ED Pubs). To obtain a copy via the Internet, use the following address: *www.ed.gov/fund/grant/apply/grantapps/index.html.* To obtain a copy from ED Pubs, write, fax, or call the following: ED Pubs, U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *www.EDPubs.gov* or at its email address: *edpubs@inet.ed.gov.*

If you request an application from ED Pubs, be sure to identify this program or competition as follows: CFDA number 84.250K.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) by contacting the team listed under *Accessible Format* in section VIII of this notice.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this competition. These include a requirement that the applicant submit documentation demonstrating that it is a federally or State recognized tribe and is located on a Federal or State reservation, as defined by the Department in the final regulations published in the **Federal Register** on February 5, 2015 (80 FR 6452). See 34 CFR 369.4 and 371.4.

Note: Each application must describe how the special application requirements stated at 34 CFR 371.21 will be met, including evidence that the applicant has or will obtain a formal cooperative agreement with the appropriate State VR agency or agencies that include strategies for collaboration and coordination of service provision.

3. *Submission Dates and Times:*

Applications Available: April 7, 2015.

Deadline for Transmittal of Applications: June 8, 2015.

Applications for grants under this competition must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

4. *Intergovernmental Review:* This competition is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and System for Award Management:* To do business with the Department of Education, you must—

a. Have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN);

b. Register both your DUNS number and TIN with the System for Award Management (SAM) (formerly the Central Contractor Registry (CCR)), the Government's primary registrant database;

c. Provide your DUNS number and TIN on your application; and

d. Maintain an active SAM registration with current information while your application is under review by the Department and, if you are awarded a grant, during the project period.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one to two business days.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow two to five weeks for your TIN to become active.

The SAM registration process can take approximately seven business days, but may take upwards of several weeks, depending on the completeness and accuracy of the data entered into the SAM database by an entity. Thus, if you

think you might want to apply for Federal financial assistance under a program administered by the Department, please allow sufficient time to obtain and register your DUNS number and TIN. We strongly recommend that you register early.

Note: Once your SAM registration is active, you will need to allow 24 to 48 hours for the information to be available in Grants.gov and before you can submit an application through Grants.gov.

If you are currently registered with SAM, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your registration annually. This may take three or more business days.

Information about SAM is available at *www.SAM.gov.* To further assist you with obtaining and registering your DUNS number and TIN in SAM or updating your existing SAM account, we have prepared a SAM.gov Tip Sheet, which you can find at: *www2.ed.gov/fund/grant/apply/sam-faqs.html.*

In addition, if you are submitting your application via Grants.gov, you must (1) be designated by your organization as an Authorized Organization Representative (AOR); and (2) register yourself with Grants.gov as an AOR. Details on these steps are outlined at the following Grants.gov Web page: *www.grants.gov/web/grants/register.html.*

7. *Other Submission Requirements:* Applications for grants under this competition must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. Electronic Submission of Applications

Applications for grants under the Vocational Rehabilitation Services Projects for American Indians with Disabilities program, CFDA number 84.250K, must be submitted electronically using the Governmentwide Grants.gov Apply site at *www.Grants.gov.* Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not email an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the Vocational Rehabilitation Service Projects for American Indians with Disabilities program at *www.Grants.gov.* You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search (*e.g.,* search for 84.250, not 84.250K).

Please note the following:

- When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.
- Applications received by Grants.gov are date and time stamped. Your application must be fully uploaded and submitted and must be date and time stamped by the Grants.gov system no later than 4:30:00 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not accept your application if it is received—that is, date and time stamped by the Grants.gov system—after 4:30:00 p.m., Washington, DC time, on the application deadline date. We do not consider an application that does not comply with the deadline requirements. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date and time stamped by the Grants.gov system after 4:30:00 p.m., Washington, DC time, on the application deadline date.
- The amount of time it can take to upload an application will vary depending on a variety of factors, including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.
- You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this competition to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov under News and Events on the Department's G5 system home page at *www.G5.gov.*
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: the Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for SF 424, Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- You must upload any narrative sections and all other attachments to your application as files in a PDF (Portable Document) read-only, non-modifiable format. Do not upload an interactive or fillable PDF file. If you upload a file type other than a read-only, non-modifiable PDF or submit a password-protected file, we will not review that material.
- Your electronic application must comply with any page-limit requirements described in this notice.
- After you electronically submit your application, you will receive from Grants.gov an automatic notification of receipt that contains a Grants.gov tracking number. (This notification indicates receipt by Grants.gov only, not receipt by the Department.) The Department then will retrieve your application from Grants.gov and send a second notification to you by email. This second notification indicates that the Department has received your application and has assigned your application a PR/Award number (an ED-specified identifying number unique to your application).
- We may request that you provide us original signatures on forms at a later date.

Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System: If you are experiencing problems submitting your application through Grants.gov, please contact the Grants.gov Support Desk, toll free, at 1–800–518–4726. You must obtain a Grants.gov Support Desk Case Number and must keep a record of it.

If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30:00 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically or by hand delivery. You also may mail your application by following the mailing

instructions described elsewhere in this notice.

If you submit an application after 4:30:00 p.m., Washington, DC time, on the application deadline date, please contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number. We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30:00 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

Note: The extensions to which we refer in this section apply only to the unavailability of, or technical problems with, the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the application deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

Exception to Electronic Submission Requirement: You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system; *and*
- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevents you from using the Internet to submit your application.

If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: August Martin, U.S. Department of Education, 400 Maryland Avenue SW., Room 5049, Washington, DC 20202–2800. FAX: (202) 245–7592.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. Submission of Paper Applications by Mail

If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.250K), LBJ Basement Level 1, 400 Maryland Avenue SW., Washington, DC 20202–4260.

You must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

Note: The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. Submission of Paper Applications by Hand Delivery

If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address:

U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.250K), 550 12th Street SW., Room 7039, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 a.m. and 4:30:00 p.m., Washington, DC time, except Saturdays, Sundays, and Federal holidays.

Note for Mail or Hand Delivery of Paper Applications: If you mail or hand deliver your application to the Department—

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this notification within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210 of EDGAR and are listed in the application package.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary also requires various assurances including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department of Education (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Special Conditions:* Under 2 CFR 3474.10, the Secretary may impose special conditions and, in appropriate circumstances, high risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN); or we may send you an email containing a link to access an electronic version of your GAN. We may notify you informally, also.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:*

We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. This does not apply if you have an exception under 2 CFR 170.110(b).

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), the Department has established three performance measures for the Vocational Rehabilitation Services Projects for American Indians with Disabilities program. The measures are (1) the percentage of individuals who leave the program with an employment outcome, (2) the percentage of projects that demonstrate an average annual cost per employment outcome of no more than $35,000, and (3) the percentage of projects that demonstrate an average annual cost per participant of no more than $10,000. Each grantee must annually report its performance on these measures through the Annual Progress Reporting Form (APR Form) for the Vocational Rehabilitation Services Projects for American Indians with Disabilities program.

Job Training and Employment Common Measures: In addition, the Vocational Rehabilitation Services Projects for American Indians with Disabilities APR Form requests data necessary to assess the Vocational Rehabilitation Services Projects for American Indians with Disabilities program's performance on supplemental measures that are comparable to the job training and employment common measures that were developed by the OMB in coordination with Federal agencies with job training programs. Each grantee is required to collect and report data for these supplemental measures as part of the annual performance report requirement, including information on: (1) The number of individuals who, during this reporting period, were still employed three months after achieving an employment outcome, (2) the number of individuals who, during this reporting period, were still employed six months after achieving an employment outcome, (3) the average weekly earnings at entry, and (4) the average weekly earnings of the individuals whose employment outcomes resulted in earnings.

Note: For purposes of this section, the term ''employment outcome'' means, with respect to an individual—(A) entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market; (B) satisfying the vocational outcome of supported employment; or (C) satisfying any other vocational outcome the Secretary of Education may determine to be appropriate (including satisfying the vocational outcome of customized employment, self-employment, telecommuting, or business ownership). (Section 7(11) of the Rehabilitation Act of 1973, as amended (29 U.S.C. 705(11)).

5. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and if the Secretary has established performance measurement requirements, the performance targets in the grantee's approved application. In making a continuation grant, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: August Martin, U.S. Department of Education, 400 Maryland Avenue SW., room 5049, Potomac Center Plaza (PCP), Washington, DC 20202–2800. Telephone: (202) 245–7410 or by email: *august.martin@ed.gov.*

If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If you use a TDD or a TTY, call the FRS, toll free, at 1–800–877–8339.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register.** Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**,in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: April 1, 2015.

Sue Swenson,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2015–07994 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4000–01–P

DEPARTMENT OF ENERGY

Update on Reimbursement for Costs of Remedial Action at Active Uranium and Thorium Processing Sites

AGENCY: Department of Energy.

ACTION: Notice of the Title X claims during fiscal year (FY) 2015.

SUMMARY: This Notice announces the Department of Energy's (DOE) acceptance of claims in FY 2015 from eligible active uranium and thorium processing site licensees for

reimbursement under Title X of the Energy Policy Act of 1992 (Pub. L. 102–486, as amended). The Consolidated and Further Continuing Appropriations Act, FY 2015 (Pub. L. 113–235) provided $10 million for Title X reimbursements and will be made available to the Title X licensees on a prorated basis. The FY 2016 Department of Energy Office of Environmental Management's Congressional Budget Request requests $32.96 million for the Title X Program.

DATES: The closing date for the submission of FY 2015 Title X claims is July 20, 2015. The claims will be processed for payment together with any eligible unpaid approved claim balances from prior years, based on the availability of funds from congressional appropriations. If the total approved claim amounts exceed the available funding, the approved claim amounts will be reimbursed on a prorated basis. All reimbursements are subject to the availability of funds from congressional appropriations.

ADDRESSES: Claims should be forwarded by certified or registered mail, return receipt requested, to U.S. Department of Energy, Office of Legacy Management, Attn: Russel Edge, Title X Program Manager for Review of Reimbursement of Claims, U.S. Department of Energy, Office of Legacy Management, 11025 Dover Street, Suite 1000, Westminster, CO 80021. Two copies of the claim should be included with each submission.

FOR FURTHER INFORMATION CONTACT: Theresa Kliczewski, Title X Program Coordinator, at (202) 586–3301, of the U.S. Department of Energy, Office of Environmental Management, Office of Disposition Planning & Policy.

SUPPLEMENTARY INFORMATION: DOE published a final rule under 10 CFR part 765 in the **Federal Register** on May 23, 1994, (59 FR 26714) to carry out the requirements of Title X of the Energy Policy Act of 1992 (sections 1001–1004 of Pub. L. 102–486, 42 U.S.C. 2296a *et seq.*) and to establish the procedures for eligible licensees to submit claims for reimbursement. DOE amended the final rule on June 3, 2003, (68 FR 32955) to adopt several technical and administrative amendments (*e.g.,* statutory increases in the reimbursement ceilings). Title X requires DOE to reimburse eligible uranium and thorium licensees for certain costs of decontamination, decommissioning, reclamation, and other remedial action incurred by licensees at uranium and thorium processing sites to remediate byproduct material generated resulting from the sales to the United States Government. To be reimbursable, costs of remedial action must be for work which is necessary to comply with applicable requirements of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 *et seq.*) or, where appropriate, with requirements established by a State pursuant to a discontinuance agreement under section 274 of the Atomic Energy Act of 1954 (42 U.S.C. 2021). Claims for reimbursement must be supported by reasonable documentation as determined by DOE in accordance with 10 CFR part 765. Funds for reimbursement will be provided from the Uranium Enrichment Decontamination and Decommissioning Fund established at the Department of Treasury pursuant to section 1801 of the Atomic Energy Act of 1954 (42 U.S.C. 2297g). Payment or obligation of funds shall be subject to the requirements of the Anti-Deficiency Act (31 U.S.C. 1341).

Authority: Section 1001–1004 of Public Law 102–486, 106 Stat. 2776 (42 U.S.C. 2296a *et seq.*).

Issued in Washington, DC, on April 1, 2015.

Theresa Kliczewski,

Office of Disposition Planning & Policy, Office of Environmental Management.

[FR Doc. 2015–07911 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR15–31–000.
Applicants: APL SouthTex Transmission Company LP.
Description: Submits tariff filing per 284.123(e)/.224: TPL SouthTex Transmission Company LP—Name Change to be effective 3/1/2015; Filing Type: 770.
Filed Date: 3/20/15.
Accession Number: 20150320–5218.
Comments/Protests Due: 5 p.m. ET 4/10/15.

Docket Numbers: RP15–680–000.
Applicants: Southern Star Central Gas Pipeline, Inc.
Description: § 4(d) rate filing per 154.204: Vol 2—Non-Conforming Agreement—Tenaska Marketing Ventures to be effective 4/1/2015.
Filed Date: 3/25/15.
Accession Number: 20150325–5055.
Comments Due: 5 p.m. ET 4/6/15.

Docket Numbers: RP15–681–000.
Applicants: MIGC LLC.
Description: Compliance filing per 154.203: Order No. 801 Compliance Filing to be effective 4/24/2015.
Filed Date: 3/25/15.
Accession Number: 20150325–5081.
Comments Due: 5 p.m. ET 4/6/15.

Docket Numbers: RP15–682–000.
Applicants: Great Lakes Gas Transmission Limited Par.
Description: Compliance filing per 154.203: Compliance to Order 801—Docket No. RM14–21–000 to be effective 6/1/2015.
Filed Date: 3/25/15.
Accession Number: 20150325–5121.
Comments Due: 5 p.m. ET 4/6/15.

Docket Numbers: RP15–683–000.
Applicants: TC Offshore LLC.
Description: Compliance filing per 154.203: Compliance to Order 801—Docket No. RM14–21–000 to be effective 6/1/2015.
Filed Date: 3/25/15.
Accession Number: 20150325–5123.
Comments Due: 5 p.m. ET 4/6/15.

Docket Numbers: RP15–684–000.
Applicants: Pine Prairie Energy Center, LLC.
Description: Compliance filing per 154.203: Pine Prairie Energy Center, LLC—Order No. 801 Compliance Filing to be effective 4/1/2015.
Filed Date: 3/25/15.
Accession Number: 20150325–5124.
Comments Due: 5 p.m. ET 4/6/15.

Docket Numbers: RP15–685–000.
Applicants: SG Resources Mississippi, L.L.C.
Description: Compliance filing per 154.203: SG Resources Mississippi, L.L.C.—Order No. 801 Compliance Filing to be effective 4/1/2015.
Filed Date: 3/25/15.
Accession Number: 20150325–5125.
Comments Due: 5 p.m. ET 4/6/15.

Docket Numbers: RP15–686–000.
Applicants: Bluewater Gas Storage, LLC.
Description: Compliance filing per 154.203: Bluewater Gas Storage, LLC—Order No. 801 Compliance Filing to be effective 4/1/2015.
Filed Date: 3/25/15.
Accession Number: 20150325–5126.
Comments Due: 5 p.m. ET 4/6/15.

Docket Numbers: RP15–687–000.
Applicants: Garden Banks Gas Pipeline, LLC.
Description: Compliance filing per 154.203: Map Compliance Filing to be effective 5/1/2015.
Filed Date: 3/25/15.
Accession Number: 20150325–5158.

Comments Due: 5 p.m. ET 4/6/15.

Docket Numbers: RP15–688–000.

Applicants: Mississippi Canyon Gas Pipeline, L.L.C.

Description: Compliance filing per 154.203: Map Compliance Filing to be effective 5/1/2015.

Filed Date: 3/25/15.

Accession Number: 20150325–5159.

Comments Due: 5 p.m. ET 4/6/15.

Docket Numbers: RP15–689–000.

Applicants: Nautilus Pipeline Company, L.L.C.

Description: Compliance filing per 154.203: Revise System Map in Compliance with RM14–21 to be effective 5/1/2015.

Filed Date: 3/25/15.

Accession Number: 20150325–5167.

Comments Due: 5 p.m. ET 4/6/15.

Docket Numbers: RP15–690–000.

Applicants: Tuscarora Gas Transmission Company.

Description: Compliance filing per 154.203: Compliance to Order 801—Docket No. RM14–21–000 to be effective 6/1/2015.

Filed Date: 3/25/15.

Accession Number: 20150325–5189.

Comments Due: 5 p.m. ET 4/6/15.

Docket Numbers: RP15–691–000.

Applicants: Gas Transmission Northwest LLC.

Description: Compliance filing per 154.203: Compliance to Order 801—Docket No. RM14–21–000 to be effective 6/1/2015.

Filed Date: 3/25/15.

Accession Number: 20150325–5218.

Comments Due: 5 p.m. ET 4/6/15.

Docket Numbers: RP15–692–000.

Applicants: USG Pipeline Company, LLC.

Description: Compliance filing per 154.203: Order No. 801 map compliance filing to be effective 4/24/2015.

Filed Date: 3/25/15.

Accession Number: 20150325–5220.

Comments Due: 5 p.m. ET 4/6/15.

Docket Numbers: RP15–693–000.

Applicants: B-R Pipeline Company.

Description: Compliance filing per 154.203: Order No. 801 map compliance filing to be effective 4/24/2015.

Filed Date: 3/25/15.

Accession Number: 20150325–5221.

Comments Due: 5 p.m. ET 4/6/15.

Docket Numbers: RP15–694–000.

Applicants: Guardian Pipeline, L.L.C.

Description: § 4(d) rate filing per 154.204: PAL Negotiated Rate Agreement—Koch Energy Services, L.L.C. to be effective 3/27/2015.

Filed Date: 3/25/15.

Accession Number: 20150325–5238.

Comments Due: 5 p.m. ET 4/6/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR § 385.211 and § 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 26, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–07930 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–106–000.

Applicants: CPV Maryland, LLC, CPV Shore, LLC, CPV Keenan II Renewable Energy Company, LLC, CPV Biomass Holdings, LLC, Benson Power, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act and Request for Waivers, Confidential Treatment, and Expedited Action and Shortened Comment Period of CPV Maryland, LLC, et. al.

Filed Date: 3/31/15.

Accession Number: 20150331–5499.

Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: EC15–107–000.

Applicants: Public Service Company of New Mexico.

Description: Application Under Section 203 of the Federal Power Act for Acquisition of Jurisdictional Facilities by Public Service Company of New Mexico.

Filed Date: 3/31/15.

Accession Number: 20150331–5516.

Comments Due: 5 p.m. ET 4/21/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–828–003.

Applicants: Louisville Gas and Electric Company.

Description: Tariff Amendment per 35.17(b): Errata Filing Modifications to Attach O Formula Rate to be effective 2/1/2015.

Filed Date: 3/30/15.

Accession Number: 20150330–5533.

Comments Due: 5 p.m. ET 4/20/15.

Docket Numbers: ER15–967–001.

Applicants: PJM Interconnection, L.L.C., Old Dominion Electric Cooperative.

Description: Compliance filing per 35: Compliance Filing per 3/17/15 Order in Docket No. ER15–967–000 to be effective 2/1/2015.

Filed Date: 3/30/15.

Accession Number: 20150330–5517.

Comments Due: 5 p.m. ET 4/20/15.

Docket Numbers: ER15–1400–000.

Applicants: Erie Power, LLC.

Description: Initial rate filing per 35.12 Erie Power Market Based Rate Tariff to be effective 6/1/2015.

Filed Date: 3/31/15.

Accession Number: 20150331–5006.

Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER15–1401–000.

Applicants: Southwest Power Pool, Inc.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 3006 CP Bloom Wind, LLC Generator Interconnection Agreement to be effective 3/2/2015.

Filed Date: 3/31/15.

Accession Number: 20150331–5174.

Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER15–1402–000.

Applicants: Inertia Power II, LLC.

Description: Tariff Withdrawal per 35.15: Initial Cancellation to be effective 3/31/2015.

Filed Date: 3/31/15.

Accession Number: 20150331–5229.

Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER15–1403–000.

Applicants: New York State Electric & Gas Corporation.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Executed Services Agreement between NYSEG and FirstEnergy to be effective 3/18/2015.

Filed Date: 3/31/15.

Accession Number: 20150331–5264.

Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER15–1404–000.

Applicants: Mississippi Power Company.

Description: Section 205(d) rate filing per 35.13(a)(1): MRA 26 Rate Case Filing to be effective 4/1/2015.

Filed Date: 3/31/15.

Accession Number: 20150331–5336.

Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER15–1405–000.

Applicants: The Empire District Electric Company.

Description: Initial rate filing per 35.12 FERC Elec Rate Schedule No. 10 to be effective 6/1/2015.

Filed Date: 3/31/15.
Accession Number: 20150331–5437.
Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER15–1406–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2015–03–31_SA 2766 ATC—City of Elkhorn CFA to be effective 5/31/2015.
Filed Date: 3/31/15.
Accession Number: 20150331–5447.
Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER15–1407–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2015–03–31_SA 2767 ATC—Manitowoc Public Utilities CFA to be effective 5/31/2015.
Filed Date: 3/31/15.
Accession Number: 20150331–5449.
Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER15–1408–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2015–03–31_SA 2768 ATC—City of Plymouth CFA to be effective 5/31/2015.
Filed Date: 3/31/15.
Accession Number: 20150331–5450.
Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER15–1409–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2015–03–31_SA 2769 ATC—City of Reedsburg CFA to be effective 5/31/2015.
Filed Date: 3/31/15.
Accession Number: 20150331–5474.
Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER15–1410–000.
Applicants: San Diego Gas & Electric Company.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): SDGE TO Tariff Appendix X Formula Modification to be effective 6/1/2015.
Filed Date: 3/31/15.
Accession Number: 20150331–5506.
Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER15–1411–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2015–03–31_SA 2770 ATC—Sun Prairie CFA to be effective 5/31/2015.
Filed Date: 3/31/15.
Accession Number: 20150331–5513.
Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER15–1412–000.
Applicants: Public Service Company of Colorado.
Description: Application of Public Service Company of Colorado for 2014 Production Formula Rate Charges and Transmission Formula Rate Charges for Post-Retirement Benefits Other than Pensions.
Filed Date: 3/31/15.
Accession Number: 20150331–5542.
Comments Due: 5 p.m. ET 4/21/15.

Take notice that the Commission received the following PURPA 210(m)(3) filings:

Docket Numbers: QM14–3–000.
Applicants: Entergy Arkansas, Inc., Entergy Gulf States Louisiana, L.L.C., Entergy Louisiana, LLC, Entergy Mississippi, Inc., Entergy New Orleans, Inc., Entergy Services, Inc., Entergy Texas, Inc, Entergy Services, Inc.
Description: Supplement to March 27, 2015 Response to Second Deficiency Letter of Entergy Services, Inc., et. al.
Filed Date: 3/30/15.
Accession Number: 20150330–5572.
Comments Due: 5 p.m. ET 4/27/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 31, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–07928 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC15–108–000.
Applicants: Ingenco Holdings, LLC, Ingenco Wholesale Power, L.L.C., Collegiate Clean Energy, LLC, CCI U.S. Asset Holdings LLC.
Description: Joint Application for Approval of the Disposition of Jurisdictional Facilities under Section 203 of the FPA of Ingenco Holdings, LLC, Ingenco Wholesale Power, L.L.C., Collegiate Clean Energy, LLC, and CCI U.S. Asset Holdings LLC.
Filed Date: 3/31/15.
Accession Number: 20150331–5765.
Comments Due: 5 p.m. ET 4/21/15.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER12–1308–005.
Applicants: Palouse Wind, LLC.
Description: Supplement to March 2, 2015 Notice of Non-Material Change in Status of Palouse Wind, LLC.
Filed Date: 3/31/15.
Accession Number: 20150331–5751.
Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER14–2022–001.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Request for Extension of Waiver of Midcontinent Independent System Operator, Inc.
Filed Date: 3/31/15.
Accession Number: 20150331–5769.
Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER15–117–004.
Applicants: ISO New England Inc., New England Power Pool Participants Committee.
Description: Compliance filing per 35: Compliance on ER15–117 to be effective 5/1/2015.
Filed Date: 4/1/15.
Accession Number: 20150401–5208.
Comments Due: 5 p.m. ET 4/22/15.

Docket Numbers: ER15–1413–000.
Applicants: Union Electric Company.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Depreciation Rate Filing to be effective 6/1/2015.
Filed Date: 3/31/15.
Accession Number: 20150331–5590.
Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER15–1414–000.
Applicants: Southwest Power Pool, Inc.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Revisions to the Aggregate Study Process to be effective 6/1/2015.
Filed Date: 3/31/15.
Accession Number: 20150331–5604.
Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER15–1415–000.
Applicants: PJM Interconnection, L.L.C., The Dayton Power and Light Company.
Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Dayton Power & Light Company submits Service Agreement No. 4106 to be effective 4/1/2015.
Filed Date: 3/31/15.
Accession Number: 20150331–5609.

Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER15–1416–000.

Applicants: PJM Interconnection, L.L.C., The Dayton Power and Light Company.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Dayton Power & Light Company submits Service Agreement No. 4105 to be effective 4/1/2015.

Filed Date: 3/31/15.

Accession Number: 20150331–5619.

Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER15–1417–000.

Applicants: New England Power Pool Participants Committee.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): April 2015 Membership Filing to be effective 3/1/2015.

Filed Date: 3/31/15.

Accession Number: 20150331–5620.

Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER15–1418–000.

Applicants: Adelanto Solar II, LLC.

Description: Baseline eTariff Filing per 35.1: Adelanto Solar II, LLC Application for Market-Based Rates to be effective 5/30/2015.

Filed Date: 3/31/15.

Accession Number: 20150331–5624.

Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER15–1419–000.

Applicants: Emera Maine.

Description: Compliance filing per 35: Order No. 676–H Compliance Filing and Request for Waiver to be effective 5/15/2015.

Filed Date: 3/31/15.

Accession Number: 20150331–5628.

Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER15–1420–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): 2015–03–31_Cancellation of Rate Schedule 35 ORCA to be effective 4/1/2015.

Filed Date: 3/31/15.

Accession Number: 20150331–5635.

Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER15–1421–000.

Applicants: Central Hudson Gas & Electric Corporation.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Revision to FERC Rate Schedule 202 to be effective 3/6/2015.

Filed Date: 3/31/15.

Accession Number: 20150331–5642.

Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER15–1422–000.

Applicants: Central Hudson Gas & Electric Corporation.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Interconnection Agreement Between the Central Hudson Gas to be effective 3/19/2015.

Filed Date: 4/1/15.

Accession Number: 20150401–5011.

Comments Due: 5 p.m. ET 4/22/15.

Docket Numbers: ER15–1423–000.

Applicants: NorthWestern Corporation.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): SA 666 Second Revised—NITSA with Suiza Dairy Group to be effective 7/1/2015.

Filed Date: 4/1/15.

Accession Number: 20150401–5224.

Comments Due: 5 p.m. ET 4/22/15.

Docket Numbers: ER15–1424–000.

Applicants: NorthWestern Corporation.

Description: Tariff Withdrawal per 35.15: Notice of Cancellation of SA 20–SD—EPC with enXco Development Corporation to be effective 4/2/2015.

Filed Date: 4/1/15.

Accession Number: 20150401–5229.

Comments Due: 5 p.m. ET 4/22/15.

Docket Numbers: ER15–1425–000.

Applicants: Sierra Pacific Power Company.

Description: Application of Sierra Pacific Power Company to terminate Firm Point-to-Point Transmission Service Agreements with Mt. Wheeler Power, Inc.

Filed Date: 3/31/15.

Accession Number: 20150331–5749.

Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER15–1426–000.

Applicants: Public Service Company of New Mexico.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Modification of Real Power Loss Factor in OATT to be effective 6/1/2015.

Filed Date: 4/1/15.

Accession Number: 20150401–5266.

Comments Due: 5 p.m. ET 4/22/15.

Docket Numbers: ER15–1427–000.

Applicants: Calpine New Jersey Generation, LLC.

Description: Section 205(d) rate filing per 35.13(a)(2)(iii): Revised Annual Revenue Requirement to be effective 1/28/2015.

Filed Date: 4/1/15.

Accession Number: 20150401–5386.

Comments Due: 5 p.m. ET 4/22/15.

Docket Numbers: ER15–1428–000.

Applicants: MATL LLP.

Description: Informational Filing to implement Distribution Mechanism for Operational Penalties of MATL LLP.

Filed Date: 3/31/15.

Accession Number: 20150331–5764.

Comments Due: 5 p.m. ET 4/21/15.

Docket Numbers: ER15–1429–000.

Applicants: Emera Maine.

Description: Compliance filing per 35: Emera Maine Compliance Filing to be effective 6/1/2015.

Filed Date: 4/1/15.

Accession Number: 20150401–5474.

Comments Due: 5 p.m. ET 4/22/15.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: April 1, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–07929 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14666–000]

Lock 11 Hydro Partners; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On March 4, 2015, Lock 11 Hydro Partners filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Lock 11 Hydroelectric Station Project (Lock 11 Project or project) to be located at the Kentucky River Authority's Lock and Dam #11, on the Kentucky River, near the town of College Hill, in Estill and Madison Counties, Kentucky. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) An existing 208-foot-long, 35-foot-high concrete dam with a 52-foot-wide abandoned lock chamber;

(2) an existing 19.9-mile-long reservoir having a storage capacity of 6,900-acre-feet; (3) 7 new axial flow turbine-generators installed in the existing lock chamber having a total capacity of 2,800 kilowatts; and (4) a new 1,000-foot-long, 12.47 kilo-Volt transmission line. The project is estimated to generate an average of 11,000 megawatt-hours annually.

Applicant Contact: Mr. David Brown Kinloch, Shaker Landing Hydro Associates, 414 S. Wenzel Street, Louisville, KY 40204; phone: (502) 589–0975.

FERC Contact: Michael Spencer; phone: (202) 502–6093.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14666–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14666) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: April 1, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–07926 Filed 4–6–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–14–001]

Texas Gas Transmission, LLC; Notice of Filing

Take notice that on March 30, 2015, Texas Gas Transmission, LLC (Texas Gas) filed an amendment, pursuant to section 7(c) of the Natural Gas Act and Part 157 of the Commission's Regulations, for the Southern Indiana Market Lateral Project extending from Henderson County, Kentucky to Mount Vernon, Posey County, Indiana. The application of the Southern Indiana Market Lateral Project was originally filed on November 12, 2014 in Docket No. CP15–14–000. The amended 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@gerc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application should be directed to J. Kyle Stephens, Vice President, Regulatory Affairs & Rates, Texas Gas Transmission, LLC, 9 Greenway Plaza, Suite 2800, Houston, Texas 77046, telephone (713) 479–8059, fax (866) 459–7336, and email: *Kyle.Stephens@bwpmlp.com.*

Texas Gas states that one of two new proposed industrial customers decided to cancel its participation in the project. To accommodate this change, Texas Gas proposes (1) to construct and operate an approximately 30.6-mile, 10-inch-diameter pipeline lateral with a capacity of 53.5 MMcf/day, instead of the originally proposed approximately 29.9 miles, 20-inch-diameter pipeline with a capacity of 166 MMcf/day; and (2) to remove the proposed construction of the metering facilities designed to serve the departing prospective customer. No new landowners are affected by the amended project. The cost of the amended project is approximately $63 million instead of $79.7 million as originally proposed.

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 any mailed environmental documents, and will be notified of any 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: 5:00 p.m. Eastern Time on April 22, 2015.

Dated: April 1, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–07923 Filed 4–6–15; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP14–1083–000.
Applicants: Texas Gas Transmission, LLC.
Description: eTariff filing per 154.206: Motion to Place Tariff Record into Effect 4–1–2015 to be effective 4/1/2015.
Filed Date: 3/27/15.
Accession Number: 20150327–5071.
Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: RP15–695–000.
Applicants: Cameron Interstate Pipeline, LLC.
Description: Compliance filing per 154.203: Cameron Interstate Pipeline Order No. 801 Compliance Filing to be effective 4/1/2015.
Filed Date: 3/26/15.
Accession Number: 20150326–5074.
Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: RP15–696–000.
Applicants: LA Storage, LLC.
Description: Compliance filing per 154.203: LA Storage FERC Order No. 801 Compliance Filing to be effective 4/1/2015.
Filed Date: 3/26/15.
Accession Number: 20150326–5080.
Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: RP15–697–000.
Applicants: Mississippi Hub, LLC.
Description: Compliance filing per 154.203: Mississippi Hub Order No. 801 Compliance Filing to be effective 4/1/2015.
Filed Date: 3/26/15.
Accession Number: 20150326–5082.
Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: RP15–698–000.
Applicants: Pine Needle LNG Company, LLC.
Description: Section 4(d) rate filing per 154.403(d)(2): 2015 Annual Fuel and Electric Power Tracker Filing to be effective 5/1/2015.
Filed Date: 3/26/15.
Accession Number: 20150326–5086.
Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: RP15–699–000.
Applicants: Gulf South Pipeline Company, LP.
Description: Section 4(d) rate filing per 154.204: Amendment to Neg Rate Agmt (EOG 34687–27) to be effective 3/26/2015.
Filed Date: 3/26/15.
Accession Number: 20150326–5126.
Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: RP15–700–000.
Applicants: Elba Express Company, L.L.C.
Description: Elba Express Company, L.L.C. submits 2015 Annual Interruptible Revenue Crediting Report.
Filed Date: 3/26/15.
Accession Number: 20150326–5181.
Comments Due: 5 p.m. ET 4/7/15.

Docket Numbers: RP15–701–000.
Applicants: Florida Gas Transmission Company, LLC.
Description: Compliance filing per 154.203: Map Filing in Compliance with Order No. 801 to be effective 4/1/2015.
Filed Date: 3/27/15.
Accession Number: 20150327–5065.
Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: RP15–702–000.
Applicants: Panhandle Eastern Pipe Line Company, LP.
Description: Compliance filing per 154.203: Map Filing in Compliance with Order No. 801 to be effective 4/1/2015.
Filed Date: 3/27/15.
Accession Number: 20150327–5066.
Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: RP15–703–000.
Applicants: Trunkline Gas Company, LLC.
Description: Compliance filing per 154.203: Map Filing in Compliance with Order No. 801 to be effective 4/1/2015.
Filed Date: 3/27/15.
Accession Number: 20150327–5069.
Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: RP15–704–000.
Applicants: Southwest Gas Storage Company.
Description: Compliance filing per 154.203: Map Filing in Compliance with Order No. 801 to be effective 4/1/2015.
Filed Date: 3/27/15.
Accession Number: 20150327–5070.
Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: RP15–705–000.
Applicants: Sea Robin Pipeline Company, LLC.
Description: Compliance filing per 154.203: Map Filing in Compliance with Order No. 801 to be effective 4/1/2015.
Filed Date: 3/27/15.
Accession Number: 20150327–5072.
Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: RP15–706–000.
Applicants: Lake Charles LNG Company, LLC.
Description: Compliance filing per 154.203: Map Filing in Compliance with Order No. 801 to be effective 4/1/2015.
Filed Date: 3/27/15.
Accession Number: 20150327–5073.
Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: RP15–707–000.
Applicants: Southern Star Central Gas Pipeline, Inc.
Description: Compliance filing per 154.203: Maps Filing in Compliance with Order 801 to be effective 5/1/2015.
Filed Date: 3/27/15.
Accession Number: 20150327–5087.
Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: RP15–708–000.
Applicants: Empire Pipeline, Inc.
Description: Compliance filing per 154.203: Order No. 801 CF (Map Link) to be effective 5/1/2015.
Filed Date: 3/27/15.
Accession Number: 20150327–5094.
Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: RP15–709–000.
Applicants: Texas Eastern Transmission, LP.
Description: Section 4(d) rate filing per 154.204: Negotiated Rates—Chevron Apr2015 TEAM2014 releases to be effective 4/1/2015.
Filed Date: 3/27/15.
Accession Number: 20150327–5107.
Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: RP15–710–000.
Applicants: Northern Border Pipeline Company.
Description: Section 4(d) rate filing per 154.403(d)(2): Compressor Usage Surcharge 2015 to be effective 5/1/2015.
Filed Date: 3/27/15.
Accession Number: 20150327–5131.
Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: RP15–711–000.
Applicants: NGO Transmission, Inc.
Description: Compliance filing per 154.203: NGO Transmission Order No. 801 Compliance Filing to be effective 4/1/2015.
Filed Date: 3/27/15.
Accession Number: 20150327–5134.
Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: RP15–712–000.
Applicants: Paiute Pipeline Company.
Description: Compliance filing per 154.203: RM14–21 Compliance Map Filing to be effective 4/1/2015.
Filed Date: 3/27/15.
Accession Number: 20150327–5166.
Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: RP15–713–000.
Applicants: Bison Pipeline LLC.
Description: Bison Pipeline LLC submits 2015 Company Use Gas Annual Report.
Filed Date: 3/27/15.
Accession Number: 20150327–5181.
Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: RP15–714–000.
Applicants: Equitrans, L.P.
Description: Section 4(d) rate filing per 154.204: Negotiated Capacity

Release Agreements—3/27/2015 to be effective 3/27/2015.

Filed Date: 3/27/15.

Accession Number: 20150327–5193.

Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: RP15–715–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: Section 4(d) rate filing per 154.204: Non-Conforming Agreement—Woodbridge/CPV to be effective 4/1/2015.

Filed Date: 3/27/15.

Accession Number: 20150327–5241.

Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: RP15–716–000.

Applicants: Enable Gas Transmission, LLC.

Description: Compliance filing per 154.203: Order No. 801 Compliance Filing—System Map to be effective 4/1/2015.

Filed Date: 3/27/15.

Accession Number: 20150327–5258.

Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: RP15–717–000.

Applicants: Enable Mississippi River Transmission, L.

Description: Compliance filing per 154.203: Order No. 801 Compliance Filing—System Map to be effective 4/1/2015.

Filed Date: 3/27/15.

Accession Number: 20150327–5255.

Comments Due: 5 p.m. ET 4/8/15.

Docket Numbers: RP15–718–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: Section 4(d) rate filing per 154.204: Update List of Non-Coforming Service Agreements (Woodbridge/CPV) to be effective 4/1/2015.

Filed Date: 3/27/15.

Accession Number: 20150327–5310.

Comments Due: 5 p.m. ET 4/8/15.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP15–681–001.

Applicants: MIGC LLC.

Description: Compliance filing per 154.203: Amendment to Docket No. RP15–681–000 to be effective 4/24/2015.

Filed Date: 3/27/15.

Accession Number: 20150327–5336.

Comments Due: 5 p.m. ET 4/8/15.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 30, 2015.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2015–07931 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP15–118–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Application

Take notice that on March 23, 2015, Transcontinental Gas Pipe Line Company, LLC (Transco), 2800 Post Oak Boulevard, Houston, Texas 77056, filed in the above referenced docket an application pursuant to section 7(c) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations requesting authorization to construct and operate the Virginia Southside Expansion Project II (Project). Specifically, the Project will enable Transco to provide 250,000 dekatherms per day (Dth/d) of incremental firm transportation service to one shipper, Virginia Power Services Energy Corp., Inc., all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site 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 concerning this application may be directed to Derrick Hughey, Senior Regulatory Analyst, P.O. Box 1396, Houston, Texas 77251, by telephone at (713) 215–2450.

Transco states that, the firm transportation service on the Project will be rendered by Transco pursuant to Rate Schedule FT of Transco's FERC Gas Tariff and Transco's blanket certificate under Part 284(G) of the Commission's Regulations. Transco states that the Project will involve the construction and operation of 4.33 miles of new 24-inch diameter pipeline facilities, 21,830 horsepower of gas turbine driven compression, 25,000 horsepower of electric motor driven compression and the construction or modification of associated aboveground and underground facilities. The cost of the project will be approximately $190.8 million.

Pursuant to section 157.9 of the Commission's rules (18 CFR 157.9), within 90 days of this Notice, the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit five copies of filings made in the proceeding with the Commission and must mail a copy to the applicant and to every other party. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

Comment Date: April 22, 2015.

Dated: April 1, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–07924 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10852–007]

Richard Bertea; Notice of Termination of License (Minor Project) By Implied Surrender and Soliciting Comments and Protests

Take notice that the following hydroelectric proceeding has been initiated by the Commission:

a. *Type of Proceeding:* Termination of license by implied surrender

b. *Project No.:* 10852–007

c. *Date Initiated:* April 1, 2015

d. *Licensee:* Richard Bertea

e. *Name and Location of Project:* The Ace Ranch Project, located on the West Fork Carson River in Alpine County, California.

f. *Filed Pursuant to:* Standard Article 16

g. *Licensee Contact Information:* Mr. Richard Bertea, 369 San Miguel Dr. Suite 300 Newport Beach, CA 92660, (714) 640–1982.

h. *FERC Contact:* M. Joseph Fayyad, (202) 502–8759, *mo.fayyad@ferc.gov*

i. Deadline for filing comments and protests is 30 days from the issuance date of this notice by the Commission. Please file your submittal electronically via the Internet (eFiling) in lieu of paper. Please refer to the instructions on the Commission's Web site under *http://www.ferc.gov/docs-filing/efiling.asp* and filing instructions in the Commission's Regulations at 18 CFR 385.2001(a)(1)(iii). To assist you with eFilings you should refer to the submission guidelines document at *http://www.ferc.gov/help/submission-guide/user-guide.pdf.* In addition, certain filing requirements have statutory or regulatory formatting and other instructions. You should refer to a list of these ''qualified documents'' at *http://www.ferc.gov/docs-filing/efiling/filing.pdf.* You must include your name and contact information at the end of your comments. Please include the project number (10852–007) on any documents or motions filed. The Commission strongly encourages electronic filings; otherwise, you should submit an original and seven copies of any submittal to the following address: The Secretary, Federal Energy Regulatory Commission, Mail Code: DHAC, PJ–12, 888 First Street NE., Washington, DC 20426.

j. *Description of Project Facilities:* (a) An existing diversion dam on the West Fork Carson River with a headgate structure; (b) the Heimsoth Upper West Ditch, discharging into (c) an irrigation-stock pond; (d) a 5-foot-high concrete intake box with a fish-debris screen; (e) two 850-foot-long penstocks, one 8 inches and one 16 inches in diameter; (f) a 28-foot by 12-foot wood frame powerhouse containing two generating units rated at 80-kilowatts and 15-kilowatts, operating under a head of 130 feet; (g) an 800-foot-long, 480-volt underground transmission line, connecting to the reversible ranch meter, the point of connection with the existing Sierra Pacific Power Company line; and (h) related facilities.

k. *Description of Proceeding:* The licensee is in violation of Article 16 of its license, which was granted November 30, 1990 (53 FERC ¶ 62,202). Article 16 states in part: If the Licensee shall abandon or discontinue good faith operation of the project or refuse or neglect to comply with the terms of the license and the lawful orders of the Commission, the Commission will deem it to be the intent of the Licensee to surrender the license.

Commission records indicate that the project was transferred to Mr. Richard Bertea by a Commission order issued May 6, 1991 (55 FERC ¶ 62,108). Since that time, the licensee (Mr. Bertea) has sold the project to Bently Family Limited Partnership around January 1999, without getting our approval for a transfer of license. Since then, the project stopped operating around the end of 1999. The Commission's San Francisco Regional Office has had several correspondences with the new owner and requested a plan and schedule to return the project to operation and to complete a formal request for a transfer of the license to the Bently Family Limited Partnership. Nothing was filed. On January 20, 2015, staff sent the licensee (Mr. Bertea), to his mailing address on record, a letter requiring the filing within 30 days, of an application for a transfer of license and a plan and schedule for restoring the operation of the project or an application to surrender the project's license. Staff also sent a copy of the letter to the Bently Family Limited Partnership. The letter stated that if no response is filed, the Commission will take action to terminate license by implied surrender pursuant to the Commission's regulations at 18 CFR 6.4. The letter to the licensee was returned due to lack of a forwarding address. Nothing was filed.

l. This notice is available for review and reproduction at the Commission in the Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.*

Enter the Docket number (P–10852–007) excluding the last three digits in the docket number field to access the notice. 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 toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659.

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 and Protests*—Anyone may submit comments or protests in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.211. In determining the appropriate action to take, the Commission will consider all protests filed. Any protests must be received on or before the specified deadline date for the particular proceeding.

o. *Filing and Service of Responsive Documents*—Any filing must (1) bear in all capital letters the title ''COMMENTS or ''PROTEST,'' as applicable; (2) set forth in the heading the project number of the proceeding to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting or protesting; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments or protests should relate to project works which are the subject of the termination of license. A copy of any protest must be served upon each representative of the licensee specified in item g above. A copy of all other filings in reference to this notice 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.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described proceeding. If any agency does not file comments within the time specified for filing comments, it will be presumed to have no comments.

Dated: April 1, 2015.

Kimberly D. Bose,

Secretary.

[FR Doc. 2015–07925 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9925–65–OAR]

Notice of Availability of Draft Scientific Assessment for Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of draft scientific assessment for public comment.

SUMMARY: The Environmental Protection Agency (EPA) is publishing this document on behalf of the United States Global Change Research Program (USGCRP) to announce the availability of the Draft Impacts of Climate Change on Human Health in the United States: A Scientific Assessment for a sixty-day public review. Comments will be carefully reviewed by the relevant chapter author teams. Following revision and further review, a revised draft will undergo final federal interagency clearance.

DATES: Comments on this draft scientific assessment must be received by 5:00 p.m. Eastern time on June 8, 2015.

ADDRESSES: The Draft USGCRP Climate and Health Assessment is available at *http://www.globalchange.gov/health-assessment* where comments from the public will be accepted electronically. Comments may be submitted only online at this address; instructions for submitting are on this Web site.

All comments received through this process will be considered by the relevant chapter authors without knowledge of the commenters' identities. When the final assessment is issued, the comments and the commenters' names, along with the authors' responses, will become part of the public record and made available on *http://www.globalchange.gov/health-assessment.* Information submitted by a commenter as part of the registration process (such as an email address) will NOT be disclosed publicly.

The final USGCRP Climate and Health Assessment will be available at *http://www.globalchange.gov/health-assessment.*

FOR FURTHER INFORMATION CONTACT: Allison Crimmins, Coordinator for the USGCRP Climate and Health Assessment, EPA, 1200 Pennsylvania Ave. NW. (6207–A), Washington, DC 20460 (telephone number: 202–343–9170 or email address: *healthreport@usgcrp.gov*) during normal business hours of 9 a.m. to 5 p.m. Eastern time, Monday through Friday, or visit *http://www.globalchange.gov/health-assessment.*

SUPPLEMENTARY INFORMATION: This document entitled Draft Impacts of Climate Change on Human Health in the United States: A Scientific Assessment has been developed under the auspices of The Interagency Group on Climate Change and Human Health (CCHHG), a working group of the U.S. Global Change Research Program (USGCRP), as part of the ongoing efforts of USGCRP's National Climate Assessment (NCA) and as called for under the President's Climate Action Plan. The draft assessment was written by federal employees, contractors, or affiliates who were selected from author nominations based on their demonstrated subject matter expertise, relevant publications, and knowledge of specific topics designated in the draft outline. This draft USGCRP Climate and Health Assessment responds to the 1990 Congressional mandate to periodically produce National Climate Assessments and to assist the nation in understanding, assessing, predicting, and responding to human-induced and natural processes of global change.

The purpose of this draft assessment is to provide a comprehensive, evidence-based, and, where possible, quantitative estimation of observed and projected climate change related health impacts in the United States. It is intended to inform public health officials, disaster response planners, multi-sector policy and decision makers, and other stakeholders about the risks that climate change presents to human health.

The focus of this draft assessment is the health impacts of climate change in the United States. The assessment does not include detailed discussions of climate mitigation, adaptation, or economic valuation, nor does it make policy recommendations. Similarly, while this assessment does not focus on health research needs or gaps, brief insights on research needs gained while conducting this assessment will be included at the end of each chapter.

The USGCRP welcomes all comments on the content of its draft assessment at *http://www.globalchange.gov/health-assessment.*

Dated: March 9, 2015.

Sarah Dunham,

Director, Office of Atmospheric Programs.

[FR Doc. 2015–07629 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Federal Advisory Committee Act; Downloadable Security Technology Advisory Committee

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC or Commission) Downloadable Security Technology Advisory Committee (DSTAC) will hold a meeting on April 21, 2015. At the meeting, the committee will receive reports from the Current Commercial Requirements Working Group and the Technology and Preferred Architectures Working Groups, establish the next set of working groups, discuss draft outlines for the committee report, and discuss any other topics related to the DSTAC's work that may arise.

DATES: April 21, 2015.

ADDRESSES: Federal Communications Commission, Room TW–C305 (Commission Meeting Room), 445 12th Street SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For additional information on this proceeding, contact Brendan Murray, *Brendan.Murray@fcc.gov,* of the Media Bureau, Policy Division, (202) 418–1573 or Nancy Murphy, *Nancy.Murphy@fcc.gov,* of the Media Bureau, (202) 418–1043.

SUPPLEMENTARY INFORMATION: The meeting will be held on April 21, 2015, from 9:30 a.m. to 12:30 p.m. in the Commission Meeting Room of the Federal Communications Commission, Room TW–C305, 445 12th Street SW., Washington, DC 20554.

The DSTAC is a Federal Advisory Committee that will ''identify, report, and recommend performance objectives, technical capabilities, and technical standards of a not unduly burdensome, uniform, and technology- and platform-neutral software-based downloadable security system.''

The meeting on April 21, 2015 will be the third meeting of the DSTAC. The FCC will attempt to accommodate as many attendees as possible; however, admittance will be limited to seating availability. The Commission will provide audio and/or video coverage of the meeting over the Internet from the FCC's Web page at *http://www.fcc.gov/live.* The public may submit written comments before the meeting to Brendan Murray, DSTAC Designated Federal Officer, by email to *DSTAC@fcc.gov* or by U.S. Postal Service Mail to 445 12th Street SW., Room 4–A726, Washington, DC 20554.

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (tty). Such requests should include a detailed description of the accommodation needed. In addition, please include a way the FCC can contact you if it needs more information. Please allow at least five days' advance notice; last-minute requests will be accepted, but may be impossible to fill.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2015–07842 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That Are Engaged in Permissible Nonbanking Activities; Correction

This notice corrects two notices (FR Doc. 2015–07170 and FR Doc. 2015–07158) both published on page 16682 of the issue for Monday, March 30, 2015.

Under the Federal Reserve Bank of Chicago heading, the entries for First Business Financial Services, Inc., Madison, Wisconsin, are revised to read as follows:

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *First Business Financial Services, Inc.,* Madison, Wisconsin; to engage *de novo* in certain community development activities by making a qualifying community welfare investment in a fund of funds, pursuant to section 225.28(b)(12)(i).

Comments on this application must be received by April 14, 2015.

Board of Governors of the Federal Reserve System, April 2, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–07900 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and section 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 22, 2015.

A. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin avenue, Minneapolis, Minnesota 55480–0291:

1. *Eric Ross Allen,* Los Angeles, California; to acquire voting shares of Rum River Bancorporation, Inc., Milaca, Minnesota, and thereby indirectly acquire voting shares of The First National Bank of Milaca, Milaca, Minnesota.

Board of Governors of the Federal Reserve System, April 2, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–07902 Filed 4–6–15; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board), under authority delegated by the Office of Management and Budget (OMB), proposes to amend its reporting form FR 2420 to expand the number of respondents and to collect additional data elements, in order to facilitate the Board's ability to carry out its monetary policy and supervisory responsibilities.

On June 15, 1984, OMB delegated to the Board its authority under the Paperwork Reduction Act (PRA), to approve and to assign OMB control numbers to collection of information

requests and requirements conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Board may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number. A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public Web site at: *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the Federal Reserve Board Acting Clearance Officer, whose name appears below.

DATES: Comments must be submitted on or before June 8, 2015.

ADDRESSES: You may submit comments, identified by *FR 2420,* by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street (between 18th and 19th Streets NW.) Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer, Shagufta Ahmed, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Acting Clearance Officer, Mark Tokarski, Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Request for Comment on Information Collection Proposal

The following information collection, which is being handled by the Board under OMB-delegated authority, has received initial Board approval and is hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB-delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Board's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Proposal to approve under OMB-delegated authority the extension for three years, with revision, of the following report:

Report title: Report of Selected Money Market Rates.

Agency form number: FR 2420.

OMB control number: 7100–0357.

Frequency: Daily.

Proposed Reporters: Domestically chartered commercial banks and thrifts that have $15 billion or more in total assets, or $5 billion or more in assets and meet certain unsecured borrowing activity thresholds; U.S. branches and agencies of foreign banks with total third-party assets of $2.5 billion or more.

Estimated annual reporting hours: Commercial banks and thrifts—42,300 hours; U.S. branches and agencies of foreign banks—35,100 hours; International Banking Facilities—19,750 hours; Significant banking organizations—900 hours.

Estimated average hours per response: Commercial banks and thrifts—1.8 hours; U.S. branches and agencies of foreign banks—1.8 hours; International Banking Facilities—1.0 hour; Significant banking organizations—1.8 hours.

Number of respondents: Commercial banks and thrifts—94; U.S. branches and agencies of foreign banks—78; International Banking Facilities—79; Significant banking organizations—2.

General description of report: The FR 2420 is a mandatory report that is authorized by sections 9 and 11 of the Federal Reserve Act (12 U.S.C. 324 and 248(a)(2)), sections 7(c)(2) and 8(a) of the International Banking Act (12 U.S.C. 3105(c)(2) and 3106(a)), and section 5(c) of the Bank Holding Company Act (12 U.S.C. 1844(c)(1)(A)). Individual respondent data are regarded as confidential under the Freedom of Information Act (FOIA) (5 U.S.C. 552(b)(4)).

Abstract: The FR 2420 is a transaction-based report that currently collects daily liability data on federal funds transactions, Eurodollar transactions, and certificates of deposit (CDs) from (1) domestically chartered commercial banks and thrifts that have $26 billion or more in total assets and (2) U.S. branches and agencies of foreign banks with total third-party assets of $900 million or more. FR 2420 data are used in the analysis of current money market conditions and will allow the Federal Reserve Bank of New York to calculate and publish interest rate statistics for selected money market instruments.

Current Proposal: The Board seeks to amend the FR 2420 by altering reporting entity criteria, by changing certain definitions and reporting requirements, and by collecting additional data elements, as set forth more fully below under ''Summary of Proposed Revisions.'' These amendments would facilitate the Federal Reserve's ability to carry out its monetary policy and supervisory responsibilities in several important respects.

First, the proposed expanded data collection would improve unsecured money market monitoring and augment

the ability of the Federal Reserve to analyze these markets and implement monetary policy objectives established by the Board and the Federal Open Market Committee.

Second, the proposed expanded data collection would provide broader and more detailed data for purposes of calculating the Federal Funds Effective Rate (FFER). The FR 2420 collection captures a greater share of federal funds activity than the brokered data that currently is used to construct the FFER, as depository institutions report both trades executed through brokers and those negotiated directly between counterparties. The data also allow for greater insight into the transactions underlying the federal funds rate, supporting a robust calculation process.

The revised collection also would allow for the publication of an overnight bank funding rate that is calculated using transactions in both federal funds and Eurodollars. This additional rate will be published to increase the amount and quality of information available to the public about the overnight funding costs of U.S.-based banking offices.[1]

Third, the proposed expanded data collection would provide an important source of information on individual depository institutions' borrowing rates, which is necessary for more effective monitoring of firm-specific liquidity risks for purposes of supervisory surveillance. Specifically, the amended FR 2420, as proposed, would provide complementary rate information that will not be collected going forward by either the Complex Institution Liquidity Monitoring Report (FR 2052a; OMB No. 7100–0361) or the Liquidity Monitoring Report (FR 2052b; OMB No. 7100–0361). These FR 2052 reports currently collect consolidated liquidity information on depository institutions' funding activities, and a limited amount of information on borrowing rates. Going forward, however, information contained on the FR 2420 would replace certain information currently gathered on the FR 2052a, as these data elements would be dropped from the FR 2052a collection. Pricing information on the FR 2052b will not change, as that data is not similar to FR 2420 data. The amended FR 2420 as proposed would offer greater insight on the borrowing costs for these liabilities.

Proposed Effective Date: The Board proposes to implement the amended FR 2420 as of September 9, 2015.

[1] A more detailed description of the plans to change to the calculation process for the federal funds rate and publish the overnight bank funding rate can be found at: *http://www.newyorkfed.org/markets/opolicy/operating_policy_150202.html.*

Summary of Proposed Revisions

I. Reporting Criteria

As specified below, the Board is proposing several changes to the reporting criteria, including (a) lowering the asset-size threshold for domestic depository institutions to report on the FR 2420, (b) raising the asset-size threshold for FBOs to report on the FR 2420, (c) adding an activity-based reporting criterion to capture meaningful activity of domestic depository institutions, (d) requiring FBOs to include the Eurodollar borrowings for certain Cayman or Nassau branches, and (e) requiring all FR 2420 respondents to submit separate reports for their International Banking Facilities (IBFs).

Under this proposal, exceptions to the reporting criteria may be made for those institutions that meet the asset size threshold but that demonstrate that they have an ongoing business model that results in a negligible amount of activity in these markets. In addition, an institution that did not meet the asset size threshold at the time of the most recent asset threshold review may be required to begin reporting transactions on the FR 2420 if its transactions consistently place it within the threshold levels.

a. U.S. Bank Asset Size Threshold

The Board proposes to reduce the current asset threshold for domestic depository institutions to report on the FR 2420 from $26 billion or more in total assets to $15 billion or more in total assets. An important segment of federal funds activity that occurs at relatively high rates is not currently captured on the FR 2420 reporting sample because this activity is undertaken by domestic depository institutions with total assets that fall below the $26 billion reporting threshold. Expanding the current FR 2420 reporting panel to capture this activity is necessary to enhance the representativeness of the data collection, in particular for purposes of calculating the FFER. This proposed lower threshold is intended to balance the need for more comprehensive data against the reporting burden to the affected depository institutions. Specifically, it is anticipated that the proposed lower threshold would add approximately 34 domestic banks to the pool of FR 2420 respondents.

b. FBO Asset Size Threshold

The Board proposes to increase the asset size threshold for FBOs to report on the FR 2420 from $900 million in third-party assets to $2.5 billion in third-party assets. This increased threshold would reduce the reporting panel by roughly 31 FBOs, many of which have reported a negligible amount of unsecured borrowing activity each day on the FR 2420. This proposal is intended to reduce reporting burden for these institutions.

c. U.S. Bank Activity Threshold

The Board proposes to require domestic depository institutions with total assets ranging from $5 billion to $15 billion and federal funds activity of more than $200 million on more than two days during the preceding three months to report on all parts of the FR 2420. It is anticipated that there would be a modest number of institutions added to the FR 2420 reporting panel under this proposal. This activity threshold is intended to capture only domestic depository institutions in the specified asset range that are active borrowers in federal funds.

d. Managed and Controlled Cayman and Nassau Branches

The Board proposes to require FBOs to include the Eurodollar borrowings for any ''managed and controlled'' branches located in the Cayman Islands or Nassau, Bahamas (Cayman and Nassau branches) with more than $2 billion in total assets on the FBO's FR 2420 report.[2] ''Managed and controlled'' branches are those branches for which the FBO files an FFIEC 002S (OMB No. 7100–0032). Cayman and Nassau branches within this specification are maintained by both domestic depository institutions and FBOs to support funding for their U.S. operations with Eurodollar liabilities. The FR 2420 currently captures Cayman and Nassau branch activity of a domestic parent with over $2 billion in assets, but not Cayman and Nassau branch activity of FBOs where those branches are managed and controlled by the FBO's New York branch. The data proposed to be reported on the FR 2420 from these branches are believed to represent a significant portion of the Eurodollar trading activity executed in the U.S. and are an important source of information

[2] Currently, all ''managed and controlled'' branches of FBOs reporting on the FR 2420 are located in the Cayman Islands or Nassau, Bahamas. However, the Board may determine that a FBO branch outside of these two locations but within the Caribbean generally should report on the FR 2420 if the majority of the responsibility for business decisions, including but not limited to decisions with regard to lending or asset management or funding or liability management, or the responsibility for recordkeeping in respect of assets or liabilities for that FBO branch, resides at a FBO that reports on the FR 2420.

on the funding activity of foreign banks' U.S. operations.

e. International Banking Facilities

The Board proposes to require all FR 2420 respondents to submit a separate report (Schedule B only) for the Eurodollar borrowings of their IBFs. IBFs enable U.S. depository institutions to take foreign deposits (Eurodollars) in a U.S. office. The Board proposes to capture the Eurodollar activity of these entities on Schedule B of the FR 2420. The borrowings by these entities currently are believed to represent a modest proportion of overall Eurodollar activity; however, IBFs can be an important element of the overnight Eurodollar market facilitating transactions with international financial and official institutions.

II. Proposed Revisions Applicable to All Parts of the FR 2420

a. Counterparty Type

The Board proposes to add a reporting field to the FR 2420 that would require respondents to identify counterparties by seven specified ''counterparty type'' categories. Understanding counterparty types would improve the assessments of which types of firms are providing funding to depository institutions. Information on counterparty type would be particularly critical during times of stress, when certain lender groups may reduce available funding. The following are the proposed FR 2420 counterparty designations, which are based on Call Report and FR 2900 definitions.[3] The number of counterparty designations used for each schedule of the FR 2420 varies based on the definition of the different transaction types:

- U.S. depository institutions (includes their foreign branches and IBFs)
- U.S. branches and agencies of FBOs
- Foreign banks (includes IBFs of FBOs and Cayman and Nassau branches ''managed and controlled'' by the FBOs.)
- Non-depository financial institutions, not including federally-sponsored lending agencies
- Government Sponsored Enterprises (GSEs)
- Non-financial corporates
- Other

b. Trade Date and Settlement Date

The Board proposes to add ''trade date'' and ''settlement date'' report fields to the FR 2420. Capturing a trade date field would affirm the actual trade date and would help to ensure the accuracy of other report elements. Settlement date is necessary to calculate the settlement period for forward starting transactions.

c. Forward Starting Transactions

Currently, the FR 2420 only requires reporting of transactions settling on a spot basis. For federal funds and Eurodollars, spot basis settlement represents same-day settlement and, for CDs, two-day forward settlement. In order to capture the full complement of money market activity, the Board proposes to require reporting of transactions that settle on dates that do not conform to the spot convention; that is, to require reporting of transactions that settle beyond the day of trade execution for federal funds and Eurodollar transactions and on days other than two days after execution for CD transactions.

III. Proposed Revisions Applicable to FR 2420 Part A (Federal Funds)

Currently, Part A of the FR 2420 report requires respondents to report all unsecured borrowings of U.S. dollars made to the reporting institution's U.S. offices on the report date, less deposits (as defined in the Call Report), debt instruments, and repurchase agreements. The Board proposes to amend the definition of ''federal funds'' applicable to the FR 2420 to correspond to a narrower set of transactions that is consistent with the provisions of the Board's Regulation D (Reserve Requirements of Depository Institutions, 12 CFR part 204). Under the current definition, some FR 2420 respondents are reporting domestic borrowing transactions as federal funds borrowing that do not fall under the federal funds exemption outlined in Regulation D. Aligning the definition of ''federal funds transactions'' in Part A of the FR 2420 with the ''federal funds'' exemption in Regulation D would improve the correspondence between the reported transactions and liabilities that are exempt from reserve requirements.

IV. Proposed Revisions Applicable to FR 2420 Part AA (Wholesale Borrowings)

The Board proposes to add a new Schedule AA to the FR 2420 report to capture selected unsecured wholesale borrowings that are currently being reported as federal funds borrowing on the FR 2420, but would not be included under the proposed federal funds definition described above. For example, a direct borrowing from a corporate lender would be included as a ''federal funds borrowing'' under the FR 2420's current definition of ''federal funds,'' but would not be included under the proposed ''federal funds'' definition described above. The proposed Schedule AA would continue to capture these non-deposit transactions but would re-categorize them as ''wholesale borrowings.'' These transactions represent a small, but potentially important, alternate source of information on depository institutions' funding costs. As these transactions are already reported on the current FR 2420 report, there should be minimal additional burden involved with reporting those same transactions on the proposed schedule to the report.

V. Reporting Requirements Applicable to FR 2420 Part B (Eurodollars)

The Board proposes to add an ''office identifier'' field to the FR 2420 to identify the non-U.S. branch that booked each Eurodollar deposit. Currently, the FR 2420 requires respondents to report transactions from all non-U.S. branches of domestic institutions with more than $2 billion in total assets as Eurodollar transactions. Some of these transactions, however, are booked in countries with dollar deposit rates that are substantially different than the dollar deposit rates booked in Cayman or Nassau branches. For purposes of monitoring U.S.-based funding conditions and supporting the calculation of the overnight bank funding rate (OBFR), it is necessary to identify the branch that booked the transaction. Accordingly, the proposal would add an ''office identifier'' field to the FR 2420 to identify the non-U.S. branch that booked each Eurodollar deposit.

VI. Reporting Requirements Applicable to FR 2420 Part C (Time Deposits and CDs)

a. Definition for CDs

The Board proposes to require FR 2420 respondents to report all time deposits and certificates of deposit with a term equal to or greater than 7 days in Schedule C, regardless of whether the respondent labels them as ''CDs'' or ''term time deposits.'' The current FR 2420 instructions only require that ''certificates of deposit'' be reported. Discussions with market participants, however, have revealed that there is little distinction between a non-negotiable CD and a time deposit. In addition, some market participants have specifically not reported borrowings designated as ''term time deposits'' because they were not internally characterized as CDs. The proposed amendment will ensure more complete reporting of the relevant data.

[3] The definition for non-financial corporates is taken from the FR 2052 Liquidity Monitoring reports.

b. Interest Rate Spread

Currently, the FR 2420 report does not have an ''interest rate spread'' reporting field. Without this field, the underlying value of the reference rate and spread components cannot be determined with certainty. Accordingly, the Board proposes to add an ''interest rate spread'' field to the FR 2420 report. This new reporting field will enable calculation of the value of the underlying reference rate without looking up the reference rate in an additional data source. This field would be labelled 'NA' for fixed-rate CDs.

c. Option Identifiers and Step-Up Indicator

The Board proposes to add report fields to the FR 2420 that would identify CDs with embedded options as well as CDs and time deposits with rates that change over the term of the CD. CDs with options are becoming an increasingly important financial instrument with growing issuance, particularly in products with options to extend the maturity date. One additional data field would need to be added to identify instruments with embedded options. In addition, experience with the current data suggests that there is also a segment of the CD market with rates that rise or ''step up'' over the course of the instrument's life. An additional field would be necessary to identify these transactions. These fields could be particularly important for informing the use of CD rates in the calculation of reference rates, as options affect the comparability of instruments to others with the same stated maturity dates.

- CDs with embedded options would be identified under the proposal with an additional field that would capture the type of option, specifically 'callable,' 'puttable,' 'extendable,' and 'other,' or indicate 'NA' for CDs without embedded options.

- Rates that will rise or fall over the life of the time deposit or CD based on a pre-arranged agreement would be identified under the proposal with an additional field that would be a 'Y' or 'N' step-up indicator.

Board of Governors of the Federal Reserve System, April 2, 2015.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2015–07920 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 1, 2015.

A. Federal Reserve Bank of Cleveland (Nadine Wallman, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101–2566:

1. *Farmers National Banc Corp,* Canfield, Ohio; to acquire 100 percent of the voting shares of National Bancshares Corp, Orrville, Ohio and thereby indirectly acquire First National Bank, Orrville, Ohio.

B. Federal Reserve Bank of Atlanta (Chapelle Davis, Assistant Vice President) 1000 Peachtree Street NE., Atlanta, Georgia 30309:

1. *American Commerce Bancshares, Inc.,* Breman, Georgia; to acquire 100 percent of the voting shares of ProBank, Tallahassee, Florida.

C. Federal Reserve Bank of Minneapolis (Jacquelyn K. Brunmeier, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Inter-Mountain Bancorp, Inc.,* Bozeman, Montana; to merge with Teton Bancshares, Inc., and thereby indirectly acquire Teton Banks, both in Fairfield, Montana.

Board of Governors of the Federal Reserve System, April 2, 2015.

Michael J. Lewandowski,

Associate Secretary of the Board.

[FR Doc. 2015–07901 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–15–0740]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Medical Monitoring Project (MMP)—(OMB Control No. 0920–0740 Expiration: 5/31/2015)—Revision—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC), Division of HIV/AIDS Prevention (DHAP) requests a revision of the currently approved Information Collection Request: ''Medical Monitoring Project'' expiring May 31, 2015. This data collection addresses the need for national estimates of access to and utilization of HIV-related medical care and services, the quality of HIV-related ambulatory care, and HIV-related behaviors and clinical outcomes.

For the proposed project, the same data collection methods will be used as for the currently approved project. Data would be collected from a probability sample of HIV-diagnosed adults in the U.S. who consent to an interview and abstraction of their medical records. As for the currently approved project, de-identified information would also be extracted from HIV case surveillance records for a dataset, referred to as the minimum dataset, which is used to assess non-response bias, for quality control, to improve the ability of MMP to monitor ongoing care and treatment of HIV-infected persons, and to make inferences from the MMP sample to HIV-diagnosed persons nationally. No other Federal agency collects such nationally representative population-based information from HIV-diagnosed adults. The data are expected to have significant implications for policy, program development, and resource allocation at the state/local and national levels.

The changes proposed in this request update the data collection system to meet prevailing information needs and enhance the value of MMP data, while remaining within the scope of the currently approved project purpose. The result is a 16% reduction in burden, or a reduction of 1,397 total burden hours annually.

- A change in sampling methods accounts for the net reduction in burden. Specifically, sampling from the existing HIV case surveillance database, the National HIV Surveillance System (NHSS, OMB Control No. 0920–0573, Exp. 2/29/2016) would replace the current health care-facility-based sampling. This change in sampling methods would broaden participation in MMP to all HIV-infected persons who have been diagnosed and reported to the NHSS, a population that is more representative of persons living with HIV than are persons receiving HIV medical care. Sampling from NHSS will allow MMP to address key information gaps related to increasing access to care, one of three strategic areas of national focus of the National HIV/AIDS Strategy. The change in project sampling methods reduces the amount of time health care facility staff will spend on project activities, substantially reducing burden hours and offsetting increases in burden from other changes, listed below. Restoration of the original sample of 26 geographic primary sampling units is proposed in this request, for more complete coverage of the population of interest. Three project areas that initially participated in MMP—and were subsequently dropped in 2009 because funding was restricted—will be reinstated as primary sampling units if funding allows.
- Increasing the sample size in three areas that were previously allocated comparatively small samples (Georgia, Illinois, and Pennsylvania) is expected to improve the ability to produce representative local estimates in these areas.
- Health care facility staff may be asked to look up contact information for sampled persons with incomplete or incorrect contact information in NHSS; this was not necessary in prior MMP cycles because the patient samples were drawn from facility records.

Finally, changes were made that did not affect the burden, listed below:

- The interview instrument was revised to enable the collection of critical information from HIV-infected persons not receiving medical care and to improve question coherence, boost the efficiency of the data collection, and increase the relevance and value of the information. These changes were based on an evaluation of the currently approved MMP interview instrument involving stakeholders, as well as a pilot which evaluated new questions (Formative Research and Tool Development, OMB Control No. 0920–0840, expiration 2/29/2016). These revisions did not change the average time required to complete the interview.
- Six data elements were removed from the medical record abstraction form and two data elements were added. Because the medical records are abstracted by MMP staff, these changes do not affect the burden of the project on the public.
- Sampled persons may be interviewed wherever they currently reside, conditional on local law and policy, and in a manner specified by a written, project-specific agreement with the HIV surveillance unit at the person's local health department.
- Videoconferencing was added as an optional mode of interview administration. Administering the interview via videoconferencing will provide more flexibility for participating in the interview and facilitate communication between respondent and interviewer, for example, by allowing interviewers to respond appropriately to a respondent's visual cues. Videoconferencing will also allow the interviewer to ensure that the respondent is using the correct response cards for interview questions. No audio/audiovisual recordings will be made of the interviews, including interviews administered by videoconferencing.

This proposed data collection would supplement the National HIV Surveillance System (NHSS, OMB Control No. 0920–0573, Exp. 2/29/2016) in 26 selected state and local health departments, which collect information on persons diagnosed with, living with, and dying from HIV infection and AIDS.

The participation of respondents is voluntary. There is no cost to the respondents other than their time. Through their participation, respondents will help to improve programs to prevent HIV infection as well as services for those who already have HIV. The total burden hours are 7,140.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average hours per response (in hours)
Sampled, Eligible HIV-Infected Persons	Interview Questionnaire	8,720	1	45/60
Facility office staff looking up contact information	N/A	2,180	1	2/60

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average hours per response (in hours)
Facility office staff approaching sampled persons for enrollment.	N/A	1,090	1	5/60
Facility office staff pulling medical records	N/A	8,720	1	3/60

Leroy A. Richardson

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–07839 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–15–15UK]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery—NEW—National Center for Emerging and Zoonotic Infectious Diseases, Centers for Disease Control and Prevention (CDC).

As part of a Federal Government-wide effort to streamline the process to seek feedback from the public on service delivery, the CDC has submitted a Generic Information Collection Request (Generic ICR): ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery'' to OMB for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*).

Background and Brief Description

The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

In accordance with 5 CFR 1320.8(d), Vol. 79, No. 83/Wednesday, April 30, 2014, a 60 day notice for public comment was published in the **Federal Register**. No public comments were received in response to this notice.

This is a new collection of information. Respondents will take online surveys or participate in Web site usability testing, interviews, discussion groups, or focus groups. Below is Centers for Disease Control and Prevention (CDC), National Center for Emerging and Zoonotic Infectious Diseases (NCEZID) projected estimate for the next three years. There is no cost to respondents other than their time. The estimated annualized burden hours for this data collection activity is 3,850 hours:

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Avgerage burden per response
Customer or Stakeholder	Online surveys	2,500	1	30/60
Customer or Stakeholder	Discussion Groups	150	1	120/60
Customer or Stakeholder	Focus groups	700	1	120/60
Customer or Stakeholder	Website/app usability testing	250	1	45/60
Customer or Stakeholder	Interviews	100	1	90/60

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2015–07840 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Health Resources and Services Administration

Advisory Committee on the Maternal, Infant and Early Childhood Home Visiting Program Evaluation

AGENCY: Administration for Children and Families (ACF), HHS; Health Resources and Services Administration (HRSA), HHS.

ACTION: Notice to announce the renewal of the Advisory Committee on the Maternal, Infant and Early Childhood Home Visiting Program Evaluation.

Authority: Sec. 511(g)(1) of Title V of the Social Security Act (42 U.S.C. 711, *et seq.*). The Committee is governed by provisions of Public Law 92–463, as amended, (5 U.S.C. App. 2), which sets forth standards for the formation and use of advisory committees.

SUMMARY: ACF and HRSA announce the renewal of the Advisory Committee on the Maternal, Infant and Early Childhood Home Visiting Program Evaluation to provide advice to the Secretary of Health and Human Services (''the Secretary'') on the design, plan, progress, and findings of the evaluation required under the Act.

FOR FURTHER INFORMATION CONTACT: T'Pring Westbrook, Administration for Children and Families; *tpring.westbrook@acf.hhs.gov.*

SUPPLEMENTARY INFORMATION: Sec. 511(g)(1) of Title V of the Social Security Act mandates an Advisory Committee to review, and make recommendations on, the design and plan for the evaluation required under the Act. To comply with the authorizing directive and guidelines under the Federal Advisory Committee Act (FACA), a charter has been filed with the Committee Management Secretariat in the General Services Administration (GSA), the appropriate committees in the Senate and U.S. House of Representatives, and the Library of Congress to establish the Advisory Board as a non-discretionary federal advisory committee. The charter was filed on January 27, 2015.

Objectives and Scope of Activitie

The purpose of the Committee is to provide advice and make recommendations to the Secretary of Health and Human Services, through the Assistant Secretary, ACF, and the Administrator, HRSA, with respect to the design, plan, progress, and results of the evaluation.

Membership and Designation

The Committee shall consist of up to 25 members appointed by the Secretary. Members shall be experts in the areas of program evaluation and research, education, and early childhood development. Members shall be appointed as Special Government Employees. The committee shall also include ex-officio members representing ACF, HRSA, and other agencies of the federal government designated by the Secretary as ex-officio members. The ACF Assistant Secretary and HRSA Administrator each shall recommend nominees for Co-Chairs of the Committee.

Members shall be invited to a 3-year term; such terms are contingent upon the renewal of the Committee by appropriate action prior to its termination.

Administrative Management and Support

Coordination, management, and operational services shall be provided by ACF, with assistance from HRSA.

A copy of the Committee charter can be obtained from the designated contact or by accessing the FACA database that is maintained by the GSA Committee Management Secretariat. The Web site for the FACA database is *http://fido.gov/facadatabase/.*

Dated: March 25, 2015.

Mary K. Wakefield,

Administrator, HRSA.

Mark H. Greenberg,

Acting Assistant Secretary, ACF.

[FR Doc. 2015–07978 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Tribal Consultation Meetings

AGENCY: Office of Head Start (OHS), Administration for Children and Families, HHS.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the Improving Head Start for School Readiness Act of 2007, Public Law 110–134, notice is hereby given of three 1-day Tribal Consultation Sessions to be held between the Department of Health and Human Services, Administration for Children and Families, OHS leadership and the leadership of Tribal Governments operating Head Start (including Early Head Start) programs. The purpose of these Consultation Sessions is to discuss ways to better meet the needs of American Indian and Alaska Native children and their families, taking into consideration funding allocations, distribution formulas, and other issues affecting the delivery of Head Start services in their geographic locations [42 U.S.C. 9835, Section 640(l)(4)].

DATES:

June 16, 2015, from 1:00 p.m. to 5:00 p.m.;

July 30, 2015, from 1:00 p.m. to 5:00 p.m.;

August 17, 2015, from 1:00 p.m. to 5:00 p.m.

Locations:

- June 16, 2015—National Indian Head Start Directors Association, Hyatt

Regency, 1209 L Street, Sacramento, California 95814

- July 30, 2015—Oklahoma Indian Head Start Coalition Conference, DoubleTree at Warren Place, 6110 South Yale Avenue, Tulsa, Oklahoma 74136
- August 17, 2015—Northwest Indian Head Start Association Conference, Holiday Inn Grand Montana, 5500 Midland Road, Billings, Montana 59101

FOR FURTHER INFORMATION CONTACT: Robert Bialas, Regional Program Manager, Region XI, Office of Head Start, email *Robert.Bialas@acf.hhs.gov* or phone (202) 205–9497. Additional information and online meeting registration is available at *http://eclkc.ohs.acf.hhs.gov/hslc/hs/calendar/tc2015*.

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) announces OHS Tribal Consultations for leaders of Tribal Governments operating Head Start and Early Head Start programs.

The agenda for the scheduled OHS Tribal Consultations in Sacramento, California, Tulsa, Oklahoma, and Billings, Montana, will be organized around the statutory purposes of Head Start Tribal Consultations related to meeting the needs of American Indian/Alaska Native children and families, taking into consideration funding allocations, distribution formulas, and other issues affecting the delivery of Head Start services in their geographic locations. In addition, OHS will share actions taken and in progress to address the issues and concerns raised in 2014 OHS Tribal Consultations.

The Consultation Sessions will be conducted with elected or appointed leaders of Tribal Governments and their designated representatives [42 U.S.C. 9835, Section 640(l)(4)(A)]. Designees must have a letter from the Tribal Government authorizing them to represent the tribe prior to the Consultation Sessions. Other representatives of tribal organizations and Native nonprofit organizations are welcome to attend as observers.

A detailed report of the Consultation Sessions will be prepared and made available within 45 days of the Consultation Sessions to all Tribal Governments receiving funds for Head Start and Early Head Start programs. Tribes wishing to submit written testimony for the report should send testimony to Robert Bialas at *Robert.Bialas@acf.hhs.gov* either prior to the Consultation Sessions or within 30 days after the meeting.

OHS will summarize oral testimony and comments from each Consultation Session in the report without attribution, along with topics of concern and recommendations. OHS has sent hotel and logistical information for the California, Oklahoma, and Montana Consultation Sessions to tribal leaders via email and posted information on the Early Childhood Learning and Knowledge Center Web site at *http://eclkc.ohs.acf.hhs.gov/hslc/hs/calendar/tc2015*.

Dated: March 26, 2015.

Ann Linehan,

Acting Director, Office of Head Start.

[FR Doc. 2015–07958 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4184–40–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0229]

Issuance of Priority Review Voucher; Rare Pediatric Disease Product

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of a priority review voucher to the sponsor of a rare pediatric disease product application. The Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Food and Drug Administration Safety and Innovation Act (FDASIA), authorizes FDA to award priority review vouchers to sponsors of rare pediatric disease product applications that meet certain criteria. FDA has determined that CHOLBAM (cholic acid), manufactured by Asklepion Pharmaceuticals, LLC, meets the criteria for a priority review voucher.

FOR FURTHER INFORMATION CONTACT: Larry Bauer, Rare Diseases Program, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Silver Spring, MD 20993–0002, 301–796–4842, FAX: 301–796–9858, email: *larry.bauer@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: FDA is announcing the issuance of a priority review voucher to the sponsor of a rare pediatric disease product application. Under section 529 of the FD&C Act (21 U.S.C. 360ff), added by FDASIA, FDA will award priority review vouchers to sponsors of rare pediatric disease product applications that meet certain criteria. FDA has determined that CHOLBAM (cholic acid), manufactured by Asklepion Pharmaceuticals, LLC, meets the criteria for a priority review voucher. CHOLBAM (cholic acid) is a bile acid indicated for the treatment of bile acid synthesis disorders due to single enzyme defects and as adjunctive treatment of peroxisomal disorders, including Zellweger spectrum disorders in patients who exhibit manifestations of liver disease or steatorrhea or complications from decreased fat soluble vitamin absorption. Bile acid synthesis disorders is a group of rare congenital disorders caused by the absence or malfunction of an enzyme involved in an important metabolic pathway, leading to a failure to produce normal bile acids.

For further information about the Rare Pediatric Disease Priority Review Voucher Program and for a link to the full text of section 529 of the FD&C Act, go to *http://www.fda.gov/ForIndustry/DevelopingProductsforRareDiseasesConditions/RarePediatricDiseasePriorityVoucherProgram/default.htm.*

For further information about CHOLBAM (cholic acid), go to the *Drugs@FDA* Web site at *http://www.accessdata.fda.gov/scripts/cder/drugsatfda/index.cfm.*

Dated: April 2, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–08016 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–N–0229]

Issuance of Priority Review Voucher; Rare Pediatric Disease Product

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the issuance of a priority review voucher to the sponsor of a rare pediatric disease product application. The Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Food and Drug Administration Safety and Innovation Act (FDASIA), authorizes FDA to award priority review vouchers to sponsors of rare pediatric disease product applications that meet certain criteria. FDA has determined that UNITUXIN (dinutuximab), manufactured by United Therapeutics Corporation, meets the criteria for a priority review voucher.

FOR FURTHER INFORMATION CONTACT: Larry Bauer, Rare Diseases Program, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–4842, FAX: 301–796–9858, email: *larry.bauer@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: FDA is announcing the issuance of a priority review voucher to the sponsor of a rare pediatric disease product application. Under section 529 of the FD&C Act (21 U.S.C. 360ff), added by FDASIA, FDA will award priority review vouchers to sponsors of rare pediatric disease product applications that meet certain criteria. FDA has determined that UNITUXIN (dinutuximab), manufactured by United Therapeutics Corporation, meets the criteria for a priority review voucher. UNITUXIN (dinutuximab) is indicated, in combination with granulocyte-macrophage colony-stimulating factor (GM–CSF), interleukin-2 (IL–2), and 13-cis-retinoic acid (RA), for the treatment of pediatric patients with high-risk neuroblastoma who achieve at least a partial response to prior first-line multiagent, multimodality therapy. Neuroblastoma is the most common pediatric solid tumor occurring outside the brain, and it is the most common cancer in infants.

For further information about the Rare Pediatric Disease Priority Review Voucher Program and for a link to the full text of section 529 of the FD&C Act, go to *http://www.fda.gov/ForIndustry/DevelopingProductsforRareDiseasesConditions/RarePediatricDiseasePriorityVoucherProgram/default.htm.*

For further information about UNITUXIN (dinutuximab), go to the Drugs@FDA Web site at *http://www.accessdata.fda.gov/scripts/cder/drugsatfda/index.cfm.*

Dated: April 2, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–08014 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–D–1747]

Risk Evaluation and Mitigation Strategies: Modifications and Revisions; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance for industry entitled ''Risk Evaluation and Mitigation Strategies: Modifications and Revisions.'' This guidance provides information on how FDA will define and process submissions for modifications and revisions to risk evaluation and mitigation strategies (REMS), as well as information on what types of changes to approved REMS will be considered modifications of the REMS and what types of changes will be considered revisions of the REMS. There are different procedures for submission of REMS modifications and revisions to FDA as well as different timeframes for FDA review and action of such changes. In addition, this guidance provides information on how REMS modifications and revisions should be submitted to FDA and how FDA intends to review and act on these submissions. The definitions of REMS modifications and revisions apply to all types of REMS.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the guidance by June 8, 2015. Submit either electronic or written comments concerning the proposed collection of information by June 8, 2015.

ADDRESSES: Submit written requests for single copies of the guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave. Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002; or the Office of Communication, Outreach, and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

Submit electronic comments on the guidance to *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Kristen Everett, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 22, Rm. 6484, Silver Spring, MD 20993–0002, 301–796–0453; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave. Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Risk Evaluation and Mitigation Strategies: Modifications and Revisions.'' This guidance provides information on what types of changes to approved REMS will be considered modifications and what types of changes will be considered revisions. See section 505–1(h) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355–1(h)). This guidance also provides information on how REMS modifications and revisions should be submitted to FDA and how FDA intends to review and act on these submissions.

If FDA determines that a REMS is necessary to ensure that the benefits of a drug outweigh its risks, FDA is authorized to require a REMS for such drugs under section 505–1 of the FD&C Act,[1] added by section 901 of the Food and Drug Administration Amendments Act of 2007 (Pub. L. 110–85).[2] Section 505–1(g) and (h) of the FD&C Act include provisions for the assessment and modification of an approved REMS.

In 2009, FDA issued draft guidance on the format and content of REMS, REMS assessments, and proposed REMS modifications. In that guidance, based on the language of section 505–1(g) and (h) of the FD&C Act before the amendments made by the Food and Drug Administration Safety and Innovation Act (Pub. L. 112–144) (FDASIA), FDA stated that any proposed modification to an approved REMS, including proposed changes to materials that are appended to the REMS document, must be submitted as a proposed REMS modification in the form of a prior approval supplement and must include a REMS assessment. The guidance stated that the proposed

[1] Section 505–1 of the FD&C Act applies to applications for prescription drugs submitted under subsection 505(b) (*i.e.*, new drug applications) or (j) (*i.e.*, abbreviated new drug applications) of the FD&C Act (21 U.S.C. 355) and applications under section 351 of the Public Health Service Act (*i.e.*, biologics license applications).

[2] See *http://www.fda.gov/RegulatoryInformation/Legislation/FederalFoodDrugandCosmeticActFDCAct/SignificantAmendmentstotheFDCAct/FoodandDrugAdministrationAmendmentsActof2007/default.htm.*

modification(s) may not be implemented until approved by FDA.

FDASIA amended the REMS modification provisions under section 505–1(g) and (h) of the FD&C Act. Section 505–1(h), as amended by FDASIA, requires FDA to review and act on proposed ''minor modifications,'' as defined in guidance, within 60 days.[3] It also requires FDA to establish, through guidance, that ''certain modifications'' can be implemented following notification to FDA.[4] In addition, FDASIA requires FDA to review and act on REMS modifications due to approved safety label changes, or to a safety label change that FDA has directed the application holder to make pursuant to section 505(*o*)(4) of the FD&C Act within 60 days.[5] Finally, FDASIA specifies that proposed REMS modifications no longer require submission of a REMS assessment; instead, proposed modifications must include an adequate rationale for the proposed changes. This guidance is issued pursuant to section 505–1(h)(2)(A)(ii), (h)(2)(A)(iii), and (h)(2)(A)(iv) of the FD&C Act.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). This guidance, except for the portion setting forth the submission procedures for REMS revisions, is being implemented without prior public comment because the Agency has determined that prior public participation is not feasible or appropriate (21 CFR 10.115(g)(2)). The Agency made this determination because, consistent with the requirements of FDASIA, FDA is issuing this guidance to establish a less burdensome policy and process for submitting certain changes to REMS that is consistent with public health. Although the guidance document is immediately in effect, except for the submission procedures for REMS revisions, it remains subject to comment in accordance with the Agency's good guidance practices. Insofar as this guidance establishes the modifications to an approved REMS that may be implemented following notification to the Secretary under section 505–1(h)(2)(A)(iv)—here referred to as REMS revisions—it has binding effect, except for the portion of the guidance setting forth the submission procedure for REMS revisions, which will, when final, have binding effect.

II. Paperwork Reduction Act of 1995

This guidance contains information collection provisions that 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 title, description, and respondent description of the information collection are given under this section with an estimate of the annual reporting burden. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

We invite comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Title: Guidance for Industry on Risk Evaluation and Mitigation Strategies: Modifications and Revisions

Description: The guidance provides information on submitting to FDA modifications and revisions to approved REMS for approved new drug applications (NDAs), abbreviated new drug applications (ANDAs), or biologics license applications (BLAs).

REMS modifications are submitted to FDA as supplements to approved NDAs under 21 CFR 314.70 and for ANDAs under 21 CFR 314.97, and as supplements to approved BLAs under 21 CFR 601.12. The burden hours for preparing and submitting supplements to NDAs and ANDAs is approved by OMB under control number 0910–0001, and for BLAs under control number 0910–0338.

Concerning REMS revisions, application holders should include the following information in each submission: (1) A full description of the changes to the REMS and/or appended materials, the date the changes will be implemented, and a REMS history that outlines all changes made to the REMS since its approval; (2) a clean Word version of the revised REMS and all appended REMS materials; (3) a redlined (tracked changes) Word version of the revised REMS and revised appended REMS materials that shows the changes from the previous versions; (4) an updated REMS supporting document, if needed; and (5) Form FDA 356h indicating that the submission is a REMS revision. (Form FDA 356h is approved by OMB under control number 0910–0338.) Each REMS revision that is submitted to FDA should also be documented in the next annual report for the application under 21 CFR 314.81(b)(2) (the burden hours for preparing and submitting annual reports for NDAs and ANDAs is approved by OMB under control number 0910–0001, and for BLAs under control number 0910–0338). All subsequent REMS submissions (*i.e.*, proposed modifications or additional REMS revisions) should include previously implemented REMS revisions in the REMS document and appended materials, and should be noted in the REMS history.

Currently, there are 117 application holders with approved REMS that include 152 drugs. Based on FDA's current review of REMS submissions for approved NDAs, ANDAs, and BLAs, and anticipating an average of 1 REMS revision across the entire group of REMS, we estimate that annually a total of approximately 117 application holders (''Number of Respondents'' in table 1) will submit to FDA approximately 152 REMS revision submissions (''Total Annual Responses'' in table 1) as described in this document and in the guidance. We also estimate that it will take an application holder approximately 30 hours to prepare and submit to FDA each REMS revision (''Average Burden per Response'' in table 1).

The total estimated reporting burden for the guidance is as follows:

[3] See section 505–1(h)(2)(A)(ii) of the FD&C Act.

[4] See section 505–1(h)(2)(A)(iv) of the FD&C Act.

[5] See section 505–1(h)(2)(A)(iii) of the FD&C Act.

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Guidance for industry on risk evaluation and mitigation strategies: modifications and revisions	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
REMS revisions	117	1	152	30	4,560

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

III. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). 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. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*.

IV. Electronic Access

Persons with access to the Internet may obtain the document at *http://www.fda.gov/Drugs/GuidanceCompliance RegulatoryInformation/Guidances/default.htm, http://www.fda.gov/BiologicsBloodVaccines/GuidanceCompliance RegulatoryInformation/default.htm,* or *http://www.regulations.gov.*

Dated: April 2, 2015.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2015–08015 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Privacy Act of 1974; Report of an Altered System of Records

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS or Department).

ACTION: Notice of an Altered System of Records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974 (5 U.S.C. 552a), the Health Resources and Services Administration (HRSA) is publishing notice of a proposed alteration of the system of records entitled and numbered ''Public Health and National Health Service Corps Scholarship Program (NHSC SP), National Health Service Corps Loan Repayment Program (NHSC LRP), Students to Service, (S2S), NHSC Student/Resident Experiences and Rotations in Community Health (SEARCH), NURSE Corps Loan Repayment Program (NURSE Corps LRP) formerly the Nursing Education Loan Repayment Program (NELRP), NURSE Corps Scholarship Program (NURSE Corps SP) formerly the Nursing Scholarship Program (NSP), Native Hawaiian Health Scholarship Program (NHHSP), and Faculty Loan Repayment Program (FLRP), Applicants and/or Participants Records System, HHS/HRSA/BHW,'' No. 09–15–0037. The proposed alterations affect the system name, system location, categories of records, purposes, routine uses, safeguards, records retention and disposal, system manager title and address, as well as minor editorial corrections and clarifications.

DATES: HRSA filed an altered system report with the Chair of the House Committee on Government Reform and Oversight, the Chair of the Senate Committee on Homeland Security and Governmental Affairs, and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on March 30, 2015. To ensure all parties have adequate time in which to comment, the altered system, including the routine uses, will become effective 30 days from the publication of the notice or 40 days from the date it was submitted to OMB and Congress, whichever is later, unless HRSA receives comments that require alterations to this notice.

ADDRESSES: Please address comments to: Associate Administrator, Bureau of Health Workforce (BHW), Health Resources and Services Administration (HRSA), 5600 Fishers Lane, Room 11W–37, Rockville, MD 20857, telephone (301) 594–4130, or FAX (301) 594–4076. Comments received will be available for inspection at this same address from 9:00 a.m. to 3:00 p.m. (Eastern Standard Time Zone), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: BMISS System Manager, Bureau of Health Workforce, Health Resources and Services Administration (HRSA), 5600 Fishers Lane, Room 11W–37, Rockville, MD 20857, Telephone: 301–443–1587.

SUPPLEMENTARY INFORMATION:

I. Explanation of Changes

- The system of records notice name has been shortened to ''HHS/HRSA/BHW Scholarship and Loan Repayment Program Records.''
- The Nursing Scholarship Program (NSP) has been renamed the NURSE Corps Scholarship Program (NURSE Corps SP), and the Nursing Education Loan Repayment Program (NELRP) has been renamed the NURSE Corps Loan Repayment Program (NURSE Corps LRP) and all associated records have been merged into a new central database system as noted below.
- A new information system, BHW Management Information System Solution (BMISS), has replaced Bureau of Health Care Delivery and Assistance NET (BHCDANET), and serves as the central database for information concerning the, NHSC SP, NHSC LRP, S2S, NURSE Corps SP, NURSE Corps LRP, FLRP, and NHHSP.
- The system location section has been updated to indicate that electronic records and electronic copies of paper records for applicants and participants under various programs are now stored in BMISS and to include locations of records not stored in BMISS (for example, Ambassador records are electronic but currently maintained in an online Web site directory while a BMISS database is being designed and built, at which point the records will be merged into BMISS).
- The categories of records have been updated to include ''information concerning educational loans.''
- The purpose(s) section has been updated to consolidate certain descriptions (*i.e.,* to combine the loan repayment and scholarship program monitoring activities previously described in purpose 4 with the other program selection and monitoring activities previously described in purpose 8), and to include intra-agency transfers of information previously described as routine uses by mistake (*i.e.,* transfers to HHS' debt and financial management systems).

• The routine uses have been revised for editorial clarity and otherwise updated as follows:

○ Former routine use 15, pertaining to preparation of financial management and accounting documentation and information to be provided to the Department of the Treasury, has been deleted and is instead covered in the SORN for the ''Unified Financial Management System,'' System No. 09–90–0024, which receives information from this system for that purpose.

○ Former routine uses 17, 18, 21 and 22, and a portion of what is now routine use 16 (formerly 14 and 24), pertaining to collection of delinquent federal debts, have been deleted because they are included in the SORN for the ''Debt Management and Collection System,'' System No. 09–40–0012 (see 7, 10, 11, 13), which receives information from this system for those purposes.

○ Routine use 8 has been updated to specify that the information that may be disclosed includes a participant's name, Social Security number (SSN), mailing address, email address, phone number, health professions school, residency training, specialty, program status, award years, service start and end dates, and service site address and phone number.

○ Routine use 11 has been updated allowing HHS to release to the participant's service site information from the participant's file, including but not limited to, his/her allegations concerning conditions at the site, disputes with site management, or circumstances surrounding his/her resignation/termination for the purpose of monitoring the program participant's compliance with the service obligation, including fact-finding to calculate service credit, to decide transfer requests, or to make default determinations.

○ Routine use 14 has been added to allow HHS to disclose information consisting of name, address, SSN, health professions license number, and place of employment to a state or local government agency, including any agent thereof, maintaining criminal, civil, or administrative violation records, or other pertinent information such as records regarding the investigation or resolution of allegations involving a program participant. The purpose of this disclosure is to enable HHS to monitor compliance with program requirements and make determinations regarding administrative actions or other remedies, including default determinations.

○ Routine use 15 has been added to allow HHS to disclose Ambassador information consisting of name, email and social network address(es), phone number(s), employment information, and professional biographies to current and prospective participants in BHW programs and other interested individuals. The purpose of this disclosure is to allow these individuals to contact Ambassadors who serve as mentors and local resources for the NHSC programs.

○ Routine use 17 (formerly 16) has been updated to allow HHS to disclose information to loan servicing agencies for the purposes of obtaining payoff balances on educational loans and determining whether loans are eligible for repayment under the programs.

○ Routine use 19 (formerly 20) has been updated to allow HHS to disclose information to the Department of the Treasury to determine if the applicant's name appears on the Do Not Pay List for program integrity/applicant eligibility purposes.

• The safeguards section has been updated to include encryption, intrusion detection, and firewalls.

• The retention and disposal section has been expanded and updated to include records created in BMISS or digitized and migrated into BMISS, and to cite applicable disposition schedules.

• The system manager contact information has been updated.

• The notification procedure has been revised to reflect the information that must be included in a notification request made by mail.

• The record source categories have been revised to include these additional sources: System for Awards Management (SAM) (formerly the Excluded Parties List System); HHS Office of Inspector General Web site listing individuals excluded from Medicare, Medicaid, and all other federal health care programs; and HHS database of Health Professional Shortage Areas.

• Other minor editorial corrections have been made to reflect the elimination of the Bureau of Clinician Recruitment and Services (BCRS) and the transfer of its functions to the newly established Bureau of Health Workforce (BHW).

II. The Privacy Act

The Privacy Act (5 U.S.C. 552a) governs the means by which the U.S. Government collects, maintains, and uses information about individuals in a system of records. A ''system of records'' is a group of any records under the control of a federal agency from which information about an individual is retrieved by the individual's name or other personal identifier. The Privacy Act requires each agency to publish in the **Federal Register** a system of records notice (SORN) identifying and describing each system of records the agency maintains, including the purposes for which the agency uses information about individuals in the system, the routine uses for which the agency discloses such information outside the agency, and how individual record subjects can exercise their rights under the Privacy Act (*e.g.,* to seek access to their records in the system).

Dated: March 31, 2015.

Mary K. Wakefield,

Administrator.

System Number: 09–15–0037

SYSTEM NAME:

HHS/HRSA/BHW Scholarship and Loan Repayment Program Records

SECURITY CLASSIFICATION:

Unclassified

SYSTEM LOCATION:

The servers for the central database (known as the Bureau of Health Workforce (BHW) Management Information System Solution (BMISS)) are located at the Center for Information Technology, National Institutes of Health, 12 South Drive, Room 1100, Bethesda, Maryland 20892, and are accessed from computer workstations in program offices listed below. Paper copies of records included in the central database, and any paper or electronic records not included in the central database, are also stored in the program offices listed below:

• Native Hawaiian Health Scholarship Program (NHHSP) records are located at the BHW, Health Resources and Services Administration (HRSA), U.S. Department of Health and Human Services (HHS), 5600 Fishers Lane, Room 9–105, Rockville, MD 20857 and at Papa Ola Lokahi, 894 Queen St., #706, Honolulu, HI 96813.

• Ready Responder electronic records are located at BHW, HRSA, HHS, 5600 Fishers Lane, Room 15W–21D, Rockville, MD 20857.

• NHSC Student/Resident Experiences and Rotations in Community Health (SEARCH) records are located at BHW HRSA, HHS, 5600 Fishers Lane, Room 7–100, Rockville, MD 20857.

Additional records (*e.g.,* spreadsheets created to perform their duties) are kept by contractors who assist with the implementation of the NHSC LRP, NHSC SP, NURSE Corps LRP (formerly NELRP), NURSE Corps SP (formerly NSP), FLRP, and are maintained at the below contractor locations:

• Customer Care Center, Teletech, 8123 South Hardy Dr., Tempe, AZ 85284;

• Futrend Technology, Inc., 8605 Westwood Center Dr., Suite 502, Vienna, VA 22182;

• Sapient Government Services, 1515 N. Courthouse Rd., 4th Floor, Arlington, VA 22201.

Because contractors may change, a current listing of contractors and locations (if different from above) is available upon request by contacting the Policy-Coordinating Official. Archived records (including scanned paper files that have been merged into BMISS) are stored at the Washington National Records Center, 4205 Suitland Road, Suitland, MD 20746.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system contains information about the following categories of individuals:

• Individuals who have applied for, who are receiving, or who have received awards under the following programs: the National Health Service Corps Scholarship Program (NHSC SP), the National Health Service Corps Loan Repayment Program (NHSC LRP), Students to Service (S2S), the NURSE Corps Loan Repayment Program (NURSE Corps LRP) formerly the Nursing Education Loan Repayment Program (NELRP), the NURSE Corps Scholarship Program (NURSE Corps SP) formerly the Nursing Scholarship Program (NSP), the Native Hawaiian Health Scholarship Program (NHHSP), and the Faculty Loan Repayment Program (FLRP).

• Individuals who have applied to participate, are participating, or have participated in the NHSC Student/Resident Experiences and Rotations in Community Health (SEARCH) Program.

• Individuals who are current or former Ambassadors, Alumni, or Ready Responders.

• Individuals who indicate an interest in employment in or an assignment to a medical facility located in a Health Professional Shortage Area (HPSA) or a medically underserved population area, including public and federal medical facilities, such as Bureau of Prisons medical facilities, Indian Health Service health care facilities, and other federally sponsored health care facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include the individual's name, address(es), telephone number(s), email address(es), Social Security number (SSN); scholarship, loan repayment, Ambassadors, Alumni, Ready Responders or SEARCH application and associated forms/documents, contracts, employment data, professional performance and credentialing history of licensed health professionals; preference for site-selection; personal, professional, and demographic background information; academic and/or service progress reports (which include related data, correspondence, and professional performance information consisting of continuing education, performance awards, and adverse or disciplinary actions); commercial credit reports, educational data including tuition and other related education expenses; educational data including academic program and status; information concerning educational loans; employment status verification (which includes certifications and verifications of service obligation); medical data, financial data, payment data and related forms, deferment/placement/suspension/waiver data and supporting documentation; repayment/delinquent/default status information, correspondence to and from Program applicants and participants and/or their representatives, Claims Collection Litigation Reports for default cases referred to the Department of Justice (DOJ).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

• Section 333 of the Public Health Service (PHS) Act, as amended (42 U.S.C. 254f), Assignment of Corps Personnel;

• Section 225 of the PHS Act (42 U.S.C. 234), as in effect on September 30, 1977, PH/NHSC Scholarship Training Program;

• Section 409(b) of the Health Professions Educational Assistance Act of 1976, (42 U.S.C. 295g), PSASP;

• Sections 338A–H of the PHS Act, as amended (42 U.S.C. 254l-q), NHSC Scholarship and Loan Repayment Programs;

• Sections 336(c) and 331(b)(1) of the PHS Act (42 U.S.C. 254h-1(c) and 254d(b)(1)), SEARCH;

• Section 846 of the PHS Act, as amended (42 U.S.C. 297n), NURSE Corps Loan Repayment Program (formerly the Nursing Education Loan Repayment Program) and NURSE Corps Scholarship Program (formerly the Nursing Scholarship Program);

• Section 10 of the Native Hawaiian Health Care Improvement Act, as amended (42 U.S.C. 11709), NHHSP;

• Section 738(a) of the PHS Act (42 U.S.C. 293b(a)), Faculty Loan Repayment Program;

• Section 202 of Title II of Pub. L. 92–157 (42 U.S.C. 3505d), National Health Professional Shortage Clearinghouse;

• 31 U.S.C. 7701(c), Debt Collection Improvement Act of 1996, Requirement That Applicant Furnish Taxpayer Identifying Number;

• Section 215(a) of the PHS Act, as amended (42 U.S.C. 216(a)), pertaining to PHS commissioned officers, and 5 U.S.C. 3301 pertaining to civil service employees, both of which authorize verification of an individual's suitability for employment.

PURPOSE(S):

Relevant agency personnel use records about individuals from this system on a need to know basis for the following purposes:

1. To obtain marketing and recruitment information concerning individuals who registered to complete an online application, but did not submit or complete an application.

2. To identify and select qualified individuals to participate in the above-identified Programs.

3. To maintain records on and to verify Program applicants' or participants' credentials and educational background, and previous and current professional employment data and performance history information to verify that all claimed background and employment data are valid and all claimed credentials are current and in good standing from selection for an award through the completion of service.

4. To assist the HHS Program Support Center (PSC), the DOJ, and other government entities in the collection of Program debts.

5. To respond to inquiries from Program applicants and participants, their attorneys or other authorized representatives, and Congressional representatives.

6. To compile and generate managerial and statistical reports.

7. With respect to the PH/NHSC and NHSC SP, NHHSP, NURSE Corps SP (formerly NSP), NHSC LRP, NURSE Corps LRP (formerly NELRP), and FLRP: (a) to select and match scholarship recipients, loan repayors, and other individuals for assignment to or employment with a health care or other facility appropriate to the Programs' purposes; (b) to perform loan repayment and scholarship program administrative activities, including, but not limited to, payment tracking, deferment of the service obligation, monitoring a participant's compliance with the service requirements, determination of service completion, review of suspension or waiver requests, default determinations, and calculation of liability upon default; and (c) to monitor

the services provided by the Programs' health care providers.

8. With respect to the SEARCH Program: (a) to track recruitment of SEARCH participants for the NHSC Scholarship and Loan Repayment Programs; and (b) to determine how many non-obligated SEARCH participants ultimately practice primary health care in a Health Professional Shortage Area (HPSA).

9. With respect to the Ambassador and Alumni activities: (a) to advocate for more health professions students to choose primary care; (b) to mentor students and clinicians; and (c) to recruit students and clinicians for the NHSC Scholarship and Loan Repayment Programs, and to train community leaders and local clinicians to care about and for people in need.

10. To transfer records of delinquent federal debts to System No. 09–40–0012, Debt Management and Collection System, for debt collection purposes.

11. To transfer information to System No. 09–90–0024, Unified Financial Management System (UFMS), for purposes of effecting payment of program funds (through the Department of the Treasury) and preparing and maintaining financial management and accounting documentation related to obligations and disbursements of funds, (including providing notifications to the Department of the Treasury) related to payments to, or on behalf of, awardees. Information transferred to UFMS for these purposes is limited to the individual's name, address, SSN and other information necessary to identify him/her, the funding being sought or amount of qualifying educational loans, and the program under which the awardee is being processed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to the disclosures authorized by the Privacy Act at 5 U.S.C. 552a(b)(2) and (b)(4)-(b)(11), information about an individual may be disclosed from this system of records to parties outside HHS, without the individual's prior, written consent, for these routine uses:

1. HHS may disclose to a Member of Congress or to a Congressional staff member information from the record of an individual in response to a written inquiry from the Congressional office made at the written request of that individual.

2. HHS may disclose information from this system of records to the Department of Justice (DOJ) or to a court or other tribunal when

a. HHS, or any component thereof, or

b. Any HHS employee in his or her official capacity, or

c. Any HHS employee in his or her individual capacity where the DOJ (or HHS, where it is authorized to do so) has agreed to represent the employee, or

d. The United States Government, is a party to litigation or has an interest in such litigation, and by careful review, HHS determines that the records are both relevant and necessary to the litigation and that, therefore, the use of such records by the DOJ, court, or other tribunal is deemed by HHS to be compatible with the purpose for which the records were collected.

3. In the event that a record on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, disclosure may be made to the appropriate public authority, whether federal, state, local, tribal, or otherwise, responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto, if the information is relevant to the enforcement, regulatory, investigative, or prosecutorial responsibility of the receiving entity. This includes, but is not limited to, disciplinary actions by state licensing boards against current or former Program participants.

4. HHS may disclose information consisting of names, SSN, disciplines and/or medical specialties, current mailing addresses, dates of scholarship support, and dates of graduation of NHSC SP, NURSE Corps SP (formerly NSP) and NHHSP scholarship recipients to: (a) designated coordinators at each health professions school participating in the scholarship program for the purpose of determining educational expenses and resulting levels of scholarship support, and for the purpose of guiding and informing these recipients about the nature of their service obligation; and (b) schools attended by scholarship recipients who have taken a leave of absence from school, have terminated enrollment or been dismissed from school, or are repeating coursework, for the purpose of determining their academic status and whether their scholarship support should be suspended or resumed, as appropriate.

5. HHS may disclose information consisting of name, address, discipline and/or medical specialty, and SSN from this system of records to a Program participant's health professions school, residency program, or other postgraduate training program, for the purpose of ascertaining the participant's enrollment status and training completion or graduation date.

6. HHS may disclose records consisting of names, disciplines and/or medical specialties, current business or school mailing addresses, email addresses of the Programs' scholarship and loan repayment participants to contractors, Ambassadors, Alumni, and professional organizations in underserved communities for the purpose of supporting these clinicians in the course of their service obligation in a HPSA, school of nursing, or critical shortage facility.

7. HHS or its contractors may disclose records consisting of a SEARCH participant's name, mailing address, email address, phone number, health professions school, residency training and specialty to state Primary Care Offices (PCOs) and Primary Care Associations (PCAs) and site representatives for the purpose of matching participants to potential employment sites.

8. HHS may disclose records consisting of a participant's name, SSN, mailing address, email address, phone number, health professions school, residency training, specialty, program status, award years, service start and end dates, and service site address and phone number to Department grantees, contractors and subcontractors who assist with the implementation of the above-identified Programs, for the purposes of collecting, compiling, aggregating, analyzing, or refining records in the system, or improving Program operations. Grantees and contractors maintain, and contractors are also required to ensure that subcontractors maintain, Privacy Act safeguards with respect to such records.

9. HHS may disclose biographical data and information supplied by Program applicants or participants: (a) To references listed on the application and associated forms for the purpose of evaluating the applicant's or participant's professional qualifications, experience, and suitability; (b) to a state or local government licensing board and/or to the Federation of State Medical Boards or a similar non-government entity for the purpose of verifying that all claimed background and employment data are valid and all claimed credentials are current and in good standing; and (c) to prospective, current or former employers, or to site representatives, PCAs, and PCOs for the purpose of appraising the applicant's professional qualifications and

suitability for site assignment or employment.

10. HHS may disclose an applicant's or participant's name, mailing address, email address, phone number, SSN, health professions school, residency training, and specialty to Department grantees, site representatives, contractors, and subcontractors who assist with the implementation of the above-identified Programs, for the purpose of recruiting, screening, evaluating, and matching, placing, or assigning health professionals to a service site appropriate to the relevant Program's purposes. In addition, Department grantees, contractors and subcontractors may disclose biographical data and information supplied by Program applicants, participants, or references listed on the application and associated forms: (a) To other references for the purpose of evaluating the applicant's or participant's professional qualifications, experience, and suitability; (b) to a state or local government licensing board and/or to the Federation of State Medical Boards or a similar non-government entity for the purpose of verifying that all claimed background and employment data are valid and all claimed credentials are current and in good standing; (c) to the System for Awards Management (formerly Excluded Parties List System) for the purpose of determining whether applicants or participants are suspended, debarred, or disqualified from participation in covered transactions; (d) to the National Practitioner Data Bank for the purpose of determining whether applicants or participants have information on their reports; and (e) to prospective employers, or to site representatives, for the purpose of appraising the applicant's or participant's professional qualifications and suitability for site assignment or employment. Grantees and contractors maintain, and contractors are also required to ensure that subcontractors maintain, Privacy Act safeguards with respect to such records.

11. HHS may disclose records consisting of name, mailing address, email address, phone number, SSN, specialty, and requested or actual placement site(s) to State Loan Repayment Grantees, state PCOs and PCAs, and site representatives to facilitate PCO, PCA and site activities related to recruitment and placement of Program participants at service sites. For the purpose of monitoring the program participant's compliance with the service obligation, including fact-finding to calculate service credit, to decide transfer requests, or to make default determinations, HHS may release to the participant's service site other information from the participant's file, including but not limited to, his/her allegations concerning conditions at the site, disputes with site management, or circumstances surrounding his/her resignation/termination.

12. HHS may disclose records to a state or local government licensing board and/or to the Federation of State Medical Boards or a similar non-government entity which maintains records concerning: (a) An individual's employment history; (b) the issuance, retention, suspension, revocation, or reinstatement of licenses or registrations necessary to practice a health professional occupation or specialty; (c) disciplinary action against the individual or other sanctions imposed by a state or local government licensing board; or (d) the individual's attempts to pass health professions licensure exam(s). This disclosure may include the applicant's or participant's name, address, SSN, employment history, educational data, accreditation, licensing, and professional qualification data, and facts concerning any clinical competence, unprofessional behavior, or substance abuse problem of which HHS is aware. The purposes of this disclosure are: (1) To enable HHS to obtain information relevant to a decision concerning a health professional's accomplishments, professional and personal background qualifications, experience, and any licensure sanctions related to substance abuse, to determine the individual's suitability for employment, retention, or termination as a health services provider at a health care facility approved by the relevant Program; and (2) to inform health professions licensing boards or the appropriate non-government entities about the health care practices or conduct of a practicing, terminated, resigned, or retired health services provider whose professional conduct so significantly failed to conform to generally accepted standards of professional practice for health care providers as to raise reasonable concern for the health and safety of patients.

13. HHS may disclose information consisting of name, address, SSN, health professions license number, and place of employment from this system of records to federal, state, or local health agencies and law enforcement regarding a program participant who has a physical or mental condition that is, or has the potential to become, a risk to patients or to the public at large, or whose aberrant behavior poses such a risk (*e.g.,* commission of a sexual assault, illegal use or distribution of narcotics).

14. HHS may disclose information consisting of name, address, SSN, health professions license number, and place of employment to a state or local government agency, including any agent thereof, maintaining criminal, civil, or administrative violation records, or other pertinent information such as records regarding the investigation or resolution of allegations involving a program participant. The purpose of this disclosure is to enable HHS to monitor compliance with program requirements and make determinations regarding administrative actions or other remedies, including default determinations.

15. HHS may disclose Ambassador information consisting of name, email and social network address(es), phone number(s), employment information, and professional biographies to current and prospective participants in BHW programs and other interested individuals. The purpose of this disclosure is to allow these individuals to contact Ambassadors who serve as mentors and local resources for the NHSC programs.

16. HHS may disclose information from this system of records to a consumer reporting agency, as defined in 31 U.S.C. 3701(a)(3), for the following purposes:

a. To obtain a commercial credit report to assess the creditworthiness of a scholarship or loan repayment applicant;

b. To verify information provided on the scholarship or loan repayment application concerning whether the applicant has ever defaulted on a federal or non-federal obligation, or had delinquent federal or non-federal debts or judgment liens;

c. To determine and verify the eligibility of loans submitted for repayment;

d. To assess and verify ability of a debtor to repay debts owed to the federal government; and

e. To provide an incentive for debtors to repay federal debts by making these debts part of their credit records.

Pursuant to 31 U.S.C. 3711(e)(1)(F), the information disclosed to the consumer reporting agency is limited to (i) information necessary to establish the identity of the person, including name, address, and taxpayer identification number; (ii) the amount, status, and history of the claim; and (iii) the agency or program under which the claim arose.

17. HHS may disclose information about NHSC LRP, S2S, NURSE Corps LRP (formerly NELRP), and FLRP

applicants or participants to lending institutions and loan servicing agencies for the purpose of obtaining payoff balances on educational loans and determining whether loans are eligible for repayment under the Program. Disclosure will be limited to the applicant/participant's name, address, SSN, the loan account number(s), the pre-verified loan balance, account status, and other information necessary to identify the LRP applicant/participant and his/her loans for this purpose.

18. HHS may disclose information to the Department of the Treasury, Internal Revenue Service (IRS), about an individual applying under the above-identified Programs to find out whether the applicant has a delinquent tax debt. This disclosure is for the sole purpose of determining the applicant's eligibility for funding and/or creditworthiness and is limited to the individual's name, address, SSN, other information necessary to identify him/her, and the program for which the information is being obtained.

19. HHS may disclose information from this system of records to another federal, state, or local agency or private employer to whom a Program defaulter has applied for federal grant funds, federal scholarship, loan, or loan repayment funds, or employment involving federal funds, for the purpose of ensuring that the Program defaulter does not receive federal funds for which he/she is ineligible. Disclosure will be limited to the defaulter's name, address, SSN, inclusion on the Do Not Pay List, and any other information necessary to identify him/her.

20. HHS may disclose information from this system of records to the DOJ and applicable state agencies in order to exclude a debtor from all federal health care programs, as defined in 42 U.S.C. 1320a–7b(f), including Medicare and Medicaid, or to conclude a settlement agreement staying such an exclusion.

21. HHS may disclose information from this system of records to other federal, state, and local agencies, and public and private entities that provide scholarship and/or loan repayment funding or include bonus clauses in employment contracts, for the following purposes: (a) to curtail fraud and abuse of federal funds by identifying individuals who have applied for, or accepted, funding from another source for performance of the same service; and (b) to determine if an applicant has an existing service obligation to another federal, state, local, or other entity.

22. HHS may disclose to federal, state, and local agencies, and public and private non-profit entities for research purposes, the name, address(es), SSN, discipline and service sites of applicants and participants in the above-identified Programs when the Department:

i. has determined that the use or disclosure does not violate legal or policy limitations under which the record was provided, collected, or obtained;

ii. has determined that a bona fide research/analysis purpose exists;

iii. has required the recipient to:

- establish strict limitations concerning the receipt and use of applicant- and participant-identified data;
- establish reasonable administrative, technical, and physical safeguards to protect the confidentiality of the data and to prevent the unauthorized use or disclosure of the record;
- remove, destroy, or return the information that identifies the applicant or participant at the earliest time at which removal or destruction can be accomplished consistent with the purpose of the research project, unless the recipient has presented adequate justification of a research nature for retaining such information; and
- make no further use or disclosure of the record except as authorized by HHS or when required by law; and

iv. has secured a written statement attesting to the recipient's understanding of, and willingness to abide by these provisions.

23. Disclosure may be made in response to a subpoena from another federal agency having the power to subpoena other agencies' records, such as the IRS or U.S. Commission on Civil Rights.

24. Disclosure of information from this system of records may be made to the HHS/PSC/Federal Occupational Health contract physicians to review and provide a written opinion of the medical documentation submitted by scholarship and loan repayment Program participants seeking a suspension or waiver of their service or payment obligation.

25. Disclosure to the U.S. Department of Homeland Security (DHS) if captured in an intrusion detection system used by HHS and DHS pursuant to a DHS cybersecurity program that monitors Internet traffic to and from federal government computer networks to prevent a variety of types of cybersecurity incidents.

26. HHS may disclose records to appropriate federal agencies and Department contractors that have a need to know the information for the purpose of assisting the Department's efforts to respond to a suspected or confirmed breach of the security or confidentiality of information maintained in this system of records, when the information disclosed is relevant and necessary for that assistance.

Because, as described in the Purposes section, certain information from this system of records is transferred to HHS' financial and debt management systems, those systems' SORNs should be consulted for additional routine use disclosures that may be made without the individual's consent. See Unified Financial Management System, System No. 09–90–0024, and Debt Management and Collection System, System No. 09–40–0012.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM—

STORAGE:

Records are maintained in electronic database servers and backup servers, file folders, and for NHHSP records, backup tapes.

RETRIEVABILITY:

Records are retrieved by an individual's name, Social Security number, or other identifying numbers or characteristics.

SAFEGUARDS:

a. *Authorized Users:* Password-protected access is limited to persons authorized and needing to use the electronic records, which includes system managers and their staff, BHW headquarter officials and staff, HRSA Division of Regional Operations staff, financial and fiscal management personnel, Office of the General Counsel, Office of Information Technology personnel, and at Papa Ola Lokahi (POL), an entity which collaborates with HRSA/BHW in the administration of the Native Hawaiian Health Scholarship Program (NHHSP) through a Cooperative Agreement to assist with the implementation of the NHHSP. POL is physically located at 894 Queen St., Honolulu, HI 96813.

b. *Additional Authorized Users:* Password-protected access is also provided to applicants, participants, and service sites for the purpose of inputting data, uploading documents, or submitting queries through BMISS.

c. *Physical Safeguards:* Rooms where records are located are locked when not in use. During regular business hours, rooms are unlocked but are controlled by on-site personnel. Security guards perform random checks on the physical security of the offices (storage locations) after duty hours, including weekends and holidays.

Servers and other computer equipment used to process identifiable

data are located in secured areas and use physical access devices (*e.g.,* keys, locks, combinations, card readers) and/or security guards to control entries into the facility. All facilities housing HRSA information systems maintain fire suppression and detection devices/systems (*e.g.,* sprinkler systems, handheld fire extinguishers, fixed fire hoses, and or smoke detectors) that can be activated in the event of a fire.

With respect to NHHSP records located at Papa Ola Lokahi (POL), an entity HRSA/BWH collaborates with to administer the NHHSP, the building in which POL's office is located is publicly accessible but secured, with limited accessibility before and after work hours. Security guards visit the building at night. NHHSP's office suite is kept locked during work hours and individual offices are also locked when vacant. Applicant and participant files are kept in a locked cabinet in a locked office. Access to these files is limited to approved staff members, and when the area the files are in is not under the direct control of NHHSP staff, the office and cabinet are kept locked. The file server is behind a locked office door in a locked server cabinet. Backup tapes are stored in a locked, fireproof floor safe, and a secure, confidential off-site vault.

Technical safeguards: Encryption, intrusion detection and firewalls are utilized. Scans are run against the BMISS platform for web and architecture vulnerabilities. Complex or strong passwords are required and are changed frequently.

RETENTION AND DISPOSAL:

Records are retained and disposed of as follows:

- Files concerning participants who complete their obligations or whose obligations are waived, cancelled, or terminated are transferred to the Washington National Records Center in Suitland, Maryland and are destroyed 6 years after final payment, under disposition schedule HSA B–351 3. 1.
- HRSA has digitized and uploaded paper files concerning active participants in BHW scholarship and loan repayment programs into BMISS. The paper files are stored at the Washington National Records Center and are destroyed 15 years after closeout, under disposition schedule N1–512–92–01, item 25P 1 and 2.
- Unfunded or withdrawn applicant records are destroyed 6 months after the close of each fiscal year application period, under disposition schedule N1–512–92–01, item 25P 1.
- Currently, all records migrated to BMISS or created in BMISS are retained indefinitely, pending NARA's approval of a revised schedule.

SYSTEM MANAGER(S) AND ADDRESS:

The System Manager for the system of records is the following Policy-Coordinating Official:

Director, Division of Policy and Shortage Designation, Bureau of Health Workforce (BHW), Health Resources and Services Administration (HRSA), 5600 Fishers Lane, Room 11W–42, Rockville, MD 20857.

Points of contact for specific programs/activities:

- NHSC SP and NHSC LRP Applications/Awards; Participant Placement/Assignment; Ready Responders: Director, Division of the National Health Service Corps, BHW, HRSA, 5600 Fishers Lane, Room 8C–26, Rockville, MD 20857.
- NURSE Corps LRP (formerly NELRP), NURSE Corps SP (formerly NSP), and FLRP Applications/Awards; Participant Placement/Assignment: Director, Division of Health Careers and Financial Support, BHW, HRSA, 5600 Fishers Lane, Room 9–105, Rockville, MD 20857.
- NHSC SP, NHSC LRP, S2S, NURSE Corps LRP (formerly NELRP), NURSE Corps SP (formerly NSP), and FLRP Participants' service from matching through service completion: Director, Division of Participant Support and Compliance, BHW, HRSA, 5600 Fishers Lane, Room 15W–50, Rockville, MD 20857.
- Suspension/Waiver/Default Determination for all BHW Programs: Chief, Legal and Compliance Branch, BHW, HRSA, 5600 Fishers Lane, Room 8–73, Rockville, MD 20857.
- NHHSP: Administrator, Papa Ola Lokahi, 894 Queen St., # 706, Honolulu, HI 96813.
- SEARCH and Ambassadors: Director, Division of External Affairs, BHW, HRSA, 5600 Fishers Lane, Room 7–100, Rockville, MD 20857.

NOTIFICATION PROCEDURE:

To find out if the system contains records about you, contact the Policy-Coordinating Official, Director, Division of Policy and Shortage Designation, Bureau of Health Workforce (BHW), Health Resources and Services Administration (HRSA), 5600 Fishers Lane, Room 11W–42, Rockville, MD 20857 who will refer you to the appropriate Point of Contact for the program/activity.

Requests in person: A subject individual who appears in person at a specific location seeking access to or disclosure of records relating to him/her shall provide his/her name, current address, Social Security Number or other identifying information (*e.g.,* date of birth), the name of the Program(s) in which the individual participated (or applied but was not selected), and at least one piece of tangible identification, such as driver's license, passport, or voter registration card. Identification papers with current photographs are preferred but not required. (A federally-issued picture ID is required to access many federal facilities such as the Parklawn Building.) If a subject individual has no identification but is personally known to an agency employee, such employee shall make a written record verifying the subject individual's identity. Where the subject individual has no identification papers, the responsible agency official shall require that the subject individual certify in writing that he/she is the individual who he/she claims to be and that he/she understands that the knowing and willful request for or acquisition of a record concerning an individual under false pretenses is a criminal offense subject to a $5,000 fine.

Requests by mail: A written request must contain the name and address of the requester, Social Security number or other identifying information, and his/her signature which is either notarized to verify his/her identity or includes a written certification that the requester is the person he/she claims to be and that he/she understands that the knowing and willful request for or acquisition of records pertaining to an individual under false pretenses is a criminal offense subject to a $5,000 fine. In addition, the following information is needed: the name of the Program(s) in which the individual participated (or applied but was not selected), and the requester's current status (*e.g.,* in training, in deferment, in service, or in default).

Requests by telephone: Because positive identification of the caller cannot be established, telephone requests are not honored.

RECORD ACCESS PROCEDURES:

Same as notification procedure. Requesters may also ask for an accounting of disclosures that have been made of their records, if any.

CONTESTING RECORD PROCEDURES:

Same as notification procedure. Contact the Policy-Coordinating Official; specify the information being contested, the corrective action sought, and the reasons for requesting the correction, along with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Records are obtained directly from the subject individuals, or from the following sources: educational institutions; internship and/or residency training programs; employers; NHSC-approved service sites; critical shortage facilities; schools of nursing; lending institutions and loan servicing agencies; health professional associations; National Practitioner Data Bank; System for Awards Management (formerly Excluded Parties List System); HHS Office of Inspector General Web site listing of individuals excluded from Medicare, Medicaid, and all other federal health care programs; HHS database of Health Professional Shortage Areas; HHS grantees and contractors/subcontractors; consumer reporting agencies/credit bureaus; other federal agencies, including but not limited to the Department of the Treasury, IRS, and the U.S. Postal Service; state health professions licensing boards and/or the Federation of State Medical Boards or a similar non-government entity; and third parties who provide references or other information concerning the subject individual.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 2015–07899 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Research Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) has taken final action in the following case:

Teresita L. Briones, Ph.D., Wayne State University: Based on the report of an inquiry conducted by Wayne State University (WSU) and additional analysis conducted by ORI in its oversight review, ORI found that Dr. Teresita L. Briones, former Associate Professor, College of Nursing, WSU, engaged in research misconduct in research supported by National Institute of Nursing Research (NINR), National Institutes of Health (NIH), grants P30 NR009014, R01 NR005260, and R01 NR007666.

ORI found that Respondent intentionally, knowingly, and recklessly engaged in research misconduct by falsifying and/or fabricating data that were included in five (5) publications and three (3) grant applications submitted to NINR, NIH:

Behavioural Brain Research 279:112–22, 2015 Feb 15 (hereafter referred to as ''*BBR* 2015'')

- *Journal of Neuroinflammation* 11:13, 2014 Jan 22 (hereafter referred to as ''*JNI* 2014'')
- *Journal of Neurotrauma* 26(4):613–25, 2009 Apr (hereafter referred to as ''*JNT* 2009'')
- *Journal of Neurotrauma* 28(12):2485–92, 2011 Dec (hereafter referred to as ''*JNT* 2011'')
- *Neuroscience* 262:143–55, 2014 Mar 14 (hereafter referred to as ''*NS* 2014'')
- R01 NR011167–01
- R01 NR011167–01A1
- R01 NR 011167–01A2

ORI found that Respondent falsified and/or fabricated data by falsely reporting the results of Western blot experiments that examined neuroinflammation, amyloidogenesis, and/or cognitive impairment in a rat model of cerebral ischemia. Specifically, Respondent duplicated, reused, and falsely relabeled Western blot gel images and claimed they represented different experiments in:

- *BBR* 2015, Figures 2E and 5D
- *JNI* 2014, Figures 2A and 2C
- *JNT* 2009, Figures 2B and 5
- *JNT* 2011, Figure 2
- *NS* 2014, Figure 4
- R01 NR011167–01, Figures 5 and 6
- R01 NR011167–01A1, Figures 4A and 4B
- R01 NR011167–01A2, Figures 4A and 4B

As a result of this Agreement, Respondent will request that the following publications be retracted: *BBR* 2015, *JNI* 2014, *JNT* 2009, *JNT* 2011, and *NS* 2014.

Dr. Briones has entered into a Voluntary Exclusion Agreement (Agreement) and has voluntarily agreed for a period of three (3) years, beginning on March 12, 2015:

(1) to exclude herself from any contracting or subcontracting with any agency of the United States Government and from eligibility for or involvement in nonprocurement programs of the United States Government referred to as ''covered transactions'' pursuant to HHS' Implementation (2 CFR part 376 *et seq*) of OMB Guidelines to Agencies on Governmentwide Debarment and Suspension, 2 CFR part 180 (collectively the ''Debarment Regulations'');

(2) to exclude herself voluntarily from serving in any advisory capacity to the U.S. Public Health Service (PHS) including, but not limited to, service on any PHS advisory committee, board, and/or peer review committee, or as a consultant; and

(3) to request that the following publications be retracted: *BBR* 2015, *JNI* 2014, *JNT* 2009, *JNT* 2011, and *NS* 2014.

FOR FURTHER INFORMATION CONTACT: Acting Director, Office of Research Integrity, 1101 Wootton Parkway, Suite 750, Rockville, MD 20852, (240) 453–8200.

Donald Wright,

Acting Director, Office of Research Integrity.

[FR Doc. 2015–07896 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4150–31–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Findings of Research Misconduct

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Office of Research Integrity (ORI) has taken final action in the following case:

Ryousuke Fujita, Ph.D., Columbia University: Based on the report of an investigation conducted by Columbia University (CU) and additional analysis conducted by ORI in its oversight review, ORI found that Dr. Ryousuke Fujita, former Postdoctoral Scientist, Taub Institute for the Aging Brain, Departments of Pathology and Cell Biology and Neurology, CU Medical Center, engaged in research misconduct in research supported by National Institute of Neurological Disorders and Stroke (NINDS), National Institutes of Health (NIH), grant R01 NS064433 and National Institute of Aging (NIA), NIH, grant R01 AG042317.

ORI found that Respondent engaged in research misconduct by falsifying and fabricating data for specific protein expressions in human-induced neuronal (hiN) cells derived skin fibroblasts of Alzheimer's disease patients and unaffected individuals in seventy-four (74) panels included in figures in the following two (2) publications and one (1) unpublished manuscript:

- *Cell* 146:359–371, 2011 (hereafter referred to as ''*Cell* 2011'').
- *Nature* 500:45–53, 2013 (hereafter referred to as ''*Nature* 2013'').
- ''Human induced neuron models of APOE4-associated Alzheimer's disease display altered APP endocytosis and processing.'' Unpublished manuscript.

ORI found that Respondent engaged in research misconduct by knowingly and intentionally fabricating and falsifying research in seventy-four (74)

panels included in figures in *Cell* 2011, *Nature* 2013, and the unpublished manuscript. Respondent inflated sample numbers and data, fabricated numbers for data sets, manipulated enzyme-linked immunosorbent assay (ELISA) analysis, mislabelled immunoflourescent confocal images, and manipulated and reused Western blot images.

Specifically, the Respondent

- Fabricated numbers for the data presented as a bar graph in nine (9) panels in Figures S6#, S6H, and S6J in *Cell* 2011, Figures 3B and S12 in *Nature* 2013, and Figures 2F, 4B, 4D, and 4F in the unpublished manuscript

Falsely inflated the sample size of quantitative data presented as bar graphs in fifty-three (53) panels in Figures 6B, 7I, and S6J in *Cell* 2011, Figures 3G, 3H, 4C, S10, S11b–h, S12d–f, S13a, S13c, S14b–c, S15b–i, and S16a–f in *Nature* 2013, and Figures 4b, 4d, 4f, 4i, 6c–d, S1n, S1o, S2a–b, and S4c–k in the unpublished manuscript

Falsely manipulated ELISA analysis to achieve desired results presented as bar graphs in nine (9) figure-panels in Figure 6B in *Cell* 2011 and Figures 2D, 2E, 3G, 3H, and S10a–d in *Nature* 2013

Falsely inflated the numerical values of the data in Figure 7I in *Cell* 2011 by a factor of 10 to improve results and appear consistent with data presented in supplementary information published with the paper

Falsely reversed the labeling of immunoflourescent confocal images in Figures 7M and 7N in *Cell* 2011 and Figure S13A in *Nature* 2013 to obtain the desired results

Flipped and resized the Western blot image for APP panel from Figure 12b and falsely reused it to represent APP results under completely different experimental conditions in Figure 12c in *Nature* 2013

Dr. Fujita has entered into a Voluntary Exclusion Agreement (Agreement) and has voluntarily agreed for a period of three (3) years, beginning on March 18, 2015:

(1) to exclude himself from any contracting or subcontracting with any agency of the United States Government and from eligibility for or involvement in nonprocurement programs of the United States Government referred to as ''covered transactions'' pursuant to HHS' Implementation (2 CFR part 376 *et seq*) of OMB Guidelines to Agencies on Governmentwide Debarment and Suspension, 2 CFR part 180 (collectively the ''Debarment Regulations''); and

(2) to exclude himself voluntarily from serving in any advisory capacity to the U.S. Public Health Service (PHS) including, but not limited to, service on any PHS advisory committee, board, and/or peer review committee, or as a consultant.

FOR FURTHER INFORMATION CONTACT: Acting Director, Office of Research Integrity, 1101 Wootton Parkway, Suite 750, Rockville, MD 20852, (240) 453–8200.

Donald Wright,

Acting Director, Office of Research Integrity.

[FR Doc. 2015–07897 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4150–31–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the National Advisory Committee on Children and Disasters

AGENCY: Office of the Secretary, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) is hereby giving notice that the National Advisory Committee on Children and Disasters (NACCD) will be holding a meeting via teleconference. The meeting is open to the public.

DATES: The April 30, 2015, NACCD meeting is scheduled from 1:00 p.m. to 2:00 p.m. EST. The agenda is subject to change as priorities dictate. Please check the NACCD Web site, located at *WWW.PHE.GOV/NACCD* for the most up-to-date information on the meeting.

ADDRESSES: To attend the meeting via teleconference, call toll-free: 1–888–324–4311, international dial-in: 1–517–308–9181. The pass-code is: 4818002. Please call 15 minutes prior to the beginning of the conference call to facilitate attendance. Pre-registration is required for public attendance. Individuals who wish to attend the meeting should submit an inquiry via the NACCD Contact Form located at *www.phe.gov/NACCDComments.*

FOR FURTHER INFORMATION CONTACT: Please submit an inquiry via the NACCD Contact Form located at *www.phe.gov/NACCDComments*.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), and section 2811A of the Public Health Service (PHS) Act (42 U.S.C. 300hh–10a), as added by section 103 of the Pandemic and All Hazards Preparedness Reauthorization Act of 2013 (Pub. L. 113–5), the HHS Secretary, in consultation with the Secretary of the U.S. Department of Homeland Security, established the National Advisory Committee on Children and Disasters (NACCD). The purpose of the NACCD is to provide advice and consultation to the HHS Secretary with respect to the medical and public health needs of children in relation to disasters. The Office of the Assistant Secretary for Preparedness and Response (ASPR) provides management and administrative oversight to support the activities of the NACCD.

Background: This public meeting will be dedicated to the members voting to approve the report of findings of the NACCD Surge Capacity Work Group.

Availability of Materials: The meeting agenda and materials will be posted on the NACCD Web site at: *www.phe.gov/naccd* prior to the meeting.

Procedures for Providing Public Input: All written comments must be received prior to April 29, 2015. Please submit comments via the NACCD Contact Form located at *www.phe.gov/NACCDComments.* Individuals who plan to participate by phone and need special assistance should submit a request via the NACCD Contact Form located at *www.phe.gov/NACCDComments.*

Dated: March 18, 2015.

Nicole Lurie,

Assistant Secretary for Preparedness and Response.

[FR Doc. 2015–07874 Filed 4–6–15; 8:45 am]

BILLING CODE CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Reimbursement Rates for Calendar Year 2015

AGENCY: Indian Health Service, HHS.

ACTION: Notice.

SUMMARY: Notice is given that the Director of the Indian Health Service (IHS), under the authority of sections 321(a) and 322(b) of the Public Health Service Act (42 U.S.C. 248 and 249(b)), Public Law 83–568 (42 U.S.C. 2001(a)), and the Indian Health Care Improvement Act (25 U.S.C. 1601 *et seq.*), has approved the following rates for inpatient and outpatient medical care provided by IHS facilities for Calendar Year 2015 for Medicare and Medicaid beneficiaries, and beneficiaries of other Federal programs,

and for recoveries under the Federal Medical Care Recovery Act (42 U.S.C. §§ 2651–2653). The Medicare Part A inpatient rates are excluded from the table below as they are paid based on the prospective payment system. Since the inpatient rates set forth below do not include all physician services and practitioner services, additional payment shall be available to the extent that those services are provided.

	Calendar Year 2015
Inpatient Hospital Per Diem Rate (Excludes Physician/Practitioner Services)	
Lower 48 States	$2,443
Alaska	2,926
Outpatient Per Visit Rate (Excluding Medicare)	
Lower 48 States	350
Alaska	601
Outpatient Per Visit Rate (Medicare)	
Lower 48 States	307
Alaska	564
Medicare Part B Inpatient Ancillary Per Diem Rate	
Lower 48 States	516
Alaska	956

Outpatient Surgery Rate (Medicare)

Established Medicare rates for freestanding Ambulatory Surgery Centers.

Effective Date for Calendar Year 2015 Rates

Consistent with previous annual rate revisions, the Calendar Year 2015 rates will be effective for services provided on/or after January 1, 2015 to the extent consistent with payment authorities including the applicable Medicaid State plan.

Dated: December 12, 2014.

Yvette Roubideaux,

Acting Director, Indian Health Service.

Editorial Note: The **Federal Register** received this document for publication on March 31, 2015.

[FR Doc. 2015–07779 Filed 4–6–15; 8:45 am]

BILLING CODE 4160–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-day Comment Request; National Institute of Health Neurobiobank Tissue Access Request

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on February 13, 2014, page 8723 and allowed 60-days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institute of Mental Health (NIMH), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: NIH Desk Officer.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments or request more information on the proposed project contact: NIMH Project Clearance Liaison, Science Policy and Evaluation Branch, OSPPC, NIMH, NIH, Neuroscience Center, 6001 Executive Boulevard, MSC 9667, Rockville Pike, Bethesda, MD 20892, or call 301–443–4335 or Email your request, including your address to: *nimhprapubliccomments@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Proposed Collection: National Institute of Health Neurobiobank Tissue Access Request—Existing without OMB Clearance—National Institute of Mental Health (NIMH), National Institute of Health (NIH).

Need and Use of Information Collection: NIMH is seeking OMB approval for two Neurobiobank data collections: (1) Pre-Mortem Donor Recruitment Form, and (2) Tissue Access Request Form. The pre-mortem donor form will collect information from potential donors to ensure and enable appropriate research use of the tissues and biospecimens. Knowledge about the health history surrounding a particular tissue or biospecimen is essential to ethical scientific research conducted upon it. The tissue access request form will collect information from researchers who wish to gain access to the tissue stored throughout the Neurobiobank network, The NIH Neurobiobank Tissue Access Request form is necessary to verify that the researcher ''Recipient'' Principal Investigators and their organization or corporations applying to use the tissue is qualified to conduct human tissue research and have approved assurance from the DHHS Office of Human Research Protections to access tissue or biospecimens from the National Neurobiobank for research purposes. The primary use of this information is to document, track, monitor, and evaluate the appropriate use of the Neurobiobank tissue and biospecimen resources, as well as to notify interested recipients of updates, corrections, or other changes to the system.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 38.

ESTIMATED ANNUALIZED BURDEN HOURS

Form	Number of respondents	Frequency of response	Average burden per response (in hours)	Total annual burden hours
Neurobiobank Tissue Access Request	50	1	30/60	25
Pre-Mortem Donor Recruitment Form	50	1	15/60	13
Total	100			38

Dated: March 30, 2015.

Keisha L. Shropshire,

NIMH Project Clearance Officer, NIMH, NIH.

[FR Doc. 2015–07871 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Deafness and Other Communication Disorders Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Deafness and Other Communication Disorders Advisory Council.

Date: May 29, 2015.

Closed: 8:30 a.m. to 9:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, Conference Room 6, 31 Center Drive, Bethesda, MD 20892.

Open: 9:30 a.m. to 2:00 p.m.

Agenda: Staff reports on divisional, programmatic, and special activities.

Place: National Institutes of Health, Building 31, Conference Room 6, 31 Center Drive, Bethesda, MD 20892.

Contact Person: CRAIG A. JORDAN, Ph.D., Director, Division of Extramural Activities, NIDCD, NIH, Room 8345, MSC 9670, 6001 Executive Blvd., Bethesda, MD 20892–9670, 301–496–8693, *jordanc@nidcd.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.nidcd.nih.gov/about/Pages/Advisory-Groups-and-Review-Committees.aspx,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: April 1, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–07864 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-day Comment Request: Identifying Experts in Prevention Science Methods To Include on NIH Review Panels (OD)

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, regarding the opportunity for public comment on proposed data collection projects, the National Institutes of Health (NIH), Office of Disease Prevention (ODP) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) The quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

To Submit Comments and For Further Information: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Paris Watson, Senior Advisor, NIH Office of Disease Prevention, 6100 Executive Blvd., Room 2B03, Bethesda, MD 20892 or call (301) 496–1508 or email your request, including your address to *prevention@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

DATES: *Comments Due Date:* Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Proposed Collection: Identifying Experts in Prevention Science Methods to Include on NIH Review Panels, 0925—New, Office of Disease Prevention (ODP), National Institutes of Health (NIH).

Need and Use of Information Collection: The Office of Disease Prevention (ODP) is the lead Office at the National Institutes of Health (NIH) responsible for assessing, facilitating, and stimulating research in disease prevention and health promotion, and disseminating the results of this research to improve public health. Prevention is preferable to treatment, and research on disease prevention is an important part of the NIH's mission. The knowledge gained from this research leads to stronger clinical practice, health policy, and community health programs. ODP collaborates with the NIH, other Department of Health and Human Services (DHHS) agencies, and other public and private partners to achieve the Office's mission and goals. One of our priorities is to promote the use of the best available methods in prevention research and support the development of better methods. One of our strategies is to help the Center for Scientific Review (CSR) identify experts in prevention science methods to include on their review panels. This will strengthen the panels and improve the quality of the prevention research supported by the NIH. To identify experts in prevention science methods, we worked with our contractor, IQ Solutions, Inc., to develop online software which will allow us to collect scientists' names, contact information, and resumes, as well as to have those scientists identify their level of expertise in a variety of prevention science methods and content areas. The

data collected with this software will be used to create a web-based tool that CSR staff can use to identify scientists with expertise in specific prevention science methods and content areas for invitation to serve on one of the CSR review panels. If successful, this system will also be shared with review staff in the other Institutes and Centers at the NIH, as well as other DHHS agencies, to use in the same way. Given our plans to create an automated system for reviewer information collection, we are now seeking OMB approval. This PRA clearance request is for the deployment of this new online software and the collection of data.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 1,040.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Number of respondents	Number of responses per respondent	Average time per response (in hours)	Total annual burden hour
Investigators	3,120	1	20/60	1040

Dated: April 1, 2015.

Lawrence A. Tabak,

Deputy Director, National Institutes of Health.

[FR Doc. 2015–07999 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; Evaluation of the NHLBI Proteomics Centers Program: Qualitative Interviews (NHLBI)

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on 1/27/2015 page 4,291 and allowed 60-days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Heart, Lung and Blood Institute (NHLBI), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Direct Comments to Omb: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: NIH Desk Officer.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Dr. Pothur Srinivas, Project Officer/ICD Contact, Two Rockledge Center, 6701 Rockledge Drive, Room 10188, MSC 10193, Bethesda, MD 20892, or call non-toll-free number (301)–435–0550, or Email your request to: *srinivap@nhlbi.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Proposed Collection: Evaluation of the NHLBI Proteomics Centers Program: Qualitative Interviews 0925–New, National Heart, Lung, and Blood Institute (NHLBI), the National Institutes of Health (NIH)

Need and Use of Information Collection: The Proteomics Centers Program was established in 2010 with the goal of applying proteomic approaches to gain a better mechanistic understanding of the physiologic pathways underlying defined clinical conditions related to heart, lung, and blood diseases. The primary goal of the program is to help facilitate a better understanding of the underlying mechanisms in heart, lung, and blood diseases which could contribute to more effective diagnoses, risk stratification, intervention, and prevention. Given the rapid developments in proteomic technologies and approaches in the last five years, it is important to determine the extent to which the efforts of the centers have matured, leading to discovery of new targets for intervention and clinically actionable tool sets. An eighteen-month outcome evaluation will coincide with the completion of funding for the program. This information collection request is being made for one component of this evaluation: semi-structured interviews with key informants across four targeted groups, internal and external to the program. The results of the evaluation will help determine the extent to which these desired outcomes were achieved as well as to inform future of proteomics research funding and commitments by the NHLBI. The key informant interviews are necessary to understand the perspectives of internal and external program stakeholders as it relates to the success, limitations, and opportunities that can shape future research funding.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 48.

ESTIMATES OF HOUR BURDEN

Form	Type of respondents	Number of respondents	Frequency of response	Average time per response	Annual hour burden
Interview Guide—Principle Investigators & Key Personnel.	Principal investigators and key personnel.	27	1	50/60	23
Interview Guide—External Investigators.	External Proteomics investigators ...	9	1	50/60	8

ESTIMATES OF HOUR BURDEN—Continued

Form	Type of respondents	Number of respondents	Frequency of response	Average time per response	Annual hour burden
Interview Guide—Trainees and Junior Investigators.	Trainees and junior investigators	20	1	50/60	17

Dated: April 1, 2015.

Lynn Susulske,

NHLBI Project Clearance Liaison, National Institutes of Health.

[FR Doc. 2015–07889 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute Notice of Charter Renewal

In accordance with title 41 of the U.S. Code of Federal Regulations, section 102–3.65(a), notice is hereby given that the Charter for the Frederick National Advisory Committee to the National Cancer Institute was renewed for an additional two-year period on March 30, 2015.

It is determined that the Frederick National Advisory Committee to the National Cancer Institute, is in the public interest in connection with the performance of duties imposed on the National Cancer Institute and the National Institutes of Health by law, and that these duties can best be performed through the advice and counsel of this group.

Inquiries may be directed to Jennifer Spaeth, Director, Office of Federal Advisory Committee Policy, Office of the Director, National Institutes of Health, 6701 Democracy Boulevard, Suite 1000, Bethesda, Maryland 20892 (Mail code 4875), Telephone (301) 496–2123, or *spaethj@od.nih.gov*.

Dated: April 1, 2015.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2015–07861 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2015–0231]

Distant Water Tuna Fleet Manning Exemption

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability.

SUMMARY: The Coast Guard announces the availability of an updated policy letter entitled ''Distant Water Tuna Fleet (DWTF) Vessels Manning Exemption Guidance.'' The letter provides revised guidance on procedures for requesting and issuing a Manning Exemption Letter as a result of recent statutory changes that affected the previous 2013 guidance.

DATES: The revised policy guidance is effective May 1, 2015.

FOR FURTHER INFORMATION CONTACT: For information about this document call or email Mr. Jack Kemerer, Coast Guard; telephone 202–372–1249, email *Jack.A.Kemerer@uscg.mil.* For information about viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone 202–366–9826, toll free 1–800–647–5527.

SUPPLEMENTARY INFORMATION:

Discussion

The revised policy letter is available at *www.fishsafe.info.* It updates guidance on the issuance of Distant Water Tuna Fleet Manning Exemption Letters. Similar guidance was issued in 2013, and is being brought up to date in light of recent statutory changes.

The DWTF consists of U.S. commercial purse seine fishing vessels, under masters who are U.S. citizens, that operate in the tuna fisheries of the Western Pacific Ocean far from U.S. territories other than Guam and American Samoa. Because of the difficulty of hiring U.S. merchant mariners (other than vessel masters) to serve in this fleet, the law authorizes foreign citizens to hold required navigation and engineering positions, if they are properly licensed by their countries, and subject to certain restrictions and limitations, and if qualified U.S. citizens are not readily available. Vessels that comply with these conditions may apply for and receive a Coast Guard Manning Exemption Letter attesting to compliance. The letter may expedite a vessel boarding or examination process.

This notice is issued under authority of 5 U.S.C. 552(a).

Dated: April 2, 2015.

J.C. Burton,

Captain, U.S. Coast Guard, Director of Prevention and Compliance.

[FR Doc. 2015–07939 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA–2005–20118]

Intent To Request Renewal From OMB of One Current Public Collection of Information; Maryland Three Airports: Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC, Metropolitan Area Flight Restricted Zone [1]

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-Day Notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on one currently approved Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0029, abstracted below that we will submit to OMB for renewal in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. This collection requires individuals to successfully complete a security threat assessment (1) to operate an aircraft to or from the three Maryland airports (Maryland Three Airports) that are located within the Washington, DC, Metropolitan Area Flight Restricted Zone (FRZ), or (2) to serve as an airport security coordinator at one of these three airports.

DATES: Send your comments by June 8, 2015.

ADDRESSES: Comments may be emailed to *TSAPRA@dhs.gov* or delivered to the TSA PRA Officer, Office of Information Technology (OIT), TSA–11,

[1] The name of the collection has been revised to correspond with the regulation mandating the collection of information. *See* CFR 49 CFR part 1562, subpart A—Maryland Three Airports: Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC, Metropolitan Area Flight Restricted Zone

Transportation Security Administration, 601 South 12th Street, Arlington, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh at the above address, or by telephone (571) 227–2062.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The ICR documentation is available at *http://www.reginfo.gov.* Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement continues to be necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

OMB Control Number 1652–0029; Maryland Three Airports: Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC Metropolitan Area Flight Restricted Zone, 49 CFR part 1562. Codified in 49 CFR part 1562, TSA sets forth airport operator requirements and security procedures at three Maryland airports that are located within the Washington, DC, Metropolitan Area Flight Restricted Zone (FRZ), and for individuals operating aircraft to or from these airports. The Maryland Three Airports are College Park Airport (CGS), Potomac Airfield (VKX), and Washington Executive/Hyde Field (W32). The information collected is used to determine compliance with 49 CFR part 1562.

Part 1562 allows an individual who is approved by TSA to operate an aircraft to or from one of the Maryland Three Airports or to serve as an airport security coordinator at one of these three airports. In order to be approved, a pilot or airport security coordinator applicant is required to successfully complete a security threat assessment. As part of this threat assessment, the applicant must undergo a criminal history records check and a check of Government terrorist watch lists and other databases to determine whether the individual poses, or is suspected of posing, a threat to transportation or national security. An applicant will not receive TSA's approval under this analysis if TSA determines or suspects them of being a threat to national or transportation security. Applicants can be fingerprinted at the Ronald Reagan Washington National Airport's (DCA) badging office and any participating airport badging office or law enforcement office located nearby to the applicant's residence or place of work. Applicants must present the following information to TSA, using TSA Form 418, as part of the application process: full name, Social Security number, date of birth, address, phone numbers, current and valid airman certificate or current and valid student pilot certificate, current medical certificate, email address, emergency contact number, a list of the make, model, and FAA aircraft registration number for each aircraft the pilot intends to operate at Maryland Three Airports, one form of Government-issued picture ID, and fingerprints.

Although not required by the rule, TSA asks applicants to provide an email address and contact phone number to facilitate immediate communication that might be necessary when operating in the FRZ or helpful during the application process. TSA receives approximately 312 applications annually, and estimates applicants spend approximately 90 minutes to submit the information to TSA, which is a total annual burden of 28,080 hours.

Dated: April 2, 2015.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Office of Information Technology.

[FR Doc. 2015–07989 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 9110–05–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5865–D–02]

Order of Succession for the Office of Public and Indian Housing

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of order of succession for the Office of Public and Indian Housing.

SUMMARY: In this notice, the Secretary designates the order of succession for the Office of Public and Indian Housing. This order of succession revokes and supersedes all prior orders of succession for the Office of Public and Indian Housing, including the Order of Succession published on August 4, 2011.

DATES: Effective upon date of signature.

FOR FURTHER INFORMATION CONTACT: Linda Bronsdon, Office of Policy, Program and Legislative Initiatives, Office of Public and Indian Housing, Department of Housing and Urban Development, 490 L'Enfant Plaza, Washington, DC 20024, email address *Linda.K.Bronsdon@hud.gov,* telephone 202–402–3494. (This is not a toll-free number.) This number may be accessed through TTY by calling the toll-free Federal Relay Service telephone number 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Secretary is issuing this order of succession of officials to perform the duties and functions of the Office of the Assistant Secretary for Public and Indian Housing when the Assistant Secretary is not available to exercise the powers or perform the duties of the office. This publication revokes and supersedes all prior orders of succession for the Office of Public and Indian Housing, including the order of succession published on August 4, 2011 at 76 FR 47227.

Section A. Order of Succession

During any period when the Assistant Secretary is not available to exercise the powers or perform the duties of the Assistant Secretary of PIH, the following officials within PIH are hereby designated to exercise the powers and perform the duties of the Assistant Secretary for PIH including the authority to waive regulations:

(1) Principal Deputy Assistant Secretary for Public and Indian Housing;

(2) General Deputy Assistant Secretary for Public and Indian Housing;

(3) Deputy Assistant Secretary for Public Housing and Voucher Programs;

(4) Deputy Assistant Secretary for Public Housing Investments;

(5) Deputy Assistant Secretary for Field Operations;

(6) Deputy Assistant Secretary for the Real Estate Assessment Center;

(7) Deputy Assistant Secretary for Office of Native American Programs;

(8) Deputy Assistant Secretary for Policy, Programs and Legislative Initiatives.

These officials shall perform the functions and duties of the office in the order specified herein, and no official

shall serve unless all the other officials, whose position precede his/hers in this order, are not available to act by reason of absence, disability or vacancy in office.

Section B. Authority Superseded

This order of succession supersedes all prior orders of succession for the Office of Public and Indian Housing, including the order of succession published on August 4, 2011 at 76 FR 47227.

Authority: Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 25, 2015.

Julián Castro,

Secretary of Housing and Urban Development.

[FR Doc. 2015–07914 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5865–D–01]

Delegation of Authority for the Office of Public and Indian Housing

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of delegation of authority.

SUMMARY: Section 7(d) of the Department of Housing and Urban Development (HUD) Act, as amended, authorizes the Secretary to delegate functions, powers and duties as the Secretary deems necessary. In this delegation of authority, the Secretary delegates authority to the Assistant Secretary, the Principal Deputy Assistant Secretary and the General Deputy Assistant Secretary for the Office of Public and Indian Housing (PIH) and authorizes the Assistant Secretary, the Principal Deputy Assistant Secretary and the General Deputy Assistant Secretary to redelegate authority for the administration of certain PIH programs. This delegation revokes and supersedes all prior delegations of authority, including the delegation published on August 4, 2011.

DATES: Effective upon date of signature.

FOR FURTHER INFORMATION CONTACT: Linda Bronsdon, AICP, Program Analyst, Office of Policy, Program and Legislative Initiatives, Office of Public and Indian Housing, Department of Housing and Urban Development, 490 L'Enfant Plaza, Suite 2206, Washington, DC 20024, email address *Linda.K.Bronsdon@hud.gov,* telephone number 202–402–3494. (This is not a toll free number.) This number may be accessed through TTY by calling the toll-free Federal Relay Service at telephone number 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Previous delegations of authority from the Secretary of HUD to the Assistant Secretary, and General Deputy Assistant Secretary for PIH, including the delegation published on August 4, 2011 (76 FR 47224), are hereby revoked and superseded by this delegation of authority.

Section A. Authority Delegated

The Secretary hereby delegates to the Assistant Secretary, the Principal Deputy Assistant Secretary and the General Deputy Assistant Secretary for PIH the authority and responsibility to administer the following programs:

1. Programs under the jurisdiction of the Secretary pursuant to the authority transferred from the Public Housing Administration under section 5(a) of the Department of Housing and Urban Development Act (42 U.S.C. 3534) as amended;

2. Each program of the Department authorized pursuant to the United States Housing Act of 1937 (1937 Act)(42 U.S.C. 1437 *et seq*) as amended, including but not limited to the Public Housing program, Section 8 Programs (except the following Section 8 project-based programs: New Construction, Substantial Rehabilitation, Loan Management Set-Aside, and Property Disposition) and predecessor programs that are no longer funded but have ongoing commitments;

3. PIH programs for which assistance is provided for or on behalf of public housing agencies (PHAs), public housing residents or other low-income households; and

4. PIH programs for which assistance is provided for or on behalf of Native Americans, Indian Tribes, Alaska Native Villages, Native Hawaiians, tribal entities, tribally designated housing entities, or tribal housing resident organizations. This includes, but is not limited to: Programs authorized pursuant to the Native American Housing Assistance and Self-Determination Act of 1966 (NAHASDA) (25 U.S.C. 4101 *et seq.*), as amended; the Community Development Block Grant Program for Indian Tribes and Alaska Native Villages authorized by section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306); the Indian Home Loan Guarantee Program authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a); the Native Hawaiian Loan Guarantee Program authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b); and Rural Innovation Fund grants and Rural Housing and Economic Development grants awarded to Indian Tribes and tribal entities by the Assistant Secretary for Community Planning and Development, as may be authorized by HUD appropriations acts.

Only the Assistant Secretary for Public and Indian Housing is delegated the authority to issue a final regulation or a Notice of Funding Availability (NOFA). The authority delegated herein to the Assistant Secretary, the Principal Deputy Assistant Secretary and the General Deputy Assistant Secretary includes the authority to waive regulations and statutes, but for the Principal Deputy Assistant Secretary and the General Deputy Assistant Secretary the authority to waive statutes is limited in Section B below.

Section B. Authority Excepted

Authority delegated under section A does not include the power to sue or be sued. Also, the authority delegated under section A to the Principal Deputy Assistant Secretary and General Deputy Assistant Secretary does not include the authority to waive the following statutes:

1. Waivers of obligation and expenditure deadlines for capital funds under 42 U.S.C. 1437g(j)(2);

2. Waivers of Moving to Work demonstration authority under Section 204 of the Omnibus Consolidated Recessions and Appropriations Act of 1996 (Pub. L. 104–134);

3. Waivers of requirements for grants to Department of Hawaiian Homelands where compliance is impossible due to circumstances beyond the control of grantees under 25 U.S.C. 4222.

Section C. Authority To Redelegate

In accordance with a written redelegation of authority, the Assistant Secretary, the Principal Deputy Assistant Secretary and the General Deputy Assistant Secretary for PIH may further redelegate specific authority. Redelegated authority to PIH Deputy Assistant Secretaries or other ranking PIH program officials does not supersede the authority of the Assistant Secretary as designee of the Secretary. The three existing redelegations of authority for PIH published on August 4, 2011 at 76 FR 47228, 76 FR 47229 and 76 FR 47231 remain in effect.

Section D. Exceptions to Authority To Further Redelegate

The authority to redelegate does not include any power or authority under law specifically required of the

Secretary of HUD, the Assistant Secretary of PIH, the Principal Deputy Assistant Secretary of PIH or the General Deputy Assistant Secretary of PIH. Authority excepted includes:

1. The authority to issue regulations;
2. The authority to issue notices to clarify regulations;
3. The authority to issue notices of funding availability (NOFAs), handbooks, notices and other HUD policy directives;
4. The authority to impose remedies for substantial noncompliance with the requirements of NAHASDA (25 U.S.C. 4101 *et seq*) and/or its implementing regulations;
5. The authority to declare a failure to comply with the regulations governing Community Development Block Grants for Indian Tribes and Alaska Native Villages; and
6. The authority delegated herein to the Principal Deputy Assistant Secretary to waive regulations and statutes with the exception of those statutes listed in Section B.

Section E. Authority Superseded

The previous delegations of authority from the Secretary for HUD to the Assistant Secretary for PIH are hereby revoked and superseded by this delegation of authority, including the previous delegation of authority for PIH published on August 4, 2011 (76 FR 47224).

Section F. Authority To Represent HUD

This consolidated delegation of authority is conclusive evidence of the authority of the Assistant Secretary for PIH, the Principal Deputy Assistant Secretary and the General Deputy Assistant Secretary or those with redelegated authority, to represent the Secretary and to execute, in the name of the Secretary, any instrument or document relinquishing or transferring any right, title or interest of the Department in real or personal property. The Secretary may revoke the authority authorized herein, in whole or in part, at any time.

Section G. Consultation and Coordination With the General Counsel

The General Counsel shall consult and advise the Assistant Secretary for PIH, the Principal Deputy Assistant Secretary and the General Deputy Assistant Secretary as required and when requested and to enter into such protocols as administratively agreed to by the General Counsel and the Assistant Secretary for PIH, the Principal Deputy Assistant Secretary or the General Deputy Assistant Secretary for PIH. This consolidated delegation of authority is to be exercised consistently with the delegation of the Secretary to the General Counsel.

Authority: Section 7(d) of the Department of Housing and Urban Development Act, as amended, (42 U.S.C. 3535(d)).

Dated: March 25, 2015.

Julián Castro,

Secretary of Housing and Urban Development.

[FR Doc. 2015–07918 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4210–67–P

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Partial Consent Decree in *United States* v. *Sainz, et al.,* Case No. 1:15–cv–21212–RNS, was lodged with the United States District Court for the Southern District of Florida, Miami Division, on March 27, 2015.

The proposed Partial Consent Decree concerns a complaint filed by the United States, on behalf of the United States Army Corps of Engineers, against Juan Carlos Sainz, Siramad Trujillo-Sainz, Victor Ortega, Narinedat Roy, Sainz Homes LLC, Sion Home's Builders LLC and Sion Homes LLC, to obtain injunctive relief and civil penalties for violations of Sections 301 and 404 of the Clean Water Act, 33 U.S.C. 1311 and 1344. The proposed Partial Consent Decree resolves these allegations against Juan Carlos Sainz, Siramad Trujillo-Sainz, and Sainz Homes LLC by requiring these Defendants to mitigate the losses of ecological functions resulting from the violation and directing them to pay a civil penalty.

The Department of Justice will accept written comments relating to this proposed Partial Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Andrew J. Doyle, Senior Attorney, United States Department of Justice, Environment and Natural Resources Division, Environmental Defense Section, Post Office Box 7611, Washington, DC 20044 and refer to *United States* v. *Sainz, et al.,* DJ # 90–5–1–1–20150.

The proposed Partial Consent Decree may be examined at the Clerk's Office, United States District Court for the Southern District of Florida, Miami Division, 400 North Miami Avenue, Miami, FL 33128. In addition, the proposed Partial Consent Decree may be examined electronically at *http://www.justice.gov/enrd/Consent_Decrees.html.*

Cherie L. Rogers,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2015–07891 Filed 4–6–15; 8:45 am]

BILLING CODE CODE P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Labor Market Information Cooperative Agreement

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the Bureau of Labor Statistics (BLS) sponsored information collection request (ICR) revision titled, ''Labor Market Information Cooperative Agreement,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 *et seq.*). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before May 7, 2015.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201503-1220-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–BLS, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–6881 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of

the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue, NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Authority: 44 U.S.C. 3507(a)(1)(D).

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Labor Market Information (LMI) Cooperative Agreement information collection. The LMI Cooperative Agreement includes all information needed by a State Workforce Agency to apply for funds to assist it in operating one or more of the four BLS LMI programs and to report on the status of the obligation and expenditure of any such funds as well as to close out the Cooperative Agreement. This information collection has been classified as a revision, because of updates to the Cooperative Agreement application instructions and materials. BLS Authorizing Statute sections 1 and 2, Wagner-Peyser Act as Amended section 14, and Federal Grant and Cooperative Agreement Act of 1977 section 6 authorize this information collection. *See* 29 U.S.C. 1, 2, 49L–1; 31 U.S.C. 6305.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1220–0079. The current approval is scheduled to expire on May 31, 2015; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 12, 2014 (79 FR 67193).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1220–0079. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Agency: DOL–BLS.

Title of Collection: Labor Market Information Cooperative Agreement.

OMB Control Number: 1220–0079.

Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 54.

Total Estimated Number of Responses: 1,024.

Total Estimated Annual Time Burden: 928 hours.

Total Estimated Annual Other Costs Burden: $0.

Dated: April 1, 2015.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2015–07893 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4510–24–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2011–0008]

Standard on Commercial Diving Operations; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

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

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend OMB approval of the information collection requirements specified in the Standard on Commercial Diving Operations (29 CFR part 1910, subpart T).

DATES: Comments must be submitted (postmarked, sent, or received) June 8, 2015.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit a copy of your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2011–0008, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and the OSHA docket number (OSHA–2011–0008) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov*. For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download from the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You may also contact Theda Kenney at

the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney or Todd Owen, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accord with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The following provisions of the Commercial Diving Operations Standards (the ''Standards'') contain paperwork requirements: §§ 1910.401(b); 1910.410(a)(3) and (a)(4); 1910.420(a) and (b); 1910.421(b), (f), and (h); 1910.422(e); 1910.423(b)(1)(ii) through (b)(2), (d), and (e); 1910.430(a), (b)(4), (c)(1)(i), (c)(3)(i), (f)(3)(ii), and (g)(2); and 1910.440(a)(2) and (b). These provisions require that employers: Notify OSHA if they deviate from the operational requirements of the Standards; train every diver in cardiopulmonary resuscitation and first aid, and mixed-gas divers (and those who control exposure of divers to mixed-gas breathing conditions) in diving-related physics and physiology; develop and make available to employees a safe practices manual; maintain a list of emergency telephone or call numbers at the diving location; brief dive team members on diving-related tasks, safety procedures, hazards, and revisions to operating procedures; display a code flag ''A'' if diving from a surface other than a vessel in navigable waters; develop and maintain a depth-time profile for each dive; and instruct divers on reporting diving-related illnesses and injuries, and the procedures specified for detecting, treating, and preventing these problems.

The Standards also mandate that employers: Record and maintain diving logs that contain required information; investigate and provide a written evaluation of, any incident involving decompression sickness; mark diving umbilicals as required; inspect, test, and calibrate specified diving equipment; record modifications, repairs, tests, calibrations, and maintenance performed on any diving equipment; make a record of diving-related injuries and illnesses that result in a diver remaining in a hospital for over 24 hours; and create, and disclose to specified parties on request, the written records required by the Standard, and maintain these records for specified periods.

The Standards' paperwork requirements allow employers to deviate from established diving practices and tailor diving operations to unusually hazardous diving conditions, and to analyze diving records (including hospitalization and treatment records) for information they can use to improve diving operations. These requirements are also a direct and efficient means for employers to inform dive-team members about diving-related hazards, procedures to use in avoiding and controlling these hazards, and recognizing and treating diving-related illnesses and injuries. Additionally, employers can review equipment records to ensure that employees performed the required actions, and that the equipment is in safe working order.

Disclosing these records to employees and their designated representatives permits them to identify operational and equipment conditions that may contribute to diving accidents or diving-related medical conditions.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

OSHA is requesting an adjustment decrease of 81 burden hours from 205,096 to 205,015 hours. The Agency is no longer calculating burden hours or costs for employers who provide information to the compliance officers during an OSHA inspection; inspections are outside the scope of PRA–95. The Agency will summarize any comments submitted in response to this notice and will include this summary in the request to OMB.

Type of Review: Extension of a currently approved collection.

Title: Commercial Diving Operations Standard (29 CFR part 1910, subpart T).

OMB Control Number: 1218–0069.

Affected Public: Businesses or other for-profits; Not-for-profit institutions; Federal Government; State, Local or Tribal Governments.

Number of Respondents: 3,000.

Frequency of Responses: On occasion; annually.

Total Responses: 3,996,377.

Average Time per Response: Varies from five minutes (.08 hour) for employers to maintain records to 12 hours for employers to update their compliance plans.

Estimated Total Burden Hours: 205,015.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile (fax); or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number (Docket No. OSHA–2011–0008) for the ICR. You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name,

date, and the docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627). Comments and submissions are posted without change at *http://www.regulations.gov*. Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this Web site.

All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available at the Web site's ''User Tips'' link. Contact the OSHA Docket Office for information about materials not available from the Web site, and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on April 2, 2015.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2015–07937 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2012–0002]

Asbestos in Construction Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

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

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning its proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Asbestos in Construction Standard (29 CFR 1926.1101).

DATES: Comments must be submitted (postmarked, sent, or received) by June 8, 2015.

ADDRESSES: *Electronically:* You may submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Facsimile: If your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648.

Mail, hand delivery, express mail, messenger, or courier service: When using this method, you must submit your comments and attachments to the OSHA Docket Office, Docket No. OSHA–2012–0002, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–2625, 200 Constitution Avenue NW., Washington, DC 20210. Deliveries (hand, express mail, messenger, and courier service) are accepted during the Department of Labor's and Docket Office's normal business hours, 8:15 a.m. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency name and the OSHA docket number (OSHA–2012–0002) for the Information Collection Request (ICR). All comments, including any personal information you provide, are placed in the public docket without change, and may be made available online at *http://www.regulations.gov.* For further information on submitting comments see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. You also may contact Theda Kenney at the address below to obtain a copy of the ICR.

FOR FURTHER INFORMATION CONTACT: Theda Kenney, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (the OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of efforts in obtaining information (29 U.S.C. 657).

The standard protects workers from adverse health effects from occupational exposure to asbestos, including lung cancer, mesothelioma, asbestosis (an emphysema-like condition) and gastrointestinal cancer. The standard requires employers to monitor worker exposure, to provide medical surveillance, and maintain accurate records of worker exposure to asbestos. These records will be used by employers and workers and the Government to ensure that workers are not harmed by exposure to asbestos in the workplace.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the

information collection requirements, including the validity of the methodology and assumptions used;

• The quality, utility, and clarity of the information collected; and

• Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information collection and transmission techniques.

III. Proposed Actions

The Agency is requesting an adjustment decrease of 1,077,068 burden hours (from 4,929,794 to 3,852,726 hours) primarily due to the Agency's estimates, based on updated data, that the number of establishments and workers affected by the Standard have decreased. The operation and maintenance cost increased from $28,816,390 to $36,157,231 due to the estimated increase in the cost of exposure monitoring samples and medical examinations.

Type of Review: Extension of a currently approved collection.

Title: Asbestos in Construction Standard (29 CFR 1926.1101).

OMB Number: 1218–0134.

Affected Public: Business or other for-profits.

Number of Respondents: 1,044,561.

Frequency of Response: On occasion.

Total Responses: 39,251,952.

Average Time per Response: Time per response ranges from 5 minutes to maintain records to 1.67 hours to complete a medical examination.

Estimated Total Burden Hours: 3,852,726.

Estimated Cost (Operation and Maintenance): $36,157,231.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) Electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal; (2) by facsimile; or (3) by hard copy. All comments, attachments, and other material must identify the Agency name and the OSHA docket number for this ICR (Docket No. OSHA–2012–0002). You may supplement electronic submissions by uploading document files electronically. If you wish to mail additional materials in reference to an electronic or facsimile submission, you must submit them to the OSHA Docket Office (see the section of this notice titled **ADDRESSES**). The additional materials must clearly identify your electronic comments by your name, date, and docket number so the Agency can attach them to your comments.

Because of security procedures, the use of regular mail may cause a significant delay in the receipt of comments. For information about security procedures concerning the delivery of materials by hand, express delivery, messenger, or courier service, please contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627).

Comments and submissions are posted without change at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and date of birth. Although all submissions are listed in the *http://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *http://www.regulations.gov* Web site to submit comments and access the docket is available at the Web site's ''User Tips'' link.

Contact the OSHA Docket Office for information about materials not available from the Web site, and for assistance in using the Internet to locate docket submissions.

V. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 1–2012 (77 FR 3912).

Signed at Washington, DC, on April 2, 2015.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2015–07936 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4510–26–P

LEGAL SERVICES CORPORATION

Sunshine Act Meeting

Notice

DATE AND TIME: The Legal Services Corporation's Board of Directors and its six committees will meet April 12–14, 2015. On Sunday, April 12, the first meeting will commence at 2 p.m., Eastern Standard Time (EST), with the meeting thereafter commencing promptly upon adjournment of the immediately preceding meeting. On Monday, April 13, the first meeting will commence at 9 a.m., EST, with the next meeting commencing at 10:15 a.m., EST, and the meeting thereafter commencing promptly upon adjournment of the immediately preceding meeting. On Tuesday, April 14, the first meeting will commence at 9 a.m., EST, and it will be followed by the closed session meeting of the Board of Directors which will commence promptly upon adjournment of the first meeting.

LOCATION: 3333 K Street NW., 3rd. Floor, F. William McCalpin Conference Center, Washington, DC 20007.

PUBLIC OBSERVATION: Unless otherwise noted herein, the Board and all committee meetings will be open to public observation. Members of the public who are unable to attend in person but wish to listen to the public proceedings may do so by following the telephone call-in directions provided below.

CALL-IN DIRECTIONS FOR OPEN SESSIONS:

• Call toll-free number: 1–866–451–4981;

• When prompted, enter the following numeric pass code: 5907707348;

• When connected to the call, please immediately ''MUTE'' your telephone.

Members of the public are asked to keep their telephones muted to eliminate background noises. To avoid disrupting the meeting, please refrain from placing the call on hold if doing so will trigger recorded music or other sound. From time to time, the presiding Chair may solicit comments from the public.

MEETING SCHEDULE

	Time *
Sunday, April 12, 2015:	
1. Operations & Regulations Committee.	2 p.m.
Monday, April 13, 2015:	
1. Finance Committee	9 a.m.
2. Delivery of Legal Services Committee.	
3. Governance & Performance Review Committee.	
4. Audit Committee.	
5. Institutional Advancement Committee.	
Tuesday, April 14, 2015:	
1. Board of Directors	9 a.m.

* Please note that all times in this notice are in the *Eastern Standard Time.*

STATUS OF MEETING: Open, except as noted below.

Board of Directors—Open, except that, upon a vote of the Board of Directors, a portion of the meeting may be closed to the public to hear briefings by management and LSC's Inspector General, and to consider and act on the

General Counsel's report on potential and pending litigation involving LSC, and a list of prospective funders and prospective members of the Leaders Council.**

Institutional Advancement Committee—Open, except that, upon a vote of the Board of Directors, the meeting may be closed to the public to consider and act on a recommendation of new prospective donors and of prospective members of the Leaders Council to the Board of Directors.**

Audit Committee—Open, except that the meeting may be closed to the public to hear briefings on the following matters: The Office of Compliance and Enforcement's active enforcement matter(s) and the Office of Information Technology audit.**

Governance and Performance Review Committee—Open, except that the meeting may be closed to the public to consider and act on a recommendation of new prospective funders.**

A verbatim written transcript will be made of the closed sessions of the Board, Institutional Advancement Committee, Audit Committee and Governance and Performance Review Committee meetings. The transcript of any portions of the closed sessions falling within the relevant provisions of the Government in the Sunshine Act, 5 U.S.C. 552b(c)(6) and (10), will not be available for public inspection. A copy of the General Counsel's Certification that, in his opinion, the closing is authorized by law will be available upon request.

MATTERS TO BE CONSIDERED:

April 12, 2015

Operations & Regulations Committee

1. Approval of agenda
2. Approval of minutes of the Committee's meeting of January 22, 2015
3. Consider and act on Notice of Proposed Rulemaking for 45 CFR 1610.7—Transfers of LSC Funds and 45 CFR 1627—Subgrants and Membership Fees or Dues
   - Ron Flagg, General Counsel
   - Stefanie Davis, Assistant General Counsel
   - Mark Freedman, Senior Assistant General Counsel
4. Consider and act on Rulemaking Options Paper and Notice of Proposed Rulemaking for 45 CFR part 1628—Recipient Fund Balances
   - Ron Flagg, General Counsel
   - Stefanie Davis, Assistant General Counsel
5. Consider and act on Final Rule for 45 CFR part 1640—Application of Federal Law to LSC Recipients
   - Ron Flagg, General Counsel
   - Stefanie Davis, Assistant General Counsel
   - Laurie Tarantowicz, Assistant Inspector General and Legal Counsel
   - Sarah Anderson, Law Fellow
   - Public Comment
6. Report on Program Letters 15–1 and 15–2 regarding 45 CFR part 1607 Governing Bodies
   - Ron Flagg, Vice President & General Counsel
   - Stefanie Davis, Assistant General Counsel
7. Annual report on enforcement mechanism
   - Jim Sandman, President
   - Mark Freedman, Senior Assistant General Counsel
8. Update on comments on population data for grants to serve agricultural and migrant farmworkers
   - Ron Flagg, General Counsel
   - Bristow Hardin, Program Analyst
9. Update on performance management and human capital management
   - Jim Sandman, LSC President
   - Traci Higgins, Director of Human Resources
10. Other public comment
11. Consider and act on other business
12. Consider and act on adjournment of meeting

April 13, 2015

Finance Committee

1. Approval of agenda
2. Approval of minutes of the Committee's meeting on January 23, 2015
3. Presentation of the LSC's Financial Report for the first five months of FY 2015
4. Consider and act on LSC's Revised Consolidated Operating Budget for FY 2015, Resolution 2015–0XX
   - Presentation by David Richardson, Treasurer/Comptroller
5. Report on the FY 2016 appropriations process
   - Carol Bergman, Director of Government Relations & Public Affairs
6. Management discussion regarding process and timetable for FY 2017 Budget
   - Carol Bergman, Director of Government Relations & Public affairs
7. Public comment
8. Consider and act on other business
9. Consider and act on adjournment of meeting

Delivery of Legal Services Committee

1. Approval of Agenda
2. Approval of minutes of the Committee's meeting on January 23, 2015
3. Presentation on grantee oversight by the Office of Program Performance
   a. Grantee Visits
   b. Program Quality Visit Recommendations
   c. Post-Program Quality Visit and Grantee Application Reviews
   d. Special Grant Conditions
      - Lynn Jennings, Vice President for Grants Management
      - Janet LaBella, Director, Office of Program Performance
4. Public comment
5. Consider and act on other business
6. Consider and act on motion to adjourn the meeting

Governance and Performance Review Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's January 22, 2015 meeting
3. Report on GAO inquiry
   - Carol Bergman, Director of Government Relations & Public Affairs
4. Report on Public Welfare Foundation grant, Midwest Disaster Preparedness Grant, and LSC's research agenda
   - Jim Sandman, President
5. Report on evaluations of LSC Comptroller, Vice President for Grants Management, and LSC's research agenda
   - Jim Sandman, President
6. Report on sources of authority governing LSC board actions
7. Consider and act on other business
8. Public comment
9. Consider and act on motion to adjourn meeting

Closed Session

10. Consider and act on prospective funders for research projects
    - Jim Sandman, President

Audit Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's January 22, 2015 meeting
3. Briefing by Office of Inspector General
   - Jeffrey Schanz, Inspector General
4. Management update regarding risk management
   - Ron Flagg, General Counsel
5. Briefing about referrals by the Office of Inspector General to the Office of

**Any portion of the closed session consisting solely of briefings does not fall within the Sunshine Act's definition of the term ''meeting'' and, therefore, the requirements of the Sunshine Act do not apply to such portion of the closed session. 5 U.S.C. 552b(a)(2) and (b). *See also* 45 CFR 1622.2 & 1622.3.

Compliance and Enforcement including matters from the annual Independent Public Accountants audits of grantees
- Lora Rath, Director of compliance and Enforcement

6. Consider and act on other

Closed Session

7. Approval of minutes of the Committee's January 22, 2015 meeting
8. Briefing by Office of Compliance and Enforcement on active enforcement matters and follow-up on open investigation referrals from the Office of Inspector General
   - Lora Rath, Director of Compliance and Enforcement
9. Update on Office of Information Technology Audit
   - Peter Campbell
10. Consider and act on adjournment of meeting

Institutional Advancement Committee

Open Session

1. Approval of agenda
2. Approval of minutes of the Committee's meeting of January 22, 2015
3. Update on development activities
4. Consider and act on LSC's Minnesota Charitable Organization Annual Form, Resolution 2015–XXX
5. Public comment
6. Consider and act on other business
7. Adjourn open session

Closed Session

8. Consider and act on agenda
9. Approval of minutes of the Committee's Closed Session telephonic meeting of March 6, 2015
10. Consider and act on prospective donors
11. Consider and act on prospective Leaders Council members
12. Development report
13. Consider and act on adjournment of meeting

April 14, 2015

Board of Directors

Open Session

1. Pledge of Allegiance
2. Approval of agenda
3. Approval of minutes of the Board's Open Session meeting of January 24, 2015
4. Chairman's Report
5. Members' Report
6. President's Report
7. Inspector General's Report
8. Consider and act on the report of the Finance Committee
9. Consider and act on the report of the Audit Committee
10. Consider and act on the report of the Operations and Regulations Committee
11. Consider and act on the report of the Governance and Performance Review Committee
12. Consider and act on the report of the Institutional Advancement Committee
13. Consider and act on the report of the Delivery of Legal Services Committee
14. Report on implementation of recommendations of the Pro Bono Task Force Report and the Pro Bono Innovation Fund
15. Public comment
16. Consider and act on other business
17. Consider and act on whether to authorize an executive session of the Board to address items listed below, under Closed Session

Closed Session

18. Approval of minutes of the Board's Closed Session of January 24, 2015
22. Management Briefing
23. Inspector General Briefing
24. Consider and act on General Counsel's report on potential and pending litigation involving LSC
25. Consider and act on list of prospective funders
26. Consider and act on prospective members of Leaders' Council
27. Consider and act on motion to adjourn meeting

CONTACT PERSON FOR INFORMATION: Katherine Ward, Executive Assistant to the Vice President & General Counsel, at (202) 295–1500. Questions may be sent by electronic mail to *FR_NOTICE_QUESTIONS@lsc.gov.*

NON-CONFIDENTIAL MEETING MATERIALS: Non-confidential meeting materials will be made available in electronic format at least 24 hours in advance of the meeting on the LSC Web site, at *http://www.lsc.gov/board-directors/meetings/board-meeting-notices/non-confidential-materials-be-considered-open-session.*

ACCESSIBILITY: LSC complies with the American's with Disabilities Act and Section 504 of the 1973 Rehabilitation Act. Upon request, meeting notices and materials will be made available in alternative formats to accommodate individuals with disabilities. Individuals who need other accommodations due to disability in order to attend the meeting in person or telephonically should contact Katherine Ward, at (202) 295–1500 or *FR_NOTICE_QUESTIONS@lsc.gov,* at least 2 business days in advance of the meeting. If a request is made without advance notice, LSC will make every effort to accommodate the request but cannot guarantee that all requests can be fulfilled.

Dated: April 2, 2015.

Katherine Ward,

Executive Assistant to the Vice President for Legal Affairs, General Counsel & Corporate Secretary.

[FR Doc. 2015–08019 Filed 4–3–15; 11:15 am]

BILLING CODE CODE 7050–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting; National Science Board

The National Science Board's Executive Committee, pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

DATE & TIME: Friday, April 10, 2015 at 3:30 p.m. EDT.

SUBJECT MATTER: (1) Chairman's opening remarks; and (2) Discussion of agenda for the May 2015 meetings of the National Science Board.

STATUS: Open

LOCATION: This meeting will be held by teleconference at the National Science Board Office, National Science Foundation, 4201Wilson Blvd., Arlington, VA 22230. A public listening line will be available. Members of the public must contact the Board Office (call 703–292–7000 or send an email message to *nationalsciencebrd@nsf.gov*) at least 24 hours prior to the teleconference for the public listening number.

UPDATES & POINT OF CONTACT: Please refer to the National Science Board Web site *www.nsf.gov/nsb* for additional information. Meeting information and updates (time, place, subject matter or status of meeting) may be found at *http://www.nsf.gov/nsb/notices/.* Point of contact for this meeting is: James Hamos, 4201Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292–8000.

Ann Bushmiller,

Senior Counsel to the National Science Board.

[FR Doc. 2015–08066 Filed 4–3–15; 4:15 pm]

BILLING CODE CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[EA–13–251; NRC–2015–0083]

In the Matter of ATC Group Services, Inc.

AGENCY: Nuclear Regulatory Commission.

ACTION: Order imposing civil monetary penalty; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an Order imposing civil monetary penalty of $3,500 to ATC Group Services, Inc., for the failure to control a portable gauge. The Order is being imposed after receipt and review of the Licensee's reply to a Severity Level III Notice of Violation and Proposed Imposition of Civil Penalty Issued on November 19, 2014.

DATES: *Effective Date:* April 25, 2015.

ADDRESSES: Please refer to Docket ID NRC–2015–0083 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this action by the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0083. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*. For questions about this Order, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced (if it available in ADAMS) is provided the first time that a document is referenced. The original Notice of Violation and Proposed Imposition of Civil Penalty can be found in ADAMS under Accession No. ML14324A963.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Patricia Lougheed, Region III, U.S. Nuclear Regulatory Commission, Lisle, Illinois 60532; telephone: 630 810–4376, email: *Patricia.Lougheed@nrc.gov*.

SUPPLEMENTARY INFORMATION: The text of the Order is attached.

Dated at Lisle, Illinois this 27th day of March, 2015.

For the Nuclear Regulatory Commission.

Darrell J. Roberts,

Acting Regional Administrator.

In the Matter of *ATC Group Services, Inc. Indianapolis, IN*
Docket No. 030–13245
License No. 13–17732–01
EA–13–251

Order Imposing Civil Monetary Penalty

I

ATC Group Services, Inc. (Licensee) is the holder of Materials License No. 13–17732–01, issued by the U.S. Nuclear Regulatory Commission (NRC) on December 30, 1977, and last amended January 29, 2014 (Amendment 31). The license authorizes the Licensee to use and store moisture/density gauges containing radioactive material in accordance with the conditions specified therein.

II

An inspection of the Licensee's activities was conducted on December 4, 2013, and an Office of Investigations investigation was completed August 12, 2014. The results of this inspection and investigation indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalty (Notice) was served upon the Licensee by letter dated November 19, 2014. The Notice states the nature of the violation, the provision of the NRC's requirements that the Licensee violated, and the amount of the civil penalty proposed for the violation.

The Licensee responded to the Notice in a letter dated December 14, 2014. In its response, the Licensee disagreed with the NRC assessment of the safety significance of the violation. Specifically, the Licensee requested that the violation be deemed a Severity Level IV violation.

III

After consideration of the Licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the NRC staff has determined that, as set forth in the Appendix to this Order, the violation occurred as stated and that the penalty proposed for the violation designated in the Notice should be imposed.

IV

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, *it is hereby ordered that:*

The Licensee pays a civil penalty in the amount of $3,500 within 30 days of the date of this Order, in accordance with NUREG/BR–0254. In addition, at the time payment is made, the licensee shall submit a statement indicating when and by what method payment was made, to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738.

V

In accordance with 10 CFR 2.202, the Licensee must, and any other person adversely affected by this Order may, submit an answer to this Order within 30 days of its issuance. In addition, the Licensee and any other person adversely affected by this Order may request a hearing on this Order within 30 days of its issuance. Where good cause is shown, consideration will be given to extending the time to answer or request a hearing. A request for extension of time must be directed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, and include a statement of good cause for the extension.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139; August 28, 2007, as amended by 77 FR 46562, August 3, 2012), codified in pertinent part at 10 CFR part 2, subpart C. The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at (301) 415–1677, to request: (1) A digital ID certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for

hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, web-based submission form. In order to serve documents through Electronic Information Exchange (EIE), users will be required to install a web browser plug-in from the NRC Web site. Further information on the web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene through the EIE. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time (ET) on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, any others who wish to participate in the proceeding (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the agency's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email at *MSHD.Resource@nrc.gov,* or by a toll-free call at (866) 672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., ET, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in NRC's electronic hearing docket, which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by the Licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained. In the absence of any request for a hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 30 days from the date this Order is issued without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. If payment has not been made by the time specified above, the matter may be referred to the Attorney General for collection. [light face signature below]

Dated this 27th day of March, 2015.

For the Nuclear Regulatory Commission

Darrell J. Roberts

Acting Regional Administrator Region III

[FR Doc. 2015–07984 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes; Call for Nominations

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Call for Nominations.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is advertising for nominations for the position of Nuclear Pharmacist on the Advisory Committee on the Medical Uses of Isotopes (ACMUI). Nominees should be a currently practicing nuclear pharmacist.

DATES: Nominations are due on or before June 8, 2015.

NOMINATION PROCESS: Submit an electronic copy of resume or curriculum vitae to Ms. Sophie Holiday, *Sophie.Holiday@nrc.gov.* Please ensure that the resume or curriculum vitae includes the following information, if applicable: Education; certification; professional association membership and committee membership activities; duties and responsibilities in current and previous clinical, research, and/or academic position(s).

FOR FURTHER INFORMATION CONTACT: Ms. Sophie Holiday, U.S. Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards; telephone (404) 997–4691; email: *Sophie.Holiday@nrc.gov.*

SUPPLEMENTARY INFORMATION: The ACMUI Nuclear Pharmacist provides advice on issues associated with the regulation of nuclear pharmacy applications of byproduct material. This advice includes providing input on NRC proposed rules and guidance, providing recommendations on the training and experience requirements for Authorized Nuclear Pharmacists, identifying medical events associated with these uses, evaluating non-routine uses of byproduct material, bringing key issues in the nuclear pharmacy community to the attention of NRC staff, as they relate to radiopharmaceuticals, radiation safety and NRC medical-use policy.

ACMUI members are selected based on their educational background, certification(s), work experience, involvement and/or leadership in professional society activities, and other information obtained in letters or during the selection process.

ACMUI members possess the medical and technical skills needed to address evolving issues. The current membership is comprised of the following professionals: (a) Nuclear medicine physician; (b) nuclear cardiologist; (c) two radiation oncologists; (d) diagnostic radiologist; (e) therapy medical physicist; (f) nuclear medicine physicist; (g) nuclear pharmacist; (h) health care administrator; (i) radiation safety officer; (j) patients' rights advocate; (k) Food and Drug Administration representative; and (l) Agreement State representative.

NRC is inviting nominations for the Nuclear Pharmacist to the ACMUI. The term of the individual currently occupying this position will end March 29, 2016. Committee members currently serve a four-year term and may be considered for reappointment to an additional term.

Nominees must be U.S. citizens and be able to devote approximately 160 hours per year to Committee business. Members who are not Federal employees are compensated for their service. In addition, members are reimbursed for travel (including per-diem in lieu of subsistence) and are reimbursed secretarial and correspondence expenses. Full-time Federal employees are reimbursed travel expenses only.

Security Background Check: The selected nominee will undergo a thorough security background check. Security paperwork may take the nominee several weeks to complete. Nominees will also be required to complete a financial disclosure statement to avoid conflicts of interest.

Dated at Rockville, Maryland, this 1st day of April, 2015.

For the U.S. Nuclear Regulatory Commission.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 2015–07993 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on the Medical Uses of Isotopes: Meeting Notice

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The U.S. Nuclear Regulatory Commission will convene a teleconference meeting of the Advisory Committee on the Medical Uses of Isotopes (ACMUI) on June 16, 2015, to discuss the ACMUI Radioactive Seed Localization subcommittee report and to hear a presentation from Spectrum Pharmaceuticals regarding the training and experience requirements for alpha and beta emitters. Meeting information, including a copy of the agenda and handouts, will be available at *http://www.nrc.gov/reading-rm/doc-collections/acmui/meetings/2015.html.* The agenda and handouts may also be obtained by contacting Ms. Sophie Holiday using the information below.

DATES: The teleconference meeting will be held on Tuesday, June 16, 2015, 2:00 p.m. to 5:00 p.m. Eastern Standard Time.

Public Participation: Any member of the public who wishes to participate in the teleconference should contact Ms. Holiday using the contact information below.

FOR FURTHER INFORMATION CONTACT: Ms. Sophie Holiday, U.S. Nuclear Regulatory Commission, Office of Nuclear Material Safety and Safeguards; telephone: (404) 997–4691, email: *sophie.holiday@nrc.gov.*

Conduct of the Meeting

Dr. Bruce Thomadsen, ACMUI Chairman, will preside over the meeting. Dr. Thomadsen will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit an electronic copy to Ms. Holiday at the contact information listed above. All submittals must be received by June 11, 2015, three business days prior to the meeting, and must pertain to the topic on the agenda for the meeting.

2. Questions and comments from members of the public will be permitted during the meetings, at the discretion of the Chairman.

3. The draft transcript and meeting summary will be available on ACMUI's Web site *http://www.nrc.gov/reading-rm/doc-collections/acmui/meetings/2015.html* on or about July 29, 2015.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in Title 10 of the *Code of Federal Regulations* Part 7.

Dated at Rockville, Maryland, this 1st day of April, 2015.

For the U.S. Nuclear Regulatory Commission.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 2015–07990 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2015–0058]

Applications and Amendments to Facility Operating Licenses and Combined Licenses Involving Proposed No Significant Hazards Considerations and Containing Sensitive Unclassified Non-Safeguards Information and Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment request; opportunity to comment, request a

hearing, and petition for leave to intervene; order.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) received and is considering approval of three amendment requests. The amendment requests are for Perry Nuclear Power Plant, Unit 1; Diablo Canyon Nuclear Power Plant, Units 1 and 2; and San Onofre Nuclear Generating Station, Units 2 and 3. The NRC proposes to determine that each amendment request involves no significant hazards consideration. In addition, each amendment request contains sensitive unclassified non-safeguards information (SUNSI).

DATES: Comments must be filed by May 7, 2015. A request for a hearing must be filed by June 8, 2015. Any potential party as defined in § 2.4 of Title 10 of the *Code of Federal Regulations* (10 CFR), who believes access to SUNSI is necessary to respond to this notice must request document access by April 17, 2015.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2015–0058. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Cindy Bladey, Office of Administration, Mail Stop: OWFN–12–H08, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Paula Blechman, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001; telephone: 301–415–2242, email: *Paula.Blechman@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2015–0058 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–2015–0058.
- *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–2015–0058, facility name, unit number(s), application date, and subject in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background

Pursuant to Section 189a.(2) of the Atomic Energy Act of 1954, as amended (the Act), the NRC is publishing this notice. The Act requires the Commission to publish notice of any amendments issued, or proposed to be issued and grants the Commission the authority to issue and make immediately effective any amendment to an operating license or combined license, as applicable, upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This notice includes notices of amendments containing SUNSI.

III. Notice of Consideration of Issuance of Amendments to Facility Operating Licenses and Combined Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendment before expiration of the 60-day period provided that its final determination is that the amendment involves no significant hazards consideration. In addition, the Commission may issue the amendment prior to the expiration of the 30-day comment period should circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. Should the Commission take action prior to the expiration of either the comment period or the notice period, it will publish a notice of issuance in the **Federal Register**. Should the Commission make a final No Significant Hazards Consideration Determination, any hearing will take place after issuance. The Commission expects that

the need to take this action will occur very infrequently.

A. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any person(s) whose interest may be affected by this action may file a request for a hearing and a petition to intervene with respect to issuance of the amendment to the subject facility operating license or combined license. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Agency Rules of Practice and Procedure'' in 10 CFR part 2. Interested person(s) should consult a current copy of 10 CFR 2.309, which is available at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (first Floor), Rockville, Maryland 20852. The NRC's regulations are accessible electronically from the NRC Library on the NRC's Web site at *http://www.nrc.gov/reading-rm/doc-collections/cfr/.* If a request for a hearing or petition for leave to intervene is filed within 60 days, the Commission or a presiding officer designated by the Commission or by the Chief Administrative Judge of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the Chief Administrative Judge of the Atomic Safety and Licensing Board will issue a notice of a hearing or an appropriate order.

As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements: (1) The name, address, and telephone number of the requestor or petitioner; (2) the nature of the requestor's/petitioner's right under the Act to be made a party to the proceeding; (3) the nature and extent of the requestor's/petitioner's property, financial, or other interest in the proceeding; and (4) the possible effect of any decision or order which may be entered in the proceeding on the requestor's/petitioner's interest. The petition must also set forth the specific contentions which the requestor/petitioner seeks to have litigated at the proceeding.

Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the requestor/petitioner shall provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the requestor/petitioner intends to rely in proving the contention at the hearing. The requestor/petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the requestor/petitioner intends to rely to establish those facts or expert opinion. The petition must include sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the requestor/petitioner to relief. A requestor/petitioner who fails to satisfy these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of any amendment unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

B. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/getting-started.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 1–866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

Petitions for leave to intervene must be filed no later than 60 days from the date of publication of this notice. Requests for hearing, petitions for leave to intervene, and motions for leave to file new or amended contentions that are filed after the 60-day deadline will not be entertained absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i)–(iii).

For further details with respect to this amendment action, see the application for amendment which is available for public inspection at the NRC's PDR, located at One White Flint North, Room O1–F21, 11555 Rockville Pike (First Floor), Rockville, Maryland 20852. Publicly available documents created or received at the NRC are accessible electronically through ADAMS in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the PDR's Reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*

FirstEnergy Nuclear Operating Company, Docket No. 50–440, Perry Nuclear Power Plant (PNPP), Unit 1, Perry, Ohio

Date of amendment request: January 9, 2015. A publicly-available version is in ADAMS under Accession No. ML15009A265.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendment requests revision of the operating license to extend the completion date for full implementation of the PNPP Cyber Security Plan from the beginning of July 2015 to the end of December 2017.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed amendment extends the completion date for milestone 8 of the Cyber Security Plan (CSP) implementation schedule. Revising the full implementation date for the CSP does not involve modifications to any safety-related structures, systems, or components (SSCs). The implementation schedule provides a timeline for fully implementing the CSP. The CSP describes how the requirements of 10 CFR 73.54 are to be implemented to identify, evaluate, and mitigate cyber attacks up to and including the design basis cyber attack threat; thereby achieving high assurance that the facility's digital computer and communications systems and networks are protected from cyber attacks. The revision of the CSP Implementation Schedule will not alter previously evaluated design basis accident analysis assumptions, add any accident initiators, modify the function of the plant safety-related SSCs, or affect how any plant safety-related SSCs are operated, maintained, tested, or inspected.

As the proposed change does not directly impact SSCs, and milestones 1 through 7 provide significant protection against cyber attacks, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change does not introduce a new mode of plant operation or involve a physical modification to the plant. New equipment is not installed with the proposed

amendment, nor does the proposed amendment cause existing equipment to be operated in a new or different manner. The change to cyber security implementation plan milestone 8 is administrative in nature and relies on the significant protection against cyber attacks that has been gained through the implementation of CSP milestones 1 through 7. Since the proposed amendment does not involve a change to the plant design or operation, no new system interactions are created by this change. The proposed changes do not result in any new failure modes, and thus cannot initiate an accident different from those previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response: No.

The proposed amendment does not affect the performance of any structures, systems or components as described in the design basis analyses. The change to milestone 8 of the cyber security implementation plan is administrative in nature.

The proposed change does not introduce a new mode of plant operation or involve a physical modification to the plant. The proposed amendment does not introduce changes to limits established in the accident analysis. Since there is no impact to any SSCs, or any maintenance or operational practice, there is also no reduction in any margin of safety.

As the proposed change does not directly impact SSCs, and milestones 1 through 7 provide significant protection against cyber attacks, the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: David W. Jenkins, Attorney, FirstEnergy Corporation, Mail Stop A–GO–15, 76 South Main Street, Akron, Ohio 44308.

NRC Branch Chief: Travis L. Tate.

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant (DCPP), Units 1 and 2, San Luis Obispo County, California

Date of amendment request: October 17, 2014, as supplemented by letter dated February 19, 2015. Publicly-available versions are in ADAMS under Accession Nos. ML14290A603 and ML15050A437, respectively.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendment would revise the DCPP Cyber Security Plan (CSP) Milestone h full implementation schedule as set forth in the CSP implementation schedule.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change to the DCPP CSP Implementation Schedule is administrative in nature. This change does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The proposed change does not require any plant modifications which affect the performance capability of the structures, systems, and components (SSCs) relied upon to mitigate the consequences of a postulated accident, and has no impact on the probability or consequences of an accident previously evaluated.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different accident from any accident previously evaluated?

Response: No.

The proposed change to the DCPP CSP Implementation Schedule is administrative in nature. This change does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The proposed change does not require any plant modifications which affect the performance capability of the SSCs relied upon to mitigate the consequences of a postulated accident, and does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

The margin of safety is associated with the confidence in the ability of the fission product barriers (*i.e.,* fuel cladding, reactor coolant pressure boundary, and containment structure) to limit the level of radiation to the public. The proposed amendment does not alter the way any safety-related SSC functions and does not alter the way the plant is operated. The CSP provides assurance that safety-related SSCs are protected from cyber-attacks. The proposed amendment does not introduce any new uncertainties or change any existing uncertainties associated with any safety limit. The proposed amendment has no effect on the structural integrity of the fuel cladding, reactor coolant pressure boundary, or containment structure. Based on the above considerations, the proposed amendment does not degrade the confidence in the ability of the fission product barriers to limit the level of radiation to the public.

Therefore, the proposed change does not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Jennifer Post, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120.

Acting NRC Branch Chief: Eric R. Oesterle.

Southern California Edison Company, *et al.,* Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

Date of amendment request: November 12, 2014. A publicly-available version is in ADAMS under Accession No. ML14321A015.

Description of amendment request: This amendment request contains sensitive unclassified non-safeguards information (SUNSI). The proposed amendments would revise the Cyber Security Plan Implementation Schedule Milestone No. 8 completion date and the physical protection license condition.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

Response: No.

The proposed change to the San Onofre Nuclear Generating Station (SONGS) Cyber Security Plan Implementation Schedule is administrative in nature. This change does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The proposed change does not require any plant modifications which affect the performance capability of the structures, systems, and components (SSCs) relied upon to mitigate the consequences of postulated accidents, and has no impact on the

probability or consequences of an accident previously evaluated.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

Response: No.

The proposed change to the SONGS Cyber Security Plan Implementation Schedule is administrative in nature. This proposed change does not alter accident analysis assumptions, add any initiators, or affect the function of plant systems or the manner in which systems are operated, maintained, modified, tested, or inspected. The proposed change does not require any plant modifications which affect the performance capability of the SSCs relied upon to mitigate the consequences of postulated accidents, and does not create the possibility of a new or different kind of accident from any accident previously evaluated.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the proposed change involve a significant reduction in a margin of safety?

Response: No.

Plant safety margins are established through limiting conditions for operation limiting safety system settings, and safety limits specified in the technical specifications. The proposed change to the SONGS Cyber Security Plan Implementation Schedule is administrative in nature. Since the proposed change is administrative in nature, there is no change to these established safety margins. Therefore the proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Attorney for licensee: Walker A. Matthews, Esquire, Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, California 91770.

NRC Branch Chief: Meena K. Khanna.

Order Imposing Procedures for Access to Sensitive Unclassified Non-Safeguards Information for Contention Preparation

FirstEnergy Nuclear Operating Company, Docket No. 50–440, Perry Nuclear Power Plant, Unit 1, Perry, Ohio

Pacific Gas and Electric Company, Docket Nos. 50–275 and 50–323, Diablo Canyon Nuclear Power Plant, Units 1 and 2, San Luis Obispo County, California

Southern California Edison Company, et al., Docket Nos. 50–361 and 50–362, San Onofre Nuclear Generating Station, Units 2 and 3, San Diego County, California

A. This Order contains instructions regarding how potential parties to this proceeding may request access to documents containing SUNSI.

B. Within 10 days after publication of this notice of hearing and opportunity to petition for leave to intervene, any potential party who believes access to SUNSI is necessary to respond to this notice may request such access. A ''potential party'' is any person who intends to participate as a party by demonstrating standing and filing an admissible contention under 10 CFR 2.309. Requests for access to SUNSI submitted later than 10 days after publication of this notice will not be considered absent a showing of good cause for the late filing, addressing why the request could not have been filed earlier.

C. The requester shall submit a letter requesting permission to access SUNSI to the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, and provide a copy to the Associate General Counsel for Hearings, Enforcement and Administration, Office of the General Counsel, Washington, DC 20555–0001. The expedited delivery or courier mail address for both offices is: U.S. Nuclear Regulatory Commission, 11555 Rockville Pike, Rockville, Maryland 20852. The email address for the Office of the Secretary and the Office of the General Counsel are *Hearing.Docket@nrc.gov* and *OGCmailcenter@nrc.gov,* respectively.[1] The request must include the following information:

(1) A description of the licensing action with a citation to this **Federal Register** notice;

(2) The name and address of the potential party and a description of the potential party's particularized interest that could be harmed by the action identified in C.(1); and

(3) The identity of the individual or entity requesting access to SUNSI and the requester's basis for the need for the information in order to meaningfully participate in this adjudicatory proceeding. In particular, the request must explain why publicly-available versions of the information requested would not be sufficient to provide the basis and specificity for a proffered contention.

D. Based on an evaluation of the information submitted under paragraph C.(3) the NRC staff will determine within 10 days of receipt of the request whether:

(1) There is a reasonable basis to believe the petitioner is likely to establish standing to participate in this NRC proceeding; and

(2) The requestor has established a legitimate need for access to SUNSI.

E. If the NRC staff determines that the requestor satisfies both D.(1) and D.(2) above, the NRC staff will notify the requestor in writing that access to SUNSI has been granted. The written notification will contain instructions on how the requestor may obtain copies of the requested documents, and any other conditions that may apply to access to those documents. These conditions may include, but are not limited to, the signing of a Non-Disclosure Agreement or Affidavit, or Protective Order[2] setting forth terms and conditions to prevent the unauthorized or inadvertent disclosure of SUNSI by each individual who will be granted access to SUNSI.

F. Filing of Contentions. Any contentions in these proceedings that are based upon the information received as a result of the request made for SUNSI must be filed by the requestor no later than 25 days after the requestor is granted access to that information. However, if more than 25 days remain between the date the petitioner is granted access to the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline. This provision does not extend the time for

[1] While a request for hearing or petition to intervene in this proceeding must comply with the filing requirements of the NRC's ''E-Filing Rule,'' the initial request to access SUNSI under these procedures should be submitted as described in this paragraph.

[2] Any motion for Protective Order or draft Non-Disclosure Affidavit or Agreement for SUNSI must be filed with the presiding officer or the Chief Administrative Judge if the presiding officer has not yet been designated, within 30 days of the deadline for the receipt of the written access request.

filing a request for a hearing and petition to intervene, which must comply with the requirements of 10 CFR 2.309.

G. Review of Denials of Access.

(1) If the request for access to SUNSI is denied by the NRC staff after a determination on standing and need for access, the NRC staff shall immediately notify the requestor in writing, briefly stating the reason or reasons for the denial.

(2) The requester may challenge the NRC staff's adverse determination by filing a challenge within 5 days of receipt of that determination with: (a) The presiding officer designated in this proceeding; (b) if no presiding officer has been appointed, the Chief Administrative Judge, or if he or she is unavailable, another administrative judge, or an administrative law judge with jurisdiction pursuant to 10 CFR 2.318(a); or (c) officer if that officer has been designated to rule on information access issues.

H. Review of Grants of Access. A party other than the requester may challenge an NRC staff determination granting access to SUNSI whose release would harm that party's interest independent of the proceeding. Such a challenge must be filed with the Chief Administrative Judge within 5 days of the notification by the NRC staff of its grant of access.

If challenges to the NRC staff determinations are filed, these procedures give way to the normal process for litigating disputes concerning access to information. The availability of interlocutory review by the Commission of orders ruling on such NRC staff determinations (whether granting or denying access) is governed by 10 CFR 2.311.[3]

I. The Commission expects that the NRC staff and presiding officers (and any other reviewing officers) will consider and resolve requests for access to SUNSI, and motions for protective orders, in a timely fashion in order to minimize any unnecessary delays in identifying those petitioners who have standing and who have propounded contentions meeting the specificity and basis requirements in 10 CFR part 2. Attachment 1 to this Order summarizes the general target schedule for processing and resolving requests under these procedures.

It Is So Ordered.

Dated at Rockville, Maryland, this 27th day of March, 2015.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

Attachment 1—General Target Schedule for Processing and Resolving Requests for Access to Sensitive Unclassified Non-Safeguards Information in This Proceeding

Day	Event/activity
0	Publication of **Federal Register** notice of hearing and opportunity to petition for leave to intervene, including order with instructions for access requests.
10	Deadline for submitting requests for access to Sensitive Unclassified Non-Safeguards Information (SUNSI) with information: supporting the standing of a potential party identified by name and address; describing the need for the information in order for the potential party to participate meaningfully in an adjudicatory proceeding.
60	Deadline for submitting petition for intervention containing: (i) Demonstration of standing; and (ii) all contentions whose formulation does not require access to SUNSI (+25 Answers to petition for intervention; +7 petitioner/requestor reply).
20	U.S. Nuclear Regulatory Commission (NRC) staff informs the requester of the staff's determination whether the request for access provides a reasonable basis to believe standing can be established and shows need for SUNSI. (NRC staff also informs any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information.) If NRC staff makes the finding of need for SUNSI and likelihood of standing, NRC staff begins document processing (preparation of redactions or review of redacted documents).
25	If NRC staff finds no "need" or no likelihood of standing, the deadline for petitioner/requester to file a motion seeking a ruling to reverse the NRC staff's denial of access; NRC staff files copy of access determination with the presiding officer (or Chief Administrative Judge or other designated officer, as appropriate). If NRC staff finds "need" for SUNSI, the deadline for any party to the proceeding whose interest independent of the proceeding would be harmed by the release of the information to file a motion seeking a ruling to reverse the NRC staff's grant of access.
30	Deadline for NRC staff reply to motions to reverse NRC staff determination(s).
40	(Receipt +30) If NRC staff finds standing and need for SUNSI, deadline for NRC staff to complete information processing and file motion for Protective Order and draft Non-Disclosure Affidavit. Deadline for applicant/licensee to file Non-Disclosure Agreement for SUNSI.
A	If access granted: issuance of presiding officer or other designated officer decision on motion for protective order for access to sensitive information (including schedule for providing access and submission of contentions) or decision reversing a final adverse determination by the NRC staff.
A + 3	Deadline for filing executed Non-Disclosure Affidavits. Access provided to SUNSI consistent with decision issuing the protective order.
A + 28	Deadline for submission of contentions whose development depends upon access to SUNSI. However, if more than 25 days remain between the petitioner's receipt of (or access to) the information and the deadline for filing all other contentions (as established in the notice of hearing or opportunity for hearing), the petitioner may file its SUNSI contentions by that later deadline.
A + 53	(Contention receipt +25) Answers to contentions whose development depends upon access to SUNSI.
A + 60	(Answer receipt +7) Petitioner/Intervenor reply to answers.
>A + 60	Decision on contention admission.

[FR Doc. 2015–07715 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 7590–01–P

[3] Requesters should note that the filing requirements of the NRC's E-Filing Rule (72 FR 49139; August 28, 2007) apply to appeals of NRC staff determinations (because they must be served on a presiding officer or the Commission, as applicable), but not to the initial SUNSI request submitted to the NRC staff under these procedures.

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, April 9, 2015 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Gallagher, as duty officer, voted to consider the items listed for the Closed Meeting in closed session, and determined that no earlier notice thereof was possible.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

an adjudicatory matter; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: April 2, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–08021 Filed 4–3–15; 11:15 am]

BILLING CODE CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74628; File No. SR–Phlx–2015–32]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 3301(h)

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 24, 2015, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 3301(h) to introduce the Market Hours Immediate or Cancel Time in Force for use on the NASDAQ OMX PSX System and to modify the processing of Good-til-market close-designated orders.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to expand the number of Time in Force designations currently available for use in the PHLX NASDAQ OMX PSX System (''PSX System'' or ''PSX'') by adopting a Market Hours Immediate or Cancel (''Market Hours IOC'' or ''MIOC'') Time in Force. Time in Force is a characteristic of an order that limits the period of time that PSX System will hold an order for potential execution. Currently the Exchange offers the following six Times in Force for use in PSX: (1) System Hours Immediate or Cancel; (2) System Hours Day; (3) System Hours Good-till-Cancelled; (4) System Hours Expire Time; (5) Market Hours GTC; and (6) Good-til-market close.[3] The Exchange is proposing to add the Market Hours IOC Time in Force, which will cause an order designated as such (or unexecuted portion thereof) to be canceled if, after entry into the PSX System, the order (or unexecuted portion thereof) becomes non-marketable during the period from 9:30 a.m. Eastern Time until 4:00 p.m. Eastern Time (''Regular Market Hours''). The new Time in Force is similar to the System Hours Immediate or Cancel (''SIOC'') Time in Force, which, as noted above, is currently available on the Exchange. Like the proposed MIOC Time in Force, an order with a Time in Force of SIOC will cause such an order (or a portion thereof) to be canceled and returned to the entering market participant if, after entry into the PSX System, the order (or unexecuted portion thereof) is not marketable. Unlike the System Hours Immediate or Cancel Time in Force, which is available for entry and potential execution from 8:00 a.m. until 5:00 p.m. Eastern Time (''System Hours''), the proposed MIOC Time in Force is only available for entry and potential execution during Regular Market Hours. As such, MIOC-designated orders will operate in the same manner as SIOC-designated orders, but are limited to entry and potential execution only during Regular Market Hours. The Exchange notes that, because it is an immediate or cancel time in force,[4] the Exchange believes that it is appropriate to limit MIOC order entry to Regular Market Hours. An order designated with a Time in Force of MIOC that is entered outside of Regular Market Hours will be returned to the entering member firm without attempting to execute.

The Exchange notes that the NASDAQ Stock Market LLC (''NASDAQ'') currently has a MIOC Time in Force, which was adopted in 2006.[5] The Exchange's proposed MIOC Time in Force will operate identically, but will be available during a slightly different time period, which is attributable to NASDAQ's Opening Cross process.[6]

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Rules 3301(h)(1)–(8). The Exchange notes that Rules 3301(h)(5) and (6) are currently held in reserve.

[4] An order designated as ''immediate or cancel'' represents the entering member firm's desire for the order to either execute immediately after the System determines whether the order is marketable or be canceled.

[5] *See* Securities Exchange Act Release No. 54155 (July 16 [sic], 2006), 71 FR 41291 (July 20, 2006)(SR–NASDAQ–2006–001); *see also* NASDAQ Rule 4751(h)(5).

[6] *See* NASDAQ Rule 4752.

Specifically, the Exchange's MIOC Time in Force will be available for entry and potential execution from 9:30 a.m. through 4:00 p.m. Eastern Time, whereas NASDAQ's MIOC Time in Force is available for entry and potential execution beginning after the completion of the NASDAQ Opening Cross [7] through 4:00 p.m. Eastern Time.[8] Unlike NASDAQ, PSX does not have an opening cross process, but rather opens for Regular Market Hours trading at 9:30 a.m. Eastern Time.[9] Otherwise, the Exchange's proposed MIOC Time in Force will operate identically to NASDAQ's.

The Exchange is also proposing to modify the processing of orders designated as Good-til-market close (''GTMC'').[10] As noted above, the Exchange currently has a GTMC Time in Force, which allows an order designated as such to be executed from 8:00 a.m. to 4:00 p.m. Eastern Time. GTMC-designated orders entered after 4:00 p.m. Eastern Time, however, are converted to a Time in Force of SIOC. In lieu of converting such orders, the Exchange is proposing to no longer accept GTMC orders for execution after 4:00 p.m. Eastern Time. As a consequence, the Exchange is adding rule text to the rule noting the GTMC orders entered after 4:00 p.m. Eastern Time will not be accepted and is deleting text concerning conversion of the order. The Exchange notes that NASDAQ recently made similar changes to its GTMC Time in Force, whereby it will no longer accept GTMC-designated orders after initiation of its Lockdown Period, the time at which no further orders for participation in the NASDAQ Closing Cross or the continuous market will be accepted, which begins at 4:00 p.m. Eastern Time.[11]

2. Statutory Basis

PHLX believes that the proposed rule changes are consistent with the provisions of Section 6 of the Act,[12] in general, and with Section 6(b)(5) of the Act,[13] 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; and also in that it is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange believes that offering market participants with an additional Time in Force, which NASDAQ has had since 2006, is indicative of the Exchange's maturation as an equities market. Allowing Exchange participants the ability to more precisely select when their order may be executed removes impediments and perfects the mechanism of the market because it benefits all market participants and ensures that PHLX is able to compete with other market venues by providing similar tools and functionality. This functionality is nearly identical to the MIOC Time in Force that has been available on NASDAQ since 2006 and is well known to its market participants. Lastly, offering MIOC to PSX market participants raises no issues concerning unfair discrimination as the new Time in Force is available to all PSX market participants.

The proposed changes to the processing of GTMC-designated orders further these objectives because the changes simplify processing of such orders when entered after the close of Regular Market Hours. Rather than converting GTMC-designated orders to an order with a different time-in-force if entered after the market close, the Exchange will no longer accept them after 4:00 p.m. Eastern Time, which is consistent with a market participant's intent to execute during the period from 8:00 a.m. and 4:00 p.m. To the extent a member firm would like to participate in post-market hours trading, it may enter a new order eligible to participate in post-market trading. Moreover, simplifying the processing of GTMC-designated orders will remove complication in the handling of such orders, thereby further improving the operation of the market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Exchange believes that the proposal will enhance PHLX's competitiveness by providing its market participants with an additional option to limit when their orders may be executed. As discussed above, the MIOC Time in Force is available on NASDAQ, and providing it on PSX will allow PHLX to compete with NASDAQ and any other market venue that provides similar Time in Force functionality. This may, in turn, increase the extent of liquidity available on PSX and increase its ability to compete with other execution venues to attract orders that are seeking immediate execution during Regular Market Hours. The Exchange further believes that the introduction of the MIOC Time in Force will not impair in any manner the ability of market participants or other execution venues to compete. The proposed changes to GTMC Time in Force are designed to promote consistency and stability in the closing process and in the handling of orders after Regular Market Hours has [sic] ended. Such changes do not place a burden on competition between market participants as the changes are applied consistently to all PSX market participants. Moreover, the proposed changes may foster competition among exchanges and other markets, to the extent they make PSX a more attractive venue to market participants.

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 Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [14] and Rule 19b–4(f)(6) thereunder.[15] Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative

[7] NASDAQ's Opening Cross begins at 9:30 a.m. Eastern Time and market hours trading commences when the Opening Cross concludes. *See* NASDAQ Rule 4752(d).

[8] The Exchange notes that NASDAQ recently provided the Commission notice of a proposed immediately effective filing to simplify handling of NASDAQ MIOC-designated orders by no longer accepting such orders prior to the completion of the NASDAQ Opening Cross. *See* SR–NASDAQ–2015–11P.

[9] The System is opened for order entry at 8:00 a.m. Eastern Time and begins to process each order in accordance with its characteristics immediately. All trades executed prior to 9:30 a.m. shall be automatically appended with the ''.T'' modifier. *See* Rule 3302.

[10] *See* Rule 4751(h)(8).

[11] *See* Securities Exchange Act Release No. 73943 (December 24, 2014), 80 FR 69 (January 2, 2015) (SR–NASDAQ–2014–123); *see also* Securities Exchange Act Release No. 74342 (February 20, 2015), 80 FR 10562 (February 26, 2015) (SR–NASDAQ–2015–014) (delaying implementation of the changes made by SR–NASDAQ–2014–123 until April 13, 2015).

[12] 15 U.S.C. 78f.

[13] 15 U.S.C. 78f(b)(4) [sic] and (5).

[14] 15 U.S.C. 78s(b)(3)(A)(iii).

[15] 17 CFR 240.19b–4(f)(6).

for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [16] and Rule 19b–4(f)(6)(iii) thereunder.[17] The Exchange represents that this proposed rule change will be implemented during the Second Quarter of 2015 subject to the issuance of an Equity Trader Alert that will provide at least 30 days of notice prior to the operative date for the respective amendments to Rule 4751(h).

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2015–32 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–2015–32. 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–Phlx–2015–32, and should be submitted on or before May 7, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Brent J. Fields,

Secretary.

[FR Doc. 2015–07851 Filed 4–6–15; 8:45 am]

BILLING CODE 8011–01–P

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission Investor Advisory Committee will hold a meeting on Thursday, April 9, 2015, in Multi-Purpose Room LL–006 at the Commission's headquarters, 100 F Street NE., Washington, DC. The meeting will begin at 9:30 a.m. (ET) and will be open to the public. Seating will be on a first-come, first-served basis. Doors will open at 9 a.m. Visitors will be subject to security checks. The meeting will be webcast on the Commission's Web site at *www.sec.gov.*

On March 18, 2015, the Commission issued notice of the Committee meeting (Release No. 33–9739), indicating that the meeting is open to the public (except during portions of the meeting reserved for meetings of the Committee's subcommittees), and inviting the public to submit written comments to the Committee. This Sunshine Act notice is being issued because a quorum of the Commission may attend the meeting.

The agenda for the meeting includes: Remarks from Commissioners; nomination of candidates for officer positions and election of officers; a discussion of the Commodity Futures Trading Commission's investor behavior survey results; a discussion of background checks as a means to address elder financial abuse (which may include a recommendation); a discussion of proxy access and staff review of Rule 14a–8(i)(9) under the Securities Exchange Act of 1934 (which may include a recommendation); an update on the SEC proxy voting roundtable; an update on the recommendations of the SEC Advisory Committee on Small and Emerging Companies; and nonpublic subcommittee meetings.

For further information, please contact the Office of the Secretary at (202) 551–5400.

Dated: April 2, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–08020 Filed 4–3–15; 11:15 am]

BILLING CODE CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: U.S. Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736.

Extension: Rule 17f–2. SEC File No. 270–233, OMB Control No. 3235–0223.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 350l *et seq.*), 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–2 (17 CFR 270.17f–2), entitled ''Custody of Investments by Registered Management Investment Company,'' was adopted in 1940 under section 17(f) of the Investment Company Act of 1940 (15 U.S.C. 80a–17(f)) (the ''Act''), and was last amended

materially in 1947. Rule 17f–2 establishes safeguards for arrangements in which a registered management investment company (''fund'') is deemed to maintain custody of its own assets, such as when the fund maintains its assets in a facility that provides safekeeping but not custodial services.[1] The rule includes several recordkeeping or reporting requirements. The fund's directors must prepare a resolution designating not more than five fund officers or responsible employees who may have access to the fund's assets. The designated access persons (two or more of whom must act jointly when handling fund assets) must prepare a written notation providing certain information about each deposit or withdrawal of fund assets, and must transmit the notation to another officer or director designated by the directors. An independent public accountant must verify the fund's assets three times each year, and two of those examinations must be unscheduled.[2]

Rule 17f–2's requirement that directors designate access persons is intended to ensure that directors evaluate the trustworthiness of insiders who handle fund assets. The requirements that access persons act jointly in handling fund assets, prepare a written notation of each transaction, and transmit the notation to another designated person are intended to reduce the risk of misappropriation of fund assets by access persons, and to ensure that adequate records are prepared, reviewed by a responsible third person, and available for examination by the Commission. The requirement that auditors verify fund assets without notice twice each year is intended to provide an additional deterrent to the misappropriation of fund assets and to detect any irregularities.

The Commission staff estimates that each fund makes 974 responses and spends an average of 252 hours annually in complying with the rule's requirements.[3] Commission staff estimates that on an annual basis it takes: (i) 0.5 hours of fund accounting personnel at a total cost of $99 to draft director resolutions;[4] (ii) 0.5 hours of the fund's board of directors at a total cost of $2200 to adopt the resolution;[5] (iii) 244 hours for the fund's accounting personnel at a total cost of $63,797 to prepare written notations of transactions;[6] and (iv) 7 hours for the fund's accounting personnel at a total cost of $1386 to assist the independent public accountants when they perform verifications of fund assets.[7] Commission staff estimates that approximately 188 funds file Form N–17f–2 each year.[8] Thus, the total annual hour burden for rule 17f–2 is estimated to be 47,376 hours.[9] Based on the total costs per fund listed above, the total cost of rule 17f–2's collection of information requirements is estimated to be approximately $12.7 million.[10]

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 collections of information required by rule 17f–2 is mandatory for those funds that maintain custody of their own assets. Responses will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid 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 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: April 1, 2015.

Brent J. Fields,

Secretary.

[FR Doc. 2015–07852 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 8011–01–P

[1] The rule generally requires all assets to be deposited in the safekeeping of a ''bank or other company whose functions and physical facilities are supervised by Federal or State authority.'' The fund's securities must be physically segregated at all times from the securities of any other person.

[2] The accountant must transmit to the Commission promptly after each examination a certificate describing the examination on Form N–17f–2. The third (scheduled) examination may coincide with the annual verification required for every fund by section 30(g) of the Act (15 U.S.C. 80a–29(g)).

[3] The 974 responses are: 1 (one) response to draft and adopt the resolution and 973 notations. Estimates of the number of hours are based on conversations with individuals in the fund industry. The actual number of hours may vary significantly depending on individual fund assets.

[4] This estimate is based on the following calculation: 0.5 (burden hours per fund) × $198 (senior accountant's hourly rate) = $99. Unless otherwise indicated, the hourly wage figures used herein are from the Securities Industry and Financial Markets Association'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.

[5] The estimate for the cost of board time as a whole is derived from estimates made by the staff regarding typical board size and compensation that is based on information received from fund representatives and publicly available sources.

[6] Respondents estimated that each fund makes 974 responses on an annual basis and spends a total of 0.25 hours per response. The fund personnel involved are Accounts Payable Manager ($186 hourly rate), Operations Manager ($334 hourly rate) and Accounting Manager ($265 hourly rate). The average hourly rate of these personnel is $262. The estimated cost of preparing notations is based on the following calculation: 974 × 0.25 × $262 = $63,797.

[7] This estimate is based on the following calculation: 7 × $198 (senior accountant's hourly rate) = $1386.

[8] On average, each year approximately 188 funds filed Form N–17f–2 with the Commission during calendar years 2011–2013.

[9] This estimate is based on the following calculation: 188 (funds) × 252 (total annual hourly burden per fund) = 47,376 hours for rule. The annual burden for rule 17f–2 does not include time spent preparing Form N–17f–2. The burden for Form N–17f–2 is included in a separate collection of information.

[10] This estimate is based on the following calculation: $67,482 (total annual cost per fund) × 188 funds = $12,686,616.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–74622; File No. SR–ISEGemini–2015–08]

Self-Regulatory Organizations; ISE Gemini, 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 30, 2015 ISE Gemini, LLC (the ''Exchange'' or ''ISE Gemini'') 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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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

ISE Gemini 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. 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–ISEGemini 2015–08 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–ISEGemini–2015–08. 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–ISEGemini–2015–08, and should be submitted on or before April 28, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Brent J. Fields,

Secretary.

[FR Doc. 2015–07849 Filed 4–6–15; 8:45 am]

BILLING CODE 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

[Release No. 34–74627; File No. SR–Phlx–2015–30]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Section (a)(iv) of Rule 703, Financial Responsibility and Reporting

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 23, 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 substantially prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend section (a)(iv) of Rule 703, Financial Responsibility and Reporting, as described below.[3]

The text of the proposed rule change is below. Proposed new language is in italics; proposed deletions are in brackets.

* * * * *

Rule 703. Financial Responsibility and Reporting

(a) Financial Responsibility Standards.—Each member organization effecting securities transactions shall comply with the capital requirements set forth below:

(i) each member organization subject to SEC

[1] *See* 15 U.S.C. 78s(b)(1).

[2] *See* 17 CFR 240.19b–4.

[3] A Registered Options Trader or ROT is a regular member or a foreign currency options participant of the Exchange located on the trading floor who has received permission from the Exchange to trade in options for his own account. *See* Exchange Rule 1014(b)(i).

rule 15c3–1 shall at all times comply with said rule and the notification provisions of SEC rule 17a–11;

(ii) each member organization exempt from SEC rule 15c3–1 shall, at the time of its admission to the Exchange, have a minimum of $25,000 in net liquid assets;

(iii) each member organization or foreign currency options participant organization exempt from SEC Rule 15c3–1 and whose principal business is as a registered options trader on the Exchange, shall, subject to subparagraph (iv) below, at all times maintain a minimum of $25,000 in net liquid assets;

(iv) each member organization referred to in paragraph (iii) above shall at all times maintain positive net liquid assets and, in its clearing account(s), positive equity, provided that said organization has filed with the Exchange a letter of guarantee issued on its behalf by a clearing member organization of this Exchange which is also a clearing member of the Options Clearing Corporation. In said letter the clearing member organization guarantees the financial responsibilities of said organization for all transactions and balances carried and cleared in the clearing account(s). [Such guarantee shall remain in effect until the Exchange receives from the clearing member organization written notice of its intent to cancel its guarantee. Written notice of such cancellation received by the Exchange at least one-half hour before the normal opening of trading shall take effect on the day of receipt; written notice received less than one-half hour before the opening of trading shall take effect on the opening of the business day following Exchange receipt.] *Such letter of guarantee filed with the Exchange shall remain in effect until a written notice of revocation has been filed with the Exchange by the clearing member organization. A revocation shall in no way relieve a clearing member organization of responsibility for transactions guaranteed prior to the effective date of such revocation.*

(v)–(viii) No change.

(b)–(f) No change.

* * * Commentary No change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections II.A., II.B., and II.C. below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to modernize the Exchange's rules regarding the termination of letters of guarantee provided by clearing member organizations which guarantee the financial responsibilities of non-clearing member organizations. The proposal would permit clearing member organizations to terminate letters of guarantee which guarantee the financial responsibilities of non-clearing member organizations on an intraday basis. The amendment would conform this aspect of Rule 703 to the Letter of Guarantee termination provisions of the NASDAQ Options Market (''NOM'') and NASDAQ OMX BX, Inc. (''BX'') rules.[4]

Currently, Rule 703(a)(iv) provides that a clearing member guarantee remains in effect until the Exchange receives from the clearing member organization written notice of its intent to cancel its guarantee. It further provides that written notice of such cancellation received by the Exchange at least one-half hour before the normal opening of trading shall take effect on the day of receipt, except that written notice received less than one-half hour before the opening of trading shall take effect only on the opening of the business day following Exchange receipt. Consequently, a guaranteeing clearing member organization concerned about its guaranteed member organization's credit is unable to terminate its guarantee on an intraday basis.

The proposed amendment to Rule 703(a)(iv) would enable the guaranteeing clearing member organization to terminate the guarantee during the trading day, avoiding financial responsibility for trades that would otherwise have occurred during the rest of the day for which the guaranteeing member would, under the current rule, remain financially responsible. As stated above, the change would conform the Phlx rule to the NOM and BX rules which permit revocation of a Letter of Guarantee to take effect upon filing of a written notice of revocation, which permits termination to become effective without waiting until the next trading day. The Exchange will terminate the registered options trader's access to trading as soon as it processes the withdrawn guarantee. Clearing member organizations will therefore be able to react more quickly under the amended rule to any potential rapid deterioration in the guaranteed entity's condition.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[5] in general, and furthers the objectives of Section 6(b)(5) of the Act[6] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by permitting clearing member organizations to revoke letters of guarantee effective upon filing written notice of revocation with the Exchange. The proposal should encourage additional clearing member organizations to consider issuing letters of guarantee, knowing they may revoke the guarantee more quickly upon an adverse change in the guaranteed entity's circumstances than is currently permitted under Rule 703(a)(iv).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act because the proposed change would apply to all issuers of clearing member guarantees equally and because it would also apply equally to all guaranteed entities whose guarantees are revoked under Rule 703(a)(iv).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect

[4] Chapter VII, Section 8(c) of the BX Rules provides in relevant part that ''[a] Letter of Guarantee filed with BX Regulation shall remain in effect until a written notice of revocation has been filed with BX Regulation by the Guarantor Clearing Participant.'' Chapter VII, Section 8(c) of the NOM rules is nearly identical, stating that ''[a] Letter of Guarantee filed with Nasdaq Regulation shall remain in effect until a written notice of revocation has been filed with Nasdaq Regulation by the Guarantor Clearing Participant.'' The BX and NOM rules also state, like the Phlx proposal, that a revocation shall in no way relieve the issuer of responsibility for transactions guaranteed prior to the effective date of such revocation.

[5] *See* 15 U.S.C. 78f(b).

[6] *See* 15 U.S.C. 78f(b)(5).

the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[7] and subparagraph (f)(6) of Rule 19b–4 thereunder.[8]

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–Phlx–2015–30 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2015–30. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml).*

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–Phlx–2015–30 and should be submitted on or before April 28, 2015.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Brent J. Fields,

Secretary.

[FR Doc. 2015–07882 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 8011–01–P

[7] *See* 15 U.S.C. 78s(b)(3)(a)(ii).

[8] *See* 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[9] *See* 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #14241 and #14242]

Hawaii Disaster Number HI–00035

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Hawaii (FEMA–4201–DR), dated 03/04/2015.

Incident: Pu u O o Volcanic Eruption and Lava Flow.

Incident Period: 09/04/2014 through 03/25/2015.

Effective Date: 03/25/2015.

Physical Loan Application Deadline Date: 05/04/2015.

Economic Injury (EIDL) Loan Application Deadline Date: 12/04/2015.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Hawaii, dated 03/04/2015, is hereby amended to establish the incident period for this disaster as beginning 09/04/2014 and continuing through 03/25/2015. All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2015–07890 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2015–0015]

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB)

Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, Email address: *OIRA_Submission@omb.eop.gov*

(SSA), Social Security Administration, OLCA, Attn: Reports Clearance Director, 3100 West High Rise, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov.*

Or you may submit your comments online through *www.regulations.gov*, referencing Docket ID Number [SSA–2015–0015].

I. The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than June 8, 2015. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. Statement of Claimant or Other Person—20 CFR 404.702 & 416.570—0960–0045. SSA uses Form SSA–795 in special situations where there is no authorized form or questionnaire, yet we require a signed statement from the applicant, claimant, or other persons who have knowledge of facts, in connection with claims for Social Security benefits or Supplemental Security Income (SSI). The information we request on the SSA–795 is of sufficient importance that we need both a signed statement and a penalty clause. SSA uses this information to process, in addition to claims for benefits, issues about continuing eligibility; ongoing benefit amounts; use of funds by a representative payee; fraud investigation; and a myriad of other program-related matters. The most typical respondents are applicants for Social Security, SSI, or recipients of these programs. However, respondents also include friends and relatives of the involved parties, coworkers, neighbors, or anyone else in a position to provide information pertinent to the issue(s).

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–795	305,500	1	15	76,375

2. Statement of Care and Responsibility for Beneficiary—20 CFR 404.2020, 404.2025, 408.620, 408.625, 416.620, 416.625—0960–0109. SSA uses the information from Form SSA–788 to verify payee applicants' statements of concern and to identify other potential payees. SSA is concerned with selecting the most qualified representative payee who will use Social Security benefits in the beneficiary's best interest. SSA considers factors such as the payee applicant's capacity to perform payee duties; awareness of the beneficiary's situation and needs; demonstration of past; and current concern for the beneficiary's well-being, etc. If the payee applicant does not have custody of the beneficiary, SSA will obtain information from the custodian for evaluation against information provided by the applicant. Respondents are individuals who have custody of the beneficiary in cases where someone else has filed to be the beneficiary's representative payee.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
SSA–788	130,000	1	10	21,667

3. Request for Internet Services—Authentication; Automated Telephone Speech Technology—Knowledge-Based Authentication (RISA–KBA)—20 CFR 401.45—0960–0596. The Request for Internet Services and 800# Automated Telephone Services Knowledge-Based Authentication is one of the authentication methods SSA uses to allow individuals access to their personal information through our Internet and Automated Telephone Services. SSA asks individuals and third parties who seek personal information from SSA records, or who register to participate in SSA's online business services, to provide certain identifying information. As an extra measure of protection, SSA asks requestors who use the Internet and telephone services to provide additional identifying information unique to those services so SSA can authenticate their identities before releasing personal information. The respondents are current beneficiaries who are requesting personal information from SSA, as well as individuals and third parties who register for SSA's online business services.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
Internet Requestors	10,373,917	1	3	518,695
Telephone Requestors	1,703,367	1	4	113,558
*Change of Address (on hold)	1			1
*Screen Splash (on hold)	1			1
Totals:	12,077,286			632,255

* Reducing the burden to a one-hour placeholder burden; Screen Splash and Change of Address applications are on hold.

4. Social Security Number Verification Services—20 CFR 401.45—0960–0660. Internal Revenue Service regulations require employers to provide wage and tax data to SSA using Form W–2 or its electronic equivalent. As part of this process, the employer must furnish the employee's name and Social Security number (SSN). In addition, the employee's name and SSN must match SSA's records for SSA to post earnings to the employee's earnings

record. SSA offers the Social Security Number Verification Service (SSNVS), which allows employers to verify the reported names and SSNs of their employees match those in SSA's records. SSNVS is a cost-free method for employers to verify employee information either through the Internet or via telephone. The respondents are employers who need to verify SSN data using SSA's records.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Total annual burden (hours)
SSNVS	44,975	60	5	224,875
SSNVS Telephone	1,750	2	10	583
Totals	46,725			225,458

II. SSA submitted the information collection below to OMB for clearance. Your comments regarding the information collection would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than May 7, 2015. Individuals can obtain copies of the OMB clearance package by writing to *OR.Reports.Clearance@ssa.gov.*

Promoting Readiness of Minors in SSI (PROMISE) Evaluation—0960–0799.

Background

The Promoting Readiness of Minors in SSI (PROMISE) demonstration pursues positive outcomes for children with disabilities who receive SSI and their families by reducing dependency on SSI. The Department of Education (ED) awarded six cooperative agreements to states to improve the provision and coordination of services and support for children with disabilities who receive SSI and their families to achieve improved education and employment outcomes. ED awarded PROMISE funds to five single-state projects, and to one six-state consortium.[1] With support from ED, the Department of Labor (DOL), and the Department of Health and Human Services (HHS), SSA is evaluating the six PROMISE projects. SSA contracted with Mathematica Policy Research to conduct the evaluation.

Under PROMISE, targeted outcomes for youth include an enhanced sense of self-determination; achievement of secondary and post-secondary educational credentials; an attainment of early work experiences culminating with competitive employment in an integrated setting; and long-term reduction in reliance on SSI. Outcomes of interest for families include heightened expectations for and support of the long-term self-sufficiency of their youth; parent or guardian attainment of education and training credentials; and increases in earnings and total income. To achieve these outcomes, we expect the PROMISE projects to make better use of existing resources by improving service coordination among multiple state and local agencies and programs.

ED, SSA, DOL, and HHS intend the PROMISE projects to address key limitations in the existing service system for youth with disabilities. By intervening early in the lives of these young people, at ages 14–16, the projects engage the youth and their families well before critical decisions regarding the age 18 redetermination are upon them. We expect the required partnerships among the various state and Federal agencies that serve youth with disabilities to result in improved integration of services and fewer dropped handoffs as youth move from one agency to another. By requiring the programs to engage and serve families and provide youth with paid work experiences, the initiative is mandating the adoption of critical best practices in promoting the independence of youth with disabilities.

Project Description

SSA is requesting clearance for the collection of data needed to implement and evaluate PROMISE. The evaluation provides empirical evidence on the impact of the intervention for youth and their families in several critical areas, including: (1) Improved educational attainment; (2) increased employment skills, experience, and earnings; and (3) long-term reduction in use of public benefits. We base the PROMISE evaluation on a rigorous design that entails the random assignment of approximately 2,000 youth in each of the six projects to treatment or control groups (12,000 total). The PROMISE projects provide enhanced services for youth in the treatment groups; whereas youth in the control groups are eligible only for those services already available in their communities independent of the interventions.

The evaluation assesses the effect of PROMISE services on educational attainment, employment, earnings, and reduced receipt of disability payments. The three components of this evaluation include:

- The process analysis, which documents program models, assesses the relationships among the partner organizations, documents whether the grantees implemented the programs as planned, identifies features of the programs that may account for their impacts on youth and families, and identifies lessons for future programs with similar objectives.
- The impact analysis, which determines whether youth and families in the treatment groups receive more services than their counterparts in the control groups. It also determines whether treatment group members have better results than control group members with respect to the targeted outcomes noted above.
- The cost-benefit analysis, which assesses whether the benefits of PROMISE, including increases in employment and reductions in benefit receipt, are large enough to justify its costs. We conduct this assessment from a range of perspectives, including those of the participants, state and Federal governments, SSA, and society as a whole.

SSA planned several data collection efforts for the evaluation. These include: (1) Follow-up interviews with youth and their parent or guardian 18 months and 5 years after enrollment; (2) phone and in-person interviews with local program administrators, program supervisors, and service delivery staff at two points in time over the course of the demonstration; (3) two rounds of focus groups with participating youth in the treatment group; (4) two rounds of focus groups with parents or guardians of participating youth; and (5) collection of administrative data. At this time, SSA requests clearance for the 18-month

[1] The six-state consortium project goes by the name Achieving Success by Promoting Readiness for Education and Employment (ASPIRE) rather than by PROMISE.

survey interviews. SSA will request clearance for the 5-year survey interviews in a future submission. The respondents are the youth participants in the PROMISE program, and the parents or guardians of the youth participants.

Type of Request: Revision to an OMB-approved information collection.

Note: This is a correction notice. SSA inadvertently published the incorrect burden information for this collection at 80 FR 3713, on 1/23/15. We are correcting this error here.

Time Burden on Respondents

Modality of completion	Number of responses	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)
2014: Interviews and Focus Group Discussions				
Staff Interviews with Administrators or Directors	24	1	66	26
Staff Interviews with PROMISE Project Staff	48	1	66	53
Youth Focus Groups—Non-participants	100	1	5	8
Youth Focus Groups—Participants	20	1	100	33
Parents or Guardian Focus Groups—Non-participants	100	1	5	8
Parents or Guardian Focus Groups—Participants	20	1	100	33
Totals	312			161
2015: Interviews and Focus Group Discussions, and 18-Month Survey Interviews				
Staff Interviews with Administrators or Directors	51	1	66	56
Staff Interviews with PROMISE Project Staff	97	1	66	107
Youth Focus Groups—Non-participants	220	1	5	18
Youth Focus Groups—Participants	60	1	100	100
Parents or Guardian Focus Groups—Non-participants	220	1	5	18
Parents or Guardian Focus Groups—Participants	60	1	100	100
18 Month Survey Interviews—Parent	850	1	41	595
18 Month Survey Interviews—Youth	850	1	30	425
Totals	2,408			1,405
2016: Interviews and Focus Group Discussions and 18 Month Survey Interviews				
Staff Interviews with Administrators or Directors	75	1	66	83
Staff Interviews with PROMISE Project Staff	145	1	66	160
Youth Focus Groups—Non-participants	320	1	5	27
Youth Focus Groups—Participants	80	1	100	133
Parents or Guardian Focus Groups—Non-participants	320	1	5	27
Parents or Guardian Focus Groups—Participants	80	1	100	133
18 Month Survey Interviews—Parent	5,100	1	41	3,485
18 Month Survey Interviews—Youth	5,100	1	30	2,550
Totals	11,220			6,598
2017: 18 Month Survey Interviews				
18 Month Survey Interviews—Parent	4,250	1	41	2,904
18 Month Survey Interviews—Youth	4,250	1	30	2,125
Totals	8,500			5,029
Grand Total	22,440			13,193

Cost Burden for Respondents

Respondent type	Number of respondents	Frequency of response	Average burden per response (minutes)	Median hourly wage rate (dollars)	Total respondent cost (dollars)
2014: Annual Cost to Respondents:					
Parent or Guardian Focus Group—Non-Participants	100	1	5	$7.38	$61.00
Parent or Guardian Focus Group—Participants	20	1	100	7.38	246.00
Total	120				307.00
2015: Annual Cost to Respondents:					
Parent or Guardian Focus Group—Non-Participants	220	1	5	7.38	135.00

Respondent type	Number of respondents	Frequency of response	Average burden per response (minutes)	Median hourly wage rate (dollars)	Total respondent cost (dollars)
Parent or Guardian Focus Group—Participants	60	1	100	7.38	738.00
Total	280				873.00
2016: Annual Cost to Respondents:					
Parent or Guardian Focus Group—Non-Participants	320	1	5	7.38	196.00
Parent or Guardian Focus Group—Participants	80	1	100	7.38	984.00
Total	400				1,180.00
Grand Total:	800				2,360.00

Date: April 2, 2015.

Faye I. Lipsky,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2015–07881 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4191–02–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA 2015–0004]

Privacy Act of 1974, as Amended; Computer Matching Program (SSA/Department of the Treasury, Internal Revenue Service (IRS))—Match Number 1305

AGENCY: Social Security Administration (SSA).

ACTION: Notice of a renewal of an existing computer matching program that will expire on May 10, 2015.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a renewal of an existing computer matching program that we are currently conducting with IRS.

DATES: We will file a report of the subject matching program with the Committee on Homeland Security and Governmental Affairs of the Senate; the Committee on Oversight and Government Reform of the House of Representatives; and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The matching program will be effective as indicated below.

ADDRESSES: Interested parties may comment on this notice by either telefaxing to (410) 966–0869 or writing to the Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, Social Security Administration, 617 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235–6401. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: The Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, as shown above.

SUPPLEMENTARY INFORMATION:

A. General

The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub. L.) 100–503), amended the Privacy Act (5 U.S.C. 552a) by describing the conditions under which computer matching involving the Federal government could be performed and adding certain protections for persons applying for, and receiving, Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protections for such persons.

The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. It requires Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with the other agency or agencies participating in the matching programs;

(2) Obtain approval of the matching agreement by the Data Integrity Boards of the participating Federal agencies;

(3) Publish notice of the computer matching program in the **Federal Register**;

(4) Furnish detailed reports about matching programs to Congress and OMB;

(5) Notify applicants and beneficiaries that their records are subject to matching; and

(6) Verify match findings before reducing, suspending, terminating, or denying a person's benefits or payments.

B. SSA Computer Matches Subject to the Privacy Act

We have taken action to ensure that all of our computer matching programs comply with the requirements of the Privacy Act, as amended.

Kirsten J. Moncada,

Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.

Notice of Computer Matching Program, SSA With the Department of the Treasury, Internal Revenue Service (IRS)

A. Participating Agencies

SSA and IRS

B. Purpose of the Matching Program

The purpose of this matching program is to set forth the terms, conditions, and safeguards under which IRS will disclose to us certain information for the purpose of verifying eligibility or the correct subsidy percentage of benefits provided under section 1860D–14 of the Social Security Act. (42 U.S.C. 1395w–114).

C. Authority for Conducting the Matching Program

The legal authority for this agreement is Internal Revenue Code section 6103(1)(7), which authorizes IRS to disclose return information with respect to unearned income to Federal, state, and local agencies administering certain benefit programs under the Act. Section 1860–D–14 of the Act requires our Commissioner to determine the eligibility of applicants for the prescription drug subsidy who self-certify their income, resources, and family size. Pursuant to section 1860D–14(a)(3) of the Act, we must determine whether a Social Security Part D eligible individual is a subsidy-eligible individual, and whether the individual is an individual as described in section 1860D–14(a). This agreement is executed in compliance with the

Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988, and the regulations and guidance promulgated thereunder.

D. Categories of Records and Persons Covered by the Matching Program

We provide IRS with identifying information with respect to applicants for, and recipients of, the prescription drug subsidy from the existing Medicare Database File system of records, SSA/ORSIS 60–321, published at 71 FR 42159 (July 25, 2006). IRS extracts return information with respect to unearned income from the Information Returns Master File, Treasury/IRS 22.061, as published at 77 FR 47946 (August 10, 2012).

E. Inclusive Dates of the Matching Program

The effective date of this matching program is May 11, 2015, provided that the following notice periods have lapsed: 30 Days after publication of this notice in the **Federal Register** and 40 days after notice of the matching program is sent to Congress and OMB. The matching program will continue for 18 months from the effective date and, if both agencies meet certain conditions, it may extend for an additional 12 months thereafter.

[FR Doc. 2015–07843 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice: 9083]

Notice of Charter Renewal for the President's Emergency Plan for AIDS Relief (PEPFAR) Scientific Advisory Board

SUMMARY: In accordance with the Federal Advisory Committee Act (FACA), the PEPFAR Scientific Advisory Board hereinafter referred to as ''the Board'', has renewed its charter for an additional 2 years.

The Board serves the Global AIDS Coordinator in a solely advisory capacity concerning scientific, implementation, and policy issues related to the global response to HIV/AIDS. These issues will be of concern as they influence the priorities and direction of PEPFAR evaluation and research, the content of national and international strategies and implementation, and the role of PEPFAR in the international discourse regarding appropriate and resourced responses.

For further information about the charter, please contact Julia MacKenzie, Senior Technical Advisor, Office of the U.S. Global AIDS Coordinator at (202) 663–1079 or *MacKenzieJJ@state.gov.*

Dated: March 4, 2015.

Julia J. MacKenzie,

Senior Technical Advisor, Office of the U.S. Global AIDS Coordinator, Department of State.

[FR Doc. 2015–07921 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4710–10–P

DEPARTMENT OF STATE

[Public Notice 9084]

Advisory Committee on International Economic Policy Notice of Charter Renewal

The Department of State has renewed the Charter of the Advisory Committee on International Economic Policy. The Committee serves in a solely advisory capacity concerning major issues and problems in international economic policy. The Committee provides information and advice on the effective integration of economic interests into overall foreign policy and on the Department of State's role in advancing U.S. economic and commercial interests in a competitive global economy. The Committee also appraises the role and limits of international economic institutions and advises on the formulation of U.S. economic policy and positions.

This Committee includes representatives of U.S. organizations and institutions having an interest in international economic policy, including representatives of U.S. business, state and local government, labor unions, public interest groups, and trade and professional associations.

For further information, please call Gregory Maggio, Office of Economic Policy Analysis and Public Diplomacy, Bureau of Economic and Business Affairs, U.S. Department of State, at (202) 647–2231.

Dated: March 20, 2015.

Gregory F. Maggio.

Designated Federal Officer, Bureau of Economic and Business Affairs, U.S. Department of State.

[FR Doc. 2015–07949 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4710–07–P

DEPARTMENT OF STATE

[Public Notice 9078]

U.S. Department of State Advisory Committee on Private International Law (ACPIL): Public Meeting on Electronic Commerce

The Office of the Assistant Legal Adviser for Private International Law, Department of State, gives notice of a public meeting to discuss a Working Paper prepared by the Secretariat of the United Nations Commission on International Trade Law (UNCITRAL). The public meeting will take place on Tuesday, May 12, 2015 from 1 p.m. until 4 p.m. EDT. This is not a meeting of the full Advisory Committee.

The UNCITRAL Secretariat has revised draft provisions on electronic transferable records, which are presented for in the form of a model law, for discussion during the next meeting of UNCITRAL's Working Group IV, which will meet May 18–22, 2015. The Working Paper, which is numbered WP.132 and includes WP.132/Add.1, is available at *http://www.uncitral.org/uncitral/en/commission/working_groups/4Electronic_Commerce.html.*

The purpose of the public meeting is to obtain the views of concerned stakeholders on the topics addressed in the Working Paper in advance of the meeting of Working Group IV. Those who cannot attend but wish to comment are welcome to do so by email to Michael Coffee at *coffeems@state.gov.*

Time and Place: The meeting will take place from 1 p.m. until 4 p.m. EDT in Room 356, South Building, State Department Annex 4, Washington, DC 20037. Participants should plan to arrive at the Navy Hill gate on the west side of 23rd Street NW., at the intersection of 23rd Street NW. and D Street NW. by 12:30 p.m. for visitor screening. If you are unable to attend the public meeting and would like to participate from a remote location, teleconferencing will be available.

Public Participation: This meeting is open to the public, subject to the capacity of the meeting room. Access to the building is strictly controlled. For pre-clearance purposes, those planning to attend should email *pil@state.gov* providing full name, address, date of birth, citizenship, driver's license or passport number, and email address. This information will greatly facilitate entry into the building. A member of the public needing reasonable accommodation should email *pil@state.gov* not later than May 5, 2015. Requests made after that date will be considered, but might not be able to be fulfilled. If you would like to participate

by telephone, please email *pil@state.gov* to obtain the call-in number and other information.

Data from the public is requested pursuant to Public Law 99–399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107–56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities.

The data will be entered into the Visitor Access Control System (VACS–D) database. Please see the Security Records System of Records Notice (State-36) at *http://www.state.gov/documents/organization/103419.pdf* for additional information.

Dated: March 20, 2015.

Michael S. Coffee,

Attorney-Adviser, Office of Private International Law, Office of the Legal Adviser, U.S. Department of State.

[FR Doc. 2015–07933 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice: 9085]

The U.S. National Commission for UNESCO; Notice of Renewal of Committee Charter

I. Renewal Of Advisory Committee. The Department of State has renewed the Charter of the U.S. National Commission for the United Nations Educational, Scientific, and Cultural Organization (UNESCO). The U.S. National Commission for UNESCO, which operates pursuant to 22 U.S. Code 287o and the requirements of the Federal Advisory Committee Act (FACA), is a Federal Advisory Committee that provides recommendations to the U.S. Department of State.

The recommendations relate to the formulation and implementation of U.S. policy towards UNESCO on matters of education, science, communications, and culture. Also, it functions as a liaison with organizations, institutions, and individuals in the United States interested in the work of UNESCO.

The committee is comprised of representatives from various non-governmental organizations focused on matters of education, science, culture, and communications. And it also includes at-large individuals and state, local, and federal government representatives. The committee meets to provide information on UNESCO related topics and make recommendations.

For further information, please call Allison Wright, U.S. Department of State, (202) 663–0026.

Dated: April 1, 2015.

Allison Wright,

Executive Director, U.S. National Commission for UNESCO, Department of State.

[FR Doc. 2015–07917 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4710–19–P

DEPARTMENT OF STATE

[Public Notice: 9081]

Bureau of Political-Military Affairs, Directorate of Defense Trade Controls: Notifications to the Congress of Proposed Commercial Export Licenses

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State has forwarded the attached Notifications of Proposed Export Licenses to the Congress on the dates indicated on the attachments pursuant to sections 36(c) and 36(d), and in compliance with section 36(f), of the Arms Export Control Act.

DATES: *Effective:* As shown on each of the 22 letters.

FOR FURTHER INFORMATION CONTACT: Ms. Lisa V. Aguirre, Directorate of Defense Trade Controls, Department of State, telephone (202) 663–2830; email *DDTCResponseTeam@state.gov*. ATTN: Congressional Notification of Licenses.

SUPPLEMENTARY INFORMATION: Section 36(f) of the Arms Export Control Act (22 U.S.C. 2778) mandates that notifications to the Congress pursuant to sections 36(c) and 36(d) must be published in the **Federal Register** when they are transmitted to Congress or as soon thereafter as practicable.

Following are such notifications to the Congress:

October 31, 2014 (Transmittal No. DDTC 14–116)

Honorable John A. Boehner, *Speaker of the House of Representatives*

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting a certification of a proposed authorization for the export of firearms, parts and components that are controlled under Category I of the United States Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of various firearm, components, and accessories to Canada for commercial sales.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations. More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary, Legislative Affairs

October 31, 2014 (Transmittal No. DDTC 14–117)

Honorable John A. Boehner, *Speaker of the House of Representatives*

Dear Mr. Speaker:

Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting the certification of a proposed license amendment for the export of defense articles, including technical data, and defense services for the manufacture of significant military equipment abroad.

The transaction contained in the attached certification involves the export of defense articles, including technical data, defense services and manufacture know-how for the design, manufacture and integration of the Weapons Bay Door Engine Inlet Ducts for all variants of the F–35 Lightning II aircraft to Italy and the Netherlands.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations. More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary, Legislative Affairs

October 31, 2014 (Transmittal No. DDTC 14–090)

Honorable John A. Boehner, *Speaker of the House of Representatives*

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearm parts and components controlled under Category I of the United States Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the

export of M60E4/Mk43 Mod1 7.62mm machine guns for use by the Tunisian Ministry of Interior for internal security and anti-terrorism protection.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Thomas D. Sullivan,
Acting Assistant Secretary, Legislative Affairs

October 31, 2014 (Transmittal No. DDTC 14–092)

Honorable John A. Boehner, *Speaker of the House of Representatives*

Dear Mr. Speaker:

Pursuant to Section 36(c) and 36(d) of the Arms Export Control Act, we are transmitting certification of a proposed license for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the transfer of defense articles, to include technical data, and defense services to support the design, development, production, integration, and manufacture of the Rolling Airframe Missile (RAM) Guided Missile Weapon System (GMWS).

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Thomas D. Sullivan,
Acting Assistant Secretary, Legislative Affairs

October 31, 2014 (Transmittal No. DDTC 14–101)

Honorable John A. Boehner, *Speaker of the House of Representatives*

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Norway to support the integration of Infrared (IR) Thermal Imaging Modules into Remote Weapons Stations (RWS) for sales to the U.S. government.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Thomas D. Sullivan,
Acting Assistant Secretary, Legislative Affairs

October 31, 2014 (Transmittal No. DDTC 14–100)

Honorable John A. Boehner, *Speaker of the House of Representatives*

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Canada and Spain to support the manufacture, assembly, and testing of Data Acquisition Converters (DACs), Data Converter Cabinets (DCCs), and spare components and assemblies for the Mk-99 Fire Control System (FCS) and the AN/SPY–1D(V) transmitter group for the Aegis Combat System.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Thomas D. Sullivan,
Acting Assistant Secretary, Legislative Affairs

October 10, 2014 (Transmittal No. DDTC 14–084)

Honorable Joseph R. Biden, *President of the Senate*

Dear Mr. President:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearm parts and components controlled under Category I of the United States Munitions List in the amount of $1,000,000 or more.

The attached certification involves the export of GAU–19/B Gatling Gun Systems for exclusive use by the UAE Joint Aviation Command.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,
Assistant Secretary, Legislative Affairs

October 15, 2014 (Transmittal No. DDTC 14–111)

Honorable John A. Boehner, *Speaker of the House of Representatives*

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting the certification of an amendment to a manufacturing license agreement for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more. The transaction contained in the attached certification involves the export of defense articles, including technical data, defense services and manufacture know-how for the design, manufacture and integration of the Weapons Bay Door Drive System for all variants of the F–35 Lightning II aircraft. The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations. More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant,

publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,
Assistant Secretary, Legislative Affairs

October 21, 2014 (Transmittal No. DDTC 14–099)

Honorable John A. Boehner, *Speaker of the House of Representatives*

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed amendment to a technical assistance agreement for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Canada to support the manufacture of precision optical subsystems, opto-mechanical major assemblies, and optical components for the AIM–9X Sidewinder Missile.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,
Assistant Secretary, Legislative Affairs

October 24, 2014 (Transmittal No. DDTC 14–115)

Honorable John A. Boehner, *Speaker of the House of Representatives*

Dear Mr. Speaker:

Pursuant to Section 36(d) of the Arms Export Control Act, I am transmitting the enclosed certification of a proposed retransfer of Major Defense Equipment, including technical data in the amount of $14,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the Government of Peru for the acquisition of five Super Sea Sprite SH–2G helicopters.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,
Assistant Secretary, Legislative Affairs

November 26, 2014 (Transmittal No. DDTC 14–122)

Honorable John A. Boehner, *Speaker of the House of Representatives*

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the transfer of defense articles, to include technical data, and defense services to Bermuda, Canada, France, Germany, Hong Kong, Indonesia, Japan, Mexico, the Philippines, Singapore, Spain, and Sweden for design, development, manufacture, test, long-term support, and on-ground delivery of commercial communication satellites to Asia Broadcast Satellite Holdings Ltd. (ABS) in Bermuda as part of the ABS/Satelites Mexicanos, SA. de C.V. (SATMEX) joint program.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Thomas D. Sullivan,
Acting Assistant Secretary, Legislative Affairs

November 26, 2014 (Transmittal No. DDTC 14–109)

Honorable John A. Boehner, *Speaker of the House of Representatives*

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, to include technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the transfer of defense articles, to include technical data, and defense services to Bermuda, Canada, France, Germany, Hong Kong, Indonesia, Japan, Mexico, the Philippines, Singapore, Spain, and Sweden for design, development, manufacture, test (including in-orbit testing), long-term support, and on-ground delivery of commercial communication satellites to Satelites Mexicanos, S.A. de C.V. (SATMEX) as part of the Asia Broadcast Satellite Holding Ltd. (ABS)/SATMEX joint program.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Thomas D. Sullivan,
Acting Assistant Secretary, Legislative Affairs

November 26, 2014 (Transmittal No. DDTC 14–102)

Honorable John A. Boehner, *Speaker of the House of Representatives*

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting, certification of a proposed license for the export of defense articles, to include technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the transfer of defense articles, to include technical data, and defense services to support the design, manufacture, and delivery of Japanese geostationary communications satellite–15 (JCSAT–15) and JCSAT–16 satellites.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations.

More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Thomas D. Sullivan,
Acting Assistant Secretary, Legislative Affairs

November 26, 2014 (Transmittal No. DDTC 14–112)

Honorable John A. Boehner, *Speaker of the House of Representatives*

Dear Mr. Speaker:

Pursuant to Sections 36(c) and 36(d) of the Arms Export Control Act, I am transmitting certification of a proposed license for the manufacture of significant military equipment abroad and the export of defense articles, including technical data, and defense services in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to Canada to support the development and manufacture of component parts of rifles.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations. More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Thomas D. Sullivan,

Acting Assistant Secretary, Legislative Affairs

November 26, 2014 (Transmittal No. DDTC 14–107)

Honorable John A. Boehner, *Speaker of the House of Representatives*

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of an amendment to a technical assistance agreement for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services for the retrofit and support of C–130J aircraft for end-use by the Canadian Department of National Defence.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations. More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Thomas D. Sullivan,

Acting Assistant Secretary, Legislative Affairs

December 01, 2014 (Transmittal No. DDTC 14–064)

Honorable John A. Boehner, *Speaker of the House of Representatives*

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the United Arab Emirates, the United Kingdom, France, and Saudi Arabia to support the fielding, integration, installation, operation, training, testing, maintenance, and warranty repair of the Emirates Air Defense Ground Environment—Transformation (EADGE–T) program.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations. More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary, Legislative Affairs

December 15, 2014 (Transmittal No. DDTC 14–104)

Honorable John A. Boehner, *Speaker of the House of Representatives*

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license amendment for the export of defense articles, including technical data, and defense services in the amount of $25,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to the Republic of Korea to support the integration, installation, operation, training, shipboard checkout testing, qualification, organizational and intermediate level maintenance and repair (gun and ammo handling system), evaluation, failure diagnosis, ORDALT installation, and evaluation of the licensed production of the Phalanx Block 1B Close-In Weapon System (CIWS Blk 1B).

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations. More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary, Legislative Affairs

December 19, 2014 (Transmittal No. DDTC 14–125)

Honorable John A. Boehner, *Speaker of the House of Representatives*

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of defense articles, including technical data, and defense services in the amount of $100,000,000 or more.

The transaction contained in the attached certification involves the export of defense articles, including technical data, and defense services to support the establishment of an F–35 aircraft Final Assembly and Checkout (FACO) facility in Nagoya, Japan for end use by the Japan Air Self Defense Force.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations. More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,

Assistant Secretary, Legislative Affairs

January 26, 2015 (Transmittal No. DDTC 14–127)

Honorable John A. Boehner, *Speaker of the House of Representatives*

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting

certification of a proposed license amendment for the export of defense articles, to include technical data, and defense services in the amount of $50,000,000 or more.

The transaction contained in the attached certification involves the transfer of defense articles, to include technical data, and defense services for upgrade of current Swiss simulator training devices to reflect the same configuration as Swiss F/A–18 aircraft to support the F/A–18 Tactical Operational Flight Trainer Program for Switzerland.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations. More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,
Assistant Secretary, Legislative Affairs

January 26, 2015 (Transmittal No. DDTC 14–137)

Honorable John A. Boehner, *Speaker of the House of Representatives*

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearm parts and components abroad controlled under Category I of the United States Munitions List in amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of semi-automatic pistols, semi-automatic rifles, magazines, and accessories to Poland for commercial resale in Poland only.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations. More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,
Assistant Secretary, Legislative Affairs

January 26, 2015 (Transmittal No. DDTC 14–130)

Honorable John A. Boehner, *Speaker of the House of Representatives*

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearm parts and components abroad controlled under Category I of the United States Munitions List in amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of Sig Sauer Model P229 Pistols to Trinidad and Tobago for use by the Trinidad and Tobago Police Service.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations. More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,
Assistant Secretary, Legislative Affairs

January 26, 2015 (Transmittal No. DDTC 14–106)

Honorable John A. Boehner, *Speaker of the House of Representatives*

Dear Mr. Speaker:

Pursuant to Section 36(c) of the Arms Export Control Act, I am transmitting certification of a proposed license for the export of firearm parts and components controlled under Category I of the United States Munitions List in the amount of $1,000,000 or more.

The transaction contained in the attached certification involves the export of R0977 M4 Carbine semi-automatic rifles, caliber 5.56mm and 30 round magazines for use by the Army of Honduras.

The United States government is prepared to license the export of these items having taken into account political, military, economic, human rights, and arms control considerations. More detailed information is contained in the formal certification which, though unclassified, contains business information submitted to the Department of State by the applicant, publication of which could cause competitive harm to the United States firm concerned.

Sincerely,

Julia Frifield,
Assistant Secretary, Legislative Affairs

Dated: March 25, 2015.

Lisa V. Aguirre,

Director of Management, Office of Defense Trade Controls Management, Department of State.

[FR Doc. 2015–07986 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4710–25–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Application 15–10–C–00–TPA]

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge at Tampa International Airport, Tampa, Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a Passenger Facility Charge (PFC) at Tampa International Airport.

DATES: Comments must be received on or before May 7, 2015.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, Florida, 32822–5024.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Joseph W. Lopano, Executive Officer of the Hillsborough County Aviation Authority at the following address: P.O. Box 22287, Tampa, Florida 33622. Air carriers and foreign air carriers may submit copies of written comments previously provided to the Hillsborough County Aviation Authority under section 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Ms. Marisol Elliott, Program Manager, FAA Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, Florida, 32822–5024, (407) 812–6331, ext. 117. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Tampa International Airport under the provisions of the 49 U.S.C. 40117 and

part 158 of the Federal Aviation Regulations (14 CFR part 158).

On February 27, 2015, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Hillsborough County Aviation Authority was substantially complete within the requirements of section 158.25 of part 158.

The FAA will approve or disapprove the application, in whole or in part, not later than May 29, 2015.

The following is a brief overview of the application:

Proposed charge effective date: October 2, 2020.

Proposed charge expiration date: October 1, 2035.

Level of the proposed PFC: $4.50.

Total estimated PFC revenue: $506,751,787.

Brief description of proposed project(s): Airport Automated People Mover (APM) System; Reconstruction of the Taxiway J Bridge; South Terminal support Area Roadway Improvements; Taxiway J Runway Guard Lights; and East Airfield Pavement Rehabilitation.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: None.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports office located at: FAA Southern Region Headquarters, 1701 Columbia Avenue, College Park, Georgia 30337.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the offices of the Hillsborough County Aviation Authority.

Issued in Orlando, Florida on March 31, 2015.

Bart Vernace,

Manager, Orlando Airports District Office.

[FR Doc. 2015–07838 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on US 183 From US 290 to SH 71 (Bergstrom Expressway) in Texas

AGENCY: Federal Highway Administration (FHWA), U.S. DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by TxDOT and Federal Agencies.

SUMMARY: This notice announces actions taken by Texas Department of Transportation (TxDOT) and Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, US 183 from US 290 to SH 71 (Bergstrom Expressway) in Travis County in the State of Texas. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, TxDOT is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before September 4, 2015. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Mr. Carlos Swonke, Director, Environmental Affairs Division, Texas Department of Transportation, 125 East 11th Street, Austin, Texas 78701; telephone: 512–416–2734; email: *carlos.swonke@txdot.gov.* TxDOT's normal business hours are 8:00 a.m.–5:00 p.m., Monday through Friday.

SUPPLEMENTARY INFORMATION: Notice is hereby given that TxDOT and Federal agencies have taken final agency actions by issuing licenses, permits, and approvals for the following highway project in the State of Texas: US 183 from US 290 to SH 71 in Travis County (Bergstrom Expressway). The project will result in a total of six tolled main lanes and four to six non-tolled access road lanes (two to three in each direction). The tolled lanes would extend approximately seven miles. The purpose of the project is to improve safety and mobility.

The actions by TxDOT and the Federal agencies, and the laws under which such actions were taken, are described in the final Environmental Assessment (EA) for the project, for which a Finding of No Significant Impact (FONSI) was issued on March 6, 2015, and in other documents in the TxDOT administrative record. The EA, FONSI, and other documents in the administrative record file are available by contacting TxDOT at the address provided above. The EA and FONSI may also be viewed and downloaded from the project Web site at *http://www.bergstromexpressway.com/.* Information about the project also is available from TxDOT at the address provided above.

This notice applies to all TxDOT decisions and Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109].
2. Air: Clean Air Act [42 U.S.C. 7401–7671(q)].
3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319.
4. Wildlife: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703–712].
5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act (NAGPRA) [25 U.S.C. 3001–3013].
6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act (FPPA) [7 U.S.C. 4201–4209].
7. Wetlands and Water Resources: Clean Water Act [33 U.S.C. 1251–1377]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; TEA–21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].
8. Executive Orders: E.O. 11990, Protection of Wetlands; E.O. 11988, Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593, Protection and Enhancement of Cultural Resources; E.O. 13007, Indian Sacred Sites; E.O. 13287, Preserve America; E.O. 13175, Consultation and Coordination with Indian Tribal Governments; E.O. 11514, Protection and Enhancement of Environmental Quality; E.O. 13112, Invasive Species; E.O. 12372, Intergovernmental Review of Federal Programs.

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried-out by TxDOT pursuant to

23 U.S.C. 327 and a Memorandum of Understanding dated December 16, 2014, and executed by FHWA and TxDOT.

Authority: 23 U.S.C. 139(l)(1).

Dated: March 30, 2015.

Carlos Swonke, P.G.

Director, Environmental Affairs Division, TxDOT.

Achille Alonzi,

Division Administrator, Federal Highway Administration.

[FR Doc. 2015–07803 Filed 4–6–15; 8:45 am]

BILLING CODE 4920–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0315]

Qualification of Drivers; Exemption Applications; Diabetes Mellitus

AGENCY: Federal Motor Carrier Safety Administration (FMCSA).

ACTION: Notice of applications for exemptions request for comments.

SUMMARY: FMCSA announces receipt of applications from 73 individuals for exemption from the prohibition against persons with insulin-treated diabetes mellitus (ITDM) operating commercial motor vehicles (CMVs) in interstate commerce. If granted, the exemptions would enable these individuals with ITDM to operate CMVs in interstate commerce.

DATES: Comments must be received on or before May 7, 2015.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2014–0315 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

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

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the Federal Motor Carrier Safety Regulations for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. The 73 individuals listed in this notice have recently requested such an exemption from the diabetes prohibition in 49 CFR 391.41(b) (3), which applies to drivers of CMVs in interstate commerce. Accordingly, the Agency will evaluate the qualifications of each applicant to determine whether granting the exemption will achieve the required level of safety mandated by statute.

II. Qualifications of Applicants

Tony W. Alonzo

Mr. Alonzo, 53, has had ITDM since 2010. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Alonzo understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Alonzo meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Texas.

Rafael M. Alvarado

Mr. Alvarado, 35, has had ITDM since 2009. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Alvarado understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Alvarado meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Texas.

Mark J. Avedisian

Mr. Avedisian, 41, has had ITDM since 1985. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Avedisian understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Avedisian meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he has stable

nonproliferative and stable proliferative diabetic retinopathy. He holds a Class A CDL from New York.

Timothy J. Burke

Mr. Burke, 60, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Burke understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Burke meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Massachusetts.

Eric E. Burton

Mr. Burton, 47, has had ITDM since 2009. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Burton understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Burton meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Tennessee.

Roger D. Cassada

Mr. Cassada, 55, has had ITDM since 2013. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Cassada understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cassada meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Virginia.

Timothy W. Clark

Mr. Clark, 28, has had ITDM since 2011. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Clark understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Clark meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Ohio.

Leonard W. Cleaves

Mr. Cleaves, 68, has had ITDM since 2013. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Cleaves understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cleaves meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Massachusetts.

Bruce Combs

Mr. Combs, 79, has had ITDM since 2013. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Combs understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Combs meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Ohio.

Larry A. Cramer

Mr. Cramer, 70, has had ITDM since 2011. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Cramer understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Cramer meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from South Dakota.

Bradford A. Davies

Mr. Davies, 48, has had ITDM since 1999. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Davies understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Davies meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Maine.

Larry A. DeSanno

Mr. DeSanno, 52, has had ITDM since 2005. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. DeSanno understands diabetes management and monitoring, has stable control of his diabetes using

insulin, and is able to drive a CMV safely. Mr. DeSanno meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Oregon.

Robert S. Doering

Mr. Doering, 58, has had ITDM since 1979. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Doering understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Doering meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he has stable nonproliferative and stable proliferative diabetic retinopathy. He holds a Class A CDL from Illinois.

Michael L. Domarus

Mr. Domarus, 65, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Domarus understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Domarus meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Matthew G. Drabant

Mr. Drabant, 40, has had ITDM since 1979. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Drabant understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Drabant meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Colorado.

Adan A. Espinoza

Mr. Espinoza, 42, has had ITDM since 2012. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Espinoza understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Espinoza meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from California.

Howard E. Fruehling

Mr. Fruehling, 44, has had ITDM since 2013. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Fruehling understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Fruehling meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Iowa.

Michael F. Gabbianelli

Mr. Gabbianelli, 60, has had ITDM since 2010. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Gabbianelli understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gabbianelli meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Jersey.

Christopher W. Geib

Mr. Geib, 63, has had ITDM since 2008. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Geib understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Geib meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Ohio.

Ernest W. Gibbs

Mr. Gibbs, 57, has had ITDM since 2009. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Gibbs understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gibbs meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Virginia.

James E. Goins

Mr. Goins, 70, has had ITDM since 2008. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the

assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Goins understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Goins meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from New Jersey.

Gregory J. Goodenbour

Mr. Goodenbour, 51, has had ITDM since 2008. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Goodenbour understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Goodenbour meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Iowa.

Paul M. Gugerty, Jr.

Mr. Gugerty, 36, has had ITDM since 1990. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Gugerty understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Gugerty meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Illinois.

William F. Guttormsen

Mr. Guttormsen, 52, has had ITDM since 2012. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Guttormsen understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Guttormsen meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Jersey.

Michael D. Howell

Mr. Howell, 50, has had ITDM since 2007. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Howell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Howell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from North Carolina.

Curtis L. Hudson

Mr. Hudson, 64, has had ITDM since 2013. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Hudson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Hudson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from South Carolina.

Mayer Indorsky

Mr. Indorsky, 51, has had ITDM since 2011. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Indorsky understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Indorsky meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New York.

Raymond J. Jacobs

Mr. Jacobs, 54, has had ITDM since 2014. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Jacobs understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Jacobs meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New York.

Lyle J. Kaehler

Mr. Kaehler, 66, has had ITDM since 2014. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Kaehler understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kaehler meets the requirements of the vision standard at

49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class B CDL from Wisconsin.

Charles F. Kennedy

Mr. Kennedy, 51, has had ITDM since 2014. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Kennedy understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Kennedy meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Stephen P. Koons

Mr. Koons, 45, has had ITDM since 2008. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Koons understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Koons meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Curtis G. Krichbaum

Mr. Krichbaum, 52, has had ITDM since 2012. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Krichbaum understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Krichbaum meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Joseph A. Lahaderne

Mr. Lahaderne, 24, has had ITDM since 1993. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Lahaderne understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Lahaderne meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from New York.

Walter P. Leck

Mr. Leck, 41, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Leck understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Leck meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Pennsylvania.

Eric F. Leigh

Mr. Leigh, 50, has had ITDM since 2011. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Leigh understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Leigh meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Illinois.

Alvin G. Madwatkins

Mr. Madwatkins, 63, has had ITDM since 2000. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Madwatkins understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Madwatkins meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from New Jersey.

Clayton B. Mathis

Mr. Mathis, 24, has had ITDM since 2011. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Mathis understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Mathis meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds an operator's license from Georgia.

John R. Mauney

Mr. Mauney, 58, has had ITDM since 2010. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting

in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Mauney understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Mauney meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Carolina.

Derrell R. McCaskill

Mr. McCaskill, 60, has had ITDM since 2002. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. McCaskill understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. McCaskill meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Maryland.

Darrel F. McCoy, Jr.

Mr. McCoy, 49, has had ITDM since 1983. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. McCoy understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. McCoy meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from Missouri.

Eric O. McLamb

Mr. McLamb, 54, has had ITDM since 2013. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. McLamb understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. McLamb meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from North Carolina.

William W. McPhee

Mr. McPhee, 62, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. McPhee understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. McPhee meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Michigan.

Michael S. Murray

Mr. Murray, 46, has had ITDM since 2002. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Murray understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Murray meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Iowa.

Benjamin M. Naastad

Mr. Naastad, 35, has had ITDM since 1981. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Naastad understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Naastad meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he has stable nonproliferative and stable proliferative diabetic retinopathy. He holds an operator's license from North Dakota.

Richard G. Niemi

Mr. Niemi, 57, has had ITDM since 2011. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Niemi understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Niemi meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

Kenthia E. Norfleet

Mr. Norfleet, 37, has had ITDM since 2012. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Norfleet understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Norfleet meets the

requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Alabama.

Donald M. Oakes

Mr. Oakes, 64, has had ITDM since 2012. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Oakes understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Oakes meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he has stable proliferative diabetic retinopathy. He holds a Class A CDL from New Hampshire.

Philip L. Orsi

Mr. Orsi, 66, has had ITDM since 2014. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Orsi understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Orsi meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from New York.

Robert E. Piernik

Mr. Piernik, 59, has had ITDM since 2014. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Piernik understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Piernik meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Florida.

Harold E. Pratt

Mr. Pratt, 70, has had ITDM since 2012. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Pratt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Pratt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Missouri.

Jack C. Reed

Mr. Reed, 30, has had ITDM since 2014. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Reed understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Reed meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Nebraska.

Fernando Rivera

Mr. Rivera, 32, has had ITDM since 2012. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Rivera understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Rivera meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he has stable nonproliferative diabetic retinopathy. He holds an operator's license from Illinois.

Timothy F. Rodehaver

Mr. Rodehaver, 34, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Rodehaver understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Rodehaver meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Ohio.

Robin R. Roth

Mr. Roth, 59, has had ITDM since 2014. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Roth understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Roth meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Lewis S. Russell

Mr. Russell, 53, has had ITDM since 2014. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or

resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Russell understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Russell meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Oregon.

William J. Schmidt

Mr. Schmidt, 58, has had ITDM since 2011. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Schmidt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schmidt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Todd J. Schoeller

Mr. Schoeller, 49, has had ITDM since 1989. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Schoeller understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schoeller meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Wisconsin.

Gary H. Schrot

Mr. Schrot, 60, has had ITDM since 2000. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Schrot understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Schrot meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Wisconsin.

Ryan A. Snow

Mr. Snow, 39, has had ITDM since 1979. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Snow understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Snow meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014 and certified that he has stable proliferative diabetic retinopathy. He holds an operator's license from Pennsylvania.

Kevin L. Sundh

Mr. Sundh, 51, has had ITDM since 2013. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Sundh understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Sundh meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from Utah.

William H. Terry

Mr. Terry, 49, has had ITDM since 2005. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Terry understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Terry meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds an operator's license from Indiana.

Gary E. Tilson

Mr. Tilson, 62, has had ITDM since 2011. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Tilson understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Tilson meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he has stable nonproliferative diabetic retinopathy. He holds a Class A CDL from Virginia.

Duane K. Torlish, Jr.

Mr. Torlish, 52, has had ITDM since 1983. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Torlish understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Torlish meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2014

and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New York.

Ronald W. Truitt

Mr. Truitt, 48, has had ITDM since 2012. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Truitt understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Truitt meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Timothy E. Vanderwiele

Mr. Vanderwiele, 53, has had ITDM since 2013. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Vanderwiele understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Vanderwiele meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from New York.

Leo D. Vermeire

Mr. Vermeire, 50, has had ITDM since 2008. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Vermeire understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Vermeire meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Washington.

Brian W. Walls

Mr. Walls, 36, has had ITDM since 2013. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Walls understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Walls meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His ophthalmologist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Gary L. Webster

Mr. Webster, 57, has had ITDM since 2013. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Webster understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Webster meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class B CDL from Vermont.

Lance A. Wendinger

Mr. Wendinger, 45, has had ITDM since 2013. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Wendinger understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wendinger meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Minnesota.

Allan W. Widener

Mr. Widener, 57, has had ITDM since 2011. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Widener understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Widener meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Georgia.

Shane D. Wildoner

Mr. Wildoner, 54, has had ITDM since 2013. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Wildoner understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wildoner meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Pennsylvania.

Roy L. Woodbury

Mr. Woodbury, 62, has had ITDM since 2000. His endocrinologist examined him in 2014 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the

last 5 years. His endocrinologist certifies that Mr. Woodbury understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Woodbury meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2014 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Oklahoma.

Kyle A. Wright

Mr. Wright, 31, has had ITDM since 2009. His endocrinologist examined him in 2015 and certified that he has had no severe hypoglycemic reactions resulting in loss of consciousness, requiring the assistance of another person, or resulting in impaired cognitive function that occurred without warning in the past 12 months and no recurrent (2 or more) severe hypoglycemic episodes in the last 5 years. His endocrinologist certifies that Mr. Wright understands diabetes management and monitoring, has stable control of his diabetes using insulin, and is able to drive a CMV safely. Mr. Wright meets the requirements of the vision standard at 49 CFR 391.41(b)(10). His optometrist examined him in 2015 and certified that he does not have diabetic retinopathy. He holds a Class A CDL from Washington.

III. Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315, FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. We will consider all comments received before the close of business on the closing date indicated in the date section of the notice.

FMCSA notes that section 4129 of the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users requires the Secretary to revise its diabetes exemption program established on September 3, 2003 (68 FR 52441).[1] The revision must provide for individual assessment of drivers with diabetes mellitus, and be consistent with the criteria described in section 4018 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31305).

Section 4129 requires: (1) Elimination of the requirement for 3 years of experience operating CMVs while being treated with insulin; and (2) establishment of a specified minimum period of insulin use to demonstrate stable control of diabetes before being allowed to operate a CMV.

In response to section 4129, FMCSA made immediate revisions to the diabetes exemption program established by the September 3, 2003 notice. FMCSA discontinued use of the 3-year driving experience and fulfilled the requirements of section 4129 while continuing to ensure that operation of CMVs by drivers with ITDM will achieve the requisite level of safety required of all exemptions granted under 49 U.S.C. 31136(e).

Section 4129(d) also directed FMCSA to ensure that drivers of CMVs with ITDM are not held to a higher standard than other drivers, with the exception of limited operating, monitoring and medical requirements that are deemed medically necessary.

The FMCSA concluded that all of the operating, monitoring and medical requirements set out in the September 3, 2003 notice, except as modified, were in compliance with section 4129(d). Therefore, all of the requirements set out in the September 3, 2003 notice, except as modified by the notice in the **Federal Register** on November 8, 2005 (70 FR 67777), remain in effect.

IV. Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2014–0315 and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. 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 this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

V. Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number FMCSA–2014–0315 and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

Issued on: April 1, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–07904 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 2210–P

[1] Section 4129(a) refers to the 2003 notice as a ''final rule.'' However, the 2003 notice did not issue a ''final rule'' but did establish the procedures and standards for issuing exemptions for drivers with ITDM.

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2007–28043]

Hours of Service (HOS) of Drivers; Application for Renewal and Expansion of American Pyrotechnics Association (APA) Exemption From the 14-Hour Rule During Independence Day Celebrations

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for renewal and expansion of exemption; request for comments.

SUMMARY: The American Pyrotechnics Association (APA) has requested a renewal for 50 APA member-companies of its exemption from FMCSA's regulation prohibiting drivers of commercial motor vehicles (CMVs) from driving after the 14th hour after coming on duty, and the expansion of its exemption to 5 additional carriers. The exemption would apply solely to the operation of CMVs by these 55 APA-member companies in conjunction with staging fireworks shows celebrating Independence Day during the periods June 28–July 8, 2015, and June 28–July 8, 2016, inclusive. During these two periods, approximately 3,200 CMVs and drivers employed by these companies would be allowed to exclude off-duty and sleeper-berth time of any length from the calculation of the 14-hour driving window. These drivers would not be allowed to drive after accumulating a total of 14 hours of on-duty time, following 10 consecutive hours off duty, and would continue to be subject to the 11-hour driving time limit, and the 60- and 70-hour on-duty limits.

DATES: If granted, this exemption would be effective during the periods of June 28, 2015, through July 8, 2015, inclusive, and June 28, 2016, through July 8, 2016, inclusive. The exemption would expire on July 8, 2016 at 11:59 p.m. Comments must be received on or before May 7, 2015.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket ID FMCSA–2007–28043 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments, go to *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 online Federal document management system is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgment page that appears after submitting comments on-line.

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

FOR FURTHER INFORMATION CONTACT: Ms. Pearlie Robinson, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 202–366–4325. Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

APA Application for Exemption

The hours-of-service (HOS) rule in 49 CFR 395.3(a)(2) prohibits a property-carrying CMV driver from driving after the 14th hour after coming on duty following 10 consecutive hours off duty. Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption from the HOS requirements in 49 CFR 395.3(a)(2) for a period of up to 2 years if it finds such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. The procedures for requesting an exemption (including renewals) are prescribed in 49 CFR part 381.

The APA, a trade association representing the domestic fireworks industry, was previously granted an exemption for 50 of the 55 APA member-companies during the Independence Day periods in 2013 and 2014. The APA held similar 2-year exemptions during Independence Day periods from 2005 through 2014. The 2013–2014 exemption expired on July 9, 2014. Like the other 50 member-companies that operated under the 2013–2015 exemption, the 5 additional member-companies would be subject to all of the terms and conditions of the exemption.

The initial APA exemption application for relief from the 14-hour rule was submitted in 2004; a copy of the application is in the docket. That application fully describes the nature of the pyrotechnic operations of the CMV drivers employed by APA member-companies during a typical Independence Day period.

As stated in APA's 2004 request, the CMV drivers employed by APA member-companies are trained pyro-technicians who hold commercial driver's licenses (CDLs) with hazardous materials (HM) endorsements. They transport fireworks and related equipment by CMVs on a very demanding schedule during a brief Independence Day period, often to remote locations. After they arrive, the drivers are responsible for set-up and staging of the fireworks shows.

The APA states that it is seeking an HOS exemption for the 2015 and 2016 Independence Day periods because compliance with the current 14-hour rule in 49 CFR 395.3(a)(2) by its members would impose a substantial economic hardship on numerous cities, towns and municipalities, as well as its member-companies. To meet the demand for fireworks under the current HOS rules, APA states that its member-companies would be required to hire a second driver for most trips. The APA advises that the result would be a substantial increase in the cost of the fireworks shows—beyond the means of many of its members' customers—and that many Americans would be denied this important component of the celebration of Independence Day. The 55 APA-member companies within the scope of this exemption request are listed in an appendix to this notice. A copy of the request for the exemption is included in the docket referenced at the beginning of this notice.

Method To Ensure an Equivalent or Greater Level of Safety

The APA believes that renewal of the exemption will not adversely affect the safety of the fireworks transportation provided by these motor carriers. According to APA, its member-companies have operated under this exemption for 10 previous Independence Day periods without a reported motor carrier safety incident. Moreover, it asserts, without the extra time provided by the exemption, safety would decline because APA drivers would be unable to return to their home base after each show. They would be forced to park the CMVs carrying HM 1.1G, 1.3G and 1.4G products in areas less secure than the motor carrier's home base. As a condition of holding the exemption, each motor carrier would be required to notify FMCSA within 5 business days of any accident (as defined in 49 CFR 390.5) involving the operation of any its CMVs while under this exemption. To date, FMCSA has received no accident notifications, nor is the Agency aware of any accidents reportable under terms of the prior APA exemptions.

In its exemption request, APA asserts that the operational demands of this unique industry minimize the risks of CMV crashes. In the last few days before the Independence Day holiday, these drivers transport fireworks over relatively short routes from distribution points to the site of the fireworks display, and normally do so in the early morning when traffic is light. At the site, they spend considerable time installing, wiring, and safety-checking the fireworks displays, followed by several hours off duty in the late afternoon and early evening prior to the event. During this time, the drivers are able to rest and nap, thereby reducing or eliminating the fatigue accumulated during the day. Before beginning

another duty day, these drivers must take 10 consecutive hours off duty, the same as other CMV drivers.

Terms and Conditions of the Exemption

Period of the Exemption

The requested exemption from the requirements of 49 CFR 395.3(a)(2) is proposed to be effective June 28 through July 8, 2015, inclusive, and from June 28 through July 8, 2016, inclusive. The exemption would expire on July 8, 2016, at 11:59 p.m. local time.

Extent of the Exemption

This exemption would be restricted to drivers employed by the 55 motor carriers listed in the appendix to this notice. The drivers would be given a limited exemption from the requirements of 49 CFR 395.3(a)(2). This regulation prohibits a driver from driving a CMV after the 14th hour after coming on duty and does not permit off-duty periods to extend the 14-hour limit. Drivers covered by this exemption would be able to exclude off-duty and sleeper-berth time of any length from the calculation of the 14-hour limit. This exemption would be contingent on each driver driving no more than 11 hours in the 14-hour period after coming on duty, as extended by any off-duty or sleeper-berth time in accordance with this exception. The exemption would be further contingent on each driver having a full 10 consecutive hours off duty following 14 hours on duty prior to beginning a new driving period. The carriers and drivers must comply with all other requirements of the Federal Motor Carrier Safety Regulations (49 CFR parts 350–399) and Hazardous Materials Regulations (49 CFR parts 105–180).

Preemption

During the periods the exemption would be in effect, no State would be allowed to enforce any law or regulation that conflicted with or with inconsistent with this exemption with respect to a person or entity operating under the exemption (49 U.S.C. 31315(d)).

FMCSA Notification

Exempt motor carriers would be required to notify FMCSA within 5 business days of any accidents (as defined by 49 CFR 390.5) involving the operation of any of their CMVs while under 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 which is closest to the scene of the accident,

c. Driver's name and driver's license number,

d. Vehicle number and State license 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 total driving time and the total on-duty time of the CMV driver at the time of the accident.

Termination

The FMCSA does not believe the motor carriers and drivers covered by this exemption, if granted, would experience any deterioration of their safety record. However, should this occur, FMCSA would take all steps necessary to protect the public interest, including revocation of the exemption. The FMCSA will immediately revoke the exemption for failure to comply with its terms and conditions. Exempt motor carriers and drivers would be subject to FMCSA monitoring while operating under this exemption.

Request for Comments

In accordance with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA requests public comments on the APA's requested exemption from the requirements of 49 CFR 395.3(a)(2). The FMCSA will review all comments received and determine whether approval of the exemption is consistent with the requirements of 49 U.S.C. 31315.

Issued on: April 1, 2015.

Larry W. Minor,

Associate Administrator for Policy.

APPENDIX TO NOTICE OF APPLICATION FOR RENEWAL OF AMERICAN PYROTECHNICS ASSOCIATION (APA) EXEMPTION FROM THE 14-HOUR HOS RULE DURING 2015 AND 2016 INDEPENDENCE DAY CELEBRATIONS FOR 50 MOTOR CARRIERS

	Motor carrier	Street address	City, state, zip code	DOT No.
1	American Fireworks Company	7041 Darrow Road	Hudson, OH 44236	103972
2	American Fireworks Display, LLC	P.O. Box 980	Oxford, NY 13830	2115608
3	AM Pyrotechnics, LLC	2429 East 535th Rd	Buffalo, MO 65622	1034961
4	Atlas PyroVision Entertainment Group, Inc	136 Old Sharon Rd	Jaffrey, NH 03452	789777
5	Central States Fireworks, Inc	18034 Kincaid Street	Athens, IL 62613	1022659
6	Colonial Fireworks Company	5225 Telegraph Road	Toledo, OH 43612	177274
7	East Coast Pyrotechnics, Inc	4652 Catawba River Rd	Catawba, SC 29704	545033
8	Entertainment Fireworks, Inc	13313 Reeder Road SW	Tenino, WA 98589	680942
9	Falcon Fireworks	3411 Courthouse Road	Guyton, GA 31312	1037954
10	Fireworks & Stage FX America	12650 Hwy 67S. Suite B	Lakeside, CA 92040	908304
11	Fireworks by Grucci, Inc	20 Pinehurst Drive	Bellport, NY 11713	324490
12	J&J Computing dba Fireworks Extravaganza	174 Route 17 North	Rochelle Park, NJ 07662	2064141
13	Fireworks West Internationale	910 North 3200 West	Logan, UT 84321	245423
14	Garden State Fireworks, Inc	383 Carlton Road	Millington, NJ 07946	435878
15	Gateway Fireworks Displays	P.O. Box 39327	St Louis, MO 63139	1325301
16	Great Lakes Fireworks	24805 Marine	Eastpointe, MI 48021	1011216
17	Hamburg Fireworks Display, Inc	2240 Horns Mill Road SE	Lancaster, OH	395079
18	Hawaii Explosives & Pyrotechnics, Inc	17–7850 N. Kulani Road	Mountain View, HI 96771	1375918
19	Hi-Tech FX, LLC	18060 170th Ave	Yarmouth, IA 52660	1549055
20	Hollywood Pyrotechnics, Inc	1567 Antler Point	Eagan, MN 55122	1061068
21	Homeland Fireworks, Inc	P.O. Box 7	Jamieson, OR 97909	1377525
22	Island Fireworks Co., Inc	N1597 County Rd VV	Hager City, WI 54014	414583
23	J&M Displays, Inc	18064 170th Ave	Yarmouth, IA 52660	377461
24	Lantis Fireworks, Inc	130 Sodrac Dr., Box 229	N. Sioux City, SD 57049	534052
25	Legion Fireworks Co., Inc	10 Legion Lane	Wappingers Falls, NY 12590	554391
26	Miand Inc. dba Planet Productions (Mad Bomber)	P.O. Box 294, 3999 Hupp Road R31.	Kingsbury, IN 46345	777176

APPENDIX TO NOTICE OF APPLICATION FOR RENEWAL OF AMERICAN PYROTECHNICS ASSOCIATION (APA) EXEMPTION FROM THE 14-HOUR HOS RULE DURING 2015 AND 2016 INDEPENDENCE DAY CELEBRATIONS FOR 50 MOTOR CARRIERS—Continued

	Motor carrier	Street address	City, state, zip code	DOT No.
27	Martin & Ware Inc. dba Pyro City Maine & Central Maine Pyrotechnics.	P.O. Box 322	Hallowell, ME 04347	734974
28	Melrose Pyrotechnics, Inc	1 Kinsgubury Industrial Park	Kingsbury, IN 46345	434586
29	Precocious Pyrotechnics, Inc	4420–278th Ave NW	Belgrade, MN 56312	435931
30	Pyro Engineering Inc., dba/Bay Fireworks	400 Broadhollow Rd. Ste #3	Farmindale, NY 11735	530262
31	Pyro Shows Inc	P.O. Box 1776	LaFollette, TN 37766	456818
32	Pyro Spectacluars, Inc	3196 N Locust Ave	Rialto, CA 92376	029329
33	Pyro Spectaculars North, Inc	5301 Lang Avenue	McClellan, CA 95652	1671438
34	Pyrotechnic Display, Inc	8450 W. St. Francis Rd	Frankfort, IL 60423	1929883
35	Pyrotecnico (S. Vitale Pyrotechnic Industries, Inc.)	302 Wilson Rd	New Castle, PA 16105	526749
36	Pyrotecnico, LLC	60 West Ct	Mandeville, LA 70471	548303
37	Pyrotecnico FX	6965 Speedway Blvd. Suite 115.	Las Vegas, NV 89115	1610728
38	Rainbow Fireworks, Inc	76 Plum Ave	Inman, KS 67546	1139643
39	RES Specialty Pyrotechnics	21595 286th St	Belle Plaine, MN 56011	523981
40	Rozzi's Famous Fireworks, Inc	11605 North Lebanon Rd	Loveland, OH 45140	0483686
41	Skyworks, Ltd	13513 W. Carrier Rd	Carrier, OK 73727	1421047
42	Spielbauer Fireworks Co, Inc	220 Roselawn Blvd	Green Bay, WI 54301	046479
43	Starfire Corporation	682 Cole Road	Carrolltown, PA 15722	554645
44	Vermont Fireworks Co., Inc./Northstar Fireworks Co., Inc.	2235 Vermont Route 14 South	East Montpelier, VT 05651	310632
45	Western Display Fireworks, Ltd	10946 S. New Era Rd	Canby, OR 97013	498941
46	Western Enterprises, Inc	P.O. Box 160	Carrier, OK 73727	203517
47	Western Fireworks, Inc	14592 Ottaway Road NE	Aurora, OR 97002	838585
48	Wolverine Fireworks Display, Inc	205 W Seidlers	Kawkawlin, MI	376857
49	Young Explosives Corp.	P.O. Box 18653	Rochester, NY 14618	450304
50	Zambelli Fireworks MFG, Co., Inc	P.O. Box 1463	New Castle, PA 16103	033167

APPENDIX TO NOTICE OF APPLICATION FOR RENEWAL OF AMERICAN PYROTECHNICS ASSOCIATION EXEMPTION FROM THE 14-HOUR HOS RULE DURING 2015 AND 2016 INDEPENDENCE DAY CELEBRATIONS FOR 5 MOTOR CARRIERS NOT PREVIOUSLY EXEMPTED

	Motor carrier	Street address	City, state, zip code	DOT No.
1	Pyro Shows of Texas, Inc	6601 9 Mile Azle Rd	Fort Worth, TX 76135	2432196
2	Sorgi American Fireworks Michigan, LLC.	935 Wales Ridge Rd	Wales, MI 48027	2475727
3	Spirit of 76	6401 West Hwy 40	Columbia, MO 65202	2138948
4	USA Halloween Planet Inc. dba USA Fireworks.	7800 Record Street, Suite A	Indianapolis, IN 46226	725457
5	Arthur Rozzi Pyrotechnics	6607 Red Hawk Ct	Maineville, OH 45039	2008107

[FR Doc. 2015–07906 Filed 4–6–15; 8:45 am]
BILLING CODE CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0300]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to exempt 51 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). They are unable to meet the vision requirement in one eye for various reasons. The exemptions will enable these individuals to operate commercial motor vehicles (CMVs) in interstate commerce without meeting the prescribed vision requirement in one eye. The Agency has concluded that granting these exemptions will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these CMV drivers.

DATES: The exemptions were granted February 18, 2015. The exemptions expire on February 18, 2017.

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at *http://www.regulations.gov.*

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m.

and 5 p.m., Monday through Friday, except Federal holidays.

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

II. Background

On January 16, 2015, FMCSA published a notice of receipt of exemption applications from certain individuals, and requested comments from the public (80 FR 2473). That notice listed 51 applicants' case histories. The 51 individuals applied for exemptions from the vision requirement in 49 CFR 391.41(b)(10), for drivers who operate CMVs in interstate commerce.

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the 2-year period. Accordingly, FMCSA has evaluated the 51 applications on their merits and made a determination to grant exemptions to each of them.

III. Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber (49 CFR 391.41(b)(10)).

FMCSA recognizes that some drivers do not meet the vision requirement but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely. The 51 exemption applicants listed in this notice are in this category. They are unable to meet the vision requirement in one eye for various reasons, including refractive amblyopia, amblyopia, corneal scar, macular scar, advanced cataract, esotropia, aphakia, atypical macular degeneration, prosthetic eye, glaucoma, enucleation, strabismic amblyopia, central retinal vein occlusion, complete loss of vision, optic nerve hypoplasia, retinal detachment, macular hole, decreased vision, loss of central field, myopic macular degeneration, exotropia, ischemic optic neuropathy, high myopia, retinal vascular occlusion, full thickness macular hole, ophthalmic artery calcium embolus, optic nerve damage, and dense cataract. In most cases, their eye conditions were not recently developed. Thirty of the applicants were either born with their vision impairments or have had them since childhood.

The 21 individuals that sustained their vision conditions as adults have had it for a range of four to 56 years.

Although each applicant has one eye which does not meet the vision requirement in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion, has sufficient vision to perform all the tasks necessary to operate a CMV. Doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and skills tests designed to evaluate their qualifications to operate a CMV.

All of these applicants satisfied the testing requirements for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a CMV, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 51 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualified them from driving in interstate commerce. They have driven CMVs with their limited vision in careers ranging from two to 50 years. In the past three years, five of the drivers were involved in crashes and six were convicted of moving violations in a CMV.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the January 16, 2015 notice (80 FR 2473).

IV. Basis for Exemption Determination

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption from the vision requirement in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, FMCSA considered the medical reports about the applicants' vision as well as their driving records and experience with the vision deficiency.

To qualify for an exemption from the vision requirement, FMCSA requires a person to present verifiable evidence that he/she has driven a commercial vehicle safely with the vision deficiency for the past 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of crashes and traffic violations. Copies of the studies may be found at Docket Number FMCSA–1998–3637.

FMCSA believes it can properly apply the principle to monocular drivers, because data from the Federal Highway Administration's (FHWA) former waiver study program clearly demonstrate the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively (See 61 FR 13338, 13345, March 26, 1996). The fact that experienced monocular drivers demonstrated safe driving records in the waiver program supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that crash rates for the same individual exposed to certain risks for two different time periods vary only slightly (See Bates and Neyman, University of California Publications in Statistics, April 1952). Other studies demonstrated theories of predicting crash proneness from crash history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor

vehicle bureaus to predict the probability of an individual experiencing future crashes (See Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971). A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall crash predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 51 applicants, five of the drivers were involved in crashes, and six were convicted of moving violations in a CMV. All the applicants achieved a record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, FMCSA concludes their ability to drive safely can be projected into the future.

We believe that the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally required because distances between them are more compact. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he/she has been performing in intrastate commerce. Consequently, FMCSA finds that exempting these applicants from the vision requirement in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the Agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31136(e) and 31315 to the 51 applicants listed in the notice of January 16, 2015 (80 FR 2473).

We recognize that the vision of an applicant may change and affect his/her ability to operate a CMV as safely as in the past. As a condition of the exemption, therefore, FMCSA will impose requirements on the 51 individuals consistent with the grandfathering provisions applied to drivers who participated in the Agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirement in 49 CFR 391.41(b)(10) and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

V. Discussion of Comments

FMCSA received three comments in this proceeding. The comments are discussed below.

Letitia Robinson, David Wang, and Eliezer Lebron are all in favor of granting Vantha Yeam an exemption from the Federal vision standard.

IV. Conclusion

Based upon its evaluation of the 51 exemption applications, FMCSA exempts the following drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above (49 CFR 391.64(b)):

David C. Berger (PA)
Phillip J. Boes (MN)
Ronald Bostick (SC)
Raymond L. Bradshaw (TX)
Ricky D. Cain (NM)
Jeffrey L. Coachman (NY)
Dewayne L. Cunningham (IL)
Robert W. Cushing (NH)
Joel K. Cutchin (VA)
Keith Dionisi (MI)
Wolfgang K. Faulkingham (ME)
John D. Fortino Jr. (NY)
Ricky J. Franklin (OR)
James P. Gapinski (MN)
Harley D. Gray (IL)
David N. Groff (PA)
Robert J. Hansen (MN)
Adrian Haro (CO)
Kevin L. Himes (CO)
Ervin A. James, Jr. (NC)
Jeffrey G. Kalla (NV)
Jackie Lee (FL)
Joseph J. Lewis (WA)
Keith A. Looney, Jr. (AR)
Van C. Mac (IL)
Michael P. McCabe (MI)
Chris D. McCance (IL)
Michael W. McCann (VA)
O'Dell M. McKnight (SC)
Anthony R. Melton (SC)
Preston S. Nehring (FL)
Dennis J. Oie (MN)
Orlan R. Ott (IA)
Rodney W. Phelps (KY)
Leonardo Polonski (MA)
Don C. Powell, Jr. (NY)
Luis A. Ramos (FL)
Kevin C. Rich (NC)
Ronald D. Schwab (MN)
Gary W. Shelton, Jr. (FL)
Gerardo Silva (IL)
James A. Spittal (OR)
Paul J. Stewart (CO)
David A. Stinelli (PA)
Ingrid V. Taylor (MI)
Roger A. Thein, Jr. (WI)
Russell E. Ward (NH)
Bobby M. Warren (KY)
Steven E. Williams (GA)
Rex A. Wright (IL)
Vantha Yeam (PA)

In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for 2 years unless revoked earlier by FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

If the exemption is still effective at the end of the 2-year period, the person may apply to FMCSA for a renewal under procedures in effect at that time.

Issued on: April 1, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–07905 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2007–27333; FMCSA–2008–0398; FMCSA–2010–0082; FMCSA–2010–0201; FMCSA–2010–0385; FMCSA–2010–0010; FMCSA–2010–0024; FMCSA–2012–0338; FMCSA–2013–0022]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 13 individuals. FMCSA has statutory authority to exempt individuals from the vision requirement if the exemptions granted will not compromise safety. The Agency has concluded that granting these exemption renewals will provide a level of safety that is equivalent to or greater than the level of safety maintained without the exemptions for these commercial motor vehicle (CMV) drivers.

DATES: This decision is effective May 13, 2015. Comments must be received on or before May 7, 2015.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) numbers: Docket No. [Docket No. FMCSA–2007–27333; FMCSA–2008–0398; FMCSA–2010–0082; FMCSA–2010–0201; FMCSA–2010–0385; FMCSA–2010–0010; FMCSA–2010–0024; FMCSA–2012–0338; FMCSA–2013–0022], using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *http://www.regulations.gov,* including any personal information included in a comment. Please see the Privacy Act heading below.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Federal Docket Management System (FDMS) is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

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

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Carrier, Driver and Vehicle Safety Standards, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m. Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may renew an exemption from the vision requirements in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce, for a two-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The procedures for requesting an exemption (including renewals) are set out in 49 CFR part 381.

II. Exemption Decision

This notice addresses 13 individuals who have requested renewal of their exemptions in accordance with FMCSA procedures. FMCSA has evaluated these 13 applications for renewal on their merits and decided to extend each exemption for a renewable two-year period. They are: Toby L. Carson (TN), Ronnie Clark (ME), Adan Cortes-Juarez (WA), Vincent C. Durazzo, Jr. (CT), Johnnie L. Hall (MD), Randy M. Lane (PA), Michael O. Regentik (MI), Alvaro F. Rodriguez (TX), Esequiel Rodriguez, Jr. (TX), George K. Sizemore (NC), Donald E. Stone (VA), Edward Timpson (RI), Michael A. Zingarella (CT).

The exemptions are extended subject to the following conditions: (1) That each individual has a physical examination every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provides a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retains a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for two years unless rescinded earlier by FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application for additional two year periods. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 13 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (72 FR 12666; 72 FR 25831; 74 FR 7097; 74 FR 15584; 74 FR 15586; 75 FR 25919; 75 FR 39729; 75 FR 54958; 75 FR 70078; 75 FR 77942; 76 FR 5425; 76 FR 9856; 76 FR 17481; 76 FR 20076; 76 FR 21796; 76 FR 28125; 77 FR 36338; 77 FR 74731; 78 FR 12811; 78 FR 12815; 78 FR 16762; 78 FR 18667; 78 FR 22596; 78 FR 22602; 78 FR 24300). Each of these 13 applicants has requested renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while

driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements.

These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

IV. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2007–27333; FMCSA–2008–0398; FMCSA–2010–0082; FMCSA–2010–0201; FMCSA–2010–0385; FMCSA–2011–0010; FMCSA–2011–0024; FMCSA–2012–0338; FMCSA–2013–0022), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and put the docket number, ''FMCSA–2007–27333; FMCSA–2008–0398; FMCSA–2010–0082; FMCSA–2010–0201; FMCSA–2010–0385; FMCSA–2011–0010; FMCSA–2011–0024; FMCSA–2012–0338; FMCSA–2013–0022'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may change this notice based on your comments.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov* and in the search box insert the docket number, ''FMCSA–2007–27333; FMCSA–2008–0398; FMCSA–2010–0082; FMCSA–2010–0201; FMCSA–2010–0385; FMCSA–2011–0010; FMCSA–2011–0024; FMCSA–2012–0338; FMCSA–2013–0022'' in the ''Keyword'' box and click ''Search.'' Next, click ''Open Docket Folder'' button choose the document listed to review. If you do not have access to the Internet, you may view the docket online by visiting the Docket Management Facility in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Issued on: April 1, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–07908 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2014–0383]

Qualification of Drivers; Application for Exemptions; Hearing

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of applications for exemptions; request for comments.

SUMMARY: FMCSA announces that 30 individuals have applied for a medical exemption from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). In accordance with the statutory requirements concerning applications for exemptions, FMCSA requests public comments on these requests. The statute and implementing regulations concerning exemptions require that exemptions must provide an equivalent or greater level of safety than if they were not granted. If the Agency determines the exemptions would satisfy the statutory requirements and decides to grant these requests after reviewing the public comments submitted in response to this notice, the exemptions would enable 30 individuals to operate CMVs in interstate commerce.

DATES: Comments must be received on or before May 7, 2015.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2014–0383 using any of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.
- Mail: Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- Hand Delivery: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- Fax: 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket numbers for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the FDMS published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://edocket.access.gpo.gov/2008/pdf/E8-785.pdf.*

FOR FURTHER INFORMATION CONTACT: Charles A. Horan, III, Director, Office of Carrier, Driver and Vehicle Safety, (202) 366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE., Room

W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

The Federal Motor Carrier Safety Administration has authority to grant exemptions from many of the Federal Motor Carrier Safety Regulations (FMCSRs) under 49 U.S.C. 31315 and 31136(e), as amended by Section 4007 of the Transportation Equity Act for the 21st Century (TEA–21) (Pub. L. 105–178, June 9, 1998, 112 Stat. 107, 401). FMCSA has published in 49 CFR part 381, subpart C final rules implementing the statutory changes in its exemption procedures made by section 4007, 69 FR 51589 (August 20, 2004).[1] Under the rules in part 381, subpart C, FMCSA must publish a notice of each exemption request in the **Federal Register**. The Agency must provide the public with an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted and any research reports, technical papers and other publications referenced in the application. The Agency must also provide an opportunity to submit public comment on the applications for exemption.

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 without the exemption. The decision of the Agency must be published in the **Federal Register**. If the Agency denies the request, it must state the reason for doing so. If the decision is to grant the exemption, the notice must specify the person or class of persons receiving the exemption and the regulatory provision or provisions from which an 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.

The current provisions of the FMCSRs concerning hearing state that a person is physically qualified to drive a CMV if that person

First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5—1951.

49 CFR 391.41(b)(11). This standard was adopted in 1970, with a revision in 1971 to allow drivers to be qualified under this standard while wearing a hearing aid, 35 FR 6458, 6463 (April 22, 1970) and 36 FR 12857 (July 3, 1971).

FMCSA also issues instructions for completing the medical examination report and includes advisory criteria on the report itself to provide guidance for medical examiners in applying the hearing standard. See 49 CFR 391.43(f). The current advisory criteria for the hearing standard include a reference to a report entitled ''Hearing Disorders and Commercial Motor Vehicle Drivers'' prepared for the Federal Highway Administration, FMCSA's predecessor, in 1993.[2]

FMCSA Requests Comments on the Exemption Applications

FMCSA requests comments from all interested parties on whether a driver who cannot meet the hearing standard should be permitted to operate a CMV in interstate commerce. Further, the Agency asks for comments on whether a driver who cannot meet the hearing standard should be limited to operating only certain types of vehicles in interstate commerce, for example, vehicles without air brakes. The statute and implementing regulations concerning exemptions require that the Agency request public comments on all applications for exemptions. The Agency is also required to make a determination that an exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be *achieved absent such exemption before granting any such requests.*

Submitting Comments

You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so that FMCSA can contact you if there are questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number ''FMCSA–2014–0383'' and click the search button. When the new screen appears, click on the blue ''Comment Now!'' button on the right hand side of the page. On the new page, enter information required including the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. 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 this proposed rule based on your comments. FMCSA may issue a final rule at any time after the close of the comment period.

Viewing Comments and Documents

To view comments, as well as any documents mentioned in this preamble, To submit your comment online, go to *http://www.regulations.gov* and in the search box insert the docket number ''FMCSA–2014–0383'' and click ''Search.'' Next, click ''Open Docket Folder'' and you will find all documents and comments related to the proposed rulemaking.

Information on Individual Applicants

Neal Everett Boatman, Jr.

Mr. Boatman, 37, holds an operator's license in Arizona.

Herbert Dean Crowe

Mr. Crowe, 50, holds an operator's license in Missouri.

David Keith Cannon

Mr. Cannon, 47, holds an operator's license in Missouri.

Bryant Cater

Mr. Cater, 54, holds a Class A commercial driver's license (CDL) in Tennessee.

Frankye D. Crews

Ms. Crews, 44, holds an operator's license in Florida.

Justin Craig Cribb

Mr. Cribb, 36, holds an operator's license in South Carolina.

William Reeder Darnell

Mr. Darnell, 40, holds a Class A commercial driver's license (CDL) in Arizona.

Mark Dickson

Mr. Dickson, 55, holds an operator's license in Texas.

[1] This action adopted as final rules the interim final rules issued by FMCSA's predecessor in 1998 (63 FR 67600 (Dec. 8, 2008)), and adopted by FMCSA in 2001 [66 FR 49867 (Oct. 1, 2001)].

[2] This report is available on the FMCSA Web site at *http://www.fmcsa.dot.gov/facts-research/research-technology/publications/medreport_archives.htm.*

Kelly Gene Eller

Mr. Eller, 50, holds an operator's license in North Carolina.

Elliot David Fellows

Mr. Fellows, 22, holds an operator's license in New York.

David H. Grady

Mr. Grady, 46, holds a Class B commercial driver's license (CDL) in Colorado.

Alissa Haselhorst

Ms. Haselhorst, 27, holds an operator's license in Nebraska.

Nathan John Hill

Mr. Hill, 31, holds an operator's license in Georgia.

Jason R. Gensler

Mr. Gensler, 36, holds an operator's license in Ohio.

Thomas P. Lipyanic, Jr.

Mr. Lipyanic, 49, holds a Class A commercial driver's license (CDL) in Pennsylvania.

Brian L. Lloyd

Mr. Lloyd, 41, holds an operator's license in Ohio.

Kelsey Rae Maginity

Ms. Maginity, 23, holds an operator's license in Iowa.

Donald B. Malley

Mr. Malley, 60, holds a Class A commercial driver's license (CDL) in Missouri.

Courtney Maloney

Ms. Maloney, 26, holds an operator's license in New York.

Amy Elizabeth Marcus

Ms. Marcus, 42, holds an operator's license in Michigan.

Jonython A. Mason

Mr. Mason, 33, holds an operator's license in California.

Kathy Ann Meadows

Ms. Meadows, 57, holds a Class A commercial driver's license (CDL) in Georgia.

Devin Jamal Moffett

Mr. Moffett, 23, holds an operator's license in Georgia.

Anthony Joseph Saive

Mr. Saive, 29, holds a Class B commercial driver's license (CDL) in Ohio.

David W. Shores

Mr. Shores, 47, holds a Class A commercial driver's license (CDL) in North Carolina.

Jonathan P. Veach

Mr. Veach, 32, holds an operator's license in Illinois.

Michael Whitman

Mr. Whitman, 39, holds an operator's license in New Jersey.

Richard E. Whittaker

Mr. Whittaker, 44, holds a Chauffeur's license in Indiana.

Brian David Whittington

Mr. Whittington, 48, holds a Class A commercial driver's license (CDL) in Michigan.

Scott Matchett

Mr. Matchett, 32, holds an operator's license in New York.

Request for Comments

In accordance with 49 U.S.C. 31136(e) and 31315(b)(4), FMCSA requests public comment from all interested persons on the exemption petitions described in this notice. The Agency will consider all comments received before the close of business May 7, 2015. Comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will file comments received after the comment closing date in the public docket, and will consider them to the extent practicable. In addition to late comments, FMCSA will also continue to file, in the public docket, relevant information that becomes available after the comment closing date. Interested persons should monitor the public docket for new material.

Issued on: April 1, 2015.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2015–07909 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA–2014–0009]

Response to Comments on Updates to National Transit Database Annual Information Collection

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of Revised NTD Reporting Manual and Response to Comments.

SUMMARY: This notice provides the Federal Transit Administration's response to comments on proposed changes to the National Transit Database (NTD) Reporting Manual, and provides notice that the final Reporting Manual for the 2014 Report Year is now available. The guidance changes in this notice primarily relate to urbanized area transit providers.

DATES: Upon publication of this notice the rules and guidance it describes will become final.

FOR FURTHER INFORMATION CONTACT: Keith R. Gates, National Transit Database Program Manager, FTA Office of Budget and Policy, (202) 366–1794, or email: *keith.gates@dot.gov*

SUPPLEMENTARY INFORMATION:

Title: 49 U.S.C. 5335(a) and (b) National Transit Database. *(OMB Number: 2132–0008).*

Background: Sections 5335(a) and (b) of title 49, United States Code, require the Secretary of Transportation to maintain a reporting system, using a uniform system of accounts, to collect financial and operating information from the Nation's public transportation systems. Congress established the National Transit Database (NTD) to be the repository of national transit data to support public transportation service planning. The Federal Transit Administration (FTA) administers the NTD to meet these requirements and has collected data for over 30 years. The NTD is comprised of the Annual, Rural, Monthly, and Safety modules. Each module has a Reporting Manual, which FTA updates from time to time to provide new guidance to reporters. This notice provides final updates to the Annual Reporting Manual for the 2014 Report Year.

Approximately 850 urban transit systems currently report to the NTD Annual Module. Each system provides a report on their sources and uses of funds, their capital assets, the amount of service they provide and a Chief Executive Officer (CEO) certification of the data. The reporting requirements for the NTD are within the level that received Paperwork Reduction Act (PRA) approval as part of the entire NTD PRA notice published in the **Federal Register** on November 7, 2011 (76 FR 6881) and approved by the Office of Management and Budget (OMB) on April 29, 2012.

On August 19, 2014, FTA published a **Federal Register** notice for comment on revisions to the NTD Reporting Manual (79 FR 49146). That notice described various changes to the NTD Annual Module that are taking effect with the FY 2014 NTD Report Year. The

FTA responds herein to comments on whether, and how, agencies reporting this data might experience difficulties meeting the revised requirements.

The updated guidance in the Annual Reporting Manual will provide better data to the NTD which is used in the grant apportionment formulas and for analysis of industry trends. These changes also implement many of the policy changes enacted in the Moving Ahead for Progress in the 21st Century Act (MAP–21). This notice is independent of the larger rulemaking process that is underway to implement a National Transit Asset Management system and other FTA rulemaking activities.

FTA previously proposed 11 changes to NTD reporting:

A. Clarification for reporting subset data on Americans with Disabilities Act (ADA) paratransit services

B. Clarification on the reporting of contractual relationships

C. Update the definition of the bus rapid transit mode (per FTA C 5300.1 *SGR Grants Program)*

D. Policy change so that certain High Occupancy Toll (HOT) lanes are no longer *fixed guideway* for purposes of the State of Good Repair Formula

E. Updates to the definition of commuter service (related to Amtrak services) and allocation of data to urbanized areas

F. Elimination of consolidated reporting in favor of Small System Waiver reporting.

G. Clarification on consistent use of transit system names and organization types

H. Policy clarification allowing delegation of CEO certification responsibility

I. Elimination of unnecessary reporting requirements (dropping unneeded forms)

J. Elimination of outdated Circulars related to sampling procedures.

K. Expansion of capital asset reporting required by MAP–21

FTA received 119 comments from 75 sources. This notice will respond to comments on items A through J. The FTA received a substantial number of comments on item K, the expansion of capital asset reporting. As FTA originally proposed that the expanded asset reporting would not take effect until at least the FY 2015 Report Year, FTA is taking additional time to consider these comments, and will respond to them in a future notice in the **Federal Register.**

Response to Comments

A. Clarification for Reporting Subset Data on ADA Paratransit Services—(27 comments)

FTA proposed the following guidance to improve the consistency and specificity of urban transit systems' ADA data reporting. This proposed guidance would have only applied to full reports from urbanized areas; not to rural reporting, nor to reporting under a small systems waiver.

(1) Transit systems that operate demand response services that are not intended to fulfill the ADA paratransit requirements of any fixed route service should report that zero (0) of their service and operating expenses are attributable to ADA requirements.

(2) Transit systems that operate demand response services to fulfill the ADA paratransit requirements of fixed-route service must report their unlinked trips provided to all eligible paratransit passengers (eligibility determined by local policy), excluding only the following:

(i) Trips that are sponsored by a third party (*e.g.* Medicare-sponsored trips);

(ii) Trips whose origin or destination (or both) are outside the minimum service (within ¾ of a mile of fixed route service) area required by the ADA; and,

(iii) Trips taken during times when the fixed-route system is not operating.

(3) Transit systems that operate demand response services to fulfill the ADA paratransit requirements of a fixed-route service would then report their operating expenses for such services as attributable to the ADA on the same basis. In general, if a transit system does not have an accounting system to track this, then it may report on the basis of the percentage of total demand response trips that were identified as ADA trips, per the above criteria. That is, if ADA trips were 76 percent of all demand-response mode trips, then ADA operating expenses would be reported as 76 percent of total demand-response mode operating expenses.

FTA received 27 comments on the clarification of the ADA Paratransit Services reporting standards. Comments indicated that agencies have integrated ADA requirements into their demand-response systems to such an extent that it is technically difficult for them to separate this service from their normal operations. Their responses noted that it would constitute a considerable burden for them to report this data separately. As FTA does not wish to impose additional reporting burden to collect this data, we withdraw this proposal.

B. Clarification on the Reporting of Contractual Relationships—(9 comments)

FTA proposed to clarify that in order for service to be classified as Purchased Transportation (PT), the service must meet three criteria:

(1) The contract or agreement must provide for the buyer to be responsible for the fully-allocated cost of providing the service;

(2) The service must be operated in the name of the buyer (*i.e.* the presence of the seller must be generally transparent to the riding public); and,

(3) The seller must operate and manage the service.

Public transportation services that do not meet the above criteria may still be reported to the NTD. However, these services would instead be reported to the NTD as directly operated and would be reported by the organization that is actually operating the service.

FTA received nine (9) comments in response to the clarifications on the reporting of contractual relationships. Three (3) transit providers indicated that they support this clarification or that their business practices are already in compliance with these reporting standards. One (1) additional commenter believes this clarification may be unnecessary because any buyer/seller relationship anomalies would be apparent from the type of NTD forms submitted by the reporter. The remaining five (5) comments are summarized below:

One commenter suggests that the language be changed from the fully allocated cost to the market rate for providing the service; with the market rate being defined as the rate achieved either through a competitive procurement process or a negotiated procurement. Requiring the seller to provide complete accounting records to support the fully allocated rate would be cumbersome and could lead to unintended consequences for transit agencies seeking to provide purchased transportation services at the lowest cost.

The issue presented here is that records must be kept to demonstrate that the amount paid for the purchased service is the actual cost of providing that service. The FTA reserves the right to audit that claim. In general, it can be presumed that if the seller is not receiving funds from any source other than the buyer, then the buyer is paying the fully-allocated cost.

A commenter from an industry association suggested that final guidance should not prohibit the identity of the seller from being displayed on vehicles or uniforms. They also requested clarity on how to identify 'fully allocated costs' of contracted service when some services are provided by the buyer.

A commenter from a transit agency also requested clarification on whether the name of the seller can be included on the vehicle or advertisements.

FTA replies that, although the vehicle used for purchased transportation must prominently display the name of the buyer, this does not preclude the name of the seller, manufacturer or advertisers from also being on the vehicle.

A commenter from a transit agency expressed concern that the proposed change would eliminate the ability to report ridership for its program of 'last mile' shuttles from its rail stations.

FTA will address the specifics of this situation directly with the reporter, but nothing in this proposal would prevent any transit service from being reported to the NTD and included in the formula apportionment. Any transit service that cannot be reported as purchased transportation could be reported to the NTD as a directly operated service instead.

One commenter from a transit agency suggested that certain demand response services provided by a third party should be exempt from the requirement to be operated in the name of the buyer. For example, some transit systems use car services with non-dedicated fleets to provide some ADA paratransit services.

FTA agrees and will clarify in the Reporting Manual that demand-response taxi services need not be operated in the name of the buyer.

Comments received in response to this item did not identify any significant issues preventing its implementation and FTA will proceed with publishing these clarifications.

C. Updates to Definition of the Bus Rapid Transit Mode—(5 comments)

On January 28, 2015, FTA published a notice in the **Federal Register** finalizing Circular FTA C 5300.1 *State of Good Repair Grants Programs: Circular and Application Instructions.* In that circular FTA defines the *bus rapid transit* (BRT) mode as a service that meets five criteria. These criteria were re-published with the August 19, 2014 **Federal Register** notice to provide additional notice to impacted parties, in particular with regards to changing the definition of the BRT Mode in the NTD. However, comments on whether the below criteria should be used for funding eligibility in the State of Good Repair Formula Program have been addressed through notice and comment on the circular and FTA has accepted these criteria. The five criteria are as follows:

(1) Over 50 percent of the route operates in a separated right-of-way (ROW) dedicated for transit use during peak periods (though other traffic may make turning movements through the separated right-of-way);

(2) the route has defined stations that are accessible for persons with disabilities, offer shelter from the weather, and provide information on schedules and routes;

(3) the route offers faster passenger travel times through congested intersections by using active signal priority in separated guideway, and either queue-jump lanes or active signal priority in non-separated guideway;

(4) the route offers *short headway,* bi-directional, service that is provided for at least a 14 hour span on weekdays and a 10 hour span on weekends; (*Short headway* service on weekdays, consists of maximum headways that are either: 15 minutes or less throughout the day; or, 10 minutes or less during peak periods and 20 minutes or less at all other times. *Short headway* service on weekends consists of maximum headways that are 30 minutes or less for at least 10 hours for the day) and,

(5) a separate and consistent brand identity applied to stations and vehicles.

Bus services that implement features of *bus rapid transit* systems, but which do not meet all of the above criteria, particularly corridor-based *bus rapid transit* projects, would still be reported to the NTD under the fixed-route bus (MB) mode.

FTA received five (5) comments in response to the proposed definition of the bus rapid transit mode.

Two (2) commenters suggested that this change was premature given that Circular C5300.1 is still under development and could have an impact on this definition. Both commenters suggested that these changes should be deferred and reconsidered after the circular has been completed.

The final circular was posted in the **Federal Register** on Wednesday, January 28, 2015. NTD reporters need to use the published definition in order to comply with MAP–21.

One transit system recommended the following changes to the proposed definition: ''1) Over 50 percent of the route operating in a separated ROW dedicated for transit use and HOV/HOT use during peak periods; and, 2) the route offers short headway, bi-directional, service during peak periods.'' They believe that the current definition discourages partnerships that provide a combination of BRT and high-occupancy toll or HOV services, including the U.S. 36 BRT in Colorado. The weekend requirement would also disqualify some BRT projects or force unproductive weekend service.

Another transit agency commenter expressed concern that the change in definition will disqualify some existing BRT routes from being formally classified as BRT. They request that the calculation to determine separated ROW exclude segments where a separated ROW is not necessary due to insignificant traffic congestion. They further recommend that the 'treatment of congested intersections' criterion be simplified to be more consistent with the MAP–21 definition that references 'traffic signal priority for public transportation vehicles'. This change in definition would allow routes that utilize traffic signal priority at some but not all intersections to still be designated BRT.

While FTA has considered alternate interpretations of MAP–21, including these proposed by the commenters, FTA notes that the statute has clear and specific requirements for separated guideway and high-frequency service on weekends. The FTA must follow the statutory requirements in these areas.

D. Guidance for Service on HOT Lanes—(8 comments)

The FTA proposed, beginning with the Fiscal Year 2016 apportionment, to no longer consider transit service operated on any HOT lane to be the same as transit service operated on an HOV lane, for purposes of the formula apportionment for the High-Intensity Motorbus Tier. Comments on this were solicited in the previously mentioned March 3, 2014, FTA **Federal Register** Notice, C 5300.1 *State of Good Repair Grants Programs: Proposed Circular and Application Instructions.* Thus, while FTA did not seek additional comments on the impact of this policy change on the State of Good Repair Formula Program, FTA did propose to continue to collect data on the amount of transit service operated on HOT Lanes in the NTD for future use.

The FTA received eight (8) comments in response to the guidance for service in HOT lanes. Five (5) commenters provided feedback that was not specific to FTA's request for comment on continuing to collect HOT lane data for future use. These comments were in response to the March 3, 2014 **Federal Register** Notice on C 5300.1 and, therefore, will not be addressed in this response.

Three (3) commenters provided feedback specific to this request for comment. One (1) commenter suggested that any decisions on continuing to collect HOT lane data should be postponed until after final publication of the C 5300.1 *State of Good Repair Grants Programs: Circular and Application Instructions* (which has now occurred). Two (2) commenters stated that continuing to collect HOT lane data would be unnecessary and burdensome if that data is no longer part of the State of Good Repair formula.

Both requested that FTA discontinue collecting this data.

FTA has considered the feedback regarding the burden of collecting HOT lane data and agrees that this reporting burden should be minimized. FTA thus amends its proposal to only collect data on HOT lane directional route miles. Data on HOT lane directional route miles used in transit service will continue to provide important baseline data for policy makers, and these data can be collected with a minimum of reporting burden. However, FTA will discontinue collecting data on vehicle revenue miles driven on those HOT lanes.

E. Updates to the Definition of Commuter Service and Allocation of Data Attributable to an Urbanized Area (UZA)—(5 comments)

The definition of *Public Transportation* at 49 U.S.C. 5302 specifically excludes intercity passenger rail operated by Amtrak, and also intercity bus service. The FTA proposed to amend the definition of public transportation in the NTD Reporting Manual to implement this definition, and to clarify the distinction between commuter and intercity services.

The FTA also proposed to clarify the instructions in the Reporting Manual regarding the allocation of transit service between multiple areas. Transit service classified as *commuter service* that connects one or more urbanized areas or that connects rural areas with one or more urbanized areas must be allocated to the urbanized area that is primarily being served. Each transit agency may determine what proportion of service to allocate to each urbanized area according to a reasonable methodology.

The FTA received five (5) comments in response to the proposed update to the definition of commuter service and allocation of data attributable to an urbanized area. One (1) commenter stated that these updates would not impact their current reporting practices. The remaining four (4) comments all requested that FTA continue its current practice of allowing agencies to determine how service is allocated amongst the UZAs they serve.

The comments on these proposed updates were solely concerned with the allocation of service data amongst the UZAs being served by commuter service. FTA wishes to clarify that the proposed updates will not impact the ability for transit agencies to continue with their current methodology for determining how service data is allocated amongst the UZAs they serve. A transit agency may continue to allocate service data amongst the UZAs they serve according to a reasonable methodology based on the service provided.

F. Proposed Elimination of Consolidated Reporting and Update of Small Systems Waiver Reporting—(25 comments)

The FTA proposes to eliminate consolidated reports and have all urbanized area transit providers report directly to the NTD. Currently there are fewer than 10 consolidated reporters in the NTD. Consolidated reporting makes it difficult to validate and assure the accuracy of NTD data. It complicates NTD data presentation and makes it harder to use the NTD to answer basic questions about the transit industry.

The FTA received 25 comments on the proposal to eliminate consolidated reporting and update the small systems waiver reporting. All commenters were opposed to the elimination of consolidated reporting. Fifteen (15) stated that eliminating consolidated reporting would be administratively burdensome for the small agencies that are currently part of consolidated reports. Eleven (11) stated that the cost of an individual audit to verify their individual NTD submission would be cost prohibitive. Eight (8) commenters expressed concerns that small agencies that would no longer be eligible for a consolidated reporting would also no longer be required to report passenger miles. This reduction in passenger miles reporting would impact the overall formula funding for the UZA. Eight (8) commenters expressed concerns over the timeline to implement this change and requested extensions between 6 months and 1 year. Finally, eight (8) commenters requested that, should consolidated reporting be eliminated, the threshold for a small systems waiver should be increased from 30 vehicles to 50 vehicles.

The FTA has taken into consideration comments provided by the industry, but does not agree that eliminating consolidated reporting will be more burdensome. Virtually all consolidated reporters are small systems (30 or fewer vehicles) and will qualify for reduced reporting (formerly called small systems waiver reporting). As part of a consolidated report these systems are currently providing data for a full NTD report which requires significantly more effort. For example, reduced reporting does not require sampling for average trip length, an expensive and time-consuming process. In addition, small systems filing reduced reports are only required to do an audit of their accounting capabilities once within their first year of reporting. They are not required to do the annual audits that are required of full reporters. Thus, FTA concludes that concerns about excess reporting burden and auditing requirements are based on an incomplete understanding of the requirements.

In response to the concerns regarding reporting of passenger miles, small systems still have the option of submitting full NTD reports, with passenger miles, if they believe this will have a significant impact on formula funding for their urbanized areas. FTA has evaluated this impact for consolidated reporters, all of which are in urbanized areas with populations of greater than 200,000. Only 5.6 percent of Urbanized Area Formula funds (5307) and 8 percent of Bus and Bus Facilities funds (5339) are apportioned based on passenger miles. Consolidated reporters are all relatively small operators and so generate only a small portion of the passenger miles in their urbanized areas. The FTA finds that the impact of their not reporting those miles on total funding for those areas is quite small.

The FTA recognizes that the proposed timeline may cause a hardship to some reporters and will work with consolidated reporter agencies to transition them to individual reporters over a 2 year period using data waivers and extensions as necessary. FTA also will provide training as the comments we received show that many of these agencies do not understand the reduced reporting requirements and process. Additionally, FTA wants to emphasize that any large transit system that currently sponsors a consolidated report may continue to fill out NTD Report Forms on behalf of reporters filing with reduced reporting requirements. The FTA also will consider adjusting the limit for small systems, currently at 30 or fewer vehicles in maximum operating service, at some point in the future.

G. Clarification on Consistent Use of Transit System Names and Organization Types—(3 comments)

The FTA proposed that the name and organization type on the B–10 form must now match the total revenues and total expenses reported on the F forms.

The FTA received three (3) comments in response to this clarification. One (1) commenter stated that this will not impact their current reporting. One (1) commenter reiterated a concern over administrative burden for small agencies if the consolidated reporting is eliminated. This concern has been addressed in section F of this notice and will not be further addressed here.

The final comment expressed a concern that reporters to the NTD would

have to report non-transit costs to the NTD.

The FTA does not intend to collect data on non-transit services. However, it may be necessary to appropriately indicate the size of non-transit costs in order to ensure that the NTD report can be reconciled with a reporter's published financial statements.

H. Policy Clarification Allowing Delegation of Chief Executive Officer (CEO) Certification Responsibility—(6 comments)

The FTA proposed to formally allow the CEO (or equivalent officer) to delegate those duties to another individual within the organization. This delegation would be indicated by submission of a delegation letter, signed by the CEO on organization letterhead, naming the individual who will act in the CEO's name for this purpose.

The FTA received six (6) responses to this clarification. Three (3) commenters supported or expressed that this clarification would not impact their current reporting. One (1) individual expressed concern that his transit system, which has no direct employees, and is run by a Board of Commissioners, would have difficulty complying with this requirement. The remaining two (2) commenters were seeking additional clarification on this policy. The first requested FTA guidance on the extent to which certification would be considered a 'public record' under FOIA. The second was seeking clarification on the impact this would have on the individual provided with the delegation of the CEO submission. Specifically, is the delegate also responsible for data issues or concerns?

First, this is an option for reporters, not a requirement. It does not require any change in current certification procedures. Our intent is to expedite submission of reports at agencies where it is difficult for the CEO to schedule time to submit the report by allowing delegation of this task. Although the CEO can have subordinates certify the report, the CEO remains, ultimately, responsible for the accuracy of the data submitted. All NTD documents will continue to be public records subject to Federal and State Freedom of Information Act (FOIA) laws.

The comments received on this item did not identify any significant issues with its implementation and FTA will proceed with allowing delegation of CEO certification responsibility as proposed.

I. Elimination of Unnecessary Reporting Requirements—(6 comments)

In its ongoing efforts to streamline NTD reporting requirements and to eliminate unnecessary data collection FTA proposed to eliminate the requirement for rail systems to report vehicle revenue miles, vehicle revenue hours, unlinked passenger trips, and passenger miles traveled for morning peak and evening peak periods. The FTA is no longer using these data and has determined that this data collection is unnecessary. This will align the service data reporting requirements for rail modes with other modes.

The FTA also proposed to eliminate the B–60 and B–70 forms for identifying funds passed from one public entity to another public entity. The clarifications to the reporting of purchased transportation proposed above will render these forms unnecessary, and FTA will no longer require these data.

There were six (6) responses to the proposed elimination of unnecessary reporting requirements. Four (4) commenters expressed support for these changes. Two (2) commenters suggested that FTA should consider eliminating the fleet management plan reporting requirements if the proposed expansion of capital asset reporting (see section G) is implemented. The FTA will proceed with eliminating the proposed reporting requirements and take the recommendation to eliminate the fleet management plan reporting requirement under consideration while making a final determination on the capital asset reporting recommendation (see section K).

J. Updated Guidance for Sampling of Passenger Miles—(6 comments)

The FTA proposed to withdraw several outdated Urban Mass Transportation Administration (UMTA) Circulars that have remained in effect. In particular, FTA proposed to withdraw UMTA C2710.1A, UMTA C2710.2A, and UMTA C2710.4A, which relate to procedures for conducting statistical samples to collect passenger mile data. The FTA proposed to replace these Circulars with the *NTD Sampling Manual,* which has been in use as optional guidance for several years now. Withdrawing these outdated circulars will make the *NTD Sampling Manual* permanent guidance for procedures on sampling for passenger miles.

In addition, FTA proposed to withdraw UMTA C2710.6 and UMTA C2710.7. Both are outdated circulars that have been superseded by the NTD Reporting Manual. The texts of these circulars, as well as the NTD Sampling Manual may be reviewed at *www.ntdprogram.gov.*

The FTA received Six (6) comments on the updated guidance for the sampling of passenger miles. Three (3) comments expressed support for this change. Two (2) commenters asked FTA to clarify in the final publication of this guidance that alternative methodologies for sampling passenger miles would be acceptable. Specifically, one industry association commented ''to the extent sampling methodologies other than described in the *NTD Sampling Manual* provide comparable or better levels of statistical accuracy, FTA should make clear that such are acceptable.'' Two (2) commenters requested postponing the implementation of this guidance until fiscal year 2017 or fiscal year 2018 for reporters that are already collecting data under an alternative methodology in their current fiscal year.

The FTA intends to continue with the implementation of this updated guidance. In response to the concerns raised by commenters wishing to continue using an alternative sampling methodology the updated guidance presented in this **Federal Register** Notice does not preclude agencies from continuing to use alternative sampling methods that meet NTD accuracy requirements. In addition, an agency wishing to transition to a new sampling method provided in this guidance may request a waiver to extend the implementation timeline.

K. Expansion of Capital Asset Reporting—(18 comments)

The FTA received 18 comments on the proposed expansion of Capital Asset Reporting. Many comments raised concerns over implementing this change prior to the publication of a final Transit Asset Management rule. FTA wants to be thoughtful and consider all comments before making this change and will respond to these comments in a future notice in the **Federal Register**. This proposal will not, in any case, be implemented for the FY 2014 NTD reporting cycle.

Therese W. McMillan,

Acting Administrator.

[FR Doc. 2015–07879 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015–0043]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel PACIFIC PEARL; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 7, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0043. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel PACIFIC PEARL is:

Intended Commercial Use of Vessel: ''Private Vessel Charters, Passengers Only.''

Geographic Region: ''Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, California, Oregon, Washington and Alaska (excluding waters in Southeastern Alaska and waters north of a line between Gore Point to Cape Suckling [including the North Gulf Coast and Prince William Sound]).''

The complete application is given in DOT docket MARAD–2015–0043 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476).

By Order of the Maritime Administrator.

Dated: March 30, 2015.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–07913 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015 0042]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel PHANTOM; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 7, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0042. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel PHANTOM is:

INTENDED COMMERCIAL USE OF VESSEL: ''Sport Fishing.''

GEOGRAPHIC REGION: ''Hawaii.''

The complete application is given in DOT docket MARAD–2015–0042 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476).

By Order of the Maritime Administrator.

Dated: March 30, 2015.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–07916 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015–0041]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel OCTOPUS; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 7, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0041. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel OCTOPUS is:

Intended Commercial Use of Vessel: ''Day and multiple-day charters—captain/crew provided charters or bareboat charters.''

Geographic Region: Florida.

The complete application is given in DOT docket MARAD–2015–0041 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476).

By Order of the Maritime Administrator.

Dated: March 30, 2015.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–07912 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2015 0040]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel SHIP FACED; Invitation for Public Comments

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice.

SUMMARY: As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

DATES: Submit comments on or before May 7, 2015.

ADDRESSES: Comments should refer to docket number MARAD–2015–0040. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

SUPPLEMENTARY INFORMATION: As described by the applicant the intended service of the vessel SHIP FACED is:

Intended Commercial Use Of Vessel: ''Deep sea Fishing.''

Geographic Region: ''California.''

The complete application is given in DOT docket MARAD–2015–0040 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-

flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Privacy Act

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

By Order of the Maritime Administrator.

Dated: March 24, 2015.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–07915 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT–MARAD 2015–0044]

Agency Requests for Renewal of a Previously Approved Information Collection(s): Maritime Administration Service Obligation Compliance Annual Report

AGENCY: Maritime Administration.

ACTION: Notice and request for comments.

SUMMARY: The Maritime Administration (MARAD) invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection is necessary to determine if a graduate of the U.S. Merchant Marine Academy or a State maritime academy student incentive payment graduate is complying with the terms of the service obligation. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995, Public Law 104–13.

DATES: Written comments should be submitted by June 8, 2015.

ADDRESSES: You may submit comments [identified by Docket No. DOT–MARAD–2015–0044] 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: Danielle Bennett, 202–366–7618, Office of Maritime Workforce Development, Maritime Administration, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2133–0509.

Title: Maritime Administration Service Obligation Compliance Annual Report.

Form Numbers: MA–930.

Type of Review: Renewal of an information collection.

Background: 46 U.S.C. 51306 and 46 U.S.C. 51509 imposes a service obligation on every graduate of the U.S. Merchant Marine Academy and every State maritime academy student incentive payment graduate. This mandatory service obligation is for the Federal financial assistance the graduate received as a student. The obligation consists of (1) maintaining a U.S. Coast Guard merchant mariner credentials with an officer endorsement; (2) serving as a commissioned officer in the U.S. Naval Reserve, the U.S. Coast Guard Reserve or any other reserve unit of an armed force of the United States following graduation from an academy; (3) serving as a merchant marine officer on U.S.-flag vessels or as a commissioned officer on active duty in an armed or uniformed force of the United States, NOAA Corps, PHS Corps, or other MARAD approved service; and (4) report annually on their compliance with their service obligation after graduation.

Respondents: Graduates of the U.S. Merchant Marine Academy and State maritime academy student incentive payment graduates.

Number of Respondents: 2,100.

Frequency: Annually.

Number of Responses: One response per Respondent.

Total Annual Burden: 700.

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 the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department 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 1:93.

Dated: March 31, 2015.

Christine Gurland,

Acting Secretary, Maritime Administration.

[FR Doc. 2015–07919 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[OCC Charter Number 706591]

Commonwealth Bank, F.S.B., Mt. Sterling, Kentucky; Approval of Conversion Application

Notice is hereby given that on March 31, 2015, the Office of the Comptroller of the Currency (OCC) approved the application of Commonwealth Bank, F.S.B., Mt. Sterling, Kentucky, to convert to the stock form of organization. Copies of the application are available for inspection on the OCC Web site at the FOIA Electronic Reading Room *https://foia-pal.occ.gov/palMain.aspx.* If you have any questions, please call OCC Licensing Activities at (202) 649–6260.

Dated: March 31, 2015.

By the Office of the Comptroller of the Currency.

Stephen A. Lybarger,

Deputy Comptroller for Licensing.

[FR Doc. 2015–07869 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 4810–33–P

DEPARTMENT OF THE TREASURY

United States Mint

Citizens Coinage Advisory Committee; Meetings

AGENCY: United States Mint, Department of Treasury.

ACTION: Notification of Citizens Coinage Advisory Committee April 6, 2015, Public Meeting.

SUMMARY: Pursuant to United States Code, title 31, section 5135(b)(8)(C), the United States Mint announces the Citizens Coinage Advisory Committee (CCAC) public meeting scheduled for April 6, 2015.

Date: April 6, 2015.

Time: 2:00 p.m. to 4:00 p.m. EDT.

Location: This meeting will occur *via teleconference.* Interested members of the public may dial in to listen to the meeting at (866) 564–9287/Access Code: 62956028.

Subject: Discussion of design concepts for the 2017 Lions Club International Century of Service Commemorative Coin and the Selma Foot Soldiers of 1965 Congressional Gold Medal.

Interested persons should call the CCAC HOTLINE at (202) 354–7502 for the latest update on meeting time and room location.

In accordance with 31 U.S.C. 5135, the CCAC:

- Advises the Secretary of the Treasury on any theme or design proposals relating to circulating coinage, bullion coinage, Congressional Gold Medals, and national and other medals.
- Advises the Secretary of the Treasury with regard to the events, persons, or places to be commemorated by the issuance of commemorative coins in each of the five calendar years succeeding the year in which a commemorative coin designation is made.
- Makes recommendations with respect to the mintage level for any commemorative coin recommended.

FOR FURTHER INFORMATION CONTACT: William Norton, United States Mint Liaison to the CCAC; 801 9th Street NW., Washington, DC 20220; or call 202–354–7200.

Any member of the public interested in submitting matters for the CCAC's consideration is invited to submit them by fax to the following number: 202–756–6525.

Authority: 31 U.S.C. 5135(b)(8)(C).

Dated: March 31, 2015.

Beverly Ortega Babers,

Chief Administrative Officer, United States Mint.

[FR Doc. 2015–07683 Filed 4–6–15; 8:45 am]

BILLING CODE CODE P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Homeless Veterans, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 38 U.S.C. App. 2 that a meeting of the Advisory Committee on Homeless Veterans will be held May 13, 2015 through May 15, 2015. On May 13 and May 14, the Committee will meet at the Department of Veterans Affairs, 90K NE., Room 700, Washington, DC, from 8:00 a.m. to 4:00 p.m. On May 15, the Committee will meet at the Department of Veterans Affairs, 90K NE., Room 700, Washington, DC, from 8:00 a.m. to 12:00 p.m. The meeting will be open to the public.

The purpose of the Committee is to provide the Secretary of Veterans Affairs with an on-going assessment of the effectiveness of the policies, organizational structures, and services of VA in assisting homeless Veterans. The Committee shall assemble and review information related to the needs of homeless Veterans and provide advice on the most appropriate means of providing assistance to that subset of the Veteran population. The Committee will make recommendations to the Secretary regarding such activities.

The agenda will include briefings from officials at VA and other agencies regarding services for homeless Veterans. The Committee will also receive a briefing on the annual report that was developed after the last meeting of the Advisory Committee on Homeless Veterans and will then discuss topics for its upcoming annual report and recommendations to the Secretary of Veterans Affairs.

No time will be allocated at this meeting for receiving oral presentations from the public. Interested parties should provide written comments on issues affecting homeless Veterans for review by the Committee to Ms. Lisa Pape, Designated Federal Officer, VHA Homeless Programs Office (10NC1), Department of Veterans Affairs, 90K NE., Washington, DC, or email to *Lisa.Pape2@va.gov.*

Members of the public who wish to attend should contact both Charles Selby and Timothy Underwood of the VHA Homeless Program Office by April 17, 2015, at *Charles.Selby@va.gov* and *Timothy.Underwood@va.gov,* while providing their name, professional affiliation, address, and phone number. A valid government issued ID is required for admission to the meeting. Attendees who require reasonable accommodation should state so in their requests.

Dated: April 2, 2015.

Jelessa Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2015–07878 Filed 4–6–15; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Clinical Science Research and Development Service Cooperative Studies Scientific Evaluation Committee; Notice of Meeting

The Department of Veterans Affairs gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the Clinical Science Research and Development Service Cooperative Studies Scientific Evaluation Committee will hold a meeting on May 13, 2015, at the American Association of Airport Executives, 601 Madison Street, Alexandria, VA. The meeting will begin at 9:00 a.m. and end at 3:00 p.m.

The Committee advises the Chief Research and Development Officer through the Director of the Clinical Science Research and Development Service on the relevance and feasibility of proposed projects and the scientific validity and propriety of technical details, including protection of human subjects.

The session will be open to the public for approximately 30 minutes at the start of the meeting for the discussion of administrative matters and the general status of the program. The remaining portion of the meeting will be closed to the public for the Committee's review, discussion, and evaluation of research and development applications.

During the closed portion of the meeting, discussions and recommendations will deal with qualifications of personnel conducting the studies, staff and consultant critiques of research proposals and similar documents, and the medical records of patients who are study subjects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. As provided by section 10(d) of Public Law 92–463, as amended, closing portions of this meeting is in accordance with 5 U.S.C. 552b(c)(6) and (c)(9)(B).

The committee will not accept oral comments from the public for the open portion of the meeting. Those who plan to attend or wish additional information should contact Dr. Grant Huang, Acting Director, Cooperative Studies Program (10P9CS), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC, 20420, at (202) 443–

5700 or by email at *grant.huang@va.gov.* Those wishing to submit written comments may send them to Dr. Huang at the same address and email.

Dated: April 2, 2015.

Rebecca Schiller,

Committee Management Officer.

[FR Doc. 2015–07880 Filed 4–6–15; 8:45 am]

BILLING CODE CODE 8320–01–P

FEDERAL REGISTER

Vol. 80 Tuesday,

No. 66 April 7, 2015

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Endangered Species Status for the Big Sandy Crayfish and the Guyandotte River Crayfish; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R5–ES–2015–0015; 4500030113]

RIN 1018–BA85

Endangered and Threatened Wildlife and Plants; Endangered Species Status for the Big Sandy Crayfish and the Guyandotte River Crayfish

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; 12-month finding and status review.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 12-month finding on a petition to list the Big Sandy crayfish (known at the time of the petition as *Cambarus veteranus,* but now known as two distinct species: Guyandotte River crayfish, *C. veteranus,* and Big Sandy crayfish, *C. callainus*) as endangered or threatened under the Endangered Species Act, as amended (Act), and to designate critical habitat. After review of the best available scientific and commercial information, we find that listing the Big Sandy crayfish and the Guyandotte River crayfish is warranted. Accordingly, we propose to list both the Big Sandy crayfish (*C. callainus*), a freshwater crustacean from Kentucky, Virginia, and West Virginia, and the Guyandotte River crayfish (*C. veteranus*), a freshwater crustacean from West Virginia, as endangered species under the Act. If we finalize this rule as proposed, it would extend the Act's protections to both species and would add both species to the Federal List of Endangered and Threatened Wildlife. The Service seeks data and comments from the public on this proposed listing rule.

DATES: We will accept comments received or postmarked on or before June 8, 2015. Comments submitted electronically using the Federal eRulemaking Portal (see **ADDRESSES**, below) must be received by 11:59 p.m. Eastern Time on the closing date. We must receive requests for public hearings, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by May 22, 2015.

ADDRESSES: You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov.* In the Search box, enter FWS–R5–ES–2015–0015, which is the docket number for this rulemaking. Then, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate this document. You may submit a comment by clicking on ''Comment Now!''

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R5–ES–2015–0015; U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov.* This generally means that we will post any personal information you provide us (see *Public Comments* below for more information).

FOR FURTHER INFORMATION CONTACT: Martin Miller, Chief, Endangered Species, U.S. Fish and Wildlife Service, Northeast Regional Office, 300 Westgate Center Drive, Hadley, MA 01035; telephone 413–253–8615; facsimile 413–253–8482. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish a rule. Under the Act, if we find that a species may be an endangered or threatened species throughout all or a significant portion of its range, we are required to promptly publish a proposed rule to list the species in the **Federal Register** and make a final determination on our proposal within 1 year. Critical habitat shall be designated, to the maximum extent prudent and determinable, for any species determined to be an endangered or threatened species under the Act. Listing a species as an endangered or threatened species and designations and revisions of critical habitat can only be completed by issuing a rule.

This document consists of:

- Our 12-month finding that listing is warranted for the petitioned Big Sandy crayfish.
- Our status review finding that listing is warranted for the nonpetitioned Guyandotte River crayfish.
- A proposed rule to list the Big Sandy crayfish (*Cambarus callainus*) and the Guyandotte River crayfish (*C. veteranus*) as endangered species.

The basis for our action. Under the Act, we may determine that a species is an endangered or threatened species based on any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. We have determined that the Big Sandy crayfish and Guyandotte River crayfish are in danger of extinction primarily due to the threats of land-disturbing activities that increase erosion and sedimentation, which degrades the stream habitat required by both species (Factor A), and the effects of small population size (Factor E).

We will seek peer review. We will seek comments from independent specialists to ensure that our listing determination is based on scientifically sound data, assumptions, and analyses. We will invite these peer reviewers to comment on our listing proposal. Because we will consider all comments and information we receive during the comment period, our final determinations may differ from this proposal.

Information Requested

Public Comments

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other concerned governmental agencies, Native American tribes, the scientific community, industry, or any other interested parties concerning this proposed rule. We particularly seek comments concerning:

(1) The Big Sandy and Guyandotte River crayfishes' biology, ranges, and population trends, including:

(a) Biological or ecological requirements of these species, including habitat requirements for feeding, breeding, and sheltering.

(b) Genetics and taxonomy.

(c) Historical and current ranges, including distribution and abundance patterns, and quantitative evidence of the species' occurrence, especially in lower elevation sites within the known watersheds.

(d) Historical and current population levels and current and projected population trends.

(e) Past and ongoing conservation measures for these species, their habitats, or both.

(2) Factors that may affect the continued existence of these species, which may include habitat modification or destruction, overutilization, disease, predation, the inadequacy of existing

regulatory mechanisms, or other natural or manmade factors. Particularly:

(a) Information regarding current conditions and future trends of managing residential and commercial wastewater and how those conditions and trends may affect the Big Sandy and Guyandotte River crayfishes.

(b) Information on total number of stream miles monitored within the Big Sandy and Upper Guyandotte watershed for compliance with Clean Water Act of 1977 (CWA; 33 U.S.C. 1251 *et seq.*).

(c) Quantitative water quality parameters (*e.g.,* conductivity) at historical and current Big Sandy and Guyandotte River crayfish occurrence and sampling sites.

(d) Trends in Big Sandy and Guyandotte River crayfish population estimates or abundance as it relates to water quality parameters.

(3) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to these species and existing regulations that may be addressing those threats.

(4) Additional information concerning the historical and current status, range, distribution and abundance, and population size of each of these species, including the locations and habitat conditions of any additional populations.

(5) Information concerning dispersal mechanisms and distances for these species.

(6) Locations of likely suitable habitat where previously unknown populations of either species may occur.

(7) Information related to climate change within the ranges of the Big Sandy and Guyandotte River crayfish and how it may affect the species' habitat.

(8) The reasons why areas should or should not be designated as critical habitat as provided by section 4 of the Act (16 U.S.C. 1531 *et seq.*), including the possible risks associated with publication of maps designating any area on which these species may be located, now or in the future, as critical habitat.

(9) The following specific information on:

(a) The amount and distribution of habitat for the Big Sandy and Guyandotte River crayfishes.

(b) What areas, that are currently occupied and that contain the physical and biological features essential to the conservation of these species, should be included in a critical habitat designation and why.

(c) Special management considerations or protection that may be needed for the essential features in potential critical habitat area, including managing for the potential effects of climate change.

(d) What areas not occupied at the time of listing are essential for the conservation of these species and why.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Please note that submissions merely stating support for or opposition to the action under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or threatened species must be made ''solely on the basis of the best scientific and commercial data available.''

You may submit your comments and materials concerning this proposed rule by one of the methods listed in the **ADDRESSES** section. We request that you send comments only by the methods described in the **ADDRESSES** section.

If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the Web site. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov.*

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Northeast Regional Office (see **FOR FURTHER INFORMATION CONTACT**).

Public Hearing

Section 4(b)(5) of the Act provides for one or more public hearings on this proposal, if requested. Requests for a public hearing must be received within 45 days after the date of publication of this proposed rule in the **Federal Register**. Such requests must be sent to the address shown in the **FOR FURTHER INFORMATION CONTACT** section. We will schedule public hearings on this proposal, if any are requested, and announce the dates, times, and places of those hearings, as well as how to obtain reasonable accommodations, in the **Federal Register** and local newspapers at least 15 days before the hearing.

Peer Review

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), we will seek the expert opinions of three appropriate and independent specialists regarding this proposed rule. The purpose of peer review is to ensure that our listing determination is based on scientifically sound data, assumptions, and analyses. The peer reviewers have expertise in freshwater crayfish biology, habitat, or stressors to crayfish and their habitat. We will invite comment from the peer reviewers during this public comment period.

Previous Federal Action

We identified the Big Sandy crayfish, then known as *Cambarus veteranus,* as a Category 2 species in the November 21, 1991, notice of review titled Animal Candidate Review for Listing as Endangered or Threatened Species (56 FR 58804). Category 2 candidates were defined as species for which we had information that proposed listing was possibly appropriate, but conclusive data on biological vulnerability and threats were not available to support a proposed rule at the time. The species remained a Category 2 species in our November 15, 1994, candidate notice of review (59 FR 58982). In the February 28, 1996, candidate notice of review (61 FR 7596), we discontinued the designation of Category 2 species as candidates; therefore, the Big Sandy crayfish was no longer a candidate species.

In 2010, the Center for Biological Diversity (CBD) petitioned the Service to list 404 aquatic, riparian, and wetland species from the southeastern United States under the Act. On September 27, 2011, the Service published a substantial 90-day finding for 374 of the 404 species, including what was then known as the Big Sandy crayfish (*Cambarus veteranus*), soliciting information about, and initiating status reviews for, those species (76 FR 59836). In 2012, CBD filed a complaint against the Service for failure to complete a 12-month finding for the Big Sandy crayfish within the statutory timeframe. In 2013, the Service entered into a settlement agreement with CBD to address the complaint; the court-approved settlement agreement specified a 12-month finding for the Big Sandy crayfish would be delivered to the **Federal Register** by April 1, 2015.

Since the settlement agreement, we received information indicating that the Big Sandy crayfish is two separate species (see the *Taxonomy* section, below): the Big Sandy crayfish

(*Cambarus callainus*) and the Guyandotte River crayfish (*C. veteranus*). Although the settlement agreement specified that we must make a 12-month finding for *C. veteranus,* the Service chose to conduct a status review, and subsequently prepare a proposed listing rule, for both *C. veteranus* and *C. callainus.* As discussed below, we will propose to designate critical habitat for the Big Sandy crayfish and Guyandotte River crayfish under the Act in the near future.

Background

Taxonomy

The crayfish subspecies *Cambarus bartonii veteranus* was first described in 1914 by Faxon (1914, pp. 389–390) from specimens collected from Indian Creek in Wyoming County, West Virginia, in 1900. Hobbs (1955, p. 330) later elevated the taxon to species-level, referring to the animal as *Cambarus veteranus.* In 1969, Hobbs described several new *Cambarus* subgenera and reclassified the species as *C. (Puncticambarus) veteranus* (Hobbs 1969, p. 102).

From the late 20th century until 2011, *Cambarus veteranus* was thought to occur in two disjunct river systems, the Upper Guyandotte basin in West Virginia, from where it was originally described, and the upper tributaries of the Big Sandy basin in eastern Kentucky, southwestern Virginia, and southern West Virginia, from where it has been known since 1989 (Hobbs 1989, pp. 27–28). In 2011, a genetic comparison of extant specimens from the Upper Guyandotte and Big Sandy populations found significant genetic divergence between the two populations, indicative of possible species-level differences (Fetzner 2011, pp. 8–10, 25). Later, Thoma *et al.* (2014, entire) conducted the first physical comparison of all known, intact, museum specimens (292 specimens from the Big Sandy basin and 32 from the Upper Guyandotte) and noted significant morphological characteristics that distinguish the two populations. Based on the previous genetic evidence and the diagnostic morphological differences noted between specimens from the two river basins, Thoma *et al.* (2014, entire) recommended that the Big Sandy basin population be recognized as a new species, *Cambarus (Puncticambarus) callainus.*

We have carefully reviewed the peer-reviewed genetic and taxonomic information referenced above and conclude that the crayfish from the Big Sandy basin formerly thought to be *Cambarus veteranus* is a new, valid taxon, *Cambarus callainus.* The crayfish native to the Upper Guyandotte basin remains *C. veteranus* because the scientific name is linked with the type specimen. Additionally, Thoma *et al.* (2014, p. 551) proposed the common name ''Big Sandy crayfish'' be allied to the newly recognized species *C. callainus,* and that *C. veteranus,* which is endemic to the Upper Guyandotte system, be referred to as the ''Guyandotte River crayfish.'' We will follow this naming convention herein and for clarity ascribe the appropriate species and common names when discussing information from older studies that did not distinguish between the two species.

Species Description

Cambarus callainus, the Big Sandy crayfish, and *C. veteranus,* the Guyandotte River crayfish, are freshwater, tertiary burrowing crustaceans of the Cambaridae family. Tertiary burrowing crayfish do not exhibit complex burrowing behavior; instead, they shelter in shallow excavations under loose cobbles and boulders on the stream bottom. The two species are closely related and share many basic physical characteristics. Adult body lengths range from 75.7 to 101.6 millimeters (mm) (3.0 to 4.0 inches (in)), and the cephalothorax (main body section) is streamlined and elongate, and has two well-defined cervical spines. The elongate convergent rostrum (the beak-like shell extension located between the crayfish's eyes) lacks spines or tubercles (bumps). The gonopods (modified legs used for reproductive purposes) of Form I males (those in the breeding stage) are bent 90 degrees to the gonopod shaft (Loughman 2014, p. 1). Diagnostic characteristics that distinguish the Big Sandy crayfish from the Guyandotte River crayfish include the former's narrower, more elongate rostrum; narrower, more elongate chelea (claw); and lack of a well-pronounced lateral impression at the base of the claw's immovable finger (Thoma *et al.* 2014, p. 551).

Carapace (shell) coloration ranges from olive brown to light green, and the cervical groove is outlined in light blue, aqua, or turquoise. The rostral margins and post orbital (behind the eye) ridges are crimson red. The abdominal terga (dorsal plates covering the crayfish's abdomen) range from olive brown to light brown to light green and are outlined in red. The walking legs of the Guyandotte River crayfish are blue, while those of the Big Sandy crayfish range from light green to green blue to green. Chelae of the Guyandotte River crayfish range from blue green to light blue, while those of the Big Sandy crayfish are usually aqua but sometimes green blue to blue (Loughman 2014, p. 1–2; Thoma *et al.* 2014, p. 547).

Life History and Habitat

Reproduction

Thoma (2009, entire; 2010, entire) reported demographic and life-history observations for the Big Sandy crayfish in Virginia and Kentucky. Based on these observations and professional expertise, he concluded that the general life cycle pattern of the species is 2 to 3 years of growth, maturation in the third year, and first mating in midsummer of the third or fourth year. Following midsummer mating, the annual cycle involves egg laying in late summer or fall, spring release of young, and late spring/early summer molting. He hypothesized the likely lifespan of the Big Sandy crayfish to be 5 to 7 years, with the possibility of some individuals reaching 10 years of age. Of 60 Big Sandy crayfish juvenile and adult specimens collected, Loughman (2014, p. 20) noted 5 total carapace length (TCL) size cohorts—8.0 to 19.0 mm (0.31 to 0.75 in); 32.0 to 35.0 mm (1.26 to 1.38 in); 36.0 to 43.0 mm (1.42 to 1.69 in); 44.0 to 49.0 mm (1.73 to 1.93 in); and 51.0 to 53.0 mm (2.01 to 2.09 in), indicating at least 6 molts likely occurred over an individual's lifetime after the first year of life. The smallest Form I male was 25.1 mm (0.99 in) TCL; the smallest ovigerous (egg-carrying) female was 42.0 mm (1.65 in) TCL.

In Virginia, Thoma (2009, p. 4) reported the presence of males, females, and juveniles during all months sampled (March and May through October). The author noted Form I males and females cohabiting under rocks in July, presumably in some stage of mating, with ovigerous females reported in July, August, and October and females carrying instars (larval crayfish) in September, October, and March (the March observation indicating that late spawning females may overwinter with instars attached). Two ovigerous females with TCLs of 42 mm (1.65 in) and 46 mm (1.81 in) were observed with 90 and 142 eggs, respectively (Thoma 2009, p. 4). Thoma (2010, pp. 3, 5) reported males, females, and juveniles in both months sampled (July and September) in Kentucky, with ovigerous females reported in September.

There is less information available specific to the life history of the Guyandotte River crayfish, but based on other shared characteristics with the Big Sandy crayfish, we conclude the life span and age to maturity are similar.

Jezerinac *et al.* (1995, p. 170) noted demographic information for the species in the months surveyed (April and June through September), reporting that Form II (the nonreproductive phase) males were present in all months sampled and were the dominant demographic. Form I males were found in April, July, and August. No ovigerous females were collected by Jezerinac *et al.* (1995, entire); however, Loughman (2014, p. 20) collected a female in June 2009, and maintained the specimen live in the laboratory. It extruded eggs the following month. Loughman also noted females carrying instars in March, just as Thoma (2009, p. 4) had reported for some Big Sandy crayfish females. Loughman also observed that females carrying instars sought out slab boulders in loose, depositional sands and silts in stream reaches with slower velocities (Loughman 2014, p. 20). Loughman examined all known Guyandotte River crayfish museum specimens (n=41) and determined five TCL size cohorts—13 to 17 mm (0.51 to 0.67 in); 22 to 23 mm (0.87 to 0.91 in); 28 to 32 mm (1.10 to 1.26 in); 34 to 38 mm (1.34 to 1.50 in); and 42 to 49 mm (1.65 to 1.93 in), with a mean TCL of 31.0 mm (1.22 in) (Loughman 2014, p. 20).

Diet

Thoma (2009, pp. 3, 13) conducted a feeding study using 10 Big Sandy crayfishes collected from Virginia. Each animal was offered a variety of food items, and observations were made daily to monitor consumption. The test period was 1 week, and each animal was tested twice. The food items offered represented the following broad categories: insect, fish, worm, crayfish, root, nut, herbaceous plant, fruit, and leaf litter. Results indicated that the Big Sandy crayfish had a preference for animal tissue. In each test, animal matter was always consumed first; however, plant material was at least partially consumed in most trials. Thoma concluded that the species was best classified as a carnivore (Thoma 2009, p. 13). However, Loughman (2014, p. 21) reviewed field studies of other tertiary burrowing *Cambarus* species, which indicated that crayfish filling the ecological niche similar to that of the Big Sandy and Guyandotte River crayfish functioned as opportunistic omnivores, with seasonal-mediated tendencies for animal or plant material. Loughman (2014, p. 20) concluded that under natural conditions the Big Sandy and Guyandotte River crayfish likely exhibit similar omnivorous tendencies.

Habitat

Habitat requirements for these two closely related species appear to be similar in their respective, separate river basins. The Big Sandy crayfish is known only from the Big Sandy River basin in eastern Kentucky, southwestern Virginia, and southern West Virginia; the Guyandotte River crayfish is known only from the Guyandotte River basin in southern West Virginia (Figure 1). Both the Big Sandy and the Guyandotte Rivers flow in a northerly direction where they each join the Ohio River.

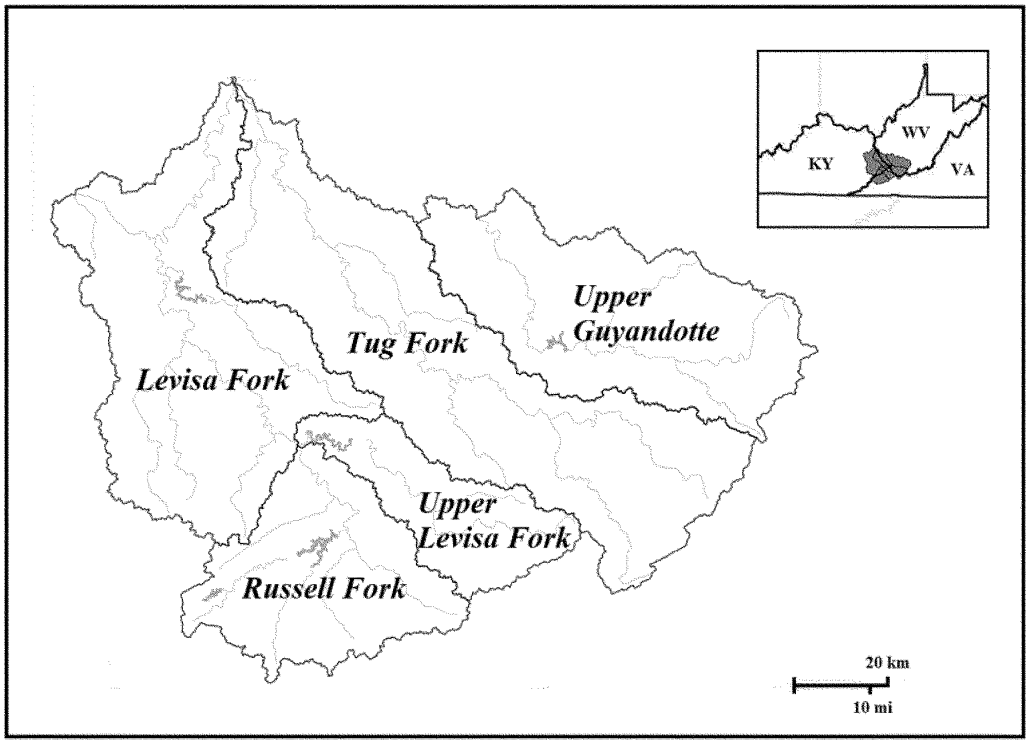

Figure 1.—The Big Sandy crayfish is native to the Tug Fork, Levisa Fork, upper Levisa Fork, and Russell Fork watersheds in the Big Sandy River basin. The Guyandotte River crayfish is native to the Upper Guyandotte watershed in the Guyandotte River basin.

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Both river basins are in the Appalachian Plateaus physiographic province, which in this region is characterized by rugged, mountainous terrain with steep hills and ridges dissected by a network of deeply incised valleys (Ehlke *et al.* 1982, pp. 4, 8; Kiesler *et al.* 1983, p. 8). Geologically, the area is underlain primarily by

sandstones, siltstones, shales, and coals (Ehlke *et al.* 1982, p. 1; Kiesler *et al.* 1983, p. 8). The dominant land cover in the two basins is forest, with the natural vegetation community being characterized as mixed mesophytic (moderately moist) forest and Appalachian oak forest (McNab and Avers 1996, section 221E).

Suitable instream habitat for both species is generally described as clean, third order or larger (width of 4 to 20 meters (m) (13 to 66 feet (ft))), fast-flowing, permanent streams and rivers with unembedded slab boulders on a bedrock, cobble, or sand substrate (Channell 2004, pp. 21–23; Jezerinac *et al.* 1995, p. 171; Loughman 2013, p. 1; Loughman 2014, pp. 22–23; Taylor and Shuster 2004, p. 124; Thoma 2009, p. 7; Thoma 2010, pp. 3–4, 6). Jezerinac *et al.* (1995, p. 170) found that specimens were more abundant in pools with current than in riffles. Loughman (2013, p. 1; Loughman and Welsh 2013, p. 23) noted that all historical Guyandotte River crayfish locations originally maintained rocky substrates with abundant slabs and boulders, which is supported by the watershed's geomorphology and available habitat descriptions from early survey efforts. Loughman (2013, p. 2) characterized the Guyandotte River crayfish as ''a habitat specialist primarily associated with slab boulders in the immediate up and downstream margins of fast moving riffles.'' However, some information indicates adult and juvenile Big Sandy crayfish, and presumably Guyandotte River crayfish, may use different microhabitats within the more generalized stream parameters described above. In Dry Fork (upper Tug Fork drainage, McDowell County, West Virginia), a stream described as having characteristics approaching those of a headwater stream, lacking both fast velocity and deep riffles (Loughman 2014, pp. 9–11), adult Big Sandy crayfish specimens were captured from under slab boulders in the midchannel, fast-moving waters of riffles and runs, while juvenile Big Sandy crayfish were limited to smaller cobbles and boulders in the shallow, slower velocity waters near stream banks. Loughman (2014, pp. 9–11) notes that this habitat partitioning between age classes has been observed in other Cambarus species.

Jezerinac *et al.* (1995, p. 170) noted that all occurrences of the Big Sandy and Guyandotte River crayfishes occurred above 457 m (1,500 ft) elevation. However, our analyses of both species' location data (both pre- and post-Jezerinac *et al.* 1995) show that all known occurrences of the Big Sandy crayfish occurred from about 180 to 500 m (600 to 1,640 ft) elevation, and all known occurrences of the Guyandotte River crayfish occurred from about 230 to 520 m (750 to 1,700 ft) elevation.

Both species also appear to be intolerant of excessive sedimentation and other pollutants. This statement is based on observed habitat characteristics from sites that either formerly supported either the Big Sandy or Guyandotte River crayfish or from sites within either of the species' historical ranges that were predicted to be suitable for the species, but where neither of the species (and in some cases no crayfish from any species) were observed (Channell 2004, pp. 22–23; Jezerinac *et al.* 1995, p. 171; Loughman 2013, p. 6; Thoma 2009, p. 7; Thoma 2010, pp. 3–4). See Summary of Factors Affecting the Species for additional information.

Summary of Habitat—Suitable habitat for both the Big Sandy crayfish and the Guyandotte River crayfish appears to be limited to higher elevation, clean, medium-sized streams and rivers in the upper reaches of the Big Sandy and Upper Guyandotte basins, respectively. Both species are associated with the faster moving water of riffles and runs or pools with current. An important habitat feature for both species is an abundance of large, unembedded slab boulders on a sand, cobble, or bedrock stream bottom. Excessive sedimentation appears to create unsuitable conditions for both the Big Sandy and the Guyandotte River crayfishes.

Species Distribution and Status

Historical Range and Distribution

Results from multiple crayfish surveys dating back to 1900 and a 2014 examination of all existing museum specimens indicate that the historical range of the Guyandotte River crayfish is limited to the Upper Guyandotte River basin in West Virginia and that the historical range of the Big Sandy crayfish is limited to the upper Big Sandy River basin in eastern Kentucky, southwest Virginia, and southern West Virginia. Within these larger river basins, the two species were apparently more narrowly distributed to certain stream reaches that exhibited the habitat characteristics required by the species, as discussed in the previous section. Evidence of each species' historical distribution is presented below.

Guyandotte River crayfish—Specimens collected from Indian Creek in the Upper Guyandotte basin in Wyoming County, West Virginia, in 1900 were the basis for the Guyandotte River crayfish's initial description (Faxon 1914, pp. 389–390), and additional collections in the basin in 1947, 1953, and 1971 confirmed the species' presence in Wyoming County and added a new record in Logan County, West Virginia (Jezerinac *et al.* 1995, p. 170; Loughman 2014, p.5). From 1987 to 1989, Jezerinac *et al.* (1995, p. 170) conducted a Statewide survey of the crayfish of West Virginia, and devoted considerable sampling effort to the Upper Guyandotte basin (Logan, McDowell, Mingo, and Wyoming Counties, West Virginia). Jezerinac *et al.* (1995, p. 170) sampled 13 of the 15 known Guyandotte River crayfish locations (as well as 42 other potentially suitable sites) in the Upper Guyandotte basin and documented the species at only two of the known historical locations (a single Wyoming County site and the Logan County site) and reported a new occurrence in Wyoming County (Jezerinac *et al.* 1995, p. 170). A 2001 survey of the 15 historical locations in the Upper Guyandotte system failed to locate the species at any site (Channell 2004, pp. 16–21; Jones *et al.* 2010 entire).

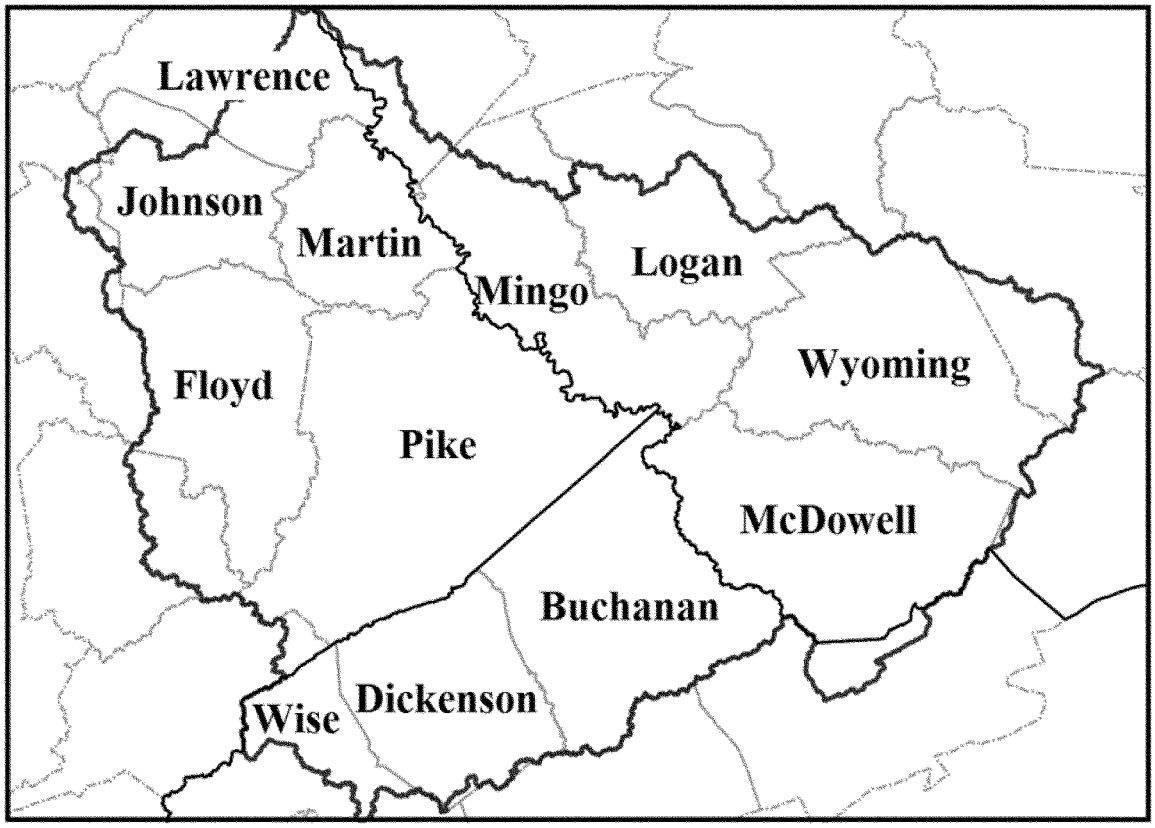

Figure 2.—Counties within the historical ranges of the Big Sandy and Guyandotte River crayfishes.

Big Sandy crayfish—Records of the Big Sandy crayfish in the Virginia portions of the Big Sandy basin date to 1937, with a specimen collected from the Russell Fork drainage in Dickenson County. A series of surveys conducted in 1950 confirmed the species' presence in Dickenson County and added an occurrence in Buchanan County, Virginia. Surveys in 1998–99 collected specimens from several locations in Dickenson County and added a new occurrence record for Buchanan County (Loughman 2014, pp. 14–15). In 2001, Channell (2004, pp. 21–23) confirmed the presence of the species in the Levisa Fork drainage in Buchanan and Dickenson Counties.

Prior to Thoma (2009, entire), little information exists regarding the species' status in Kentucky. The earliest reference of the species was Hobbs (1969, pp. 134–135), who provided no specific collection records but did provide a shaded range map including portions of the Levisa Fork, Russell Fork, and Tug Fork basins as part of the species' range. A survey of the region by the U.S. National Museum in 1972–74 did not record the species' presence (Loughman 2014, p. 11). The first confirmed specimens from Kentucky were collected in 1991, from two locations in the Russell Fork in Pike County, and in 1998, another survey confirmed the species' presence in this river (Loughman 2014, p. 11). In 1999, the species was found in the Levisa Fork in Floyd County, and in 2002, the species was found in Knox Creek (Tug Fork drainage) in Pike County (Loughman 2014, p. 11). Based on his best professional judgment, Thoma (2010, p. 6) concludes that prior to the widespread habitat degradation in the region (see Summary of Factors Affecting the Species—Factor A), the species likely occupied suitable streams throughout the basin, from the Levisa Fork/Tug Fork confluence to the headwaters. Evidence that the species once occupied suitable habitat down to the Levisa Fork/Tug Fork confluence is also provided by Fetzner and Thoma (2011, pp. 9–10), who found that the pattern of certain genetic markers in Big Sandy crayfish specimens collected from the now isolated Russell Fork, Levisa Fork, and Tug Fork watersheds indicate that the species once had a significantly larger range than it currently occupies. In his 2014 report describing the species, Thoma *et al.* (2014, p. 12) reported the species as endemic to the Levisa Fork, Tug Fork, and Russell Fork watersheds in the upper Big Sandy basin.

There are three known occurrences of the Big Sandy crayfish in West Virginia, all occurring in 2009 or later and from McDowell County (Loughman 2014, pp. 9–11). See the *Current Range and Distribution* section below for additional information.

Erroneous or Dubious Records

Collections of crayfish specimens from the region are held at the United States National Museum, Eastern Kentucky University, Ohio State University, West Liberty University, and the Virginia Department of Game and Inland Fisheries. Several vouchered specimens in some of these collections were labeled as *Cambarus veteranus* and were reported to have originated from river basins other than the Upper Guyandotte or Big Sandy. Upon further examination these were found to be erroneous or dubious records. Jezerinac *et al.* (1995, p. 170) examined specimens identified as *C. veteranus* collected from the Greenbrier, Little

Kanawha, and Elk River basins in 1948, and determined that they were misidentified *C. robustus* and *C. elkensis.* Subsequent analysis of these specimens by Loughman (2014, p. 16) determined that the Greenbrier River specimens were actually *C. smilax* and that the Elk River specimens were in fact Big Sandy crayfish (*C. callainus*) (identification based on the morphological characteristics described previously). However, Loughman (2014, p. 16) questioned the recorded origin of this collection, noting that the Elk River and Big Sandy basins are separated by hundreds of stream kilometers and that thorough sampling in the Elk River basin by Jezerinac *et al.* (1995, pp. 170–171) and Loughman and Welsh (2013, p. 64) were negative for the species. Both Loughman and Jezerinac *et al.* (1995) surmise that neither *C. veteranus* nor *C. callainus* is native to the Elk River basin (Loughman 2014, p. 16).

Also questionable are specimens collected in 1900, reportedly from Crane Creek in the New River basin in Mercer County, West Virginia. While Loughman (2014, p. 17) did confirm that these specimens are Big Sandy crayfish (*Cambarus callainus*), he concluded that the collection location was likely not ''Crane Creek'' in the New River system, but the identically named ''Crane Creek'' in McDowell County, West Virginia, part of the Big Sandy River basin. Loughman (2014, p. 17) notes that several surveys of the New River's Crane Creek (Jezerinac *et al.* 1995, p. 170; Loughman and Welsh 2013, p. 64) confirmed the presence of other *Cambarus* species in this creek, indicating habitat conditions were favorable for the genus, but failed to produce any Big Sandy crayfish. In Loughman's best professional judgment, the species is not native to the New River basin (Loughman 2014, p. 17).

The Virginia Department of Game and Inland Fisheries possesses a collection of specimens from the New River Watershed that were originally identified as *Cambarus veteranus;* these specimens were later determined by Thoma to be misidentified and are actually *C. sciotensis* (Loughman 2014, p. 17).

Taylor and Shuster (2004) report a single 1967 *Cambarus veteranus* collection from the Kentucky River basin in Estill County, Kentucky. However, subsequent survey efforts in the area have been negative for *C. veteranus* and *C. callainus.* In addition, the Kentucky River basin has no direct connectivity with either the Big Sandy or Upper Guyandotte River basins—the mouths of the Kentucky River and the Big Sandy River are separated by more than 230 kilometers (km) (143 miles (mi)) of the Ohio River mainstem and the mouth of the Guyandotte River is separated by about 255 km (158 mi). Therefore, the authors concluded that the Estill County record was dubious.

After reviewing the best available information, we conclude that the historical range of the Guyandotte River crayfish (*Cambarus veteranus*) is limited to the Upper Guyandotte River basin in West Virginia, including Wyoming County and parts of Logan and Mingo Counties. We conclude that the historical range of the Big Sandy crayfish (*C. callainus*) is limited to the upper Big Sandy River basin (Levisa Fork, Tug Fork, and Russell Fork watersheds) in eastern Kentucky (Pike and Floyd Counties where the species has been confirmed, and perhaps Johnson, Martin, and Lawrence Counties based on the watershed boundary and stream connectivity), southwestern Virginia (Buchanan and Dickenson Counties and parts of Wise County), and southern West Virginia (McDowell and Mingo Counties).

Current Range and Distribution

The best available scientific information indicates that both the Guyandotte River crayfish and the Big Sandy crayfish initially occurred in suitable stream habitat throughout their respective historical ranges (Loughman, pers. comm., October 24, 2014; Thoma 2010, p. 10; Thoma *et al.* 2014, p. 2). However, by the late 1800s, commercial logging and coal mining in the region had begun to severely alter the landscape and affect the streams and rivers (Eller 1982, pp. 93–111, 128–162). These widespread and intensive timber and mining enterprises, coupled with rapid human population growth that led to increased development in the narrow valley riparian zones, sewage discharges, road construction, and similar activities throughout both the Big Sandy and the Upper Guyandotte basins, degraded the aquatic systems and apparently extirpated both crayfish species from many subwatersheds within much of their respective historical ranges (discussed below in Summary of Factors Affecting the Species). The best available information on each species' current range and distribution, based on survey data collected since 2004, is presented below.

Guyandotte River crayfish—The current range of the Guyandotte River crayfish appears to be limited to the midreach of a single stream, Pinnacle Creek, in Wyoming County, West Virginia (Figure 3). In 2001, targeted sampling of the 9 streams (15 individual sites) where the species had previously been confirmed failed to produce the species (Channell 2004, pp. 17–18), and it was theorized that the species might be extirpated from West Virginia (Jones *et al.* 2010, entire). In 2009, considerable sampling effort was dedicated toward assessing the species' status in West Virginia with 30 likely sites being sampled in the Upper Guyandotte basin. Thirteen of these sites were historical locations, and the remaining 17 sites were randomly and nonrandomly selected sites meeting the basic habitat characteristics for the species (*e.g.,* size, gradient, bottom substrate) (Loughman 2013, pp. 4–5). This effort succeeded in collecting two specimens from one of the historical locations, Pinnacle Creek (Loughman 2013, pp. 5–6). In 2011, Loughman (2014, p.10) returned to the Pinnacle Creek site and collected five specimens. In 2014, Loughman (2014, pp. 10–11) surveyed a different downstream location at Pinnacle Creek but was unable to confirm the species' presence; he was not able to survey the historical Pinnacle Creek site during this 2014 effort because of time constraints. See Table 1a for all known stream occurrences of the species.

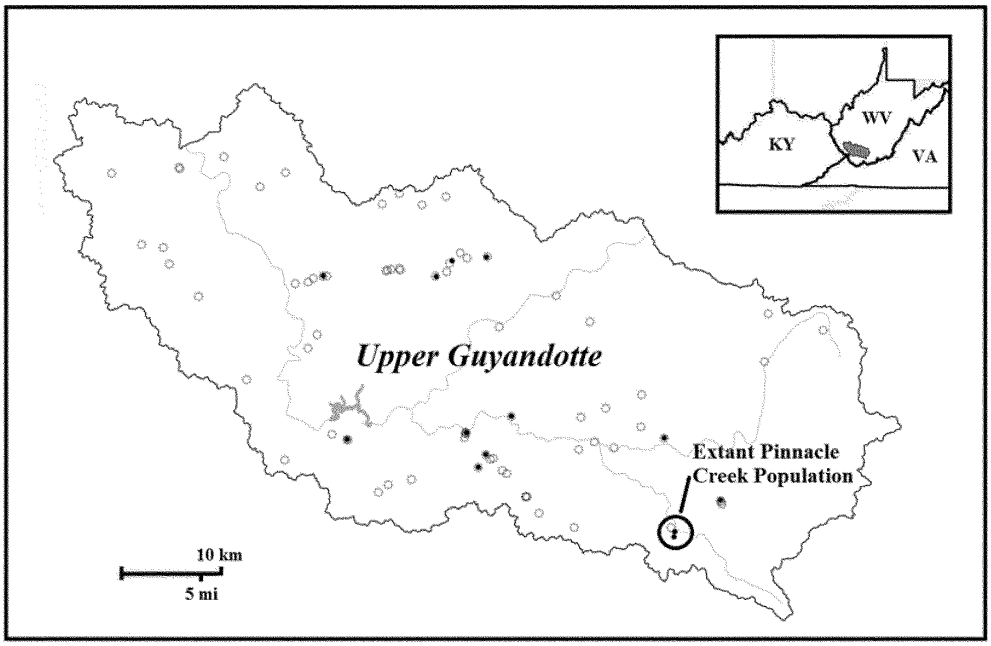

Figure 3.—Survey history for the Guyandotte River crayfish (1988 to 2014). The open (clear) circles indicate likely suitable sites that were surveyed but were negative for the species. The closed (dark) circles indicate known historical locations; however, all but one of these occurrences has been negative for the species since the mid-20th century. The large circle indicates the extant Pinnacle Creek population.

Table 1a.—All known stream occurrences of the Guyandotte River crayfish (some streams may have multiple survey locations). An asterisk indicates that the surveyed location is different than the earlier location.

Watershed	Stream	State	County	1st Detected	Last Detected	Last Surveyed
Upper Guyandotte	Indian Creek	WV	Wyoming	1900	1900	2009
Upper Guyandotte	Little Indian Creek	WV	Wyoming	1900	1900	1989
Upper Guyandotte	Barkers Creek	WV	Wyoming	1947	1947	2009
Upper Guyandotte	Brier Creek	WV	Wyoming	1947	1947	2001
Upper Guyandotte	Still Run	WV	Wyoming	1947	1947	2001
Upper Guyandotte	Turkey Creek	WV	Wyoming	1947	1947	2001
Upper Guyandotte	Huff Creek	WV	Logan	1953	1953	2009
Upper Guyandotte	Little Huff Creek	WV	Wyoming	1971	1971	2009
Upper Guyandotte	Huff Creek	WV	Wyoming	1989	1989	2009
Upper Guyandotte	Pinnacle Creek	WV	Wyoming	1989	2011	2014*

Table 1b.—All known stream occurrences of the Big Sandy crayfish (some streams may have multiple survey locations). An asterisk indicates that the surveyed location is different than the earlier location.

Watershed	Stream	State	County	1st Detected	Last Detected	Last Surveyed
Russell Fork	Prater Creek	VA	Dickenson	1937	2008	2008
Russell Fork	McClure River	VA	Dickenson	1950	2008*	2008
Russell Fork	Russell Fork	KY	Pike	1997	2012	2012
Russell Fork	Barts Lick	VA	Dickenson	1998	1998	1998
Russell Fork	Cranes Nest River	VA	Dickenson	1998	2008	2008
Russell Fork	Hurricane Creek	VA	Buchanan	1998	1998	1998
Russell Fork	Lick Creek	VA	Dickenson	1998	2008*	2008
Russell Fork	Middle Fork	VA	Dickenson	1998	1998	1998
Russell Fork	Open Fork	VA	Dickenson	1998	2014	2014
Russell Fork	Roaring Fork	VA	Dickenson	1998	1998	2007
Levisa Fork	Levisa Fork	KY	Floyd	1999	2009	2009
Tug Fork	Knox Creek	KY	Pike	2002	2009*	2009
Russell Fork	Russell Fork	VA	Dickenson	2006	2008*	2008
Upper Levisa Fork	Dismal Creek	VA	Buchanan	2007	2009*	2009
Russell Fork	Pound River	VA	Dickenson	2007	2007	2007
Russell Fork	Birchfield Creek	VA	Wise	2008	2008	2008
Levisa Fork	Levisa Fork	KY	Pike	2009	2009	2009
Levisa Fork	Shelby Creek	KY	Pike	2009	2012	2012
Russell Fork	Elkhorn Creek	KY	Pike	2009	2009	2009
Tug Fork	Blackberry Creek	KY	Pike	2009	2009	2009
Tug Fork	Peter Creek	KY	Pike	2009	2009	2009
Tug Fork	Dry Fork	WV	McDowell	2011	2014*	2014
Tug Fork	Tug Fork	WV	McDowell	2011	2011	2011

Big Sandy crayfish—In 2009 and 2010, Thoma (2010, p. 6) conducted a survey of likely Big Sandy crayfish locations to determine the range of the species in Kentucky, sampling sites in Pike (n=15), Floyd (n=10), and Martin (n=2) Counties. The Big Sandy crayfish was confirmed at 10 sites in Pike County and 1 in Floyd County. Broken down by watershed, of the 18 likely sites sampled in the Levisa Fork portion of the basin, the species was found at 8 sites; 2 in the mainstem of the Levisa Fork, 3 in Shelby Creek, 3 in Russell Fork, and 1 in Elkhorn Creek. In the Tug Fork portion of the Big Sandy basin, eight likely sites were surveyed, with the species being confirmed at single sites in three tributary streams near their respective confluences with the mainstem of the Tug Fork (Figure 4).

In 2007 and 2012, the Kentucky Division of Water (KDOW; 2014) noted two occurrences of the Big Sandy crayfish in Pike County, Kentucky. In 2007, the species was reported in the Russell Fork near the Virginia border, the same area from which the species was reported in 1991 and 1998 (as discussed previously). In 2012, the species was again confirmed at this location and at a site in Shelby Creek, from where the species was known since Thoma's 2009 survey work (discussed above).

From 2007 to 2009, Thoma (2009, pp. 2, 10) conducted a comprehensive survey of the Big Sandy River basin of Virginia and confirmed the species' continued presence in Buchanan and Dickenson Counties, and added a new occurrence in Wise County. Buchanan County is drained primarily by the Levisa Fork tributary system; however, the southwestern portion of the county is drained by the Russell Fork system, and a section of the north portion is drained by the Tug Fork system. Thoma sampled 16 likely Big Sandy crayfish sites in the Levisa Fork system in Buchanan County and found the species at 5 sites, all in a single stream, Dismal Creek. One site was sampled in the Tug Fork drainage of Buchanan County, but the species was not found. In the Russell Fork drainage of Buchanan, Dickenson and Wise Counties, the Big

Sandy crayfish was noted at 16 of the 24 sites surveyed. Thoma also reported the species' presence in the Russell Fork system in Buchanan County, finding the species at both of the sites sampled. However, it is important to note that two of the streams (the Pound River and Cranes Nest River) that were positive for the species (at five individual sites) are physically isolated from each other and from the remainder of the Russell Fork (and wider) system by the Flannagan Dam and Reservoir (completed in 1964). In October 2014, the Virginia Department of Transportation (VDOT) surveyed a site in the Open Fork (Russell Fork system) in Dickenson County and confirmed the presence of the Big Sandy crayfish at that location (VDOT 2014, entire).

In 2009, Loughman (2014, pp. 8–11) surveyed 22 likely sites in the upper Tug Fork basin in McDowell and Mingo Counties, West Virginia, with the species being found at 1 site in Dry Fork. This was the first observation of the species in the West Virginia section of the Big Sandy basin. In 2011, Loughman confirmed the species' presence at the Dry Fork site and reported a new occurrence in the Tug Fork mainstem. In 2014, Loughman again confirmed the species' presence at the Dry Fork site and reported a new location 25.8 km (16.0 mi) farther upstream in the Dry Fork. This is the farthest upstream occurrence in the Tug Fork drainage of West Virginia (Loughman 2014, p. 11). See Table 1b for all stream occurrences of the Big Sandy crayfish.

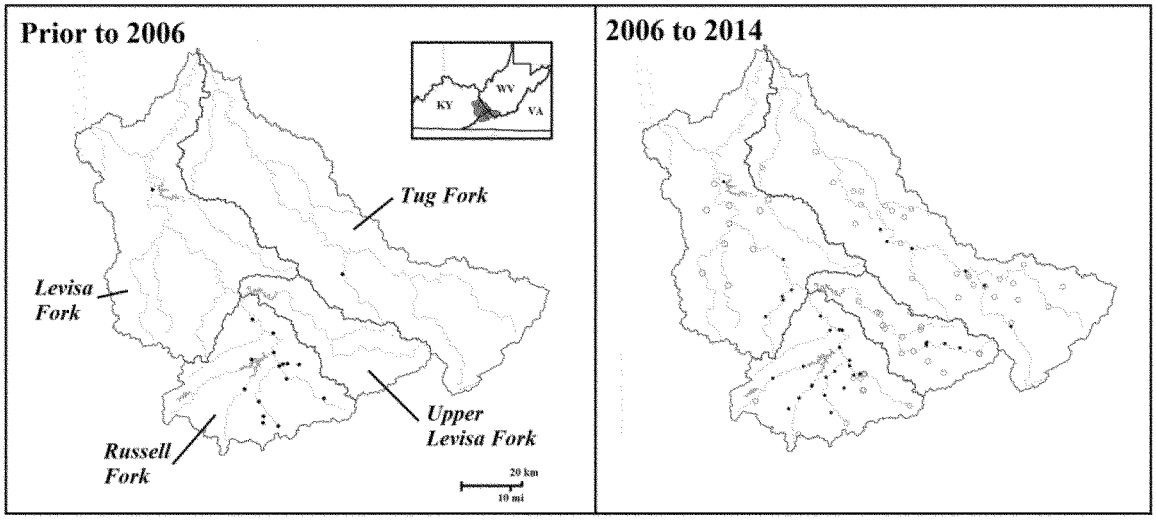

Figure 4.—Survey history for the Big Sandy crayfish. The map on the left shows historical occurrences of the species (closed dark circles). The map on the right shows the results of surveys conducted between 2006 and 2014. The open (clear) circles indicate likely suitable sites that were surveyed but were negative for the species. The closed (dark) circles indicate sites where the species was present. This map does not show locations in Kentucky that were surveyed where no crayfish of any species could be found or sites that were not surveyed due to unsuitable habitat conditions.

Population Estimates and Status

Data to inform a rangewide population estimate for either the Big Sandy crayfish or the Guyandotte River crayfish are sparse, but historical evidence, observations from existing healthier sites, and expert opinion suggest that, prior to the significant land-disturbing activities that began in the late 1800s (see Summary of Factors Affecting the Species—Factor A), these species were the dominant tertiary burrowing crayfish occupying the previously described habitat type throughout their respective ranges (Loughman, pers. comm., October 24, 2014; Thoma 2010, p. 10). Loughman (pers. comm., October 24, 2014) surmises that, within each suitable stream reach (*e.g.,* the riffles and runs of third order or larger streams with a sand, gravel, or bedrock substrate and abundant unembedded slab boulders), each large slab boulder in midstream likely harbored an adult specimen. This is based on his observations of the population densities of similar stream-dwelling *Cambarus* species, historical accounts, and the results of Thoma's (2009) surveys for *C. callainus* in Virginia. It is also reasonable to conclude based on the historical range of each species, that the instream habitat conditions (including an absence of physical obstacles such as dams) were once conducive to the movement of individuals between subpopulations or to the colonization (or recolonization) of unoccupied sites. This movement (via downstream drift or active upstream migration) has been documented in other stream crayfish (Kerby *et al.* 2005, p. 407; Momot 1966, pp. 158–159), and contributes to the genetic diversity of the species and the flexibility of individuals to occupy or abandon different sites as environmental conditions change.

Guyandotte River crayfish—While the collection methods and level of effort is not described for the early surveys, it is notable that on August 16, 1900, a researcher visited the Upper Guyandotte River and was able to collect 25 Guyandotte River crayfish specimens from Indian Creek and 15 specimens from Little Indian Creek in Wyoming

County, West Virginia (Faxon 1914, p. 390; Loughman 2014, p. 5). These sites are approximately 5 km (3 mi) apart, indicating the historical relative abundance of the species and providing an indication of the historical ''catch per unit effort'' (CPUE) discussed in detail below. A subsequent survey of Indian Creek in 1947 produced six specimens, and since that time, no single site in the Upper Guyandotte basin has produced more than five individual specimens during a survey.

The best available information indicates that, of the nine streams where the Guyandotte River crayfish had previously been confirmed, it persists in only one: Pinnacle Creek. The R.D. Bailey Dam (completed in 1980) and Lake, on the Guyandotte River near the town of Justice, West Virginia, physically isolates two of the streams with historical records of the species (Huff Creek and Little Huff Creek) from the remaining seven subwatersheds known to have harbored the species, including Pinnacle Creek. The species was confirmed in Little Huff Creek in 1971, and Huff Creek in 1989 (Jezerinac *et al.* 1995, p. 170), and while survey efforts in 2001 and 2009 failed to find the species in either creek, Loughman did remark that unlike most streams in the basin, in 2009 Huff Creek appeared to have habitat conducive to the species (Channell 2004, p. 17; Loughman 2013, pp. 5–6, 9).

Since 1978, four Pinnacle Creek sites have been surveyed for the species. One of these sites is located near the creek's confluence with the Guyandotte River, and the other three are located approximately 21 km (13 mi) upstream of this site. The three upstream sites are within about 1.6-km (1.0-mi) stream distance of each other and were surveyed in 1988, 2001, 2009, and 2011, with one, zero, two, and five individual Guyandotte River crayfish reported in each respective year (Channell 2004, pp. 16–17, Jezerinac *et al.* 1995, p. 170; Loughman, 2013, pp. 6–10). The site near the confluence was surveyed in 1978 and in 2014 but was negative for the species. In addition, during the 2014 survey, Loughman (2014, pp. 10–11) did not find crayfish of any species.

Big Sandy crayfish—In the Big Sandy basin of Virginia, Thoma (2009, p. 10) noted apparently healthy populations of the Big Sandy crayfish in the Russell Fork drainage in Dickenson and parts of Buchanan and Wise Counties. Of the 18 sites sampled in 8 individual streams that harbored the species, a total of 344 individuals were observed (an average of 19 individuals per site). Two of the occupied streams (Pound River and Cranes Nest River) (five individual sites) are physically isolated from each other and from the rest of the Russell Fork system (and remainder of the species' range) by the Flannagan Dam and Reservoir.

In the upper Levisa Fork drainage of Buchanan County, Virginia, the species was found only in a single stream: Dismal Creek. During separate sampling events in 2007, 2008, and 2009, 33 specimens were collected from 4 sites (3 to 12 individuals per site) in Dismal Creek. The upper Levisa Fork (including Dismal Creek) is physically isolated from the rest of the species' range by the Fishtrap Dam and Lake (completed in 1969), located on the Levisa Fork about 4.5 km (2.8 mi) upstream of the Levisa Fork-Russell Fork confluence in Kentucky.

In the Kentucky portion of the Big Sandy crayfish's range, Thoma (2010, p. 6) found the species in very low numbers (one to two individuals) at two sites in the lower portion of the Levisa Fork and described the population as stressed and in poor condition (Thoma 2010, p. 6). He also found the species in two tributaries to the Levisa Fork: Shelby Creek and Russell Fork. Specimens were collected at 3 sites in Shelby Creek, with the farthest downstream site producing 12 individuals and the farthest upstream site producing 4. The author described these populations as ''very healthy,'' but noted that the middle sampling site produced only two specimens. In the Russell Fork upstream of Shelby Creek, 7 specimens were collected from 1 site and 20 from another; this section was also described as a ''healthy'' population. Thoma did not detect the species in the mainstem of the Levisa Fork between Shelby Creek and the Virginia State line. However, the previously mentioned Fishtrap Dam and Lake makes much of this stretch of river unsuitable for the species and isolates the Big Sandy crayfish population in the lower Levisa Fork system from the upper reaches, including the only remaining population in Dismal Creek, Virginia.

In the Tug Fork drainage of Kentucky, Thoma (2010, p. 6) surveyed seven sites and confirmed the species in low numbers (one, three, and seven individuals) at three sites. Those sites that produced specimens were all located in tributary streams near their confluences with the Tug Fork mainstem. In 2009, Loughman and Welsh (as reported in Loughman 2014, pp. 8–11) surveyed 24 likely sites in the Tug Fork basin in West Virginia, and observed the species at one site, collecting three individuals from Dry Creek, an upper Tug Fork tributary. In 2011, Loughman returned to the area and, with the same level of sampling effort, recovered nine specimens from Dry Creek and eight individuals from a site in the Tug Fork mainstem. The Tug Fork site had produced zero specimens in 2009. In 2014, Loughman again confirmed the species' presence at the Dry Fork site, collecting 11 individuals, and reported a new occurrence 25.8 km (16.0 mi) farther upstream in the Dry Fork, where he collected seven individuals. See Tables 2a and 2b for a summary of the survey results for the Big Sandy crayfish (2006 to 2014) by watershed boundaries and by State boundaries.

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Tables 2a and 2b.—Summary of survey results for the Big Sandy crayfish (2006 to 2014). These results do not include otherwise suitable sites in Kentucky that were surveyed and no crayfish of any species were found or sites that were not surveyed due to unsuitable habitat conditions.

Table 2a.—Results by watershed boundaries

Watershed	Likely Sites Surveyed	Positive for *C. callainus*	Percent	Likey Streams Surveyed	Positive for *C. callainus*	Percent
Russell Fork	34	22	65%	14	9	64%
Levisa Fork	16	6	38%	9	2	22%
Upper Levisa Fork	19	6	32%	6	1	17%
Tug Fork	34	7	21%	21	5	24%
Cummulative	103	41	40%	50	17	34%

Table 2b.—Results by State boundaries

State	Likely Sites Surveyed	Positive for *C. callainus*	Percent	Likey Streams Surveyed	Positive for *C. callainus*	Percent
Kentucky	30	14	47%	20	7	35%
Virginia	48	23	48%	20	9	45%
West Virginia	25	4	16%	13	2	15%
Cummulative	103	41	40%	53	18	34%

To better compare the status of the Big Sandy and the Guyandotte River crayfish populations among existing sites, Loughman (2014, pp. 8–15) standardized the results of his and Thoma's (2009; 2010) survey work, which used the same sampling techniques, to the common metric CPUE (*i.e.,* ''crayfish per hour of searching''). The results indicate that, compared to the seemingly healthy population of Big Sandy crayfish in the Russell Fork system (including the Pound and Cranes Nest Rivers), where the average CPUE ranged from 12 to 21.7 crayfish/hour (hr), the remaining populations of Big Sandy crayfish in the Levisa Fork and Tug Fork drainages, and the single remaining Guyandotte River crayfish population in Pinnacle Creek, are depressed, ranging from 1 to 11 crayfish/hr in the Levisa Fork and Tug Fork, and 2 to 2.5 crayfish/hr in the Guyandotte (see Table 3). The data also illustrate an apparent decrease in abundance of the Big Sandy crayfish from upstream waters (*i.e.,* Virginia) to downstream waters (*i.e.,* Kentucky). Loughman (2014, pp. 13, 15) pooled the data from all sites sampled in Kentucky and Virginia (including the sites that were negative for the species) and determined the average CPUEs for the Big Sandy crayfish in those States to be 1.9 and 3.83, respectively. The pattern is stark for the Guyandotte River crayfish, as the species is known to persist in only one upstream subwatershed, Pinnacle Creek, with a CPUE of 2.0 to 2.5 crayfish/hr; all other likely sites downstream of this were negative for the species (*i.e.,* zero crayfish/hr). The Guyandotte River crayfish has apparently been extirpated from all waters downstream of Pinnacle Creek.

Table 3.—Crayfish abundance at occupied sites (data from sample sites that were negative for the species are not included).

River	Stream	State	Year	CPUE
Upper Guyandotte	Pinnacle Creek	WV	2009	2
	Pinnacle Creek	WV	2011	2.5
Upper Tug Fork	Blackberry Creek	KY	2009	1
	Knox Creek	KY	2009	7
	mainstem	WV	2011	3.2
	Dry Fork	WV	2009	3
	Dry Fork	WV	2014	11
	Dry Fork (upper)	WV	2014	7
Upper Levisa Fork	Dismal Creek	VA	2007	5.3 (avg, n=4)
Russell Fork/ Levisa Fork	Shelby Creek	KY	2009	6 (avg, n=3)
	Elkhorn Creek	KY	2009	1
	Russell Fork	KY	2009	13.5 (avg, n=2)
	McClure River	VA	2007	12 (avg, n=5)
Pound River/ Cranes Nest River	Cranes Nest	VA	2007	12 (avg, n=2)
	Pound River	VA	2007	21.7 (avg, n=3)

Summary of Population Estimates/ Status—Multiple survey results dating back to 1900 and the best professional judgment of crayfish experts indicate a significant reduction in the Guyandotte River crayfish's historical range and a likely reduction in the Big Sandy crayfish's historical range. Specifically, the best available information indicates a contraction in range from the lower reaches of each watershed to the higher elevation streams. Based on a reduction in CPUE and a reduction in the number of observed specimens, the populations of both the Big Sandy crayfish and the Guyandotte River crayfish appear to be depressed, and critically so for the latter. Neither species is particularly cryptic. Multiple researchers have demonstrated that, given suitable habitat conditions, individuals of each species are readily located, collected, and identified. Survey efforts since 2004 have adequately covered the ranges of both the Big Sandy and the Guyandotte River crayfishes; therefore, if individuals of either species occupied a surveyed site it is reasonable to conclude that their presence would have been noted. While it is possible that future survey efforts could identify additional occurrences of either the Big Sandy or Guyandotte River crayfishes, the best available information indicates a reduction in distribution and abundance for both species.

Summary of Factors Affecting the Species

Section 4 of the Act (16 U.S.C 1533) and its implementing regulations at 50 CFR part 424 set forth the procedures for adding species to the Federal Lists of Endangered and Threatened Wildlife and Plants. Under section 4(a)(1) of the Act, we may list a species based on any of the following five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; and (E) other natural or manmade factors affecting its continued existence. Listing actions may be warranted based on any of the above threat factors, singly or in combination. Each of these factors is discussed below.

Factor A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

Based on the best available information, and as previously described, the Guyandotte River crayfish and the Big Sandy crayfish exist only in suitable stream habitats in the Upper Guyandotte basin of southern West Virginia and the Big Sandy basin of eastern Kentucky, southwestern Virginia, and southern West Virginia, respectively. Within the historical range of each species, aquatic habitat has been severely degraded by past and ongoing human activities (Channell 2004, pp. 16–23; Jezerinac *et al.* 1995, p. 171; Loughman 2013, p. 6; Loughman 2014, pp. 10–11; Loughman and Welsh 2013, p. 23; Thoma 2009, p. 7; Thoma 2010, pp. 3–4). Visual evidence of habitat degradation, such as excessive bottom sedimentation, discolored sediments, or stream channelization and dredging, is often obvious, while other water quality issues such as changes in pH, low dissolved oxygen (DO) levels, high dissolved solids, high conductivity, high metals concentrations, and changes in other chemical parameters are less visually obvious. These perturbations may occur singly or in combination, and may vary temporally from chronic issues to acute episodic events. Degradation of the aquatic habitat can affect the stream biota and community structure in multiple ways. Some conditions can cause direct mortality to stream organisms (*e.g.,* exceedingly high or low pH, exceedingly low DO), while others such as sedimentation may make the stream uninhabitable for some species (by removing access to shelter or breeding substrates), but not uninhabitable for other species. Within the range of each species, water quality monitoring reports, most recently from the KDOW (2013, entire), the EPA

(2004, entire), the Virginia Department of Environmental Quality (VADEQ 2012, entire), and the West Virginia Department of Environmental Protection (WVDEP 2014, entire), have linked these widespread and often interrelated direct and indirect stressors to coal mining (and abandoned mine land (AML)), commercial timber harvesting, residential and commercial development, roads, and sewage discharges.

Historical context—The initial degradation of the rivers and streams within the ranges of the Big Sandy and Guyandotte River crayfishes was a result of industrial-scale forestry and coal mining. By the late 1800s, the timber resources in the Northeast and Great Lakes region were in decline, and companies began focusing on the largely intact forests of the southern Appalachian Mountains. Initially the cutting was selective and only the most valuable trees were taken, but beginning in about 1900 and continuing into the 1920s, the cutting became more intensive, widespread, and indiscriminate. During this same period, the coal fields of eastern Kentucky, southwestern Virginia, and southern West Virginia began to be mined and railroads expanded throughout the region to transport the lumber and coal to outside markets (Forest History Society 2008, entire). Since this period, many thousands of individual underground and surface mines have been constructed throughout the region, and extensive areas have been disturbed (Kentucky Surface Mining Viewer 2015; Virginia Department of Mines, Minerals, and Energy (VDMME) 2015; West Virginia Geological and Economic Survey 2015). Figure 5 provides historical coal extraction data for those counties making up the core ranges of the Big Sandy and Guyandotte River crayfishes. To date, the cumulative tonnage of coal extracted from these counties, standardized by area, ranges from 1.16 million to 2.78 million tons of coal per square mile (Virginia Energy Patterns and Trends 2015; Kentucky Geological Survey (KGS) 2015; West Virginia Office of Miners' Health Safety and Training 2014; U.S. Census Bureau 2014).

The regional timber and coal booms led to a concurrent increase in human population as people moved into the area for work. Between 1900 and 1950, the human populations of the five counties that constitute the core ranges of the Big Sandy and Guyandotte River crayfishes increased by a range of 300 percent to more than 500 percent (Figure 6). And because of the rugged topography of the region, most of the main roads, railroads, and residential and commercial development was (and remains) confined to the narrow valley bottoms, through which the region's streams and rivers also flow. This pattern of development resulted in the destruction of riparian habitat and the direct discharge of sewage, refuse, and sediments into the adjacent waters (Eller 1982, pp. 162, 184–186).

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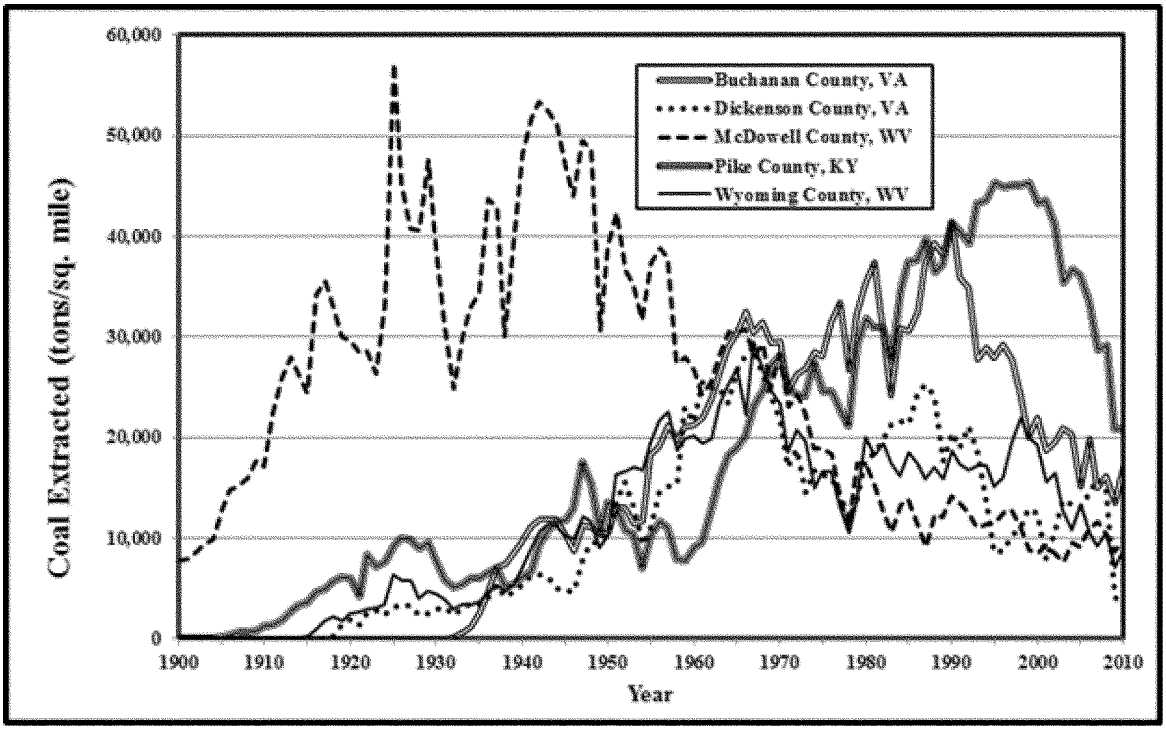

Figure 5.—Annual coal extraction (tons per square mile) from the counties within the core ranges of the Big Sandy and Guyandotte River crayfishes.

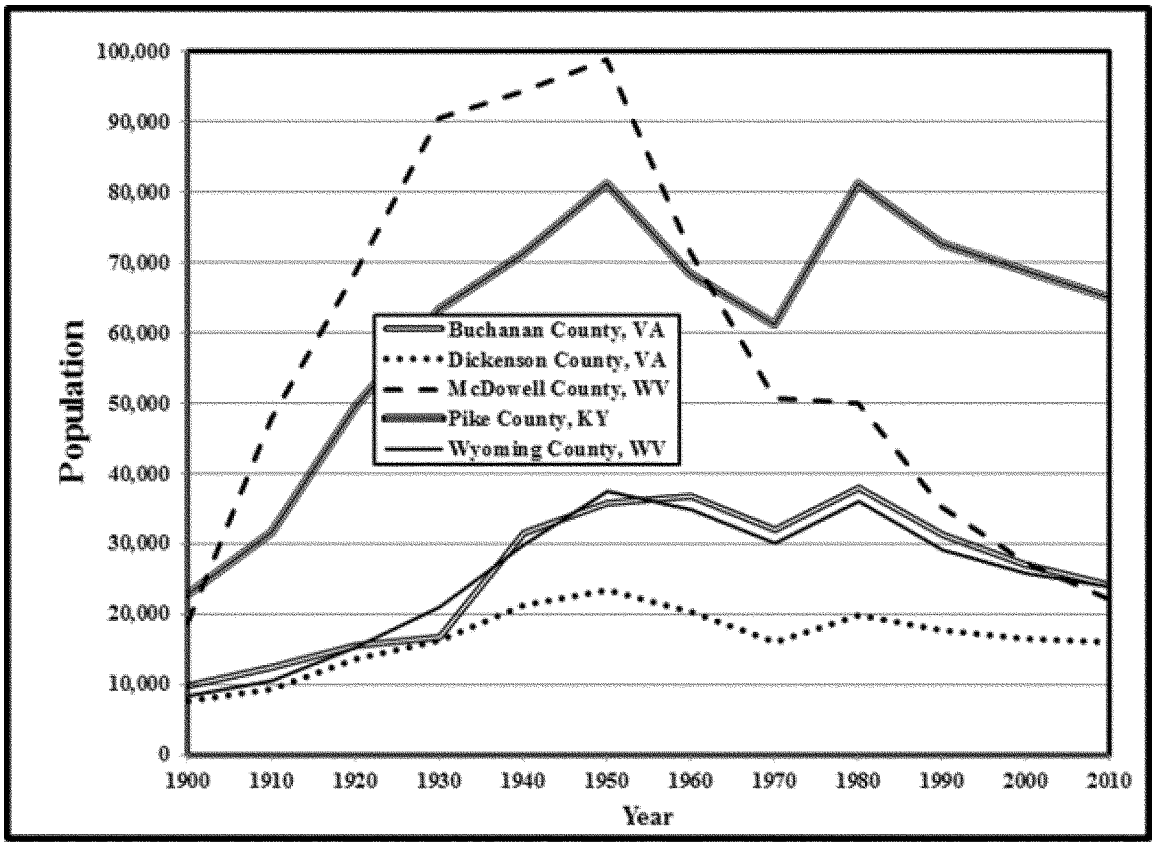

Figure 6.—Human population trends in the counties within the core ranges of the Big Sandy and Guyandotte River crayfishes.

While most of the residential and commercial development was, and remains, concentrated in the valley bottoms, the timber cutting and coal mining operations occurred throughout, including the ridges and steep mountainsides, resulting in severe soil erosion and sedimentation of the region's streams and rivers. An account from the 1920s described the regional landscape as being ''scarred and ugly, and streams ran brown with garbage and acid runoff from the mines'' (Eller 1982, p. 162). While we are not aware of rigorous water quality or habitat studies from this early period, a U.S. Geological Survey (USGS) report on the coal resources in Pike County, Kentucky (Big Sandy basin) provides evidence that by 1937, habitat conditions conducive to the Big Sandy crayfish were likely degraded, noting that throughout the county the clearing of timber from the hillsides and subsequent attempts at cultivating the steep slopes caused severe soil erosion into the basin's streams ''keeping them muddy and partly filling their channels'' (Hunt *et al.* 1937, p. 7). Because timber cutting and coal mining were ubiquitous in the region, it is reasonable to conclude that these conditions were common throughout the historical ranges of the Big Sandy and the Guyandotte River crayfishes and that this habitat degradation led to the extirpation of the species from much of their historical ranges.

Current conditions—The KDOW reported that in the Big Sandy basin in Pike County (Tug Fork and Levisa Fork drainages), 30 streams or stream segments (about 285 km (177 mi) of stream length) are impaired, meaning they violate water quality standards or do not meet one or more of their designated uses (*e.g.,* human health, aquatic life) (KDOW 2013, appendix E). Of these, 25 are listed for aquatic habitat impairment, 9 for coliform bacteria (indicators of sewage discharges), and 1 for a fish consumption advisory due to chemical contamination (KDOW 2013, appendix E). Many of the streams have multiple impairments. Of those streams listed for aquatic habitat impairment, coal mining is cited as a cause in all but two cases (which are listed as ''unknown''). According to the report, the next most commonly cited cause of stream habitat degradation is sedimentation, which is associated with mining, stream channelization, urban runoff, road runoff, and silviculture (which are also cited individually as sources of impairment). The WVDEP reported that in the Tug Fork drainage in West Virginia, 47 streams or stream segments (about 523 km (325 mi) of stream length) are impaired, primarily for ''biological impairment'' (as measured by the WVSCI), coliform bacteria, and selenium (a toxic metal) (WVDEP 2012, pp. 32–33).

In the Big Sandy basin of Virginia, the VADEQ reported that 25 streams, stream segments, or stream systems (about 475 km (295 mi) of stream length) were impaired. Impairment assessments for aquatic life are based on measures such as benthic macroinvertebrate community structure or water temperature and for recreational use based on measures such as *Escherichia coli* and fecal coliform bacteria contamination (*e.g.,* sewage) (VADEQ 2014, pp. 1098–1124). The primary causes of these impairments are listed as coal mining (n=5), rural residential development (n=12), forestry (n=1), or unknown (n=7). Additionally, more than 212 km (138 mi) of the Knox Creek (Tug Fork drainage) and Levisa Fork

systems are impaired, the assessment of which is based on a fish consumption advisory due to chemical contamination.

Water quality monitoring data for the Upper Guyandotte basin indicate that 62 streams (362 km (225 mi) of stream length) in the basin are impaired. Forty-four streams are listed for biological impairment, 14 streams exceed the water quality standard for selenium, and 4 streams are listed for fecal coliform bacteria (WVDEP 2012, pp. 28, 42–44). Although the specific sources of these impairments are listed as ''unknown,'' a 2004 report by the EPA (2004, entire) links the metals and pH impairments to coal mining-related activities, including AML drainage, and links the fecal coliform impairments to ''urban and residential runoff, leaking sanitary sewers, failing septic systems, straight pipe discharges, grazing livestock, runoff from cropland, and wildlife'' (EPA 2004, p. 2).

Water quality information appears to be correlated with the presence or absence of the Guyandotte River crayfish. For example, during their 1988 and 1989 surveys for the Guyandotte River crayfish at 13 of the 15 known locations for the species (as well as 42 other potentially suitable sites) in the Upper Guyandotte basin, Jezerinac *et al.* (1995, p. 171) a noted an absence of the species in many otherwise suitable streams that displayed visible evidence of sewage, sedimentation, and coal fines.

In 2001, Channell (2004, pp. 16–21) surveyed and assessed habitat conditions at each of the 15 historical Guyandotte River crayfish locations. Habitat quality was assessed and scored per the U.S. Environmental Protection Agency's (EPA) rapid bioassessment protocol (RBP) (Barbour *et al.* 1999, entire) and the West Virginia Stream Condition Index (WVSCI) (Tetra Tech, Inc. 2000, entire). The RBP (see *http://water.epa.gov/scitech/monitoring/rsl/bioassessment/index.cfm;* last accessed March 3, 2015) is ''an integrated assessment, comparing habitat (*e.g.,* physical structure, flow regime), water quality and biological measures with empirically defined reference conditions (via actual reference sites, historical data, and/or modeling or extrapolation)'' (Barbour *et al.* 1999, chapter 2) using benthic macroinvertebrate assemblages (see *http://www.dep.wv.gov/wwe/watershed/bio_fish/pages/bio_fish.aspx#wvwvsci;* last accessed March 3, 2015). The index allows comparison of assessed streams to reference streams that contain little to no human disturbance. Although the RBP and WVSCI use macroinvertebrates instead of crayfish as indicators, the WVSCI is a valid screening tool for water quality assessment because macroinvertebrates are sensitive to changes in water quality due to their limited mobility and short life span (*e.g.,* sensitive life stages respond quickly to deteriorating conditions). Macroinvertebrates are also abundant in most streams and easy to sample, and are food for other stream biota (Barbour *et al.* 1999, chapter 3). The WVSCI was the best available screening tool at the time of the 2001 crayfish surveys and is a standard measure used to comply with the monitoring requirements of the CWA. Of five crayfish species native to the basin (the presence of each having been confirmed in 1988 and 1989 by Jezerinac *et al.* (1995)), two species (*Cambarus veteranus* and *C. robustus*) were not detected at any site during this effort. Four of the historical sites produced no species in the genus Cambarus (*e.g.,* crayfish of the same genus as *C. veteranus*). Results of the habitat assessment indicated that 7 of 15 sites were ''impaired'' per the EPA protocol, with 3 sites also being ''impaired'' per the WVSCI definition. Impairment indicates that habitat conditions at these sites exhibited some level of degradation, as compared to high-quality reference streams in the region.

In 2009, Pinnacle Creek was the only site in the Upper Guyandotte system confirmed to still harbor the Guyandotte River crayfish. This site is located in a mostly forested floodplain and was characterized as having coal fines and moderate sedimentation but with an abundance of unembedded slab boulders in both riffles and runs (Loughman 2013, p. 6). At another historical site, Huff Creek, the species had been reported as ''moderately abundant'' in 1989 (Jezerinac *et al.* 1995). However in 2009, while the habitat appeared conducive to the species, Loughman (2013, p. 6) did not observe the species in Huff Creek. Based on personal observation, Loughman (2013, pp. 6, 9) concluded that the Guyandotte River crayfish was eliminated from Huff Creek by channel bulldozing in the early 2000s, and perhaps chemical inputs from upstream coal mines.

In association with her study of the Guyandotte River crayfish population, Channell (2004, pp. 21–23) also surveyed suitable locations in the Levisa Fork system (Big Sandy basin) in Virginia. Big Sandy crayfish were confirmed at three of the six sites surveyed, with the author noting that the species was found under large rocks (greater than 0.5 m (1.6 ft) across) in streams from 4 to 15 m (13 to 49 ft) wide and without coal fines in the substrate. While RBP scores for the six sites did not indicate impairment, the author noted that the three streams where the Big Sandy crayfishes were not observed were included on the Virginia Department of Environmental Quality's 303(d) list of impaired waters as a result of damming, urban influence, mining activities, or sewage (Channell 2004, pp. 22–23).

Thoma (2009, p. 7 and 2010, pp. 3–4) examined the relationship of *Cambarus callainus* abundance and various habitat parameters in Kentucky and Virginia, and correlated his results with several habitat variables at each site, quantified using the Ohio Environmental Protection Agency's Qualitative Habitat Evaluation Index (QHEI) (Ohio EPA 2006, entire). The QHEI ''is a physical habitat index designed to provide an empirical, quantified evaluation of the general lotic macrohabitat characteristics that are important to fish communities'' (Ohio EPA 2006, p. 3). The habitat variables captured in the QHEI include substrate quality, instream cover, riparian zone and bank erosion, and pool/glide and riffle/run quality (Thoma 2009, p. 7). At sample sites in Virginia, he found Big Sandy crayfish numbers positively correlated with higher quality habitat, as measured by the QHEI, and negatively correlated with pollution, fine bottom sediments, and stream gradient (Thoma 2009, p. 7). A similar analysis of the species' status in Kentucky supported his findings from Virginia that the Big Sandy crayfish ''was most strongly associated with clean, third order or larger streams, low in bedload sediments, with moderate gradient, and an abundance of boulder/cobble substrate'' (Thoma 2010, p. 3). The Kentucky data indicated a strong positive correlation between Big Sandy crayfish numbers and general habitat quality (*i.e.,* QHEI), riffle quality, and percent boulders. A site's riffle quality and riffle embeddedness (bottom sedimentation) were the best correlates of the species' abundance (Thoma 2010, p. 4).

In 2009 and 2011, Loughman and Welsh (2013) surveyed specifically for the species in the Upper Guyandotte River basin, Tug Fork basin (Big Sandy River basin), and the Bluestone River basin (a tributary of the New River) in West Virginia. Results of this intensive effort (69 sites surveyed in 2009) indicated that most sites exhibited excessive sedimentation and embedded slab boulders, or had been channelized and were devoid of large boulders (Loughman and Welsh 2013, p. 23;

Loughman 2013, p. 6). Loughman (2013, p. 6) also reported that most surveyed sites harbored other native crayfish species, with *Cambarus theepiensis,* a newly described *Cambarus* species associated with lower gradient streams dominated by depositional bottom substrate (*e.g.,* finer substrates) and fewer slab boulders, being common in the region's streams. In these situations, *C. theepiensis* has been observed sheltering in simple burrows in the stream bottom or stream banks. Neither the Big Sandy crayfish nor the Guyandotte River crayfish has been observed exhibiting this sheltering behavior (Loughman *et al.* 2013, p. 70).

Coal mining—The past and ongoing effects of coal mining in the Appalachian Basin are well documented, and both underground and surface mines are reported to degrade water quality and stream habitats (Bernhardt *et al.* 2012, entire; Demchak *et al.* 2004, entire; Hartman *et al.* 2005, pp. 94–100; Hopkins *et al.* 2013, entire; Lindberg *et al.* 2011, entire; Matter and Ney 1981, pp. 67–70; Merriam *et al.* 2011, entire; Palmer and Hondula 2014, entire; Pond *et al.* 2008, entire; Pond 2011, entire; Sams and Beer 2000, entire; USEPA 2011, entire; Wang *et al.* 2013, entire; Williams *et al.* 1996, p. 41–46). Notable water quality changes associated with coal mining in this region include increased concentrations of sulfate, calcium, and other ions (measured collectively by a water's electrical conductivity); increased concentrations of iron, magnesium, manganese, and other metals; and increased alkalinity and pH, depending on the local geology (Lindberg *et al.* 2011, pp. 2–6; Matter and Ney 1981, pp. 67–68; Pond *et al.* 2008, pp. 717–718; Sams and Beer 2000, pp. 3–5; Williams *et al.* 1996, pp. 10–17). The common physical changes to local waterways associated with coal mining include increased erosion and sedimentation, changes in flow, and in many cases the complete burial of headwater streams (Hartman *et al.* 2005, pp. 91–92; Matter and Ney 1981, entire; Pond *et al.* 2008, pp. 717–718; USEPA 2011, pp. 7–9). These mining-related effects are commonly noted in the streams and rivers within the ranges of the Big Sandy and the Guyandotte River crayfishes (KDOW 2013; USEPA 2004; VADEQ 2014; WVDEP 2012).

The response of aquatic species to coal mining-induced degradation are also well documented, commonly observed as a shift in a stream's macroinvertebrate (*e.g.,* insect larva or nymphs, aquatic worms, snails, clams, crayfish) or fish community structure and resultant loss of sensitive taxa and an increase in tolerant taxa (Diamond and Serveiss 2001, pp. 4714–4717; Hartman *et al.* 2005, pp. 96–97; Hitt and Chambers 2014, entire; Lindberg *et al.* 2011b, p. 1; Matter and Ney 1981, pp. 66–67; Pond *et al.* 2008). As mentioned above, coal mining can cause a variety of changes to water chemistry and physical habitat; therefore, it is often difficult to attribute the observed effects to a single factor. It is likely that the observed shifts in community structure (including the extirpation of some species) are, in many cases, a result of a combination of factors.

There is less specific information available on the effects of coal mining–induced degradation to crayfishes. A study in Ohio using juvenile Appalachian Brook crayfish (*Cambarus bartonii cavatus*), a stream-dwelling species in the same genus as the Big Sandy and Guyandotte River crayfishes, found that individuals from downstream of a mine drainage were somewhat more tolerant of high conductivity conditions than individuals from upstream of the discharge (Gallaway and Hummon 1991, pp. 168–170). The authors noted that during ecdysis (molting, a particularly vulnerable stage in the animal's lifecycle), however, individuals were more sensitive to high conductivity levels. In the laboratory, conductivity levels of 1,200 to 2,000 micro Siemens/centimeter (μS) resulted in the crayfish having difficulty molting, while field observations indicated that crayfish in isolated pools with conductivity levels of 800 to 1,920 μS died in midmolt or experienced obviously stressful molts as demonstrated by missing chelea and/or periopods or other physical malformations. The authors also noted that a 1-week exposure to water with a conductivity level of 3,000 μS, as might be experienced during summer low flow conditions, would be lethal to all of the crayfish in the study (Gallaway and Hummon 1991, pp. 168–170).

Welsh and Loughman (2014, entire) analyzed crayfish distributions in the heavily mined upper Kanawha River basin in southern West Virginia and determined that physical habitat quality (including substrate type and quality, embeddedness, instream cover, channel morphology, and gradient) and stream order (size) were the best predictors of crayfish presence or absence and crayfish diversity. They observed that, in general, secondary and tertiary burrowing species such as Big Sandy and Guyandotte River crayfishes were associated with high-quality physical habitat conditions. The exception to this pattern was *Cambarus bartonii cavatus* (a secondary burrower), the same species studied by Gallaway and Hummon (1991) and discussed above, that was found to be more closely associated with low-quality physical habitat but high-quality water (*i.e.*, low conductivity). For most species studied, the results did not demonstrate a relationship between conductivity levels and a species' presence or absence. However, Welsh and Loughman (2014, entire) noted that stream conductivity levels can vary seasonally or with flow conditions, making assumptions regarding species' presence or absence at the time of surveys difficult to correlate with prior ephemeral conductivity conditions.

In addition to degrading water quality, coal mining increases erosion and sedimentation in downgradient streams and rivers (Hartman *et al.* 2005, pp. 91–92; Matter and Ney 1981; Pond *et al.* 2008, pp. 717–718; USEPA 1976, pp. 3–11; USEPA 2011, pp. 7–9); this is of particular importance for the Big Sandy and Guyandotte River crayfishes, which, as tertiary burrowers, rely on unembedded slab boulders for shelter. While some other crayfish species (secondary burrowers) are known to excavate burrows in the streambank or bottom, or utilize leaf packs or other vegetation for shelter, neither the Big Sandy crayfish nor the Guyandotte River crayfish has been observed exhibiting this behavior. Channell (2004, p. 18), Jezerinac *et al.* (1995, p. 170), Loughman (2014, pp. 32–33), and Loughman and Welsh (2013, pp. 22–24) theorize that, because of habitat degradation, the habitat-specialist Big Sandy and Guyandotte River crayfishes may be at a competitive disadvantage to other more generalist crayfish species (see Factor E—*Interspecific competition,* below, for additional information), which has contributed to the decline, extirpation, and continued low abundance of the former two species. Whatever the exact mechanism may be, multiple researchers have observed that excessive bottom sedimentation appears to make otherwise suitable stream reaches uninhabitable by the Big Sandy and Guyandotte River crayfishes (Channell 2004, pp. 16–23; Jezerinac *et al.* 1995, p. 171; Loughman 2013, p. 6; Loughman 2014, pp. 10–11; Loughman and Welsh 2013, p. 23; Thoma 2009, p. 7; Thoma 2010, pp. 3–4).

While coal extraction from the southern Appalachian region has declined from the historical highs of the 20th century, and is unlikely to ever return to those levels (McIlmoil, *et al.* 2013, pp. 1–8, 49–57; Milici and Dennen 2009, pp. 9–10), significant mining still occurs within the ranges of the Big Sandy and the Guyandotte River

crayfishes. The U.S. Department of Energy (2013, table 2) reports that in 2012, there were 192 active coal mines (119 underground mines and 73 surface mines) in the counties that constitute the core ranges of the Big Sandy and Guyandotte River crayfishes. The total amount of coal extracted from these operations in 2012 was more than 32.6 million tons. Underground mining accounts for most of the coal excavated in the region, but since the 1970s, surface mining (including ''mountaintop removal mining'' or MTR) has become more prevalent. Mountaintop removal mining is differentiated from other mining techniques by the shear amount of overburden that is removed to access the coal seams and the use of ''valley fills'' to dispose of the overburden. This practice results in the destruction of springs and headwater streams and often leads to water quality degradation in downstream reaches (USEPA 2011, pp. 7–10). An immediate threat to the continued existence of the Guyandotte River crayfish is several active and inactive surface coal mines (including MTR mines) in the mid and upper reaches of the Pinnacle Creek watershed (discussed in detail below).

The detrimental effects of coal mining often continue long after active mining ceases. Hopkins *et al.* (2013, entire) studied water quality in a southeast Ohio watershed where most of the coal mining operations are closed and in varying stages of reclamation, and found that, while pH levels were not correlated with mining activity (and appeared to be within the tolerance limits of most stream taxa), conductivity, aluminum, and sulfate concentrations were correlated with past mining activity and that, despite mine reclamation efforts, these parameters were measured at levels associated with the impairment of aquatic biota. While the Hopkins et al. (2013, entire) study does not include crayfish species specifically, the results are compared to water quality parameters that may negatively affect all aquatic species, including crayfish. Sams and Beer (2000, pp. 11–16) studied the effects of acid mine drainage in the Allegheny and Monongahela River basins in Pennsylvania and West Virginia, and estimated trends in sulfate concentrations over a 30-year period (1965 to 1995). For several creeks and rivers they found that sulfate concentrations were correlated with coal production in the individual basins. In one stream system with long-term data and where coal mining had been in decline since 1950, they noted a decrease in sulfate concentrations over time as abandoned mine lands were reclaimed and with the natural weathering of the exposed sulfide minerals. However, while the decline in sulfate concentrations was initially rapid, the rate of improvement slowed over time, and they concluded that mine drainage would continue to degrade water quality for many years.

By-products of deep and surface mines include manganese and iron (Sams and Beers 2000, pp. 2, 4, 6). When these by-products enter the aquatic environment, they can affect crayfish in two ways: directly through the body and indirectly through food sources (Loughman 2014, p. 27). Both iron and manganese are upregulated into the body through gill respiration and stomach and intestinal absorption (Baden and Eriksson 2006, pp. 67–75). In addition, both iron and manganese bioaccumulate in crayfish when they feed on benthic macroinvertebrates. Although manganese is ''an essential metal and is thus required in at least a minimum concentration for an animal to be able to fulfil its metabolic functions'' (Baden and Eriksson 2006, p. 64), it can be physiologically toxic to crayfishes when levels are too high (Loughman 2014, p. 27). While manganese absorption may not directly cause mortality, it may adversely affect reproductive cycles and oocytes (immature egg cells) (Baden and Eriksson 2006, p. 73). ''Iron and manganese also physically bond to crayfish exoskeletons following ecydisis [*e.g.,* molting], clogging sensory sensila [*e.g.,* receptor] and reducing overall health of crayfish'' (Loughman 2014, p. 27).

Loughman (2014, pp. 26–27) has observed Guyandotte River crayfish that have visible signs of manganese encrustation. While Hay's 1900 Indian Creek, Wyoming County, West Virginia, specimen did not exhibit manganese encrustation, Hobbs' 1947 specimens from Indian Creek did. In addition, Big Sandy crayfish specimens collected by Loughman in 2014, from Dry Fork, McDowell County, West Virginia, also exhibited manganese encrustation. The Dry Fork specimens were sampled from a site immediately downstream of deep mine effluents entering Dry Fork (Loughman 2014, p. 27). While manganese encrustations have been found on both Guyandotte River and Big Sandy crayfish specimens, we are uncertain the extent to which these deposits occur across the species' ranges or if and to what extent the effects of the manganese and iron exposure has contributed to the decline of the Big Sandy or Guyandotte River crayfishes.

Ancillary to the coal mines are the processing facilities that use various mechanical and hydraulic techniques to separate the coal from rock and other geological waste material. This process results in the creation of large volumes of ''coal slurry,'' a blend of water, coal fines, and sand, silt, and clay particles, which is commonly disposed of in large impoundments created in the valleys near the coal mines. In multiple instances, these impoundments have failed catastrophically and caused substantial damage to downstream aquatic habitats (and in some cases the loss of human life) (Frey *et al.* 2001, entire; Michael *et al.* 2010, entire; Michalek *et al.* 1997, entire; National Academy of Sciences (NAS) 2002, pp. 23–30). In 2000, a coal slurry impoundment in the Tug Fork watershed failed and released approximately 946 million liters (250 million gallons) of viscous coal slurry to several tributary creeks of the Tug Fork, which ultimately affected 177.5 km (110.3 mi) of stream length, including the Tug Fork and Levisa Fork mainstems (Frey *et al.* 2001, entire). The authors reported a complete fish kill in 92.8 km (57.7 mi) of stream length, and based on their description of the instream conditions following the event, it is reasonable to conclude that all aquatic life in these streams was killed, including individuals of the Big Sandy crayfish, if they were present at that time. The authors also noted that the effects of this release will continue to negatively affect aquatic species, including benthic macroinvertebrates, for a considerable time into the future. Coal slurry impoundments are common throughout the ranges of the Big Sandy and Guyandotte River crayfishes, and releases have been documented in each of the States within these ranges (NAS 2002, pp. 25–30). However, the exact location of impoundments as they relate to the streams known to support Big Sandy and Guyandotte River crayfishes is unknown.

In addition to the stressors described above, several active surface coal mines in the Pinnacle Creek watershed may pose an immediate threat to the continued existence of the Guyandotte River crayfish. These mines represent geographic extents of 13 to 242 hectares (ha) (33 to 598 acres (ac)) and are located either on Pinnacle Creek (*e.g.,* encroaching to within 0.5 km (0.31 mi) of the creek) and directly upstream (*e.g.,* within 7.0 km (4.4 mi)) of the last documented location of the Guyandotte River crayfish or on tributaries that drain into Pinnacle Creek upstream of the Guyandotte River crayfish location

(WVDEP 2014a; WVDEP 2014b; WVDEP 2014c; WVDEP 2014d). Some of these mines also have reported violations related to mandatory erosion and sediment control measures (*e.g.,* 3 to 37) within the last 2 years (WVDEP 2014a; WVDEP 2014b; WVDEP 2014d).

Coal mining summary— While coal extraction in the Appalachian region has declined from the historical highs of the 20th century, we expect that the ongoing and legacy effects of coal mining, including the drainage from closed and abandoned mine lands, will continue to degrade aquatic habitats and act as a stressor to both the Big Sandy and the Guyandotte River crayfishes into the future.

Residential and commercial development—Because of the rugged topography within the ranges of the Big Sandy and the Guyandotte River crayfishes, most residential and commercial development and the supporting transportation infrastructure is confined to the narrow valley floodplains (Ehlke *et al.* 1982, p. 14; Kiesler *et al.* 1983, p. 14). The close proximity of this development to the region's streams and rivers has historically resulted in the loss of riparian habitat and the continued direct discharge of sediments, chemical pollutants, sewage, and other refuse into the aquatic systems (KDOW 2013; VADEQ 2014; WVDEP 2012), which degrades habitat quality and complexity (Merriam *et al.* 2011, p. 415). The best available information indicates that the human population in these areas will continue to decrease over the next several decades (see Figure 6, above). For example, between 2010 and 2030, the human populations of the five counties that make up the core ranges of the Big Sandy and Guyandotte River crayfishes are projected to decline between 3 to 28 percent (University of Louisville 2011; University of Virginia 2012; West Virginia University 2012). However, while the human populations may decline, the human population centers are likely to remain in the riparian valleys. We have no information on whether the historical trend of releasing untreated waste into the streams will decrease, increase, or stay the same, but are seeking comments on this knowledge gap.

In summary, we conclude that even with the observed and projected decline in human population within the ranges of the Big Sandy and Guyandotte River crayfishes, development will still be concentrated in the narrow valley riparian zones and may contribute to the degradation of water quality and the aquatic habitat required by both species.

Roads—Both paved and unpaved roads can degrade the aquatic habitat required by the Big Sandy and Guyandotte River crayfishes. Paved roads, coincident with and connecting areas of residential and commercial development, generally occur in the narrow valley bottoms adjacent to the region's streams and rivers. Runoff from these paved roads can include a complex mixture of metals, organic chemicals, deicers, nutrients, pesticides and herbicides, and sediments that, when washed into local streams, can degrade the aquatic habitat and have a detrimental effect on resident organisms (Buckler and Granato 1999, entire; Boxall and Maltby 1997, entire; NAS 2005, pp. 72–75, 82–86). We are not aware of any studies specific to the effects of highway runoff on the Big Sandy or Guyandotte River crayfishes; however, one laboratory study from Khan *et al.* (2006, pp. 515–519) evaluated the effects of cadmium, copper, lead, and zinc exposure on juvenile *Orconectes immunis,* a species of pond crayfish. These particular metals, which are known constituents of highway runoff (Sansalone *et al.* 1996, p. 371), were found to inhibit oxygen consumption in *O. immunis.* We are uncertain to what extent these results may be comparable to how Big Sandy or Guyandotte River crayfishes may react to these contaminants, but it was the only relevant study exploring the topic in crayfish. Boxall and Maltby (1997, pp. 14–15) studied the effects of roadway contaminants (specifically the polycyclic aromatic hydrocarbons or PAHs) on *Gammarus pulex,* a freshwater amphipod crustacean commonly used in toxicity studies. The authors noted an acute toxic response to some of the PAHs, and emphasized that because of possible interactions between the various runoff contaminants, including deicing salts and herbicides, the toxicity of road runoff likely varies depending on the mixture. We are uncertain to what extent these results may be comparable to how Big Sandy or Guyandotte River crayfishes may react to these contaminants.

The construction of new roads also has the potential to further degrade the aquatic habitat in the region, primarily by increasing erosion and sedimentation and perhaps roadway contaminant loading to local streams. Two new, multi-lane highway projects, the King Coal Highway and the Coalfields Expressway, are in various stages of development within the Big Sandy and Upper Guyandotte River watersheds (VDOT 2015; West Virginia Department of Transportation (WVDOT) 2015a; WVDOT 2015b). In West Virginia, the King Coal Highway right-of-way runs along the McDowell and Wyoming County line, the dividing line between the Tug Fork and Upper Guyandotte watersheds, and continues into Mingo County (which is largely in the Tug Fork watershed). This highway project will potentially affect the current occupied habitat of both crayfish species, but is of particular concern for the Guyandotte River crayfish because of a section that will parallel and cross Pinnacle Creek.

In West Virginia, the Coalfields Expressway right-of-way crosses Wyoming and McDowell Counties roughly perpendicular to the King Coal Highway and continues into Buchanan, Dickenson, and Wise Counties, Virginia. This project runs through the Upper Guyandotte, Tug Fork, Levisa Fork, and Russell Fork watersheds and has the potential to affect the aquatic habitats in each basin. Of particular concern are sections of the Coalfields Expressway planned through perhaps the most robust Big Sandy crayfish populations in Dickenson County, Virginia.

Unpaved forest roads (*e.g.,* haul roads, access roads, and skid trails constructed by the extractive industries or others) are often located on the steep hillsides and are recognized as a major source of sediment loading to streams and rivers (Christopher and Visser 2007, pp. 22–24; Clinton and Vose 2003, entire; Greir *et al.* 1976, pp. 1–8; MacDonald and Coe 2008, entire; Morris *et al.* 2014, entire; Stringer and Taylor 1998, entire; Wade *et al.* 2012, pp. 408–409; Wang *et al.* 2013, entire). These unpaved roads, especially those associated with mining, forestry, and oil and gas activities, are ubiquitous throughout the range of the Big Sandy and Guyandotte River crayfishes. The estimated erosion rate for undisturbed forested sites in mountainous terrain ranges from about 0.16 tonnes of sediment/ha/year (yr) (0.063 tons/ac/yr) to 0.31 tonnes/ha/yr (0.12 tons/ac/yr) (Grant and Wolff 1991, p. 36; Hood *et al.* 2002, p. 56); however, the construction of unpaved forest roads in an area greatly increases this natural erosion process. Wade *et al.* (2012, p. 403) cite typical erosion rates for unpaved roads and trails as being from 10 to greater than 100 tonnes/ha/yr (4 to greater than 40 tons/ac/yr), with one study of trails established on steep slopes in the western United States resulting in an erosion rate of 163 tonnes/ha/yr (64.7 tons/ac/yr). Christopher and Visser (2007, pp. 23–24) estimated soil erosion rates for forestry operations in the coastal plain, piedmont, and mountains of Virginia, and determined that access roads and skid trails lost an average of 21.1 and

11.2 tonnes/ha/year (8.4 and 4.4 tons/ac/yr), respectively. The authors estimated the erosion from one hillside skid trail to be in excess of 50 tonnes/ha/yr (19.8 tons/ac/yr) and erosion from another undescribed site to be 270 tonnes/ha/year (107.1 tons/ac/yr). The authors concluded that in mountainous areas, access roads and skid trails accounted for an average of 27 and 54 percent of the erosion from a timber harvest operation, respectively. We anticipate the number of unpaved roads throughout the crayfishes' range to remain the same or expand as new oil and gas facilities are built and new areas are logged.

In addition to erosion from unpaved road surfaces, we expect erosion from unpaved road stream crossings throughout the range of the Big Sandy and Guyandotte River crayfishes to also contribute significant sediment loading to local waters. Wang *et al.* (2013, entire) studied stream turbidity levels and suspended sediment loads following construction of a forest haul road stream crossing in West Virginia. The authors reported significant increases in both parameters following construction of the stream crossing and noted that, with site revegetation, sediment loads improved over time. However, sediment remained in the stream channel 2 years after construction, and the authors concluded that it could require decades to flush from the system. Morris *et al.* (2014, entire) studied sediment loading from an unpaved, but properly sized and installed, culvert stream crossing in the Virginia piedmont. Their results indicated that, by applying the minimal Virginia Department of Forestry (VDOF) ''Best Management Practices'' (BMPs) for this type of stream crossing, the estimated annual sediment load to the creek was 98.5 tonnes/yr (96.5 tons/yr). By instituting the standard (vice minimum) BMP measures and installing a geotextile and stone covering on the running surface, the sediment loading was reduced to 28.5 tonnes/yr (27.9 tons/yr). A Statewide survey of these types of crossings by the VDOF found that 33 percent met the minimum criteria and 64 percent met the standard BMP recommendations. About 3 percent of the crossings exceeded the State BMP recommendations, but even with additional erosion control measures the estimated sediment load was 22.5 tonnes/yr (22.1 tons/yr). Christopher and Visser (2007, p. 23–24) estimated the average erosion rate for stream crossings at logging sites in Virginia to be 20.8 tonnes/ha/yr (8.3 tons/ac/yr). This average includes sites in the mountain, coastal plain, and piedmont physiographic provinces, the latter two of which would be expected to have less erosion potential than the steep mountainous terrain indicative of Big Sandy and Guyandotte River crayfish habitat.

Offroad Vehicles (ORVs)—Offroad vehicle use of haul roads and trails has become an increasingly popular form of recreation in the region (see *http://www.riderplanet-usa.com,* last accessed February 13, 2015). Recreational ORV use, which includes the use of unimproved stream crossings, stream channel riding, and ''mudding'' (the intentional and repeated use of wet or low-lying trail sections that often results in the formation of deep ''mud holes''), may cause increased sediment loading to streams and possibly kill benthic organisms directly by crushing them (Switalski and Jones 2012, pp. 14–15; YouTube.com 2008; YouTube.com 2010; YouTube.com 2011; YouTube.com 2013). Ayala *et al.* (2005, entire) modeled long-term sediment loading from an ORV stream crossing in a ridge and valley landscape in Alabama, and estimated that the ORV crossing contributed 45.4 tonnes/ha/yr (18 tons/ac/yr) to the stream. Chin *et al.* (2004, entire) studied ORV use at stream crossings in Arkansas, and found that pools below ORV crossings experienced increased sedimentation and decreased pool depth, compared to unaffected streams. The quantitative data on stream bottom embeddedness were unclear, but the authors did note that none of the sites below ORV crossings was less than 10 percent embedded, while some of the control sites had little or no embeddedness. Christopher and Visser (2007, p. 24) looked at the effect of ORV use on previously logged sites and found that ORV use significantly increased erosion at stream crossings and access roads, as compared to sites that were closed to ORV use.

Nearly all of the land within the ranges of the Big Sandy and Guyandotte River crayfishes is privately owned. Offroad vehicle use on private land is largely unregulated, and we found no comprehensive information on the extent of offroad trails in the region, ridership numbers, or the effects to local streams. However, the Hatfield-McCoy Trail system, which was created in 2000 to promote tourism and economic development in southern West Virginia, may provide some insight into the scale of ORV recreation within the ranges of the Big Sandy and Guyandotte River crayfishes (Pardue *et al.* 2014, p. 1). As of 2014, the Hatfield-McCoy Trail system had eight individual trail networks totaling more than 700 mi of cleared trails, with the stated long-term goal being approximately 2,000 mi of accessible trails (Pardue *et al.* 2014, pp. 4–5), and in 2013, 35,900 trail permits were sold (Hatfield-McCoy presentation 2013, p. 8). Two of the designated Hatfield-McCoy trail networks, Pinnacle Creek and Rockhouse, are located in the Upper Guyandotte basin and one, Buffalo Mountain, is in the Tug Fork basin.

The Pinnacle Creek Trail System, opened in 2004, is located entirely within the Pinnacle Creek watershed and may pose a significant threat to the continued existence of the Guyandotte River crayfish. The majority of this unpaved trail network runs along the ridgelines or up and down the steep mountainsides; however, approximately 13 km (8.0 mi) of ORV trail is located in the Pinnacle Creek riparian zone, including the area last known to harbor the Guyandotte River crayfish. At several locations along this section of trail, riders are known to operate their vehicles in the streambed or in adjacent ''mud holes'' (You Tube 2008; You Tube 2010; You Tube 2011; You Tube 2013; Loughman, pers. comm., October 24, 2014). It is reasonable to conclude that these activities increase erosion and sedimentation in Pinnacle Creek and degrade the habitat of the Guyandotte River crayfish. In addition, the instream operation of ORVs in Pinnacle Creek has the potential to crush or injure individual crayfish directly.

Summary of Roads (Paved and Unpaved) and ORVs—In summary, we conclude that contaminant runoff from paved road surfaces and erosion and sedimentation from road construction projects, unpaved roads and trails, and ORV use throughout the ranges of the Big Sandy and Guyandotte River crayfishes likely contribute directly to degradation of the species' habitat and will continue to do so into the future.

Forestry—The dominant land cover within the ranges of the Big Sandy and Guyandotte River crayfishes is forest, and commercial timber harvesting occurs throughout the region. While not approaching the scale of the intensive cutting that occurred in the early 20th century, commercial logging still has the potential to degrade aquatic habitats, primarily by increasing erosion and sedimentation (Arthur *et al.* 1998, entire; Hood *et al.* 2002, entire; Stone and Wallace 1998, entire; Stringer and Hilpp 2001, entire; Swank *et al.* 2001, entire). The most recent records available on timber harvesting within the ranges of the Big Sandy and Guyandotte River crayfishes indicate that in 2007, McDowell and Wyoming Counties, West Virginia, produced

238,711 cubic meters (m^3) (8,426,498 cubic feet (ft^3)) of timber; in 2009, Pike County, Kentucky, produced 75,266 m^3 (2,656,890 ft^3) of timber, and Buchanan, Dickenson, and Wise Counties, Virginia, produced 264,338 m^3 (9,331,131 ft^3) of timber (Cooper *et al.* 2011a, p. 27; Cooper *et al.* 2011b, pp. 26–27; Piva and Cook 2011, p. 46). While we were unable to locate data on how much land area was subject to harvesting, the West Virginia Forestry Association (2001, p. 2) reported that a well-stocked timber stand in this region contains about 45.9 m^3/ha (8,000 board feet/ac or 664 ft^3/ac) of timber. By dividing the total amount of timber harvested, 578,315 m^3 (20,414,520 ft^3), by 45.9 m^3/ha (664 ft^3/ac), we estimate that approximately 12,600 ha (30,745 ac) of forest were harvested within the core ranges of the Big Sandy and Guyandotte River crayfishes during a single year (either 2007 or 2009, depending on the State). Based on land cover data from the USGS (2015, entire) this represents approximately 1.9 percent of the total forest cover within this area.

Hood *et al.* (2002, p. 56) estimated the erosion rate for an undisturbed forested site in the southern Appalachians to be about 0.31 tonnes/ha/yr (0.12 tons/ac/yr). The authors then estimated the erosion rates resulting from several different timber harvest techniques (*e.g.,* clearcut, leave tree, group selection, and shelterwood) and found that during the first year postharvest, erosion rates ranged from 5.33 to 11.86 tonnes/ha/yr (2.11 to 4.71 tons/ac/yr). Applying these erosion rates to the estimated single-year harvested area calculated above (12,600 ha (30,745 ac)) indicates that, if the forest is undisturbed, about 3,906 tonnes (3,828 tons) of sediment will erode, while logging the same area will produce perhaps 67,158 to 149,436 tonnes (65,815 to 146,447 tons) of sediment. While Hood *et al.* (2002) found that erosion rates improved quickly in subsequent years following logging, Swank, *et al.* (2001, pp. 174–176) studied the long-term effects of timber harvesting at a site in the Blue Ridge physiographic province in North Carolina, and determined that 15 years postharvest, the annual sediment yield was still 50 percent above predisturbance levels.

This analysis of potential erosion within the ranges of the Big Sandy and Guyandotte River crayfishes likely underestimates actual erosion rates. Hood *et al.* (2002, p. 54) provide the caveat that the model they used does not account for gully erosion, landslides, soil creep, stream channel erosion, or episodic erosion from single storms, and, therefore, their estimates of actual sediment transport are low. The authors also reported that applicable BMPs were applied diligently at their study sites and that all skid trails were closed to vehicle traffic after harvesting was completed (Hood *et al.* 2002, p. 55). The rates of BMP adherence and effectiveness at other logging sites within the ranges of the Big Sandy and Guyandotte River crayfishes vary. Stringer and Queary (1997, entire) found that in eastern Kentucky, which includes the Big Sandy drainage, BMPs were either not used or not effective at 43.2 percent of the logging sites and that at 13.5 percent of the sites the BMPs were used but not effective. Wang *et al.* (2007, p.15) studied randomly selected sites that were logged between November 2003 and March 2004 and determined that, within the West Virginia Forestry District that includes the Upper Guyandotte watershed, BMP adherence was 80 percent. A 2012 report on forestry BMP implementation in the southeast United States (Southern Group of State Foresters 2012, p. 6) indicates that the Statewide level of compliance in Virginia improved from about 75 to 86 percent between 2007 and 2011. The implementation of forestry BMPs to reduce erosion and sedimentation is not required for certain timber cutting operations. In Kentucky, tree clearing incidental to preparing coal mining sites is specifically exempted, and in West Virginia, tree-clearing activities incidental to ground-disturbing construction activities, including those related to oil and gas development, are exempted (Kentucky Division of Forestry undated fact sheet, downloaded February 5, 2015); West Virginia Division of Forestry 2014, pp. 3–4).

Swank *et al.* (2001) also referenced several associated studies on the response of stream invertebrates to the timber harvest and resultant sediment loading. These studies showed an alteration in abundance, biomass, and productivity of taxa, notably a decrease in abundance of species that inhabit lower gradient sand and pebble habitats. They also note that after more than 15 years, the stream invertebrate community was gradually returning toward that found in a reference stream (Swank, *et al.* 2001, p. 175).

Because timber harvesting occurs year to year on a rotational basis throughout the Big Sandy and Upper Guyandotte watersheds, and because the excess sedimentation from harvested sites may take decades to flush from area streams, we conclude that soil erosion and sedimentation from commercial timber harvesting is likely relatively constant and ongoing in the region, and continually degrades the aquatic habitat required by the Big Sandy and Guyandotte River crayfishes.

Stream channelization and dredging—Flooding is a recurring problem for people living in the southern Appalachians, and many individuals and mountain communities have resorted to unpermitted stream dredging or bulldozing to deepen channels and/or remove obstructions in an attempt to alleviate damage from future floods (West Virginia Conservation Agency (WVCA), pp. 4, 36–38, 225–229). As recently as 2009, Loughman (pers. comm., October 24, 2014) observed heavy equipment being operated in stream channels in the Upper Guyandotte basin. Unfortunately, these efforts are rarely effective at reducing major flood damage and often cause other problems such as stream bank erosion, lateral stream migration, channel downcutting, and sedimentation (WVCA, pp. 225–229). Stream dredging or bulldozing also causes direct damage to the aquatic habitat by removing benthic structure, such as slab boulders, and likely kills benthic organisms by crushing or burial. Because these dredging and bulldozing activities are unpermitted, we have little data on exactly how widespread or how often they occur within the ranges of the Big Sandy or Guyandotte River crayfishes. However, during their 2009 survey work for *Cambarus veteranus* in the Upper Guyandotte and Tug Fork basins, Loughman and Welsh (2013, p. 23) noted that 54 percent of the sites they surveyed (these were sites predicted to be suitable to the species) appeared to have been dredged, evidenced by monotypic gravel or cobble bottoms and a conspicuous absence of large slab boulders. These sites were thus rendered unsuitable for occupation by *C. veteranus* and confirmed so by the absence of the species.

Gas and oil development—The Appalachian Plateaus physiographic province is underlain by numerous geological formations that contain natural gas, and to a lesser extent oil. The Marcellus shale formation underlies the entire range of the Guyandotte River crayfish and a high proportion of the range of the Big Sandy crayfish, specifically McDowell County, West Virginia, and part of Buchanan County, Virginia (U.S. Department of Energy (USDOE) 2011, p. 5), and various formations that make up the Devonian Big Sandy shale gas play (*e.g.,* a favorable geographic area that has been targeted for exploration) underlie the entire range of the Big Sandy crayfish and some of the range of the Guyandotte

River crayfish (USDOE 2011, p. 9). In addition to these shale gas formations, natural gas also occurs in conventional formations and in coal seams (referred to as ''coal bed methane'' or CBM) in each of the counties making up the ranges of the two species. The intensity of resource extraction from these geological formations has varied over time depending on market conditions and available technology, but since the mid- to late 20th century, many thousands of gas and oil wells have been installed within the ranges of the Big Sandy and Guyandotte River crayfishes (KGS 2015; VDMME 2015, WVDEP 2015).

Numerous studies have reported that natural gas development has the potential to degrade aquatic habitats (Adams *et al.* 2011, pp. 8–10, 18; Boelter *et al.* 1992, pp. 1192–1195; Drohan and Brittingham, 2012, entire; Harkness *et al.* 2015, entire; McBroom *et al.* 2012, pp. 953–956; Olmstead *et al.* 2013, pp. 4966–4967; Papoulias and Velasco 2013, entire; USEPA 2014, entire; Vegosh *et al.* 2014, pp. 8339–8342; Vidic *et al.* 2013, entire; Warner *et al.* 2013, entire). The construction of well pads and related infrastructure (*e.g.,* gas pipelines, compressor stations, wastewater pipelines and impoundments, and access roads) can increase erosion and sedimentation, and the release of drilling fluids, other industrial chemicals, or formation brines can contaminate local streams.

Within the ranges of the Big Sandy and Guyandotte River crayfishes the topography is rugged and the dominant land cover is forest; therefore, the construction of new gas wells and related infrastructure usually involves timber cutting and significant earth moving to create level well pads, access roads, and pipeline rights-of-way. Drohan and Brittingham (2012, entire) analyzed the runoff potential for shale gas development sites in the Allegheny Plateau region of Pennsylvania, and found that 50 to 70 percent of existing or permitted pad sites had medium to very high runoff potential and were at an elevated risk of soil erosion. McBroom *et al.* (2012, entire) studied soil erosion from two well pads constructed in a forested area in the Gulf Coastal Plain of east Texas. One well was constructed in the channel of an intermittent stream, which was rechanneled around the pad following construction. The second well was constructed on a terraced hillside but with a 15-m (50-ft) vegetated riparian buffer. The observed sediment losses were 14 and 0.7 tonnes/ha/yr (5.54 and 0.28 tons/ac/yr), respectively. The authors reference their earlier study in east Texas that found the average sediment yield from undisturbed forested sites to be 0.042 tonnes/ha/yr (0.017 tons/ac/yr) (McBroom *et al.* 2012, pp. 954–955). As noted previously, Hood *et al.* (2002, p. 56) estimated the erosion rate for an undisturbed forested site in the steeper terrain of the southern Appalachians to be about 0.31 tonnes/ha/yr (0.12 tons/ac/yr), an order of magnitude greater than that reported by McBroom *et al.* (2012) for an undisturbed site in east Texas. Therefore, it is reasonable to conclude that the erosion potential from disturbed sites within the ranges of the Big Sandy and Guyandotte River crayfishes is also much greater than that observed by McBroom *et al.* (2012) in east Texas.

Natural gas well drilling and well stimulation, especially the technique of hydraulic fracturing, can also degrade aquatic habitats when drilling fluids or other associated chemicals or high salinity formation waters (*e.g.,* flowback water and produced water) are released, either intentionally or by accident, into local surface waters (Harkness *et al.* 2015, entire; McBroom *et al.* 2012, p. 951; Papoulias and Velasco 2013, entire; USEPA 2014, entire; Vidic *et al.* 2013, entire; Warner *et al.* 2013, entire). We anticipate the rate of oil and gas development within the ranges of the Big Sandy and Guyandotte River crayfishes to increase based on projections from a report by IHIS Global, Inc. (2013, p. 4) produced for the American Petroleum Institute, which indicate that the ''recent surge in oil and gas transportation and storage infrastructure investment is not a short lived phenomenon. Rather, we find that a sustained period of high levels of oil and gas infrastructure investment will continue through the end of the decade.'' While this projection is generalized across all oil and gas infrastructure within the United States, an increase of new infrastructure within the ranges of the Big Sandy and Guyandotte River crayfishes is also anticipated because of the yet untapped Marcellus and Devonian Big Sandy shale resources discussed above.

Summary of Factor A—The best available information indicates the primary threats to both the Big Sandy and Guyandotte River crayfishes throughout their respective ranges are land-disturbing activities that increase erosion and sedimentation, which degrades the stream habitat required by both species. Identified sources of ongoing erosion and sedimentation that occur throughout the ranges of the species include active surface coal mining, commercial forestry, unpaved roads, gas and oil development, and road construction. These activities are ongoing (*e.g.,* imminent) and expected to continue at variable rates into the future. For example, while active coal mining may decline, the legacy effects will continue, and oil and gas activities and road construction are expected to increase. An additional threat specific to the Guyandotte River crayfish is the ongoing operation of ORVs in and adjacent to the species' last known location in Pinnacle Creek; this ORV use is expected to continue. Contributing stressors include water quality degradation resulting from abandoned coal mine drainage; untreated (or poorly treated) sewage discharges; road runoff; unpermitted stream dredging; and potential catastrophic spills of coal slurry, fluids associated with gas well development, or other contaminants.

Factor B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

We found no information indicating that overutilization has led to the loss of populations or a significant reduction in numbers of individuals for either the Big Sandy crayfish or Guyandotte River crayfish. Therefore, we conclude based on the best scientific and commercial information available that overutilization for commercial, recreational, scientific, or educational purposes does not currently pose a threat to the Big Sandy crayfish or the Guyandotte River crayfish. However, because the best available information indicates that the Guyandotte River crayfish persists only in very low numbers in the midreach of a single stream, increased awareness of the species' rarity may make it more desirable to collectors. Similarly, because the Big Sandy crayfish is now recognized as a newly described species, it too could become more desirable to collectors. Any future collection of either species, but especially of the Guyandotte River crayfish, could pose a threat to their continued existence.

Factor C. Disease or Predation

We found no information indicating that disease or predation has led to the loss of populations or a significant reduction in numbers of individuals of the Guyandotte River crayfish. However, because the species is known to persist only in very low numbers in the midreach of a single stream, any source of mortality or any impairment of growth, reproduction, or fitness may pose a threat to its continued existence. Additionally, it is possible that this remnant population lacks the genetic diversity of the original wider

population, which may now make it more vulnerable to disease.

Similarly, we have no information indicating that disease or predation has led to the decline of the Big Sandy crayfish. However, the existing population is fragmented into at least four isolated subpopulations in several different watersheds, the upper Tug Fork system, the upper Levisa Fork system, Russell Fork/Levisa Fork system, and the Pound River/Cranes Nest River system (see Factor E, below). While this isolation may provide the species some resiliency should disease (or other catastrophe) affect any one of the subpopulations, this potentially positive aspect of habitat fragmentation is countered by the fact that each isolated subpopulation is at a higher risk of extirpation. However, the best scientific and commercial information available indicates that disease or predation do not pose a threat to the existence of either the Guyandotte River crayfish or the Big Sandy crayfish now or in the future.

Factor D. The Inadequacy of Existing Regulatory Mechanisms

Few existing Federal or State regulatory mechanisms specifically protect the Big Sandy or Guyandotte River crayfishes or the aquatic habitats where they occur. The species' habitats are afforded some protection from water quality and habitat degradation under the Federal CWA (33 U.S.C. 1251 *et seq.*) and the Surface Mining Control and Reclamation Act of 1977 (SMCRA) (30 U.S.C. 1201 *et seq.*), along with State laws and regulations such as the Kentucky regulations for water quality, coal mining, forest conservation, and natural gas development (401 KAR, 402 KAR, 405 KAR, 805 KAR); the Virginia State Water Control Law (Va. Code sec. 62.1–44.2 *et seq.*); and the West Virginia Water Pollution Control Act (WVSC sec. 22–11) and Logging and Sediment Control Act (WVSC sec.19–1B). Additionally, the Big Sandy crayfish is listed as endangered by the State of Virginia (Va. Code sec. 29.1–563 to 570), which provides that species some direct protection within the Virginia portion of its range. However, while water quality has generally improved since 1977, when the CWA and SMCRA were enacted or amended, there is continuing, ongoing degradation of habitat for both species, as detailed under Factor A, above. Therefore, despite the protections afforded by these laws and implementing regulations, both the Big Sandy and Guyandotte River crayfishes continue to be affected by degraded water quality and habitat conditions.

In 1989, 12 years after enactment of the CWA and SMCRA, the Guyandotte River crayfish was known to occur in low numbers in Huff Creek and Pinnacle Creek (Jezerinac *et al.* 1995, p. 170). However, surveys since 2002 indicate the species has been extirpated from Huff Creek and continues to be found only in very low numbers in Pinnacle Creek. Despite more than 35 years of CWA and SMCRA regulatory protection, the range of the Guyandotte River crayfish has declined substantially, and the single known population contains few individuals. There is little information available to determine trends in the Big Sandy crayfish's range or population since enactment of the CWA or SMCRA. However, as discussed previously, surveys conducted between 2007 and 2010 (Thoma 2009 and 2010, entire) indicate that the species' current range is significantly reduced from its historical range, and that much of the historical habitat continues to be degraded by sediments and other pollutants. In addition, at many of the sites that do continue to harbor the species, the Big Sandy crayfish is found only in low numbers with individual crayfish often reported to be in poor physical condition (Thoma 2010, p. 6; Loughman, pers. comm., October 24, 2014). Reduction in the range of the Big Sandy Crayfish and continued degradation of its habitat lead us to conclude that neither the CWA nor the SMCRA has been wholly effective at protecting this species.

As discussed in previous sections, erosion and sedimentation caused by various land-disturbing activities, such as surface coal mining, roads, forestry, and oil and gas development, pose an ongoing threat to the Big Sandy and Guyandotte River crayfishes. State efforts to address excessive erosion and sedimentation involve the implementation of BMPs; however, as discussed under Factor A, above, BMPs are often not strictly applied, are sometimes voluntary, or are situationally ineffective. Additionally, studies indicate that even when BMPs are properly applied and effective, erosion rates at disturbed sites are still significantly above erosion rates at undisturbed sites (Christopher and Visser 2007, pp. 22–24; Grant and Wolff 1991, p. 36; Hood *et al.* 2002, p. 56; McBroom *et al.* 2012, pp. 954–955; Wang *et al.* 2013, pp. 86–90).

Although the majority of the land throughout the ranges of the two species is privately owned, publicly managed lands in the region include a portion of the Jefferson National Forest in Virginia, and 10 State wildlife management areas and parks in the remainder of the Big Sandy and Upper Guyandotte watershed (one in Russell Fork, three in Levisa Fork, four in Tug Fork, two in Upper Guyandotte). However, three of these parcels surround artificial reservoirs that are no longer suitable habitat for either the Big Sandy crayfish or Guyandotte River crayfish, and six others are not in known occupied crayfish habitat. Only the Jefferson National Forest and the Breaks Interstate Park in the Russell Fork watershed at the Kentucky/Virginia border appear to potentially offer additional protections to extant Big Sandy crayfish populations, presumably through stricter management of land-disturbing activities that cause erosion and sedimentation. However, the extent of publically owned land adding to the protection of the Big Sandy and Guyandotte River crayfishes is minimal and not sufficient to offset the rangewide threats to either species.

Summary of Factor D—Degradation of Big Sandy and Guyandotte River crayfish habitat (Factor A) is ongoing despite existing regulatory mechanisms. While these regulatory efforts have led to some improvements in water quality and aquatic habitat conditions, the precipitous decline of the Guyandotte River crayfish and the decline of the Big Sandy crayfish within most of its range indicate that these regulatory efforts have not been effective at protecting these two species. In addition, the threat resulting from the species' endemism and their isolated and small population sizes (discussed below under Factor E) cannot be addressed through regulatory mechanisms.

Factor E. Other Natural or Manmade Factors Affecting Its Continued Existence

Locally endemic, isolated, and small population size—It is intuitive and generally accepted that the key factors governing a species' risk of extinction include small population size, reduced habitat size, and fragmented habitat (Hakoyama *et al.* 2000, pp. 327, 334–336; Lande 1993, entire; Pimm *et al.* 1988, pp. 757, 774–777; Wiegand *et al.* 2005, entire). Relevant to wholly aquatic species, such as the Big Sandy and Guyandotte River crayfishes, Angermeier (1995, pp. 153–157) found that fish species that were limited by physiographic range or range of waterbody sizes were also more vulnerable to extirpation or extinction, especially as suitable habitats became more fragmented. As detailed in previous sections, both the Big Sandy crayfish and the Guyandotte River crayfish are known to exist only in the

Appalachian Plateaus physiographic province and are limited to certain stream classes and habitat types within their respective river basins. Furthermore, the extant populations of each species are limited to certain disjunct subwatersheds, which are physically isolated from the others by distance, human-induced inhospitable intervening habitat conditions, and/or physical barriers (*e.g.,* dams and reservoirs).

Genetic fitness—Species that are restricted in range and population size are more likely to suffer loss of genetic diversity due to genetic drift, potentially increasing their susceptibility to inbreeding depression, and reducing the fitness of individuals (Allendorf and Luikart 2007, pp. 117–146; Hunter 2002, pp. 97–101; Soule 1980, pp. 157–158). Similarly, the random loss of adaptive genes through genetic drift may limit the ability of the Big Sandy crayfish and, especially, the Guyandotte River crayfish to respond to changes in their environment such as the chronic sedimentation and water quality effects described above or catastrophic events (Noss and Cooperrider 1994, p. 61). Small population sizes and inhibited gene flow between populations may increase the likelihood of local extirpation (Gilpin and Soulé 1986, pp. 32–34). The long-term viability of a species is founded on the conservation of numerous local populations throughout its geographic range (Harris 1984, pp. 93–104). These separate populations are essential for the species to recover and adapt to environmental change (Harris 1984, pp. 93–104; Noss and Cooperrider 1994, pp. 264–297). The populations of the Big Sandy crayfish are isolated from other existing populations and known historical habitats by inhospitable stream conditions and dams that are barriers to crayfish movement. The current population of the Guyandotte River crayfish is restricted to one location in one stream. This population is isolated from other known historical habitats by inhospitable stream conditions. The level of isolation and the restricted ranges seen in each species make natural repopulation of historical habitats or other new areas following previous localized extirpations virtually impossible without human intervention.

Guyandotte River crayfish—As discussed previously, the historical range of the Guyandotte River crayfish has been greatly reduced. Early surveys confirmed the species in 9 streams (15 individual sites) in the Upper Guyandotte basin, and prior to the widespread habitat degradation that began in the early 20th century, it undoubtedly occurred at other suitable sites throughout the system (Loughman, pers. comm. October 24, 2014). In 2009, 35 likely sites were surveyed in the Upper Guyandotte basin (including 13 of the historical sites), and the species was found only in very low numbers at a single site in the midreach of Pinnacle Creek (Loughman 2013, pp. 5–6). Any further reduction in the range of the Guyandotte River crayfish (*i.e.,* loss of the Pinnacle Creek population) would likely result in the species' extinction.

Based on the Guyandotte River crayfish's original distribution and the behavior of other similar stream-dwelling crayfish, it is reasonable to surmise that, prior to the widespread habitat degradation in the basin, individuals from the various occupied sites were free to move between sites or to colonize (or recolonize) suitable vacant sites (Kerby *et al.* 2005, pp. 407–408; Momot 1966, entire). According to Loughman (2013, p. 9), Huff Creek, where the species was last noted in 1989 (Jezerinac *et al.* 1995, p. 170), is one of the few streams in the basin that still appears to maintain habitat conducive to the species. However Huff Creek and another historical stream, Little Huff Creek, are physically isolated from the extant Pinnacle Creek population by the R.D. Bailey Dam on the Guyandotte River near the town of Justice, West Virginia. This physical barrier, as well as generally inhospitable habitat conditions throughout the basin, makes it unlikely and perhaps impossible for individuals from the extant Pinnacle Creek population to successfully disperse to recolonize other locations in the basin.

And, as noted above in Factor A, the persistence of the last known Guyandotte River crayfish population is threatened by several proximate active surface coal mines and ORV use in the Pinnacle Creek watershed. The species lacks redundancy (*e.g.,* the ability of a species to withstand catastrophic events) and representation (*e.g.,* the ability of a species to adapt to changing environmental conditions), and has very little resiliency (*e.g.,* the ability of the species to withstand stochastic events); therefore, this single small population is at an increased risk of extirpation, and in this case likely extinction, from natural demographic or environmental stochasticity, a catastrophic event, or even a modest increase in any existing threat at the single known site of occurrence.

Big Sandy crayfish—The survey work of Thoma (2009, p. 10; 2010, p. 6) and Loughman (2013, pp. 7–8) demonstrates that the geographic extent of the Big Sandy crayfish's occupied habitat, in the context of the species' historical range, is significantly reduced. Additionally, their research indicates that, because of widespread habitat degradation, the species is notably absent from many individual streams where its presence would otherwise be expected, and at most sites where it does still persist, it is generally found in low numbers.

Because the Big Sandy crayfish is wholly aquatic and therefore limited in its ability to move from one location to another by the basin's complex hydrology, the species' overall population size and current geographic range must be considered carefully when evaluating its risk of extinction. Prior to the significant habitat degradation that began in the late 1800s, the Big Sandy crayfish likely occurred in suitable stream habitat throughout its range (from the Levisa Fork/Tug Fork confluence to the headwater streams in the Russell Fork, Levisa Fork, and Tug Fork basins) (Thoma 2010, p. 6; Thoma *et al.* 2014, p. 549), and individuals were free to move between occupied sites or to colonize (or recolonize) suitable vacant sites. The current situation is quite different, with the species' occupied subwatersheds being isolated from each other by linear distance (of downstream and upstream segments), inhospitable intervening habitat, and/or dams. Therefore, the status and risk of extirpation of each individual subpopulation must be considered in assessing the species' risk of extinction. Based on habitat connectedness (or lack thereof), we consider the existing Big Sandy crayfish subpopulations to be the upper Tug Fork population, the upper Levisa Fork population, the Russell Fork/Levisa Fork population (including Shelby Creek), and the Pound River/Cranes Nest River population (Figure 7). While the Pound River and Cranes Nest River are in the same subwatershed, they both flow into the Flannagan Reservoir, which is unsuitable habitat for the species. Therefore, the Big Sandy crayfish populations in these streams are not only isolated from other populations by the dam and reservoir, but also most likely isolated from each other by the inhospitable habitat in the reservoir itself (Loughman, pers. comm., December 1, 2014). It is conceivable, however, that on occasions when reservoir levels are low, crayfish from the Pound and Cranes Nest Rivers could intermix. Also, because the Fishtrap Dam physically isolates the upper Levisa Fork (Dismal Creek) population from the remainder of the species' range, only the upper Tug Fork and the

Russell Fork/Levisa Fork subpopulations still maintain any possible connection. However, intervening stream distance (240 km (150 mi)) and poor habitat conditions in both the lower Tug Fork and the lower Levisa Fork make it unlikely that individuals from either subpopulation can migrate out of their respective subbasins to intermix or recolonize other sites.

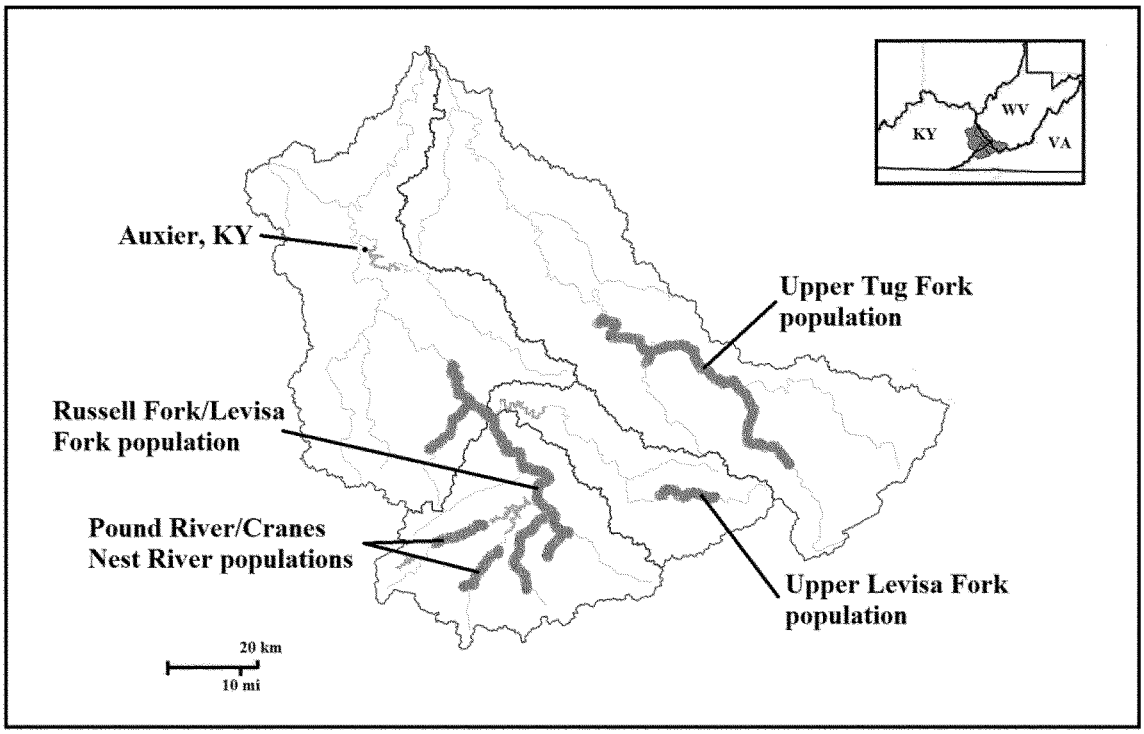

Figure 7.—Fragmentation of the existing Big Sandy crayfish populations. In 1999 and 2009, single specimens were noted at Auxier, KY (indicated by the closed dark circle).

There is one exception to this subpopulation organization. In 2009, a single Big Sandy crayfish was recovered by Thoma (2010, p. 6) in the lower Levisa Fork at the town of Auxier, Kentucky, more than 50 km (31 mi) downstream of the nearest other occupied site near the town of Coal Run Village, Kentucky (Figure 7). The author surveyed 8 other likely sites in the lower Levisa system between Auxier and Coal Run Village, but did not confirm the species at any location. Therefore, we conclude that the lower Levisa Fork system does not represent a viable subpopulation.

The four remaining subpopulations differ in their resiliency. The upper Levisa Fork population persists in a single stream, as do the Pound River/Cranes Nest River populations. While the species appears to be moderately abundant in these streams (see Table 3, above), the fact that they are restricted to single streams (versus a network of streams) makes them especially susceptible to catastrophic loss as a result of a contaminant spill, disease, stream dredging, or other perturbation. The upper Tug Fork population also appears to be relatively insecure, with most sites where the species is still found showing very low abundance. Thoma (2010, p. 6) found the species in low numbers in the Kentucky portion of the upper Tug Fork system and described their status there as ''highly tenuous.''

This isolation, caused by habitat fragmentation, reduces the resiliency of the species by eliminating the potential movement of individuals from one subpopulation to another, or to unoccupied sites that could become habitable in the future. This inhibits gene flow in the species as a whole and will likely reduce the genetic diversity and perhaps the fitness of individuals in the remaining subpopulations.

Interspecific competition—A contributing factor to the imperilment of the habitat-specialist Big Sandy and Guyandotte River crayfishes may be increased interspecific competition brought about by habitat degradation. In the Upper Guyandotte, researchers surmise that as the benthic habitat was degraded by sedimentation, competition between the habitat-specialist Guyandotte River crayfish and more generalist native crayfish species may have contributed to the former's decline (Loughman 2014, pp. 32–33). The Guyandotte River crayfish has always been associated with faster moving water of riffles and runs, while other native species such as *Cambarus theepiensis* are typically associated with the lower velocity portions of streams. Loughman surmises that, because these lower velocity stream habitats suffer the effects of increased sedimentation and bottom embeddedness before the effects are manifested in the faster moving reaches, the native crayfish using these habitats migrated into the relatively less affected riffle and run habitats that are normally the niche of the Guyandotte River crayfish. In the ensuing competition between the habitat-specialist Guyandotte River crayfish and the more generalist species, the former is thought to be at a competitive

disadvantage. Survey results support this hypothesis, with *C. theepiensis* being found commonly in the riffle habitats of streams suffering from high sediment loads, including the historical Guyandotte River crayfish locations. At the Pinnacle Creek location, Loughman (2014, pp. 9, 33) noted a 40:1 ratio between *C. theepiensis* and Guyandotte River crayfish numbers. We have no information to determine whether or not the Big Sandy crayfish faces similar competitive pressures.

Direct Mortality Due to Crushing

As discussed above under Factor A, ORV use of unpaved trails are a source of sedimentation into the aquatic habitats within the range of the Guyandotte River crayfish. In addition to this habitat degradation, there is the potential for direct crayfish mortality as a result of crushing when ORVs use stream crossings, or when they deviate from designated trails or run over slab boulders that the Guyandotte River crayfish use for shelter (Loughman 2014, pp. 30–31).

Summary of Factor E—The habitat of the Big Sandy and Guyandotte River crayfishes is highly fragmented, thereby isolating the remaining populations of each species from each other. The remaining individuals are found in very low numbers at most locations where they still exist. The level of isolation and the restricted ranges seen in each species make natural repopulation of historical habitats or other new areas following previous localized extirpations virtually impossible without human intervention. This reduction in redundancy and representation significantly impairs the resiliency of each species and poses a threat to their continued existence. In addition, direct mortality due to crushing may have a significant effect on the Guyandotte River crayfish. Interspecific competition from other native crayfish species that are more adapted to degraded stream conditions may also act as an additional stressor to the Guyandotte River crayfish.

Cumulative Effects From Factors A Through E

Based on the risk factors described above, the Big Sandy crayfish and the Guyandotte River crayfish are at an increased risk of extinction primarily due to land-disturbing activities that increase erosion and sedimentation, and subsequently degrade the stream habitat required by both species (Factor A), and due to the effects of small population size (Factor E). Other contributing factors are degraded water quality and unpermitted stream dredging (Factor A). While events such as collection (Factor B) or disease and predation (Factor C) are not currently known to affect either species, any future incidences will further reduce the resiliency of the Guyandotte River and Big Sandy crayfishes.

12-Month Petition Finding

Big Sandy Crayfish

As required by the Act, we considered the five factors in assessing whether the Big Sandy crayfish is an endangered or threatened species, as cited in the petition, throughout all of its range. We examined the best scientific and commercial information available regarding the past, present, and future threats faced by the Big Sandy crayfish. We reviewed the petition, information available in our files, and other available published and unpublished information, and we consulted with recognized crayfish experts and other Federal and State agencies.

We identify that the primary threats to the Big Sandy crayfish are attributable to land disturbance that increases erosion and sedimentation, which degrades the stream habitat required by both species (Factor A), and to the effects of small population size (Factor E). Other contributing factors are degraded water quality and unpermitted stream dredging (Factor A). Existing regulatory mechanisms are inadequate to reduce these threats (Factor D).

On the basis of the best scientific and commercial information available, we find that the petitioned action to list the Big Sandy crayfish as an endangered or threatened species is warranted. A determination on the status of the species as an endangered or threatened species is presented below in the proposed listing determination.

Status Review Finding

Guyandotte River Crayfish

As required by the Act, we considered the five factors in assessing whether the Guyandotte crayfish is an endangered or threatened species throughout all of its range. We examined the best scientific and commercial information available regarding the past, present, and future threats faced by the Guyandotte River crayfish. We reviewed information available in our files, and other available published and unpublished information, and we consulted with recognized crayfish experts and other Federal and State agencies.

We identify that the primary threats to the Guyandotte River crayfish are attributable to land disturbance that increases erosion and sedimentation, which degrades the stream habitat required by both species (Factor A), and to the effects of small population size (Factor E). Other contributing factors are degraded water quality and unpermitted stream dredging (Factor A). Existing regulatory mechanisms are inadequate to reduce these threats (Factor D).

On the basis of the best scientific and commercial information available, we find that the Guyandotte River crayfish warrants listing as an endangered or threatened species. A determination on the status of the species as an endangered or threatened species is presented below in the proposed listing determination.

Determination

Section 4 of the Act (16 U.S.C. 1533), and its implementing regulations at 50 CFR part 424, set forth the procedures for adding species to the Federal Lists of Endangered and Threatened Wildlife and Plants. Under section 4(a)(1) of the Act, we may list a species based on (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. Listing actions may be warranted based on any of the above threat factors, singly or in combination.

As discussed above, we have carefully assessed the best scientific and commercial information and data available regarding the past, present, and future threats to the Big Sandy crayfish and the Guyandotte River crayfish. Rangewide habitat loss and degradation (Factor A) is occurring from land-disturbing activities that increase erosion and sedimentation, which degrades the stream habitat required by both species. Identified sources of ongoing erosion include active surface coal mining, commercial forestry, unpaved roads, gas and oil development, and road construction. An additional threat specific to the Guyandotte River crayfish is the operation of ORVs in and adjacent to Pinnacle Creek, the last known remaining extant population. Contributing stressors to both species include water quality degradation (Factor A) resulting from abandoned coal mine drainage; untreated (or poorly treated) sewage discharges; road runoff; unpermitted stream dredging; and potential catastrophic spills of coal slurry, fluids associated with gas well development, or other contaminants. The effects of habitat loss have resulted in a significant range contraction of the

Big Sandy crayfish to all but higher elevation habitats, and the Guyandotte River crayfish's current distribution is limited to one site with five known individuals confirmed during last survey in 2011. Existing State wildlife laws and Federal regulations such as the CWA and SMCRA are insufficient to address the threats to the species (Factor D). Additionally, the habitat of the Big Sandy and Guyandotte River crayfishes is highly fragmented, thereby isolating the remaining populations of each species (Factor E) from each other. The remaining individuals are found in very low numbers at most locations where they still exist. The single remaining population of the Guyandotte River crayfish has no redundancy and significantly reduced representation. The level of isolation and the restricted range of each species make natural repopulation of historical habitats or other new areas following previous localized extirpations virtually impossible without human intervention. The reduction in redundancy and representation for each species significantly impairs their resiliency and poses a threat to their continued existence. The interspecific competition (Factor E) from other native crayfish species that are more adapted to degraded stream conditions may act as an additional stressor to the Guyandotte River crayfish. These Factor A and Factor E threats are rangewide; are not likely to be reduced in the future; are likely to increase (*e.g.,* for Factor A, oil and gas development and road construction; for Factor E, extirpation and further isolation of populations); and are significant because they further restrict limited available habitat and decrease the resiliency of Big Sandy crayfish and Guyandotte River crayfish within those habitats.

The Act defines an endangered species as any species that is ''in danger of extinction throughout all or a significant portion of its range'' and a threatened species as any species ''that is likely to become endangered throughout all or a significant portion of its range within the foreseeable future.'' As discussed above, we find that the Big Sandy crayfish and the Guyandotte River crayfish are in danger of extinction throughout their entire ranges based on the severity and immediacy of threats currently affecting these species. For the Big Sandy crayfish, although the species still occupies sites located throughout the breadth of its historical range, the remaining sites are significantly reduced to only the higher elevations within the watersheds; the remaining habitat and populations are threatened by a variety of factors acting in combination to reduce the overall viability of the species. The risk of extinction is high because the remaining populations are small and isolated, and because there is limited potential for recolonization. For the Guyandotte River crayfish, the species has been reduced to a single site, and its habitat and population are threatened by a variety of factors acting in combination to reduce, and likely eliminate, the overall viability of the species. The risk of extinction is high because the single population is very small and isolated, and has essentially no potential to recolonize other sites. Therefore, on the basis of the best available scientific and commercial information, we propose to list the Big Sandy crayfish and the Guyandotte River crayfish as endangered species in accordance with sections 3(6) and 4(a)(1) of the Act because the threats are impacting both of the species at a high level of severity across their severely contracted ranges now, and are expected to increase into the future. All of these factors combined lead us to conclude that the threat of extinction is high and immediate, thus warranting a determination as an endangered species rather than a threatened species for both the Big Sandy crayfish and the Guyandotte River crayfish.

Under the Act and our implementing regulations, a species may warrant listing if it is endangered or threatened throughout all or a significant portion of its range. Because we have determined that the Big Sandy crayfish and the Guyandotte River crayfish are endangered throughout all of their ranges, no portion of their ranges can be ''significant'' for purposes of the definitions of ''endangered species'' and ''threatened species.'' See the Final Policy on Interpretation of the Phrase ''Significant Portion of Its Range'' in the Endangered Species Act's Definitions of ''Endangered Species'' and ''Threatened Species'' (79 FR 37577, July 1, 2014).

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness and conservation by Federal, State, Tribal, and local agencies; private organizations; and individuals. The Act encourages cooperation with the States and other countries and calls for recovery actions to be carried out for listed species. The protection required by Federal agencies and the prohibitions against certain activities are discussed, in part, below.

The primary purpose of the Act is the conservation of endangered and threatened species and the ecosystems upon which they depend. The ultimate goal of such conservation efforts is the recovery of these listed species, so that they no longer need the protective measures of the Act. Subsection 4(f) of the Act calls for the Service to develop and implement recovery plans for the conservation of endangered and threatened species. The recovery planning process involves the identification of actions that are necessary to halt or reverse the species' decline by addressing the threats to its survival and recovery. The goal of this process is to restore listed species to a point where they are secure, self-sustaining, and functioning components of their ecosystems.

Recovery planning includes the development of a recovery outline shortly after a species is listed and preparation of a draft and final recovery plan. The recovery outline guides the immediate implementation of urgent recovery actions and describes the process to be used to develop a recovery plan. Revisions of the plan may be done to address continuing or new threats to the species, as new substantive information becomes available. The recovery plan also identifies recovery criteria for review of when a species may be ready for downlisting or delisting, and methods for monitoring recovery progress. Recovery plans also establish a framework for agencies to coordinate their recovery efforts and provide estimates of the cost of implementing recovery tasks. Recovery teams (composed of species experts, Federal and State agencies, nongovernmental organizations, and stakeholders) are often established to develop recovery plans. When completed, the recovery outline, draft recovery plan, and the final recovery plan will be available on our Web site (*http://www.fws.gov/endangered*), or from the Northeast Regional Office (see **FOR FURTHER INFORMATION CONTACT**).

Implementation of recovery actions generally requires the participation of a broad range of partners, including other Federal agencies, States, Tribes, nongovernmental organizations, businesses, and private landowners. Examples of recovery actions include habitat restoration (*e.g.,* restoration of native vegetation, removal of sedimentation), research, captive propagation and reintroduction, and outreach and education. The recovery of many listed species cannot be accomplished solely on Federal lands

because they may occur primarily or solely on non-Federal lands. To achieve recovery of these species requires cooperative conservation efforts on private, State, and Tribal lands. If these species are listed, funding for recovery actions will be available from a variety of sources, including Federal budgets; State programs; and cost share grants for non-Federal landowners, the academic community, and nongovernmental organizations. In addition, pursuant to section 6 of the Act, the States of Kentucky, Virginia, and West Virginia would be eligible for Federal funds to implement management actions that promote the protection or recovery of the Big Sandy crayfish, and the State of West Virginia would be eligible for Federal funds to implement management actions that promote the protection or recovery of the Guyandotte River crayfish. Information on our grant programs that are available to aid species recovery can be found at: *http://www.fws.gov/grants.*

Although the Big Sandy crayfish and Guyandotte River crayfish are only proposed for listing under the Act at this time, please let us know if you are interested in participating in recovery efforts for these species. Additionally, we invite you to submit any new information on these species whenever it becomes available and any information you may have for recovery planning purposes (see **FOR FURTHER INFORMATION CONTACT**).

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as an endangered or threatened species and with respect to its critical habitat, if any is designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a species proposed for listing or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) of the Act requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service.

Federal agency actions within the species' habitat that may require conference or consultation or both as described in the preceding paragraph include management and any other landscape-altering activities on Federal lands administered by the U.S. Forest Service and the U.S. Army Corps of Engineers (ACOE); issuance of section 404 CWA permits by the ACOE; issuance or oversight of coal mining permits by the Office of Surface Mining (OSM); and construction and maintenance of roads, bridges, or highways by the Federal Highway Administration.

The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to endangered wildlife. The prohibitions of section 9(a)(1) of the Act, codified at 50 CFR 17.21, make it illegal for any person subject to the jurisdiction of the United States to take (which includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these) endangered wildlife within the United States or on the high seas. In addition, it is unlawful to import; export; deliver, receive, carry, transport, or ship in interstate or foreign commerce in the course of commercial activity; or sell or offer for sale in interstate or foreign commerce any listed species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to employees of the Service, the National Marine Fisheries Service, other Federal land management agencies, and State conservation agencies.

We may issue permits to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22. With regard to endangered wildlife, a permit may be issued for the following purposes: For scientific purposes, to enhance the propagation or survival of the species, and for incidental take in connection with otherwise lawful activities. There are also certain statutory exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

It is our policy, as published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of a proposed listing on proposed and ongoing activities within the ranges of species proposed for listing. Based on the best available information, the following actions are unlikely to result in a violation of section 9, if these activities are carried out in accordance with existing regulations and permit requirements; this list is not comprehensive:

(1) Normal agricultural and silvicultural practices, including herbicide and pesticide use, which are carried out in accordance with any existing regulations, permit and label requirements, and best management practices; and

(2) Surface coal mining and reclamation activities conducted in accordance with the 1996 Biological Opinion between the Service and OSM.

Based on the best available information, the following activities may potentially result in a violation of section 9 the Act; this list is not comprehensive:

(1) Unlawful destruction or alteration of the habitat of the Big Sandy crayfish or Guyandotte River crayfish (*e.g.*, unpermitted instream dredging, impoundment, water diversion or withdrawal, channelization, discharge of fill material) that impairs essential behaviors such as breeding, feeding, or sheltering, or results in killing or injuring a Big Sandy crayfish or Guyandotte River crayfish.

(2) Unauthorized discharges or dumping of toxic chemicals or other pollutants into waters supporting the Big Sandy crayfish or Guyandotte River crayfish that kills or injures individuals, or otherwise impairs essential life-sustaining behaviors such as breeding, feeding, or finding shelter.

Questions regarding whether specific activities would constitute a violation of section 9 of the Act should be directed to the appropriate office:

- Kentucky Ecological Services Field Office, 330 West Broadway, Suite 265, Frankfort, KY 40601; telephone (502) 695–0468; facsimile (502) 695–1024.
- Southwest Virginia Ecological Services Field Office, 330 Cummings Street, Abingdon, VA 24210; telephone (276) 623–1233; facsimile (276) 623–1185.
- West Virginia Field Office, 694 Beverly Pike, Elkins, WV 26241; telephone (304) 636–6586; facsimile (304) 636–7824.

Critical Habitat for the Big Sandy Crayfish and Guyandotte River Crayfish

Background

Critical habitat is defined in section 3 of the Act as:

(1) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features:

(a) Essential to the conservation of the species, and

(b) Which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Conservation, as defined under section 3 of the Act, means to use and the use of all methods and procedures that are necessary to bring an endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Critical habitat receives protection under section 7 of the Act through the requirement that Federal agencies ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by non-Federal landowners. Where a landowner requests Federal agency funding or authorization for an action that may affect a listed species or critical habitat, the consultation requirements of section 7(a)(2) of the Act would apply, but even in the event of a destruction or adverse modification finding, the obligation of the Federal action agency and the landowner is not to restore or recover the species, but to implement reasonable and prudent alternatives to avoid destruction or adverse modification of critical habitat.

Section 4 of the Act requires that we designate critical habitat on the basis of the best scientific data available. Further, our Policy on Information Standards Under the Endangered Species Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines, provide criteria, establish procedures, and provide guidance to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

Prudency Determination

Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12), require that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time the species is determined to be endangered or threatened. Our regulations (50 CFR 424.12(a)(1)) state that the designation of critical habitat is not prudent when one or both of the following situations exist: (1) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species, or (2) such designation of critical habitat would not be beneficial to the species.

There is currently no imminent threat of take attributed to collection or vandalism under Factor B for either the Big Sandy crayfish or Guyandotte River crayfish, and identification and mapping of critical habitat is not likely to increase any such threat. In the absence of finding that the designation of critical habitat would increase threats to a species, if there are any benefits to a critical habitat designation, then a prudent finding is warranted. The potential benefits of designation include: (1) Triggering consultation under section 7 of the Act, in new areas for actions in which there may be a Federal nexus where it would not otherwise occur because, for example, it is or has become unoccupied or the occupancy is in question; (2) focusing conservation activities on the most essential features and areas; (3) providing educational benefits to State or county governments or private entities; and (4) preventing people from causing inadvertent harm to the species. Therefore, because we have determined that the designation of critical habitat will not likely increase the degree of threat to these species and may provide some measure of benefit, we find that designation of critical habitat is prudent for the Big Sandy crayfish and the Guyandotte River crayfish.

Critical Habitat Determinability

Having determined that designation is prudent, under section 4(a)(3) of the Act we must find whether critical habitat for the species is determinable. Our regulations at 50 CFR 424.12(a)(2) state that critical habitat is not determinable when one or both of the following situations exist: (i) Information sufficient to perform required analyses of the impacts of the designation is lacking, or (ii) The biological needs of the species are not sufficiently well known to permit identification of an area as critical habitat.

As discussed above, we have reviewed the available information pertaining to the biological needs of these species and habitat characteristics where these species are located. Because we are seeking additional information regarding water quality conditions within the range of the Big Sandy and Guyandotte River crayfishes, updated occurrence records for both species, future climate change effects on the species' habitat, and other analyses, we conclude that the designation of critical habitat is not determinable for the Big Sandy crayfish or the Guyandotte River crayfish at this time. We will make a determination on critical habitat no later than 1 year following any final listing determination.

Required Determinations

Clarity of the Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(1) Be logically organized;

(2) Use the active voice to address readers directly;

(3) Use clear language rather than jargon;

(4) Be divided into short sections and sentences; and

(5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

We have determined that environmental assessments and

environmental impact statements, as defined under the authority of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), need not be prepared in connection with listing a species as an endangered or threatened species under the Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with tribes in developing programs for healthy ecosystems, to acknowledge that tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to tribes. We are not aware of any Big Sandy Crayfish or Guyandotte River Crayfish populations on tribal lands.

References Cited

A complete list of references cited in this rulemaking is available on the Internet at *http://www.regulations.gov* and upon request from the Northeast Regional Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this proposed rule are the staff members of the Northeast Regional Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 2. Amend § 17.11(h) by adding entries for ''Crayfish, Big Sandy'' and ''Crayfish, Guyandotte River'' to the List of Endangered and Threatened Wildlife in alphabetical order under CRUSTACEANS to read as set forth below:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*	*		*
CRUSTACEANS							
*	*	*	*	*	*		*
Crayfish, Big Sandy ...	*Cambarus callainus* ...	U.S.A. (KY, VA, WV)	Entire	E	TBD	NA	NA
*	*	*	*	*	*		*
Crayfish, Guyandotte River.	*Cambarus veteranus*	U.S.A. (WV)	Entire	E	TBD	NA	NA
*	*	*	*	*	*		*

* * * * *

Dated: March 17, 2015.

Stephen Guertin,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2015–07625 Filed 4–6–15; 8:45 am]

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Part III

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition To List Humboldt Marten as an Endangered or Threatened Species; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R8–ES–2011–0105; 4500030113]

Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition To List Humboldt Marten as an Endangered or Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 12-month petition finding.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 12-month finding on a petition to list the previously classified subspecies Humboldt marten (*Martes americana humboldtensis*), or the (now-recognized) subspecies of Humboldt marten (*Martes caurina humboldtensis*), or the Humboldt marten distinct population segment (DPS) of the Pacific marten (*M. caurina*) as an endangered or threatened species under the Endangered Species Act of 1973, as amended (Act). The petition and this finding also address populations of marten from coastal Oregon, which recent genetic analyses indicate are likely to be the same entity as the current classification of Humboldt marten. We recognize a coastal DPS of the Pacific marten (which includes coastal Oregon populations of marten and the current classification of Humboldt marten) and find that this DPS is not warranted for listing at this time. However, we ask the public to submit to us any new information that becomes available concerning the stressors that may be impacting the coastal DPS of Pacific marten or its habitat at any time.

DATES: The finding announced in this document was made on April 7, 2015.

ADDRESSES: This finding is available on the Internet at *http://www.regulations.gov* at Docket Number FWS–R8–ES–2011–0105. Supporting documentation we used in preparing this finding is available for public inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Arcata Fish and Wildlife Office, 1655 Heindon Road, Arcata, CA 95521. Please submit any new information, materials, comments, or questions concerning this finding to the above street address.

FOR FURTHER INFORMATION CONTACT: Bruce Bingham, Field Supervisor, U.S. Fish and Wildlife Service, Arcata Fish and Wildlife Office (see **ADDRESSES**); by telephone at 707–822–7201; or by facsimile at 707–822–8411. If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Acronyms and Abbreviations Used in This Document

We use many acronyms and abbreviations throughout this 12-month finding. To assist the reader, we provide a list of these here for easy reference:

Act = Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)
AR = Anticoagulant Rodenticides
BLM = Bureau of Land Management
CBD = Center for Biological Diversity
CDFG = California Department of Fish and Game (see below)
CDFW = California Department of Fish and Wildlife (formerly CDFG)
CDPR = California Department of Parks and Recreation
CESA = California Endangered Species Act
CEQA = California Environmental Quality Act
CFR = Code of Federal Regulations
DPS = Distinct Population Segment
EPIC = Environmental Protection Information Center
Forest Service = U.S. Forest Service
FR = Federal Register
GIS = Geographic Information System
HCP = Habitat Conservation Plan
HMCG = Humboldt Marten Conservation Group
IPCC = Intergovernmental Panel on Climate Change
IUCN = International Union for Conservation of Nature
LANDFIRE = Landscape Fire and Resource Management Planning Tools Project
LRMP = Land and Resource Management Plan
MDL = Multi-District Litigation
MOU = Memorandum of Understanding
MTBS = Monitoring Trends in Burn Severity
NMFS = National Marine Fisheries Service
NWFP = Northwest Forest Plan
OAR = Oregon Administrative Rules
ODF = Oregon Department of Forestry
RMP = Resource Management Plan
Service = U.S. Fish and Wildlife Service
SPR = Significant Portion of [a Species'] Range
USDA = U.S. Department of Agriculture

Background

Section 4(b)(3)(B) of the Act (16 U.S.C. 1531 *et seq.*) requires that, for any petition to revise the Federal Lists of Endangered and Threatened Wildlife and Plants that contains substantial scientific or commercial information suggesting that listing a species may be warranted, we make a finding within 12 months of the date of receipt of the petition. In this finding, we will determine that the petitioned action is: (1) Not warranted, (2) warranted, or (3) warranted, but the immediate proposal of a regulation implementing the petitioned action is precluded by other pending proposals to determine whether species are endangered or threatened, and expeditious progress is being made to add or remove qualified species from the Federal Lists of Endangered and Threatened Wildlife and Plants (''warranted but precluded''). Section 4(b)(3)(C) of the Act requires that we treat a petition for which the requested action is found to be warranted but precluded as though resubmitted on the date of such finding, that is, requiring a subsequent finding to be made within 12 months. We must publish these 12-month findings in the **Federal Register**.

Previous Federal Actions

On September 28, 2010, we received a petition dated September 28, 2010, from the Center for Biological Diversity (CBD) and the Environmental Protection Information Center (EPIC), requesting that we consider for listing the (then-classified) subspecies Humboldt marten (*Martes americana humboldtensis*), or the (now-recognized) subspecies Humboldt marten (*M. caurina humboldtensis*), or the Humboldt marten DPS of the Pacific marten (*M. caurina*). The petitioners further stipulated that, based on recent genetic analyses indicating that populations of marten from coastal Oregon (considered members of *M. a. caurina*) are more closely related to *M. a. humboldtensis* than to *M. a. caurina* in the Cascades of Oregon (citing Dawson 2008, Slauson *et al.* 2009a), the range of the subspecies or DPS of the Humboldt marten should be expanded to include coastal Oregon populations of martens. In a letter to the petitioners dated October 22, 2010, we responded that we reviewed the information presented in the petition and determined that issuing an emergency regulation temporarily listing the species under section 4(b)(7) of the Act was not warranted.

On January 12, 2012, we published in the **Federal Register** a 90-day finding (77 FR 1900) that the petition presented substantial information indicating that listing may be warranted and that initiated a status review. For purposes of the 90-day finding, the common name Humboldt marten referred to the then-classified American marten (*M. americana*) populations in coastal northern California and coastal Oregon.

On June 23, 2014, we published a scoping notice in the **Federal Register** (79 FR 35509) that summarized the uncertainty regarding the taxonomic classification of the subspecies (based on current genetics information) and indicated our intent to conduct an evaluation (for the 12-month finding) of

a potential DPS of martens in coastal northern California and coastal Oregon relative to the full species classification level.

According to section 3(16) of the Act, we may consider for listing any of three categories of vertebrate animals: A species, subspecies, or DPS (see the Service's 1996 DPS Policy at 61 FR 4722). We refer to each of these categories as a potential ''listable entity.'' We evaluated three possible listable entities for this 12-month finding based upon the best available published and unpublished information for martens in coastal northern California and coastal Oregon (for further details, please see the *Current Taxonomic Description* and *Listable Entity Evaluation and Distinct Population Segment Analysis* sections, below):

- Subspecies Humboldt marten (*Martes americana humboldtensis*): This entity was considered not reasonable for evaluation because its species-level name is no longer considered valid. Specifically, Dawson and Cook (2012, entire) split the then-classified American marten (*M. americana*) to recognize the Pacific marten (*M. caurina*) for all martens occurring west of the Rocky Mountain crest.
- Subspecies Humboldt marten (*Martes caurina humboldtensis*): This entity was considered not reasonable for evaluation because its description is (currently) specifically linked with the extant population that resides in coastal northern California and does not include the coastal Oregon populations, which the best available genetics data indicate are likely the same entity.
- DPS of the Pacific marten (*Martes caurina*): We considered it reasonable that a DPS of the Pacific marten constitute the listable entity for our status review based on our evaluations of the best scientific and commercial data currently available (including unpublished genetics information), and our consideration of the Service's February 7, 1996, Policy Regarding the Recognition of Distinct Vertebrate Population Segments Under the Endangered Species Act (DPS Policy; 61 FR 4722). As such, we considered in the scoping notice (79 FR 35509; June 23, 2014) that the DPS include the currently recognized *M. caurina humboldtensis* (*i.e.,* Humboldt marten) and the coastal populations of *M. caurina caurina* in Oregon (*i.e.,* Oregon Coast Range group). We solicited information regarding our consideration of the coastal northern California and coastal Oregon populations of Pacific marten as a single listable entity. See *Listable Entity Evaluation and Distinct Population Segment Analysis,* below, for additional discussion related to our decision that a coastal DPS of the Pacific marten (hereafter referred to as ''coastal marten'') constitutes the listable entity for this status review.

This notice constitutes the 12-month finding on the September 28, 2010, petition to list the (then-classified) subspecies Humboldt marten (*Martes americana humboldtensis*), or the (now-recognized) subspecies Humboldt marten (*M. caurina humboldtensis*), or the Humboldt marten DPS of the Pacific marten (*M. caurina*) as an endangered or threatened species.

This finding is based upon the Species Report titled ''Coastal Oregon and Northern Coastal California populations of the Pacific marten (*Martes caurina*)'' (Service, 2015) (Species Report), a scientific analysis of available information prepared by a team of Service biologists from the Service's Arcata Fish and Wildlife Office, Oregon Fish and Wildlife Office, Pacific Southwest Regional Office, Pacific Regional Office, and National Headquarters Office. The purpose of the Species Report is to provide the best available scientific and commercial information about the species so that we can evaluate whether or not the species warrants protection under the Act. In it, we compiled the best scientific and commercial data available concerning the status of the coastal Oregon and northern coastal California populations of Pacific marten, including past, present, and future threats to these populations. As such, the Species Report, including the appendix, provides the scientific basis that informs our regulatory decision in this document, which involves the further application of standards within the Act and its regulations and policies. The Species Report can be found on the Internet at *http://www.regulations.gov*, Docket No. FWS–R8–ES–2011–0105.

Current Taxonomic Description

The American marten (*Martes americana*) was originally described as a single species by Turton (1806, entire), based on specimens from eastern North America. In 1890, Merriam (1890, entire) considered a new species, *Mustela* [=*Martes*] *caurina,* to be those martens found west of the Rocky Mountains. In 1926, the Humboldt [Pine] marten (*M. c. humboldtensis*) was described as a subspecies of *Martes caurina* (Grinnell and Dixon 1926, entire); historically, this subspecies was distributed throughout the coastal, fog-influenced coniferous forests of northern California from northwestern Sonoma County north to the Oregon border (Grinnell and Dixon 1926, entire). In 1953, Wright (1953, entire) described one species, the American marten (*M. americana*), which included as subspecies both the Humboldt [Pine] marten subspecies (*M. a. humboldtensis*), and the former western marten species (*M. caurina*), classified as *M. a. caurina.*

As noted above, at the time of our 90-day finding (77 FR 1900; January 12, 2012), the Humboldt marten was classified as *Martes americana humboldtensis.* Subsequently, Dawson and Cook (2012, entire) split the American marten, recognizing the Pacific marten (*M. caurina*) for all martens occurring west of the Rocky Mountain crest, based on genetic and morphological differences. Currently, the classification of the Humboldt marten in coastal northern California is *M. c. humboldtensis,* and the marten populations occurring in adjacent coastal Oregon are *M. c. caurina.* In addition, as currently recognized, populations of martens in the Oregon Cascades northward through the State of Washington and into British Columbia, Canada, are also *M. c. caurina.*

Ongoing genetic research indicates uncertainty in the currently accepted Pacific marten subspecies delineations in California and Oregon. Specifically, the best available data indicate that the *Martes caurina humboldtensis* population in coastal northern California (Humboldt, Siskiyou, and Del Norte Counties) and the two known *M. c. caurina* populations in coastal Oregon (Curry, Coos, coastal portion of Douglas, coastal portion of Lane, Lincoln, and Tillamook Counties) are likely a single evolutionary unit (clade) (Slauson *et al.* 2009a, p. 1,340; Schwartz and Slauson 2015, pers. comm.) (as noted in the scoping notice that published in the **Federal Register** on June 23, 2014 (79 FR 35509), and was made available for review at *http://www.regulations.gov*, Docket No. FWS–R8–ES–2014–0023). Although questions regarding the taxonomy of marten subspecies in northern California and Oregon are not new (*i.e.,* both the petition we received (CBD and EPIC 2010) and our 90-day finding (January 12, 2012; 77 FR 1900) identified ongoing genetic research and taxonomic uncertainty), the best available information indicate that the original designation of two separate marten subspecies occurring in coastal northern California and coastal Oregon is likely invalid (Schwartz and Slauson 2015, pers. comm.).

Listable Entity Evaluation and Distinct Population Segment Analysis

Based on the September 28, 2010, petition, and information received both prior and subsequent to our June 23, 2014, scoping notice regarding the listable entity, we considered whether the potential coastal DPS of Pacific marten meets the definition of a DPS as described in the Service's DPS Policy (61 FR 4722; February 7, 1996).

Section 3(16) of the Act defines the term ''species'' to include ''. . . any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature.'' We have always understood the phrase ''interbreeds when mature'' to mean that a DPS must consist of members of the same species or subspecies in the wild that would be biologically capable of interbreeding if given the opportunity, but all members need not actually interbreed with each other. A DPS is a subset of a species or subspecies, and cannot consist of members of a different species or subspecies. The ''biological species concept'' defines species according to a group of organisms, their actual or potential ability to interbreed, and their relative reproductive isolation from other organisms. This concept is a widely accepted approach to defining species. The Act's use of the phrase ''interbreeds when mature'' reflects this understanding. Use of this phrase with respect to a DPS is simply intended to mean that a DPS must be comprised of members of the same species or subspecies. As long as this requirement is met, a DPS may include multiple populations of vertebrate organisms even if they may not actually interbreed with each other. For example, a DPS may consist of multiple populations of a fish species separated into different drainages. While these populations may not actually interbreed with each other, their members are biologically capable of interbreeding.

The National Marine Fisheries Service (NMFS) and the Service published a joint Policy Regarding the Recognition of Distinct Vertebrate Population Segments Under the Endangered Species Act (DPS Policy on February 7, 1996 (61 FR 4722). According to the DPS Policy, two elements must be satisfied in order for a population segment to qualify as a possible DPS: discreteness and significance. If the population segment qualifies as a DPS, the conservation status of that DPS is then evaluated to determine whether it is endangered or threatened.

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; 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 Act.

If a population is found to be discrete, then it is evaluated for significance under the DPS Policy on the basis of its 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 to 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 population represents the only surviving natural occurrence of a taxon that may be more abundant elsewhere as an introduced population outside of its historical range; or (4) evidence that the population differs markedly from other populations of the species in its genetic characteristics.

If a population segment is both discrete and significant (*i.e.,* it qualifies as a potential DPS), its evaluation for endangered or threatened status is based on the Act's definitions of those terms and a review of the factors listed in section 4(a) of the Act. According to our DPS Policy, it may be appropriate to assign different listing classifications to different DPSs of the same vertebrate taxon.

We were petitioned to list collectively two groups of the Pacific marten (two populations in Oregon and one in California) that are currently recognized as belonging to two separate subspecies (as described above). To ensure that we evaluated the most accurate listable entity based on the best scientific and commercial data currently available (including unpublished genetics information), we published a scoping notice in the **Federal Register** on June 23, 2014 (79 FR 35509), notifying the public that we considered it reasonable that a coastal DPS of the Pacific marten constitute the listable entity for our status review.

We received eight comment letters from six entities in response to our June 23, 2014, scoping notice. Four entities agreed with our proposed DPS, one was silent, and one disagreed with our evaluation of a coastal DPS of the Pacific marten as the listable entity; two entities commented twice reiterating their same positions. The commenter who disagreed with the proposed coastal DPS of the Pacific marten as the listable entity believed more information, including genetics, would be required and that the entity we proposed would not be a valid DPS according to Service criteria. Following publication of the scoping notice in the **Federal Register,** we received more genetics information (Schwartz and Slauson 2015, pers. comm.) that supports our consideration of a coastal DPS of the Pacific marten.

After taking into consideration the comments received and conducting further evaluation of the best available scientific and commercial information (including additional genetics information), we confirm here that this DPS is a listable entity, including the currently recognized *Martes caurina humboldtensis* (*i.e.,* Humboldt marten) and the coastal populations of *M. caurina caurina* in Oregon (*i.e.,* Oregon Coast Range group). This entity is reasonable given:

(1) The best available data (*e.g.,* new genetics information, similar habitat usage) suggest that the coastal northern California marten population and the coastal Oregon marten populations represent a single evolutionary entity as opposed to two separate entities (Schwartz *et al.,* In prep.). In particular, Schwartz *et al.* (In prep.) has provided substantive information (with both mitochondrial and nuclear DNA evaluations) that the marten populations occurring in coastal northern California and coastal Oregon are unique and more closely related to each other than to other groups/populations of Pacific martens, to the extent that they are diagnosably distinct from all other Pacific martens.

(2) Existing genetics information (Slauson *et al.* 2009a, entire) suggests that subspecies-level taxonomy of *M. c. humboldtensis, M. c. caurina,* and possibly other subspecies of the Pacific marten as currently classified may be inaccurate.

(3) The DPS Policy (February 7, 1996; 61 FR 4722) states that the population segment under consideration must be evaluated for discreteness and significance in relation to the remainder of the taxon to which it belongs. Ordinarily, in the present case we would evaluate the marten populations relative to the subspecies to which they belong, but the populations in question currently represent two separate subspecies and there is uncertainty as to the legitimacy of those subspecies classifications, rendering such an evaluation invalid.

(4) Uncertainty in the subspecies-level taxonomy of Pacific marten logically necessitates that we elevate our evaluation of the DPS relative to the Pacific marten at the full species level. In other words, we apply the criteria for evaluating a coastal DPS of the Pacific marten relative to the full species Pacific marten (*Martes caurina*) as a whole.

(5) The DPS Policy (February 7, 1996; 61 FR 4722) states that ''In all cases, the organisms in a population are members of a single species or lesser taxon.'' Therefore, given (1) through (4) above, an evaluation at the species level is appropriate. Consequently, for purposes of this Finding, below we evaluate the Pacific marten populations that occur in coastal Oregon and coastal northern California under our DPS Policy.

For this 12-month finding and DPS analysis of the Pacific marten populations that occur in coastal Oregon and coastal northern California, we reviewed and evaluated all available published and unpublished information, including numerous publications, reports, and other data submitted by the public. Marten distribution in coastal northern California and coastal Oregon is discussed in detail in the ''Species Distribution'' section of the Species Report titled ''Coastal Oregon and Northern Coastal California populations of the Pacific marten (*Martes caurina*)'' (Service 2015, pp. 28–32), which is available on the Internet at *http://www.regulations.gov*, Docket No. FWS–R8–ES–2011–0105.

Discreteness

Under the DPS Policy, a population segment of a vertebrate taxon 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 Act. As the marten populations in question here do not transcend an international boundary, this criterion does not apply.

As described below, the Pacific marten populations that occur in coastal Oregon and coastal northern California are markedly separated from other Pacific marten populations by geographical isolation (*i.e.,* separated by areas of unsuitable habitat), and marked genetic differences between those coastal populations (coastal Oregon and coastal northern California) and other populations of Pacific marten are evidence of this long-standing separation. The extant population in coastal northern California is separated from the Sierra marten subspecies (*Martes caurina sierrae*) by unsuitable habitat to the east in the Klamath River canyon. The coastal central Oregon extant population is separated from Pacific marten populations to the east (in the Oregon Cascade Mountains) primarily by unsuitable habitat within the Willamette Valley. Although some suitable habitat occurs between the coastal southern Oregon extant population area and the southern Cascades population of Pacific martens to the east, the distance to large blocks of suitable habitat in the southern Cascade Mountains far exceeds the mean maximum dispersal distance for martens (see discussion below). Additionally, martens that occur in coastal Oregon and coastal northern California occur in areas without significant, persistent snowpack (Slauson 2003, p. 66; Slauson *et al.,* In prep.). Mountain ranges to the east that have both unsuitable marten habitat and are covered by significant, persistent snowpack stand between the coastal Oregon and coastal northern California populations of Pacific martens and other Pacific marten populations (*e.g.,* separation of Humboldt and Sierra Nevada populations), thereby effectively isolating the coastal marten populations from other Pacific martens. East-west movements that would potentially connect Pacific marten populations in coastal Oregon and coastal northern California with inland Pacific marten populations are likely rare because:

(1) Most juvenile marten dispersal distances (that are published in literature) in both logged and unlogged forests range from less than or equal to 5 km (3.1 mi) (Broquet *et al.* 2006, p. 1,694) to approximately 15 km (9.3 mi) (Phillips 1994, pp. 93–94; Pauli *et al.* 2012, p. 393). The distance between the coastal Oregon and coastal northern California populations of Pacific martens and other Pacific marten populations to the east exceeds the likely maximum dispersal distance.

(2) Pacific martens within the three extant populations in coastal Oregon and coastal northern California likely only need to disperse short distances to establish a home range because there are typically sufficient amounts of unoccupied suitable habitat available within their natal area.

(3) Large patches of unsuitable habitat on the eastern edge of the historical range in this region would likely deter juvenile martens from moving east. As described below in the section *Summary of Species Information,* the coastal Oregon and coastal northern California populations of Pacific martens require a dense shrub understory comprised of shade-tolerant shrub species within the conifer-dominated overstory that they occupy (Zielinski *et al.* 2001, p. 485; Slauson *et al.* 2007, p. 464), and in coastal Oregon and coastal northern California, this dense shrub layer generally does not occur outside of the coastal fog-influenced areas. Thus, martens in coastal northern California and coastal Oregon are functionally isolated from other marten populations by their dependence on the dense shrub layer found in the coastal coniferous forests of this region.

The coastal Oregon and coastal northern California populations of Pacific martens are also markedly separated from other populations of the Pacific marten as evidenced by quantitative measures of genetic discontinuity. The Humboldt marten was historically distributed throughout the coastal coniferous forests of northern California from northwestern Sonoma County northward to the Oregon border (Grinnell *et al.* 1937, pp. 207–210). Recent phylogenetic analyses using mitochondrial DNA (mtDNA) support the distinctiveness of the Humboldt marten subspecies, based on the presence of distinct haplotypes shared by historical museum specimens and martens currently occupying portions of the historical range in northern coastal California (Slauson *et al.* 2009a, entire). Marten populations in coastal Oregon, which were historically described as *M. c. caurina,* also share these haplotypes, leading Slauson *et al.* (2009a, pp. 1338–1339) to suggest that martens in the Coast Range of Oregon may also be *M. c. humboldtensis.* Furthermore, preliminary results of a subspecific genetic evaluation of the Pacific marten by Schwartz *et al.* (In prep.)—using nuclear DNA (nDNA) and samples from substantially more martens than used by Slauson *et al.* (2009a)—demonstrate that the coastal Oregon and coastal northern California populations of Pacific martens are clearly distinguishable from other populations of Pacific marten on the basis of their genetic characteristics. Schwartz *et al.* (In prep.) indicate that coastal Oregon and northern coastal California marten populations represent a single evolutionary clade, calling into

question the separation of the original subspecies range boundaries (*i.e., M. c. humboldtensis* in northern coastal California and *M. c. caurina* in coastal Oregon) at the California-Oregon border. Although some low degree of introgression indicates occasional past movement of individuals between coastal and inland populations, the evidence suggests this was an infrequent occurrence (Schwartz *et al.,* In prep.); thus, the coastal Oregon and coastal northern California populations of Pacific martens are effectively genetically discrete from other populations of Pacific marten.

In summary, the best available information indicates that Pacific marten populations in coastal Oregon and coastal northern California are geographically isolated and genetically discrete from all other populations of the Pacific marten. Therefore, the marked separation condition for discreteness under our DPS Policy is met.

Significance

If a population segment is considered discrete under one or more of the conditions described in the Service's DPS Policy, its biological and ecological significance will be considered in light of Congressional guidance that the authority to list DPSs be used ''sparingly'' (see Senate Report 151, 96th Congress, 1st Session) while encouraging the conservation of genetic diversity. In making this determination, we consider available scientific evidence of the DPS's importance to the taxon to which it belongs.

Because precise circumstances are likely to vary considerably from case to case, the DPS Policy does not describe all the classes of information that might be used in determining the biological and ecological importance of a discrete population. However, the DPS Policy describes four possible classes of information that provide evidence of a population segment's biological and ecological importance (significance) to the taxon to which it belongs. This consideration of the population segment's significance may include, but is not limited to, the following:

(1) Persistence of the discrete population segment in an ecological setting unusual or unique to 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 historical range; or

(4) Evidence that the discrete population segment differs markedly from other populations of the species in its genetic characteristics.

To be considered significant, a population segment needs to satisfy only one of these conditions. Other classes of information that might bear on the biological and ecological importance of a discrete population segment may also be used as appropriate, to provide evidence for significance, as described in the DPS Policy (61 FR 4722; February 7, 1996). At least two of the significance criteria are met for the marten populations in coastal Oregon and coastal northern California. First, we find that populations of Pacific martens in coastal Oregon and coastal northern California differ markedly from other populations of the Pacific marten species in their genetic characteristics. As described above under ''Discreteness,'' the coastal Oregon and coastal northern California populations of Pacific martens are genetically distinct from all other populations of Pacific martens (Schwartz *et al.,* In prep.). As a result, loss of the marten populations from coastal Oregon and coastal northern California would result in a reduction in Pacific marten genetic diversity. Second, we find that the loss of martens from coastal Oregon and coastal northern California would result in a significant gap in the range for the Pacific marten. The coastal populations of martens in California and Oregon represent the only coastal populations of Pacific martens in these States and inhabit a habitat association unique from other non-coastal marten populations—that is, areas consisting of occasional, non-persistent snowpack (below 914 meters (m) (3,000 feet (ft)) with a mesic, shade-tolerant shrub layer (understory) within coastal coniferous forest habitat (see ''Life History'' section of the Species Report). The requirement of this dense (greater than 70 percent cover), shrubby understory is particularly unusual for martens, and is a unique habitat association not described elsewhere in the distribution of either Pacific martens or American martens in North America (Slauson *et al.,* In prep.(a)). The coastal Oregon and coastal northern California populations of Pacific martens are also the only martens known to utilize coastal serpentine habitat and dune forest habitat distributed on coastal terraces. These genetic differences and the evidence that a significant gap in the range of the taxon would result from the loss of the discrete population segment both individually satisfy the significance criterion of the DPS Policy. Therefore, under the Service's DPS Policy, we find that the populations of Pacific martens in coastal Oregon and coastal northern California are significant to the taxon to which they belong.

Conclusion of DPS Analysis Regarding Pacific Martens in Coastal Oregon and Coastal Northern California

As stated above under *Current Taxonomic Description,* the best available scientific and commercial information suggests that the coastal Oregon populations of Pacific marten (*Martes caurina caurina*) are likely the same entity as the currently classified Humboldt marten (*M. c. humboldtensis*). We find that the coastal Oregon and coastal northern California populations of Pacific martens collectively constitute a valid DPS under the Service's DPS Policy because this population segment is both discrete and significant to the taxon to which it belongs. We therefore consider the coastal Oregon and coastal northern California populations of Pacific martens collectively as the ''coastal DPS of the Pacific marten,'' which constitutes the listable entity for this status review. Throughout this document when we use the term ''coastal marten,'' we are using this term as shorthand for the coastal DPS of the Pacific marten.

Summary of Species Information

A thorough review of the taxonomy, life history, biophysical environment, habitat use, distributions, and population abundance/trends of the coastal DPS of Pacific marten is presented in the Species Report (Service 2015, pp. 1–40) available on the Internet at *http://www.regulations.gov*, Docket No. FWS–R8–ES–2011–0105). A summary of this information is presented below. We used data specific to coastal marten populations when they were available; when such information was lacking, we relied on information regarding North American martens in general (American or Pacific martens), and have made these distinctions in the text that follows.

Life History

Two species of marten, divided into 14 total subspecies, inhabit North America. Collectively, North American martens are characterized by the long and narrow body type typical of the mustelid family (Mustelidae; *e.g.,* weasels, minks, otters and fishers), overall brown pelage (fur) with distinctive coloration on the throat and upper chest that varies from orange to yellow to cream, large and distinctly

triangular ears, and a bushy tail that is proportionally equivalent to about 75 percent of the body length (Clark *et al.* 1987, p. 2; Powell *et al.* 2003, p. 636).

Marten activity patterns coincide with their prey species availability. Specifically, martens are active year-round and seasonally adjust their activity patterns to synchronize with those of their key prey species (Zielinski *et al.* 1983, pp. 387–388). Overall, the diet of North American marten species is dominated by mammals, but birds, insects, and fruits are seasonally important (Martin 1994, pp. 298–301). Diet analysis for the coastal marten is currently limited to scats collected from the coastal northern California population during summer and fall, and includes mammals, berries, birds, and reptiles (Slauson and Zielinski, In prep.). Sciurid (members of the squirrel family) and cricetid rodents (*i.e.,* New World rats and mice) dominate the coastal marten's diet, with the most frequent prey species being chipmunks (*Tamias* spp.) and red-backed voles (*Myodes californicus*), and, to a lesser extent, Douglas squirrels (*Tamiasciurus douglasii*) and flying squirrels (*Glaucomys sabrinus*) (Slauson and Zielinski, In prep.).

Information on coastal marten reproduction and survivorship is lacking; therefore our analysis is based on knowledge of North American martens in general, which are polygamous mammals. Female martens mate no sooner than 15 months of age and first litters are produced no sooner than 24 months of age (Strickland *et al.* 1982, p. 601). Mating occurs from late June to early August (Markley and Bassett 1942, pp. 606–607), and females give birth in March and April (Strickland *et al.* 1982, p. 602). Female martens are capable of producing from one to five kits per litter, but the modal average is two to three (Strickland and Douglas 1987, p. 602; Mead 1994, p. 410). Information is not available on the average number of young raised to weaning, the average number of young recruited into the population per female, or the effects of annual variation in environmental conditions and prey populations on kit survival. Regarding longevity, captive Pacific martens are known to reach 15 years of age (Clark *et al.* 1987, p. 3); however, data from American marten individuals in the wild in the Algonquin Region of Ontario, Canada, indicate that 10 percent (of 2,076 females trapped) were more than 5 years old (Strickland and Douglas 1987, p. 535). Finally, age structure of coastal martens has not been studied, although the best available information from an untrapped population of Pacific martens in the Sierra Nevada mountains indicates relatively consistent proportions of yearling and adult age classes (Slauson *et al.,* In prep.(a)).

Juvenile dispersal of the American marten is generally thought to occur as early as August, although fall, winter, and spring (the year after birth) dispersal periods have been reported (Clark and Campbell 1976, p. 294; Slough 1989, p. 993). Juvenile dispersal in coastal northern California and Sierra Nevada martens has been observed to occur as early as August and continues at least until the following summer season (Slauson and Zielinski 2014, unpubl. data). Information is not available regarding the timing of juvenile dispersal for coastal martens in Oregon. Pauli *et al.* (2012, p. 393) found that Pacific and American martens exhibit similar dispersal distances, averaging 15.5 km (9 mi). Most studies find that the majority of juvenile martens disperse relatively short distances to establish home ranges, ranging from less than or equal to 5 km (3.1 mi) (Broquet *et al.* 2006, p. 1,694) to approximately 15 km (9.3 mi) (Phillips 1994, pp. 9394; Pauli *et al.* 2012, p. 393). However, Broquet *et al.* (2006, p. 1695) also describe juvenile martens as capable of covering long distances during dispersal, up to 82 km (50 mi) in their study. Other researchers have reported instances of dispersal movements by martens ranging from 40 to 80 km (25 to 50 mi) (Thompson and Colgan 1987, pp. 831–832; Fecske and Jenks 2002, p. 310), up to 149 km (93 mi) or even 160 km (100 mi) in distance (Slough 1989, p. 993; Kyle and Strobeck 2003, p. 61). Based on minimal genetic structuring of marten populations in a heavily harvested forest landscape, Kyle and Strobeck (2003, pp. 60–61) suggested that habitat fragmentation may not necessarily impede marten movement to the degree formerly understood. However, Kyle and Strobeck (2003, p. 65) also caution that smaller scale disturbances may still act as partial barriers to marten gene flow. Johnson (2008, pp. 33–36) found that juvenile martens traveled slower, shorter distances, and suffered twice the mortality risk in logged versus unlogged landscapes. Therefore, the best available information suggest that landscape condition (*e.g.,* the spatial distribution of unlogged and logged stands) has important effects on dispersal dynamics, affecting both the distance dispersers can travel and the success rate they have in establishing home ranges and surviving to adulthood.

Intraguild predation and interspecific competition occurs naturally within the range of the coastal DPS of Pacific marten. Intraguild predation refers to killing and eating of potential competitors that utilize the same prey resources. Interspecific competition is a form of competition in which individuals of a different species compete for the same resource in an ecosystem (as opposed to intraspecific competition that involves organisms of the same species). Martens are susceptible to predation by larger mammalian and avian predators, typically habitat-generalist species, including coyote (*Canis latrans*), red fox (*Vulpes vulpes*), bobcat (*Felis rufus*), fishers (*Pekania pennanti*), and great horned owl (*Bubo virginianus*) (Thompson 1994, p. 276; Lindstrom *et al.* 1995, entire; Bull and Heater 2001, p. 4; McCann *et al.* 2010, p. 11). Marten predators may vary depending on the quality of the habitat. For example, American marten populations in highly altered forest landscapes show higher rates of predation by habitat generalist carnivores (and lower annual survival rates) than those in less-altered forest landscapes (Thompson 1994, p. 278)). Because marten populations are strongly influenced by adult and juvenile survivorship (Buskirk *et al.* 2012, p. 89), predation of martens can have a meaningful effect on abundance and population growth rates. Additional discussion on predation as a stressor on the coastal marten is provided below in Summary of Information Pertaining to the Five Factors.

Habitat Description

The preferred habitat type for the coastal DPS of Pacific marten occurs in some of the most productive forests in the world. In unmanaged, late-seral stages, these forests are typically composed of long-lived, large trees, with multi-layered canopy structure, substantial large woody debris (standing and downed), and abundant ferns, herbs, and shrubs on the forest floor (Sawyer *et al.* 2000, entire; Chappell *et al.* 2001, entire; Sawyer 2007, entire; DellaSala *et al.* 2011, entire). The forests are largely coniferous and typically dominated by coast Douglas-fir (*Pseudotsuga menziesii menziesii*), western hemlock (*Tsuga heterophylla*), and Sitka spruce (*Picea sitchensis*) in Oregon, and redwood (*Sequoia sempervirens*) and coast Douglas-fir in California (Ricketts *et al.* 1999, entire; Sawyer 2007, entire). Higher elevation areas also include sub-dominant conifers such as western red cedar (*Thuja plicata*), Port Orford-cedar (*Chamaecyparis lawsoniana*), grand fir (*Abies grandis*), sugar pine (*Pinus lambertiana*), and white fir (*Abies*

concolor) (Chappell *et al.* 2001, entire; Sawyer 2007, entire). Hardwood-dominated stands are uncommon, although hardwood species such as tanoak (*Notholithocarpus densiflorus*), golden chinquapin (*Chrysolepis chrysophylla*), and Pacific madrone (*Arbutus menziesii*) are common canopy subdominants. Red alder (*Alnus rubra*) can occur as an early successional overstory dominant in the uplands in some near-coast locations or post-logging sites. Riparian forests are dominated by broadleaf species such as red alder, black cottonwood (*Populus trichocarpa*), bigleaf maple (*Acer macrophyllum*), and mesic shrub species such as vine maple (*A. circinatum*).

A dense understory of shrubs and herbaceous plants are a key habitat requirement for the coastal marten (see ''Habitat Use'' section of the Species Report (Service 2015, pp. 18–27)). Species presence and dominance is shaped largely by the combination of soil nutrients and moisture, with herbaceous species such as sword fern (*Polystichum munitum*) dominating on nitrogen rich or very moist sites, and evergreen shrubs such as Pacific rhododendron (*Rhododendron macrophyllum*) and salal or wintergreen (*Gaultheria* sp.) dominating on nutrient poor or drier sites (Chappell and Kagan 2001, entire). Other dominant or co-dominant understory shrub species include evergreen huckleberry (*Vaccinium ovatum*), salmonberry (*Rubus spectabilis*), red huckleberry (*Vaccinium parvifolium*), and in serpentine habitats (see description below) dwarf tanbark (*Notholithocarpus densiflorus* var. *echinoides*) and huckleberry oak (*Quercus vaccinifolia*) (Jimerson *et al.* 1996, pp. A13–A15; Sawyer *et al.* 2000, entire; Chappell *et al.* 2001, entire). Many of the dominant shrub species are adapted to fire by having lignotubers, which are basal swellings at the interface between the roots and shoots usually just below the soil surface, allowing these species to quickly sprout after fire kills the shoots and thus maintain site dominance (Agee 1993, p. 133).

Two additional, rare forest habitats are of particular relevance to coastal martens: Coastal serpentine and coastal dune forest. Forests in serpentine habitats are typically open and rocky with stunted trees that contrast sharply with the dense, rapidly-growing stands on more productive, non-serpentine soils that surround these sites (Jimerson *et al.* 1995, pp. A8–A31). Martens are not known to occupy these more open, drier, interior areas. However, on the extreme coastal edge of the serpentine habitats that occur in coastal northern California and coastal Oregon, increased moisture and summer fog supports dense, spatially-extensive shrub layers; coastal martens have been found in this wetter variant of coastal serpentine habitat in both Oregon and California. The serpentine communities used by coastal martens are composed of a variety of coniferous trees, such as Douglas-fir, sugar pine, lodgepole pine (*Pinus contorta*), western white pine (*P. monticola*), Jeffrey pine (*P. jeffreyi*), knobcone pine (*P. attenuatta*), and Port Orford-cedar, and are dominated by mast-producing shrubs such as dwarf tanbark, huckleberry oak, and red huckleberry (Jimerson *et al.* 1995, p. C1; Slauson 2003, pp. 5, 9, 13). The coastal dune forest communities where coastal martens have been found are predominantly in coastal Oregon and are typically dominated by shore pine (*P. contorta contorta*), the coastal form of lodgepole pine, and in some areas co-dominated by Sitka spruce occurring in stabilized dunes on marine terraces. Although martens have been found in these less-common habitat types, it is important to note that the more extensive dominant forest types (*i.e.,* coastal coniferous forests) support the majority of the historical marten distribution in coastal Oregon and coastal northern California.

Coastal martens select habitat at four primary spatial scales: Micro-scale (resting and denning structures), stand-scale, home range, and landscape-scale (facilitating movement, occupancy, and population dynamics).

(1) Micro-scale—Rest structures are used daily by martens between foraging bouts to provide thermoregulatory benefits and protection from predators (Taylor and Buskirk 1994, pp. 253–255). Reuse rates for individual rest structures are low and selection for structure type changes seasonally to meet thermoregulatory needs (*e.g.,* Spencer 1987), such that multiple resting structures meeting seasonal requirements are required across the home range. Large-diameter live trees, snags, and logs provide the main types of resting structures for martens (Spencer *et al.* 1983, pp. 1182–1185; Schumacher 1999, pp. 26–58; Slauson and Zielinski 2009, pp. 41–42). Denning structures used by female martens to give birth to kits are called natal dens, and the subsequent locations where they move their kits are referred to as maternal dens. Ruggiero *et al.* (1998, pp. 665–669) found that both the characteristics of the den structures and the characteristics of the stands in which they were found influenced den-site selection. This is likely due to the importance of high-quality foraging habitat in close proximity to den sites, allowing females to simultaneously maximize the energy they gain from foraging during lactation and minimize the time spent away from kits, especially when they are dependent on their mothers for thermoregulation. The most common den structures used by Pacific and American martens are large-diameter, live and dead trees with cavities (Thompson *et al.* 2012, p. 223).

(2) Stand-scale—Martens select forest stands that provide habitat structure supporting one or more life history needs that include foraging, resting, or denning. Coastal martens in California most strongly selected stands of old-growth, conifer-dominated forests with dense shrub layers (Slauson *et al.* 2007, pp. 464–465). Other than the late-mature developmental stage, which was used in proportion to its availability, stands in earlier developmental stages were selected against (Slauson *et al.* 2007, pp. 462–464). These old-growth and late-mature stands most often were dominated by Douglas-fir overstory, but also had mature hardwood understories composed of either tanoak or golden chinquapin. Shrub layers were dense (greater than 70 percent cover), spatially extensive, and dominated by evergreen huckleberry, salal, and rhododendron (Slauson *et al.* 2007, p. 465). The majority of detections of martens in coastal southern Oregon share these same stand characteristics (Zielinski *et al.* 2001, p. 485).

(3) Home Range—Pacific and American martens exhibit strong habitat selection at the home range scale, suggesting that this scale of selection most directly influences an individual's fitness (Thompson *et al.* 2012, p. 210). Martens establish home ranges to encompass their year-round resource needs and, during the breeding season, gain access to members of the opposite sex. Marten home ranges are often positioned to maximize high-quality habitat (typically greater than 70 percent high-quality, late-successional forest (reviewed in Thompson *et al.* 2012, p. 218)) and to minimize low-quality habitat (*e.g.,* recent clear cuts, partial harvest) (Phillips 1994, pp. 59–60). Females, due to their solitary role raising young, have unique needs that require access to suitable den sites located near reliable and nearby prey resources to support the energetic demands of lactation and providing food for kits. In coastal northern California, Slauson and Zielinski (2014, unpubl. data) found 97 percent (38 of 39) of the female within-home-range resting and active locations occurred in the core old-growth and late-mature

riparian habitat patches. In comparison, 77 percent (30 of 39) of the male within-home-range resting and active locations occurred in the core old-growth and late-mature riparian habitat patches (Slauson and Zielinski 2014, unpubl. data). Also of note is that there is an inverse relationship between the amount of high-quality habitat and marten home range size (*i.e.,* as the amount of high-quality habitat decreases, home range size increases) (Thompson 1994, p. 276; Potvin and Breton 1997, p. 462; Fuller and Harrison 2005, pp. 715–719).

(4) Landscape-scale—The pattern and composition of habitat at this scale affects: (a) The ability of martens to successfully disperse and find suitable home ranges; (b) survival and species occurrence over time and space; and (c) ultimately, population size and persistence. Successful dispersal requires the existence of functional habitat connectivity between patches of habitat suitable for reproduction to maintain or expand population size and distribution. Also, during dispersal, martens use a search strategy that is not random or linear, suggesting they are responding to habitat cues and that landscape pattern likely influences movement trajectories (Johnson 2008, pp. 27–29, 36–39). Compared to other species closely associated with late-successional forest, American and Pacific marten populations, including the coastal marten, are sensitive to the loss or fragmentation of high-quality habitat at the landscape scale. For example, martens exhibit a progression of responses to timber harvest as the proportion of habitat affected by intensive logging activities increases. Such activities include, but are not limited to, clear cutting (see review in Thompson *et al.* 2012), partial harvest (Potvin *et al.* 2000, pp. 851–854; Fuller and Harrison 2005, pp. 715–716; Godbout and Ouellet 2008, pp. 336–338), and shelterwood cutting (Ellis 1998, p. 41–49). As a result, the combination of habitat loss and fragmentation of remnant suitable habitat effectively lowers the density of martens by reducing the number of home ranges that can be supported (Thompson 1994, p. 276).

Historical and Current Distribution of Coastal Martens and Suitable Habitat

At the time of European settlement, the coastal marten occurred in all coastal Oregon counties and the coastal northern counties of California within late-successional coniferous forests. The majority of historical (pre-1980) verifiable marten detections (*i.e.,* occurrence records supported by direct physical evidence such as tracks, photographs, and carcasses) were within the fog-influenced coastal coniferous forest as opposed to interior forests (Grinnell and Dixon 1926, p. 413). Specifically, Slauson and Zielinski (2007, p. 241) reported 83 percent of the coastal northern California marten historical records occurring less than 25 km (15 mi) from the coast and no records occurring greater than 35 km (22 mi) from the coast, while our analysis (see Service 2015, pp. 6, 31) revealed greater than 90 percent of the coastal Oregon marten historical records occurring closer to the coast than to the interior portions of the coastal marten's range. Historical abundance of coastal martens is unknown. However, as is typical of mammalian carnivores, coastal martens likely never occurred in high densities.

Unregulated fur trapping occurred throughout the coastal marten's historical range, and by the late 1920s, few marten were captured where they were once considered relatively abundant (Zielinski and Golightly 1996, entire). A marked decline in the number of coastal marten harvested in coastal northern California led to the closure of marten trapping in northwestern California in 1946. In Oregon, marten fur trapping remains legal Statewide. Historical fur trapping is thought to have resulted in a significant contraction of coastal marten distribution and the extirpation of coastal marten from large portions of its historical range. Although we can make conclusions about the general historical distribution of coastal martens, information on historical population size is not available, thus precluding an accurate assessment of the impact of unregulated trapping on coastal marten population abundance.

Due to the lack of surveys for coastal martens, little information is available regarding their current distribution; this is particularly true for coastal Oregon. We do know, however, that there are at least three extant populations of coastal martens, one in coastal northern California, one in coastal southern Oregon, and one in coastal central Oregon, as described in detail below, and we have information regarding the extent of suitable habitat that is currently available to coastal martens throughout their range. It is therefore possible that coastal martens may occur in any of these areas of suitable habitat that have not been surveyed, or have been surveyed only sporadically. Here we briefly describe the areas of suitable habitat available to coastal martens.

Slauson *et al.* (In prep.(b)) developed a landscape habitat suitability model that we used to assess how much suitable habitat is currently available to coastal martens. The model was developed by identifying the combination of environmental, topographic, disturbance history, and vegetation variables that best described the distribution of marten detection/non-detection survey data. Specifics regarding model development and variables can be found in the ''Current Landscape Habitat Suitability'' section of the Species Report (Service 2015, pp. 26–27). The model categorizes the landscape into low, medium, and high suitability classes representing the relative probability of marten occupancy of habitat at the landscape scale.

Model results indicate that approximately 41 percent of the coastal marten's historical range contain suitable habitat (described as low, medium, and high suitability habitat) for coastal martens (see ''Current Landscape Habitat Suitability'' section of the Species Report). The model identified approximately 59 percent of the remaining lands within the historical range of the coastal marten to be unsuitable, which includes (but is not limited to) forested habitat that is not utilized by martens (*e.g.,* heavily managed timber lands), urban and suburban developments, and agricultural lands. However, it is important to note that, for the purposes of this analysis, we considered ''low suitability habitat'' as defined in this model to be ''unsuitable'' when examining the current and long-term stressors to the coastal marten and its habitat into the future. In other words, in evaluating stressors to the coastal marten and its habitat, we considered only areas that provide moderate- to high-suitability habitat as identified by the model. We came to this conclusion based on feedback from the species experts (Slauson *et al.,* In prep.(a)) who indicate that these ''low suitability habitat'' areas currently have a low probability of coastal marten occurrence. Including these areas as suitable habitat for the purposes of this analysis would bias the amount of actual suitable habitat present both currently and in the future.

Much of the coastal marten's historical habitat has been lost. Extensive logging of old-growth redwood habitat in coastal northern California began in the late 1800s, and coincided with unregulated fur trapping. Late-successional coniferous forests in coastal Oregon were also extensively harvested in the early 1900s. Currently, less than 5 percent of the redwood forests existing at the time of European settlement remain within the

historical range of the coastal marten in coastal northern California (Save the Redwoods League 2015, no page number). Based on the best available information, much of the coastal coniferous forest habitat in both States, especially within a few miles of the coast, appears to be currently owned (in general) by either private industrial timber companies or smaller land owners, and managed for timber production.

Within the coastal marten's historical range, the majority of remaining late-successional coniferous forests suitable for the coastal marten is within national forests, and national and State parks. Where martens are known to occur, relatively high amounts of moderate- to high-suitability habitat are still found, and much of this habitat occurs in areas that are managed for the maintenance or enhancement of late-successional forest conditions that are beneficial to coastal martens. For example, approximately 71, 79, and 90 percent of the total available suitable habitat on Federal lands in the coastal central Oregon, coastal southern Oregon, and coastal northern California population areas, respectively, occur within the Northwest Forest Plan (NWFP) Federal reserve lands, which are designed to retain and accelerate the development of late seral characteristics. Currently, the largest contiguous blocks of suitable coastal marten habitat occur within the Six Rivers National Forest in the extreme northern portion of the historical range in California, and in the adjacent Siskiyou portion of the Rogue River-Siskiyou National Forest in the southern portion of the historical range in Oregon. Large blocks of suitable habitat also occur in coastal central Oregon on the Siuslaw National Forest. Little suitable habitat is currently found in the southern half of the historical range in California. In the coastal northern portion of the historical range in Oregon, suitable habitat is limited to a narrow band along the coast. Finally, in the area between the Siskiyou and Siuslaw National Forests in the historical range in Oregon, there is some limited amount of suitable habitat on BLM ownership. Habitat conditions specific to each of the known extant population areas of coastal martens are discussed below.

Distribution and Abundance of Current Known Extant Populations

There are three known extant populations of coastal martens in coastal central Oregon, coastal southern Oregon, and coastal northern California, according to the best available scientific and commercial data (Figure 1; see section 8.1.2 (Delineation of Extant Population Areas) of the Species Report (Service 2015, p. 32)). These populations have been described as disjunct (*e.g.,* Slauson and Zielinski 2009, pp. 35–36). Survey effort has been limited in some portions of the coastal marten's range, however. Therefore, it is unknown whether additional coastal martens may be found in areas that have not yet been surveyed. In addition, a few coastal marten verifiable detections occur outside these three population areas, but these martens are currently not considered part of any known viable population (Slauson *et al.,* In prep.(a)). Surveys for martens have occurred in much of the California portion of the historical range and suitable interior habitat in southwestern Oregon, although minimal survey effort has occurred in coastal central Oregon and no surveys have occurred in coastal northern Oregon (see Figure 8.2 in the Species Report).

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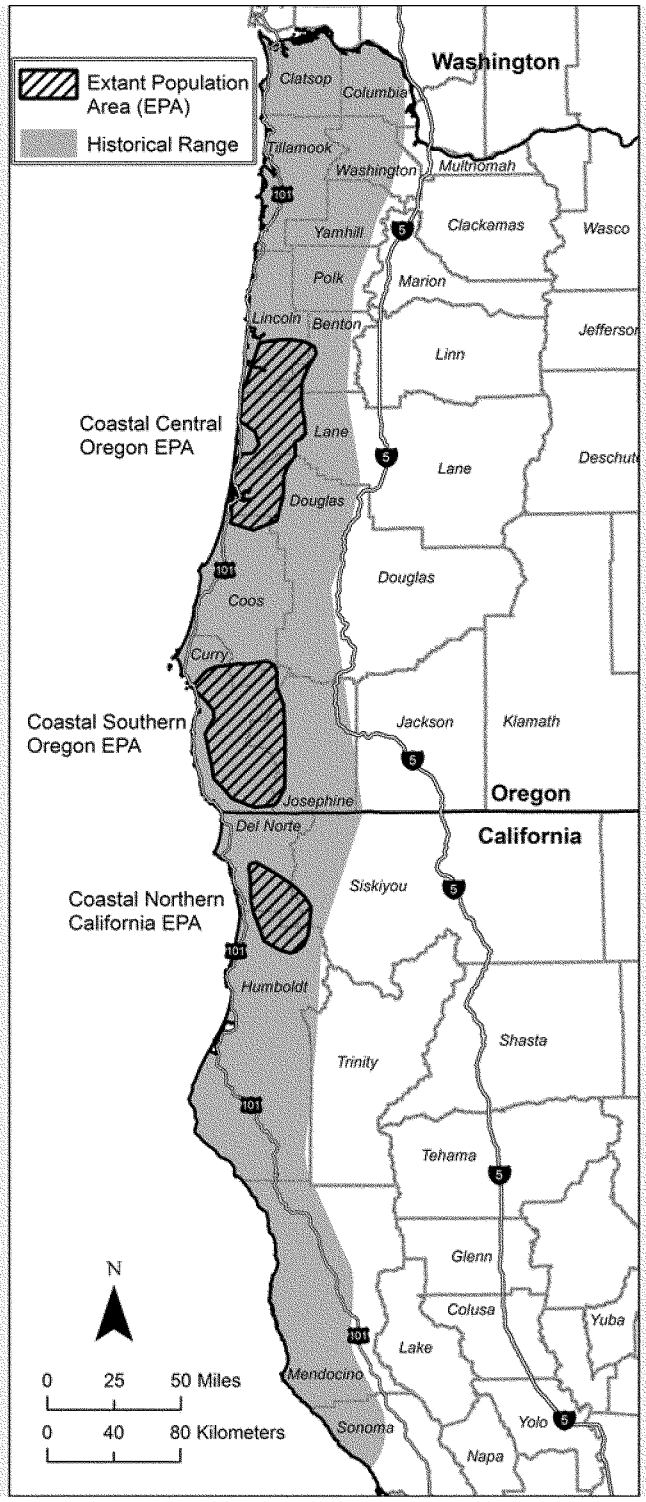

Figure 1— Analysis area showing historical range and extant population areas for coastal Oregon and northern coastal California populations of the Pacific marten (*Martes caurina*)

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Coastal Central Oregon Extant Population Area

This 4,150-km² (1,602-mi²) population area includes all coastal-draining watersheds from the Umpqua River north to the Yaquina River in Lincoln, Benton, western Lane, western Douglas, and northwestern Coos Counties. Lands within this extant population area are owned/managed by Siuslaw National Forest (41 percent), private landowners (40 percent), Bureau of Land Management (BLM; 10 percent), and Oregon Department of Forestry (ODF) and Oregon State Parks (9 percent). A total of approximately 2,348

km² (907 square miles (mi²); 56 percent) of the extant population area contains moderate- and high-suitability habitat (Service 2015, p. 33) for coastal martens. Of the currently available moderate- and high-suitability habitat, 23 percent is in private ownership and 71 percent is in Federal ownership, and 71 percent of the Federal lands are in Reserves, which are managed for late-seral characteristics (Service 2015, p. 76). The best available information suggests that most of the private forest land is owned by private, industrial timber companies (Lettman 2011, p. 33).

This population area comprises approximately 20 percent coastal marten habitat of high suitability, 36 percent of moderate suitability, 22 percent of low suitability (which has low probability of coastal marten occurrence currently and into the future), and 21 percent unsuitable (Slauson *et al.,* In prep.(b)). In total, suitable marten habitat composes 78 percent of the population area. However, we note that the model (which used data from northwest California and southwest Oregon) generated suitable habitat values for this population area that did not include coastal dune habitat, which is considered suitable for coastal martens based on visual observations and the presence of several verifiable marten detections (Slauson *et al.,* In prep.(a)). Thus the amount of potentially suitable habitat for coastal martens identified by the habitat model is an underestimate for this population area.

Population abundance information is not available for the coastal central Oregon population of coastal martens. Although only a single station had been surveyed in this population area since the late 1980s, presence/absence surveys began in this area in the summer of 2014. One marten was detected in 2014 (Slauson *et al.* 2014, unpubl. data), and six more were detected in January and February 2015; as of the time of this publication, surveys in this area are ongoing (Moriarty 2015, pers. comm.). The area surveyed represents only about 4 percent of the currently delineated coastal central Oregon population area described herein, and 2014 was the first year of survey effort in this area. Based on the results to date and the availability of suitable habitat in this area, it is likely that more martens will be detected in this area as surveys continue.

Abundance or trend information is not available for any populations of coastal martens in Oregon. Although researchers note that martens in this area have likely declined relative to their historical condition, they cite to insufficient historical or contemporary data to allow evaluation of the status of martens in the coastal mountain ranges of central and northern Oregon (Zielinski *et al.* 2001, p. 486). There are no data available for estimating current population abundance or trend for the coastal central Oregon population, and although survey efforts recently began in this area, data from these surveys will only be informative in terms of establishing presence or absence of coastal martens. Zielinski *et al.* (2001, pp. 486–487) could only suggest that marten numbers may be relatively low on the northern Oregon coast, based on the absence of reported road kills along coastal Highway 101 in this area, in contrast to several road-killed martens reported from the same highway in central Oregon. In sum, although coastal martens have likely declined relative to their historical abundance due to the past effects of overtrapping and timber harvest (Zielinski *et al.* 2001, p. 487), there are no empirical data on which to base an estimate of either current population abundance or trend of martens on the central Oregon coast.

Coastal Southern Oregon Extant Population Area

This 4,696-km² (1,813-mi²) population area includes Chetco River, Pistol River, south Fork Rough and Ready Creek, and the North Fork Smith River watersheds in Curry, western Josephine, and southern Coos Counties. Lands within this population area are owned/managed by Rogue River-Siskiyou National Forest (78 percent), private landowners (13 percent), BLM (8 percent), and ODF (less than 1 percent). A total of approximately 3,641 km² (1,406 mi²; 78 percent) of the extant population area contains moderate- and high-suitability habitat (Service 2015, p. 35). As stated above for the coastal central Oregon population area, present moderate- and high-suitability habitat on private lands is expected to be harvested or not likely to retain late-seral characteristics into the future. Of the currently available moderate- and high-suitability habitat in the coastal southern Oregon population area, 10 percent is private ownership and 90 percent is Federal ownership, and 79 percent of the federally managed lands are Federal Reserves, which are managed for late-seral characteristics (Service 2015, p. 76). The best available information suggests that most of the private forest land is owned by private, industrial timber companies (Lettman *et al.* 2011, p. 33).

This population area comprises approximately 52 percent coastal marten habitat of high suitability, 26 percent of moderate suitability, 17 percent of low suitability, and 5 percent unsuitable (Slauson *et al.,* In prep.(b)). In total, suitable marten habitat composes 95 percent of the population area.

Similar to the situation for the coastal central Oregon population, described above, population abundance information is not available for the coastal southern Oregon population of coastal martens. Although extensive grid-based surveys (which are used to estimate marten abundance or presence/absence) have not been conducted for this population, grid-based surveys began in this area in the summer of 2014. No coastal martens were detected in 2014 (Slauson *et al.* 2015, unpubl. data), but surveys just beginning at the time of this publication have yielded a single marten detection (Moriarty 2015, pers. comm.). The area surveyed represents only a small portion of the currently delineated coastal southern Oregon population area described herein, and 2014 represented the first year of survey effort in this area. At this time, similar to the coastal central Oregon population area, there are no empirical data on which to base an estimate of either current population abundance or trend of martens on the southern Oregon coast.

Coastal Northern California Extant Population Area

This 812-km² (313-mi²) population area includes the south Fork of the Smith River, Blue Creek, Bluff Creek, Camp Creek, Cappell Creek, Pecwan Creek, Slate Creek, and Rock Creek (Siskiyou County, north of Orleans, California) watersheds in Del Norte, northern Humboldt, and western Siskiyou Counties. Lands within this population area are owned/managed by the U.S. Forest Service (Forest Service) (Klamath National Forest and Six Rivers National Forest; 65 percent); the Yurok Tribe of the Yurok Reservation, California (Yurok Tribe; 23 percent); private landowners, primarily Green Diamond Resource Company (11 percent); and Redwood National and State Parks (1 percent). A total of approximately 656 km² (253 mi²; 81 percent) of the extant population area contains moderate- and high-suitability habitat (Service 2015, p. 75). Currently present moderate- and high-suitability habitat on private lands is expected to be harvested or not likely to retain late-seral characteristics into the future. Of the currently available moderate- and high-suitability habitat in the coastal northern California population area, 11 percent is private ownership and 77

percent is Federal ownership, and 90 percent of the federally managed lands are Federal Reserves, which are managed for late-seral characteristics (Service 2015, p. 75). The best available information suggests that most of the private land is owned by private, industrial timber companies (Service 2014, unpubl. data).

This population area comprises approximately 67 percent coastal marten habitat of high suitability, 14 percent of moderate suitability, 7 percent of low suitability, and 12 percent unsuitable (Slauson *et al.,* In prep.(b)). In total, suitable marten habitat composes 88 percent of the population area.

As reported in 1996 by Zielinski and Golightly (1996, entire), this coastal northern California population has apparently recovered from numbers that were once so low (in the 50 years prior to 1995) that it was considered to be extremely rare or extinct. Martens in coastal northern California were first surveyed to estimate abundance in 2000–2001, and again in 2008 (Slauson *et al.* 2009b, p.11) and 2012 (Slauson *et al.* 2014, unpubl. data). A total of 31.5 martens (95 percent confidence interval = 24–40) were estimated for 2000–2001, and 20.2 martens (95 percent confidence interval = 11–30) were estimated for 2008, which represents a 42 percent decline in occupancy between those two time periods (Slauson *et al.* 2009b, pp. 10, 11). In 2012, all locations sampled in 2008 were resampled (Slauson *et al.,* In prep.(a)). Preliminary occupancy estimates for the 2012 sampling were similar to results from 2008 (Slauson *et al.,* In prep.(a)), suggesting no further changes in marten population abundance in northern coastal California between 2008 and 2012. Slauson *et al.* (2009b, p. 13) advised that these population estimates should be considered minimum estimates because the sampling area did not fully cover all potentially occupied habitats; therefore, they suggested more realistic population estimates should be doubled (*i.e.,* 60 coastal martens in 2000–2001, and 40 in 2008). Based on these samples, Slauson *et al.* (2009b, p. 13) concluded that as of 2008, it was likely that the entire coastal northern California population of martens contained fewer than 100 individuals. As noted above, subsequent survey efforts in 2012 indicated no further changes in estimated population size since that time; therefore, the best available data (preliminary estimates from surveys in 2012) suggest that the current population estimate for the coastal northern California population is similar to the estimate for 2008 (*i.e.,* fewer than 100 individuals).

Summary of Information Pertaining to the Five Factors

Section 4 of the Act (16 U.S.C. 1533) and implementing regulations (50 CFR 424) set forth procedures for adding species to, removing species from, or reclassifying species on the Federal Lists of Endangered and Threatened Wildlife and Plants. Under section 4(a)(1) of the Act, a species may be determined to be an endangered or threatened species based on any of the following five factors:

(A) The present or threatened destruction, modification, or curtailment of its habitat or range;

(B) Overutilization for commercial, recreational, scientific, or educational purposes;

(C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or

(E) Other natural or manmade factors affecting its continued existence.

In making this finding, information pertaining to the coastal DPS of the Pacific marten in relation to the five factors provided in section 4(a)(1) of the Act is discussed below. In considering what factors might constitute threats to a species, we must look beyond the mere exposure of the species to a particular factor to evaluate whether the species may respond to that factor in a way that causes actual impacts to the species. If there is exposure to a factor but no response, or only a positive response, that factor is not a threat. If there is exposure and the species responds negatively, the factor may be a threat and we then attempt to determine if that factor rises to the level of a threat, meaning that it may drive or contribute to the risk of extinction of the species such that the species warrants listing as an endangered or threatened species as those terms are defined in the Act. However, the identification of factors that could impact a species negatively is not sufficient to compel a finding that the species warrants listing. The information must include evidence sufficient to suggest that these factors are operative threats that act on the species to the point that the species meets the definition of an endangered or threatened species under the Act.

Potential stressors that may impact coastal martens in coastal Oregon and coastal northern California include actions that may affect marten individuals or populations (*i.e.,* trapping (for fur and research purposes), predation, disease, collision with vehicles, and exposure to toxicants) and actions that may lead to the loss, degradation, or fragmentation of suitable marten habitat (*i.e.,* wildfire, climate change, vegetation management, and development). To provide a temporal component to our evaluation of potential stressors (*i.e.,* impacts into the future), we first determined whether we had data available that would allow us to reasonably predict the likely future impact of each specific stressor over time. Where such data were available, we made predictions of future conditions over a period of time specific to that stressor (*i.e.,* wildfire, climate change, as described below). If we did not have such stressor-specific data available, we used IUCN's standard 3-generation timeframe to assess risk (International Union for Conservation of Nature (IUCN) 2014, pp. 14–21). Using a calculated marten generation time of 5 years (see the Species Report for more information on calculating marten generation time), this translated to a timeframe of 15 years, which we used in analyzing the foreseeable future for the majority of the stressors discussed below. This time period allows for analysis of multiple generations of coastal martens over a reasonable time period, as opposed to examining further into the future where assumptions or extensive uncertainty would not allow meaningful projections of potential future impacts.

To assess the stressor of wildfire, we used a longer future period consisting of 30 years based on more extensive data available regarding wildfires from the past approximate 30 years. This information was used to predict the future equivalent level of expected fire frequency, size, and severity. Using a longer foreseeable future timeframe for wildfire better incorporates the range of fire-related activity that may occur within the coastal Oregon and coastal northern California population areas. To assess the stressor of climate change, we used a longer foreseeable future period of 40–50 years, which coincides with the model projection timeframes available for climate change (*e.g.,* changes in temperature and precipitation) in coastal Oregon and coastal northern California. Climate projections beyond this approximate time period diverge with increasing uncertainty (see, *e.g.,* Lenihan *et al.* 2008, pp. 16–17), including uncertainties in the magnitude and timing, as well as regional details, of predicted climate change, especially at smaller scales (IPCC 2015, no page number), which is why we cannot reliably project future climate change effects beyond this timeframe.

A thorough review of each of the potential stressors is presented in the Species Report (Service 2015, pp. 41–78), which is available on the Internet

at *http://www.regulations.gov*, Docket No. FWS–R8–ES–2011–0105. A summary of this information is presented below.

Each potential stressor was evaluated to determine the likely impact to coastal martens or their habitat.

- A low-level impact indicates: (1) Individual martens in one or more populations may be impacted, but not at the population level; or (2) minimal loss, degradation, or fragmentation of suitable habitat.
- A medium-level impact indicates: (1) Individual martens in one or more populations are being impacted, likely resulting in a population-level impact; or (2) moderate loss, degradation, or fragmentation of suitable habitat.
- A high-level impact indicates: (1) Individual martens in one or more populations are being impacted, likely resulting in a significant population-level impact; or (2) significant loss, degradation, or fragmentation of suitable habitat.

Factor A—The Present or Threatened Destruction, Modification, or Curtailment of the Species' Habitat or Range

Wildfire

Wildfire can impact individual coastal martens directly through mortality (Factor E); however, fires generally kill or injure a relatively small proportion of animal populations, particularly if they are mobile (Lyon *et al.* 2000, pp. 17–20), and the best available data do not indicate that wildfire is causing loss of individual martens. If direct mortality of individual martens occurs, we expect the impact to be discountable because martens are capable of rapid evacuation from an approaching fire, and adequate suitable habitat likely exists within their extant population areas to establish a new home range (provided the majority of the suitable habitat within the extant population area is not subjected to an overly large, high-severity wildfire).

Wildfire is a major disturbance force of habitat within the range of the coastal marten in all but the wettest coastal forests and thus has been analyzed in terms of its effect on coastal marten habitat. Wildfire can affect the composition and structural characteristics of the forest communities at multiple spatial and temporal scales. Fire severity is often expressed in categories of high, medium, or low severity, as well as mixed severity. High-severity fire, also called stand-replacing fire, kills all or nearly all vegetation within a stand and may extend across a landscape (Jain *et al.* 2012, p. 47). Medium-severity fire refers to fire that is intermediate in its effects between high-severity and low-severity fire; for example, a fire may kill scattered clumps of overstory trees within a stand. Low-severity fire burns at ground-level and does not kill most overstory trees, although it may consume understory vegetation and downed woody debris (Jain *et al.* 2012, p. 47). Finally, mixed-severity fire includes patches of low-severity fire and patches of high-severity fire (Jain *et al.* 2012, p. 47).

Regional moisture gradients result in wildfires occurring more frequently with increasing distance from the coast and farther south in the coastal marten's range. The effect of fire on coastal marten habitat varies from high-severity fires that consume much or all of the structural features (*e.g.,* large trees, snags, logs) that are important elements of suitable coastal marten habitat, requiring centuries to regrow, to low-severity fires that burn only the dense, shade-tolerant shrub layer preferred by the coastal marten (Slauson *et al.* 2009b, p. 11). The shrub layer likely takes 1 to 2 decades to regrow to suitable size and density, depending on its fire resistance and adaptive response to disturbances (Slauson 2014, pers. comm.). However, some low-severity fires may burn ground cover without burning the dense, shade-tolerant shrub layer preferred by the coastal marten. Wildfires within the range of the coastal marten often burn at mixed severities (Landscape Fire and Resource Management Planning Tools Project (LANDFIRE) 2008a; LANDFIRE 2008b; LANDFIRE undated(a)), with some areas within the fire perimeter burning at a high severity, resulting in stand replacement, and other portions burning at low severity, resulting in the loss of only ground vegetation. Fire effects are complex; therefore, potential impacts of future wildfires on coastal marten suitable habitat are difficult to predict.

Historical fire records indicate that, compared to the coastal central Oregon population area, the coastal northern California and coastal southern Oregon population areas (including adjacent or intervening areas) have experienced larger and more severe wildfires (Monitoring Trends in Burn Severity (MTBS; 2013, entire), both also experiencing many small (less than 0.4 hectares (ha) (1 acre (ac)) fires. The potential for severe, stand-replacing wildfire has increased in some areas where fire suppression and regeneration timber harvest (*i.e.,* the intent to develop a new stand/forest) have played a role in raising fuel load to levels that place late-successional forest at increased risk (Forest Service and BLM 1994b, pp. 3, 4–49). Although fire suppression is known to contribute to the severity of wildfire in some areas, within at least parts of coastal northern California and coastal southern Oregon, fire suppression has had little effect on altering the structure and composition of the dominant forest types and has not caused an increase in high-severity fire compared to the historical patterns (Odion *et al.* 2004, pp. 933–935; Miller *et al.* 2012, p. 200). In other words, the period of fire suppression may not be long enough to manifest such effects in coastal forest types where the return intervals for high-severity, stand-replacing fires are on the order of centuries (*e.g.,* Veirs 1982, pp. 132–133; Oneal *et al.* 2006, pp. 82–87).

The best available historical fire information and the more xeric nature (*i.e.,* environment containing little moisture) of the interior within the Klamath Ecoregion indicate that future loss, degradation, or fragmentation of moderate- and high-suitability coastal marten habitat from wildfires will likely result in a greater impact in the coastal southern Oregon and coastal northern California populations as compared to the coastal central Oregon population. However, the more coastal climate where most martens occur may have an ameliorating effect (*e.g.,* increased humidity, reduced temperatures) on fires, reducing the size of fires in the coastal area compared to those more characteristic of the rest of the Klamath Ecoregion. Historical data between 1984 and 2012 indicate that wildfires burned approximately 17 percent and 42 percent of the combined moderate- and high-suitability coastal marten habitat within the coastal northern California and coastal southern Oregon population areas, respectively, with a few large fires responsible for the majority of burned suitable habitat (MTBS 2013, entire). We note that these wildfires burned at varying levels of severity; in other words, although some suitable habitat was lost as a result of the wildfires, varying levels of suitable habitat remain throughout the population areas, with moderate- and high-suitability habitat remaining within the wildfire perimeters after the fires were extinguished (Service 2014, unpubl. Geographic Information System (GIS) analysis).

It is possible that fire frequency, size, and severity may increase in the future within coastal Oregon (both central and southern) and coastal northern California, based on projected increases in temperature and decreased precipitation (see ''Climate Change,'' below), with potentially greater

increases within coastal southern Oregon and coastal northern California based on the history of wildfire within these portions of the coastal marten's range. In contrast, little moderate- and high-suitability coastal marten habitat has burned (historically, between 1984 and 2012) within and adjacent to the coastal central Oregon population area (MTBS 2013, entire). Large, stand-replacing fires occur infrequently (at intervals greater than 200 to 250 years) within coastal central Oregon (Impara 1997, p. 92; Long *et al.* 1998, p. 786; Long and Whitlock 2002, p. 223l; LANDFIRE 2008a). In general, most fires that have recently occurred within the range of coastal marten have burned at mixed severity (*e.g.,* LANDFIRE 2008a; LANDFIRE 2008b; LANDFIRE undated(a)), resulting in some areas burning at a lower intensity with loss of only ground or shrub understory vegetation, and retaining of a portion of the moderate- and high-quality habitat within the fire perimeters.

In our initial development of the Species Report, we identified an overall low-level impact across the northern portion of the coastal marten's range, and a medium-level impact across the southern portion of the coastal marten's range (see section 9.2.3.1 in the Species Report). These overall impact levels were based on the probability of occurrence of a wildfire over a 15-year time period. When considering historical fire data over a 30-year time period to predict the future equivalent level of expected fire frequency, size, and severity (see Appendix A in the Species Report), the overall level of impact (*i.e.,* probability of occurrence of a wildfire) is potentially the same. However, this impact level estimate does not take into account the historical fire data (*e.g.,* LANDFIRE 2008a; LANDFIRE 2008b; LANDFIRE undated(a)) that show most wildfires burned at low severity and retained moderate- and high-quality habitat post-fire.

Based on the analysis contained within the Species Report and summarized above, we expect that within the range of the coastal marten, the incidence of wildfire in the future will be similar to that recorded for 1984 to 2012. We note, however, that high-severity fires have been infrequent in the past and are considered to remain infrequent, overall, into the future. Our expectation is that fire frequency, size, and severity in the future will be fairly similar (or slightly higher in some areas based on climate change predictions). Based on these 30 years (*i.e.,* 1984–2012) of data, we can reasonably estimate these effects will continue with the same approximate level of impact into the next 30 years as has occurred over the previous 30 years (*i.e.,* mixed severity wildfires will likely occur although most will be low severity and retain some moderate- and high-quality habitat post-fire); thus, we predict that, overall, these impacts do not rise to the level of a threat. We base this conclusion on:

(1) The persistence of moderate- and high-quality habitat that has remained following recent large wildfires (*i.e.,* wildfires that have burned at mixed severities (LANDFIRE 2008a; LANDFIRE 2008b; LANDFIRE undated(a)), which have not resulted in extensive stand-replacement within the coastal marten's range.

(2) The overall continued presence of relatively moist habitat conditions for coastal marten habitat, primarily along the western coast, including overall cooler, moist summer conditions that moderate the dry conditions that promote fire ignition and spread.

(3) Information indicating that parts of coastal northern California and coastal southern Oregon have experienced fire suppression with little effect on altering the structure and composition of the dominant forest types, and no increase in high-severity fire compared to the historical patterns (Odion *et al.* 2004, pp. 933–935; Miller *et al.* 2012, p. 200).

Climate Change

''Climate'' refers to the mean and variability of weather conditions over time, with 30 years being a typical period for such measurements, although shorter or longer periods also may be used (Intergovernmental Panel on Climate Change [IPCC] 2013, p. 1,450). The term ''climate change'' thus refers to a change in the mean or variability of one or more measures of climate (*e.g.,* temperature or precipitation) that persists for an extended period, typically decades or longer, whether the change is due to natural variability, human activity, or both (IPCC 2013, p. 1,450). A recent synthesis report of climate change and its effects is available from the IPCC (IPCC 2014, entire).

Changes in climate may have direct or indirect effects on species. These effects may be positive, neutral, or negative, and they may change over time, depending on the species and other relevant considerations, such as interactions of climate with other variables (*e.g.,* habitat fragmentation, fire frequency) (IPCC 2007, pp. 8–14, 18–19). Typically, expert judgment and appropriate analytical approaches are used to weigh relevant information, including uncertainty, in various aspects of climate change.

Global climate projections are informative, and in some cases, the only scientific information available. However, projected changes in climate and related impacts can vary substantially across and within different regions of the world (*e.g.,* IPCC 2007, pp. 8–12). Therefore, we use ''downscaled'' projections (see Glick *et al.* 2011, pp. 58–61, for a discussion of downscaling) when they are available and have been developed through appropriate scientific procedures, because such projections provide higher resolution information that is more relevant to spatial scales used for analyses of a given taxon. For this analysis across the range of the coastal marten, downscaled projections are used in addition to some regional climate models that provide higher resolution projections using a modeling approach that differs from downscaling. The geographic region of the projections is the southern terminus of temperate rainforests of the North American continent, which encompasses the range of the coastal marten.

Climate throughout the range of the coastal marten is projected over the next approximately 40 to 50 years to become warmer, and in particular summers will be hotter and drier, with more frequent heat waves (Pierce *et al.* 2013, p. 848; Cayan *et al.* 2012, p. 10; Salathé *et al.* 2010, p. 69; Tebaldi *et al.* 2006, pp. 191–200; Hayhoe *et al.* 2004, p. 12423). However, the northern portion of the coastal marten's range will likely experience winters that may become wetter, although warmer temperatures may result in an overall water deficit (Pierce *et al.* 2013, p. 848; Cayan *et al.* 2012, p. 10; Salathé *et al.* 2010, p. 69; Tebaldi *et al.* 2006, pp. 191–200; Hayhoe *et al.* 2004, p. 12423). The coastal marten's currently suitable habitat may be affected by climate change to some extent. At this time, nearly all models for the coastal northern California and coastal southern Oregon population areas predict shifts in vegetation type over time from conifer forest to mixed-conifer hardwood forest, as well as shifts toward woodland and chaparral, with some shifts predicted to be observable by 2030, but most by the end of the century (roughly 2070 through 2099) (Whitlock *et al.* 2003, p. 16; Rehfeldt *et al.* 2006, p. 1143; Lenihan *et al.* 2008, p. 20; Doppelt *et al.* 2009, p. 7; Littell *et al.* 2011, pp. 11–12; Shafer *et al.* 2010, pp. 180–181; Littell *et al.* 2013, pp. 113–115). The predicted extent and nature of these shifts and the potential rate of change vary greatly, depending on

potential emissions scenarios, assumptions (for example, in how various plant species are likely to respond to changes in temperature, precipitation, and carbon dioxide concentration), and variables incorporated into the models. Despite these differences, most models produce qualitatively similar forecasts of the impacts of potential future climates on ecosystem distribution, function, and disturbances (Shafer *et al.* 2010, p. 179). Although climate models have become increasingly sophisticated, the simulated future response of ecosystems remains subject to great uncertainty due to a number of factors, especially over longer timeframes (see, *e.g.,* Lenihan *et al.* 2008, pp. 16–17). In sum, although there is general agreement in the direction and nature of changes anticipated, models continue to have limitations which lead to uncertainties in the magnitude and timing, as well as regional details, of predicted climate change, especially at smaller scales (IPCC 2015, no page number) Thus, although we anticipate the coastal marten's currently suitable habitat may be affected by climate change to some extent, there is a high level of uncertainty regarding the nature of any such effects and the likelihood and timing of their occurrence.

In coastal central and northern Oregon, models also project shifts by the end of this century in vegetation type from maritime conifer forest toward mixed conifer-hardwood and deciduous forests, although models differ in the extent of this change (Whitlock *et al.* 2003, p. 16; Rehfeldt *et al.* 2006, p. 1143; Lenihan *et al.* 2008, p. 20; Doppelt *et al.* 2009, p. 7; Littell *et al.* 2011, pp. 11–12; Shafer *et al.* 2010, pp. 180–181; Littell *et al.* 2013, pp. 113–115). These shifts in future vegetation type may lead to range shifts for the coastal marten, although information is not available to indicate how rapidly this may occur. It is important to note that studies of climate change present a range of effects including some that indicate conditions could remain suitable for coastal martens. For example, in areas with stable or increasing total precipitation, overall warmer temperatures are expected to result in a decreased snowpack ((Cayan *et al.* 2012, pp. 20–21; Littell *et al.* 2011, p. 60; Salathé *et al.* 2010, pp. 66–68; Hayhoe *et al.* 2004, p. 12423), which would result in increased availability of habitat for coastal martens at higher elevations, as well as increased availability of prey during the winter months (Service 2015, p. 7). Overall, it is not clear how finer-scale abiotic factors may shape local climates and influence local vegetation trends either to the benefit or detriment of coastal martens, nor is the timeframe clear over which these influences may be realized.

We note that redwood forest habitat within coastal national and State parks to the west of the coastal northern California population area may remain suitable for coastal martens even with projected changes in climate (based on a moderate emissions scenario within 50 years; DellaSala 2013, entire). However, to reach this coastal redwood habitat, martens would need to traverse many kilometers of unsuitable habitat (*i.e.,* industrial timberlands). Martens actively select against these areas that do not have protective overstory cover; however, limited movement across unsuitable habitat areas may occur. In contrast, coastal martens currently occurring within the drier, interior portions of the coastal southern Oregon population area could migrate into other suitable habitat to the west as climate change alters the more interior habitat; a natural, westward migration is possible due to a lack of significant physical barriers to east-west movements within that region.

Overall, studies of climate change present a range of effects on vegetation, including some that indicate conditions could remain suitable for coastal martens in portions of the coastal range; furthermore, the severity of potential impacts to coastal marten habitat will likely vary across the range, with effects to coastal martens potentially ranging from negative, neutral, or beneficial. Thus, the Species Report described an estimated range of low- to medium-impact for this stressor for coastal southern Oregon and coastal northern California (Service 205, pp. 67–72). Modeling projections are done at a large scale, and effects to species' habitat can be complex, unpredictable, and highly influenced by local-level biotic and abiotic factors. Although many climate models generally agree about the changes in temperature and precipitation, the consequent effects on vegetation are more uncertain, as is the rate at which any such changes might be realized. Therefore, it is not clear how or when changes in forest type and plant species composition will affect the distribution of coastal marten habitat. How any such changes may in turn affect coastal marten populations is even more uncertain. Thus, uncertainty exists when determining the level of impact climate change may have on coastal marten habitat. Consequently, at this time and based on the analysis contained within the Species Report and summarized above, we have determined that we do not have reliable information to indicate that climate change is a threat to coastal marten habitat now or in the future, although we will continue to seek additional information concerning how climate change may affect coastal marten habitat.

Vegetation Management

Vegetation management includes activities such as timber harvest, thinning, fuels reduction, and habitat restoration, which can result in the temporary or permanent loss, degradation, or fragmentation of suitable coastal marten habitat. Once lost, structural elements found in suitable coastal marten habitat that are required for denning and resting (such as large diameter live trees, snags, and logs) require more than a century to develop (Slauson and Zielinski 2009, p. 43). Slauson (2014, pers. comm.) anticipates that loss of the dense, shade-tolerant shrub layer required by the coastal marten would take 1 to 2 decades to regrow.

Historically, vegetation management activities (particularly large-scale harvest of late-successional coniferous forest habitat) reduced the amount and distribution of suitable coastal marten habitat. At the present time, although the reduction and fragmentation of some suitable coastal marten habitat is expected to continue, the majority of suitable habitat for coastal martens is currently secure and expected to increase in the future. Habitat loss and degradation is expected to be realized primarily on private lands, which constitute a relatively small proportion of the suitable habitat available to martens in the three extant population areas (23 percent in coastal central Oregon, 10 percent in coastal southern Oregon, and 11 percent in coastal northern California). In contrast, most suitable marten habitat is in Federal ownership (71 percent in the coastal central Oregon population area, 90 percent in the coastal southern Oregon population area, and 77 percent in the coastal northern California population area), and the majority of those lands are in reserve allocations under the NWFP, which are managed for the maintenance or development of late-successional forest characteristics (71 percent of Federal lands in reserves in coastal central Oregon, 79 percent of Federal lands in reserves in coastal southern Oregon, and 90 percent of Federal lands in reserves in coastal northern California). We therefore expect not only the maintenance but further recruitment of suitable coastal marten

habitat on Federal reserve lands over time.

Some vegetation management activities (such as thinning, fuels reduction projects, and habitat restoration) have the potential to improve habitat suitability for the coastal marten in the long term by minimizing loss of late-successional stands due to wildfires and accelerating the development of late-seral characteristics (Zielinski 2013, pp. 419–422). This has been suggested for a similar mustelid, the fisher, where such activities may be consistent with maintaining landscapes that support fishers in the long term and sometimes even the short term, providing treatments retain appropriate habitat structures, composition, and configuration (Spencer *et al.* 2008, entire; Scheller *et al.* 2011, entire; Thompson *et al.* 2011, entire; Truex and Zielinski 2013, entire; Zielinski 2013, pp. 17–20). Thus, it is reasonable to assume that these types of projects could increase the long-term, overall amount, distribution, and patch size of suitable coastal marten habitat, although some short-term degradation, loss, or fragmentation of suitable coastal marten habitat may occur in the interim.

On lands managed for industrial timber harvest, the past and current practice of managing coastal coniferous forests on a short-rotation system (40–60 years) to maximize wood production has reduced the complexity of the shrub and herb layers, which are important components of suitable marten habitat. These management practices have also precluded development of late-successional forest characteristics that are important to the coastal marten (such as large diameter logs, snags, and trees). Short-rotation forestry is prevalent on private lands, whereas only a small fraction of forested Federal lands (*i.e.,* ''matrix'' lands as defined under the NWFP) may be used for timber harvest.

Due to current and expected future intensive timber-harvesting activities, we do not anticipate that private lands would support viable marten populations or maintain important habitat elements in the future. Instead, the coastal marten relies on (and our analysis considers) the maintenance of suitable coastal marten habitat on Federal and State lands as the key element to support the long-term viability of coastal marten populations. Of the coastal marten suitable habitat within the three extant population areas, from 71 to 90 percent is on Federal lands and in reserve status under the NWFP, much of which is managed specifically for the development of late-successional characteristics that will be beneficial for coastal martens. Specifically, and at present:

(1) In the coastal central Oregon extant population area, 79 percent of the habitat is considered suitable for coastal martens (56 percent moderate to high suitability). Approximately 71 percent of the moderate- to high-suitability habitat occurs within Federal ownership, and 71 percent of that is Federal Reserve land.

(2) In the coastal southern Oregon extant population area, 95 percent of the habitat is considered suitable for coastal martens (78 percent moderate to high suitability). Approximately 90 percent of the moderate- to high-suitability habitat is in Federal ownership, and 79 percent of that is Federal Reserve land.

(3) In the coastal northern California extant population area, 87 percent of the habitat is considered suitable habitat for coastal martens (81 percent moderate to high suitability). Approximately 77 percent of that is in Federal ownership, and 90 percent of that is Federal Reserve land.

A small proportion of the moderate- and high-suitability habitat occurs on Federal matrix lands (*i.e.,* lands as defined under the NWFP that are used for timber harvest). The rate of loss of late-successional and old-growth forest on Federal lands due to timber harvest has declined substantially since the implementation of the NWFP (Mouer *et al.* 2011, entire). Although the NWFP does not recognize marten habitat as a forest class or condition, late-successional old growth forest likely includes a subset of coastal marten habitat (if the necessary dense shrub layer is present).

Based on the analysis contained within the Species Report and summarized above, including the proportion of moderate- and high-suitability coastal marten habitat available and the favorably managed forested lands (primarily Federal Reserves) within each extant population area, we consider ongoing vegetation management to have a low impact on the loss, degradation, or fragmentation of suitable coastal marten habitat across the range of the DPS both currently and into the future. We note that loss of suitable habitat (primarily low-quality suitable habitat) is expected to continue to occur into the future on private lands within all three population areas, potentially to a greater extent in the coastal central Oregon population area due to a larger percentage of privately-owned timber lands within that population area. For the entire range, we considered vegetation management as a low-level impact on moderate and high suitability marten habitat for Federal lands, which constitute a majority of the extant population areas, have longer harvest rotations, and retain more structural features on the subset of that area in matrix, or where habitat will be retained on lands in Federal Reserves. In addition, because of the extent of Federal reserve land allocations that are designed to maintain and develop late-successional conditions, an unquantifiable amount of suitable habitat for coastal martens is expected to develop in the future. Overall, potential impacts from vegetation management do not rise to the level of a threat given the extensive beneficial land management practices expected to continue into the future (15 years) on public lands.

Development

Some impacts to suitable habitat are expected to occur within the range of the coastal marten as a result of development activities such as road building, dam construction and creation of new reservoirs, conversion of forest habitat for agricultural use, development and expansion of recreational areas (*e.g.,* golf courses, campgrounds, and trails), urban expansion, and rural development. Should these types of disturbances occur, they would likely result in the further loss, degradation, or fragmentation of suitable habitat. However, if these activities occur into the future, only a small amount of habitat may be impacted rangewide based on our evaluation of the best available data at this time because most of the potential development is expected on private lands that afford the coastal marten little suitable habitat to begin with. In addition, many of the areas that provide suitable habitat for coastal martens are areas of challenging topography that are not conducive to intensive or large-scale development.

In Oregon, the greatest rates of change from resource land use to more developed use occurred prior to 1984, before implementation of county land-use plans and land-use planning laws (Oregon Administrative Rule 660–015–00) that limit the conversion of designated resource lands, including forest lands, to other uses (Lettman *et al.* 2011, p. 16). These laws encourage intensified development in areas already urbanizing, while limiting development in more rural areas (Lettman *et al.* 2009, p. 4; Lettman *et al.* 2011, p. 9). Consequently, conversion of non-Federal forest land has been limited in Oregon, with 98 percent of all non-Federal forest, agricultural, and range

lands in the State in 1974 remaining in those uses in 2009 (Lettman *et al.* 2011, p. 11). Virtually all land-use change during this time occurred on private land (Lettman *et al.* 2011, p. 11). However, development of private land within 1.6 km (1 mi) of Federal forest land is increasing, which can affect management along the periphery of adjacent Federal lands, such as increasing the need for fuel treatments on public lands to protect structures on adjacent private lands (Lettman *et al.* 2009, pp. 33–34; Azuma *et al.* 2013, pp. 1–2). Development of Federal forest lands in California and Oregon, however, is expected to be limited given past history (*e.g.* Lettman *et al.* 2011, p. 11 for Oregon) and the management mandates of the land management agencies.

Based on the analysis contained within the Species Report and summarized above, and similar to the vegetation management discussion above, we estimate that development has a low impact on the loss, degradation, or fragmentation of suitable coastal marten habitat across the range of the DPS both currently and into the future, and thus does not rise to the level of a threat. If development occurs, the frequency and amount of habitat impacted may be greater in the coastal central Oregon population area as opposed to the other two population areas due to a larger percentage of privately-owned timber lands within the coastal central Oregon population area. However, as exhibited over the past 30 years, any loss is expected to be small.

Factor B—Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Trapping

Trapping for Fur

Historical unregulated fur trapping (prior to the 1930s) of coastal martens is considered by researchers as the likely cause of the marked contraction in coastal marten distribution. Legal marten fur trapping in coastal northern California ended in 1946. However, fur trapping remains legal and has continued in Oregon, and the number of martens harvested in coastal Oregon counties has declined since the 1940s (Zielinski *et al.* 2001, p. 482), although it is not known whether trapping effort remained unchanged over this time period. By the 1970s, martens were considered rare along the Oregon coast (Zielinski *et al.* 2001, p. 483; Mace 1970, pp. 13–14; Maser *et al.* 1981, pp. 293–294). A total of 36 martens were harvested within coastal Oregon counties between 1969 and 1995 (Verts and Carraway 1998, p. 409). This harvest level excludes Lane and Douglas Counties because a substantial area of these counties is outside the DPS and fur trapping is only reported at the county level. The most recent data indicate that three coastal martens were trapped within coastal Oregon during the 2013 fur trapping season (Oregon Department of Fish and Wildlife, unpublished data). Overall, based on these data, the number of martens trapped in coastal Oregon has averaged fewer than two animals a year in recent decades. The fur trapping effort for martens in Oregon is relatively minimal; the Oregon Department of Fish and Wildlife reports that few trappers, generally from 4 to 8, trap for marten anywhere in the State in any given year. Most recent harvests of martens are from the Cascades and Blue Mountain Ranges; harvest of martens in the Coast Range is extremely rare (Hiller 2011, p. 17). Any potential population impacts of removing individual coastal martens as a result of fur trapping are difficult to estimate due to a lack of population size estimates in both Oregon population areas. The best available data indicate, however, that relatively few martens are removed from coastal populations as a result of fur trapping in Oregon, and we have no evidence to suggest that these populations may be in decline as a consequence of fur trapping.

Based on the analysis contained within the Species Report and summarized above, we consider the legal fur trapping of coastal martens as having no overall impact to the population in coastal northern California, as there is no legal fur trapping for martens in that State. Fur trapping effort for martens in Oregon is relatively minimal, and most martens harvested are not trapped in the coast ranges. We estimate a low- to medium-level of impact to the two extant populations in coastal Oregon, reflecting the uncertainty regarding the size of those populations. We estimate that the impacts of fur trapping on coastal martens in Oregon will continue at a similar level, both currently and into the future, because the best available data do not suggest that either fur trapping effort or impacts are likely to change. Additionally, of note for California, we expect that nearly all coastal martens that are accidentally captured in box traps (body-gripping traps are illegal in California) set for other furbearer species, or that are live-trapped for research purposes, will be released unharmed. As a result of this best available information for Oregon and California, we have determined that fur trapping, overall, does not have a significant population-level impact across the DPS's range and does not rise to the level of a threat.

Trapping for Research Purposes

Based on the analysis contained within the Species Report, we consider the potential impacts of live-trapping and handling for research purposes on coastal marten populations as discountable. We came to this conclusion based on the limited distribution of marten research projects in the three extant population areas (currently only a single project in the western half of the coastal northern California population area where no martens were injured or killed during live-trapping), and based on the strict trapping and handling protocols that must be adhered to by coastal marten researchers to ensure the safety of study animals. Available information does not suggest that there would be any change to the level of anticipated impacts of live-trapping and handling for research purposes into the future, and, therefore, we find that the potential impacts to the coastal marten from trapping for research purposes do not rise to the level of a threat.

Factor C—Disease or Predation

Disease

Numerous pathogens (*e.g.,* canine distemper, canine parvovirus, toxoplasmosis) are known to cause severe disease in mustelids. Infected domestic dogs that are allowed to roam within an extant marten population area could expose martens to lethal pathogens. Fur trappers could capture an infected carnivore (*e.g.,* marten, fisher, gray fox, bobcat) and inadvertently spread the disease to martens through contaminated traps. Marten researchers could also transfer lethal pathogens within and between extant population areas if traps and track-plate boxes are not disinfected after exposure to any carnivore species, including coastal martens.

An outbreak of a lethal pathogen within any of the three extant coastal marten populations could occur. Several serious pathogens have been detected in the related fisher less than 9 km (5.6 mi) from the nearest verifiable marten detection within the coastal northern California population (Brown *et al.* 2008, entire), suggesting that martens could be exposed by infected juvenile fishers that disperse from their natal area into the coastal marten population area. However, despite possible exposure to pathogens, no outbreaks of

diseases have been detected in coastal martens, and we have no evidence to suggest that disease is currently present in any of the coastal marten populations.

The best available data do not indicate that disease has impacted coastal martens at any point in time in the past or currently. The prevalence of past exposure to lethal pathogens within the coastal northern California population and the coastal Oregon populations has not been demonstrated through a serosurvey (*i.e.,* a screening test of the serum of a marten to determine susceptibility to a particular disease). Additionally, if the known extant populations are disjunct from one another, as suggested by Slauson and Zielinski (2009, pp. 35–36), this would be beneficial in terms of reducing the ease of transmission of disease between the populations, should an outbreak occur. Thus, at this time, the best available data do not indicate that a disease outbreak has had, or is likely to have, a significant population-level effect on coastal martens.

In sum, there are currently no indications of disease in coastal marten populations. If an outbreak of a serious disease should occur, it could have a significant impact on the affected population. However, based upon the best available scientific and commercial data as presented in the Species Report and summarized here, there is a low probability that a disease outbreak may occur. We anticipate that if there should be an outbreak, it will likely have a low effect on all three coastal marten populations combined, as the distance between them makes it unlikely that the effects of such an outbreak would spread. Thus, we have determined that disease has a low-level population impact across the coastal marten's range and, therefore, does not rise to the level of a threat currently or into the future.

Predation

Predation is a natural ongoing source of mortality for the coastal marten and would not be expected to negatively impact the viability of marten populations in coastal Oregon and coastal northern California unless annual predation rates, combined with all other mortality sources, exceed annual juvenile coastal marten recruitment rates (estimated at 50 percent for the coastal marten; Slauson *et al.,* In prep.(a)). At this time, the only documented coastal marten predators are bobcats (Slauson *et al.* 2014, unpubl. data). However, additional predator species have been documented for other marten species and populations:

(1) Strickland *et al.* (1982, p. 607) summarized reports of American martens being preyed upon by coyotes, fishers, red foxes, cougars, golden and bald eagles (*Aquila chrysaetos, Haliaeetus leucocephalus*), and great horned owls (*Bubo virginianus*).

(2) Bull and Heater (2001a, p. 3) conducted a study in northeastern Oregon and documented 18 martens (*i.e., Martes caurina vulpina*) killed by predators: 44 percent by bobcats, 22 percent by raptors, 22 percent by other martens, and 11 percent by coyotes.

Historical coastal marten predation rates are unknown, although the historical assemblage of predator species was likely similar to the current assemblage. It is possible that human-caused changes in vegetation composition, vegetation distribution, and extensive road building over time have increased predator densities and distribution within the range of the coastal marten. These changes in vegetation and infrastructure provide more access and avenues in which predators can exploit their prey base, especially in forested areas that were once undisturbed with extensive shrub cover for prey, such as martens, to escape or find shelter. For example, in coastal northern California, fisher and gray fox have both maintained their interior distributions but appear to have expanded their distributions in coastal redwood forest habitat concurrently with the dramatic decline in the distribution of coastal martens (Slauson and Zielinski 2007, p. 242). Another recent study within coastal northern California suggests that bobcats and gray foxes frequent roads in forests dominated by redwoods (Slauson and Zielinski 2010, pp. 77–78); the same is likely true for other forest types throughout the DPS's historical range in coastal Oregon and coastal northern California, but has not been confirmed. Slauson and Zielinski (2010, pp. 77–78) indicate that roads may be facilitating the presence and abundance of these predator species in dense-shrub landscapes and increasing the risk of intraguild predation on coastal martens. Therefore, past logging practices that reduced the complexity of the herb and shrub layers, in combination with existing roads, may have facilitated an increase in the distribution of predators within the range of coastal marten, thus potentially increasing the likelihood that coastal martens could encounter a predator.

Predation of coastal martens has been studied recently. Since the fall of 2012, researchers have radio-tracked up to 23 coastal martens within the western portion of the coastal northern California extant population area to determine survival rates and cause of death. Data indicate a total of nine coastal marten mortalities, all killed by bobcats (Slauson *et al.* 2014, unpubl. data). Although these data would appear to indicate a 39 percent annual mortality rate, the annual mortality rate was estimated to be 33 percent due to several martens tracked for more than a year that were later found dead (Slauson *et al.* 2014, unpubl. data). The mortalities have also occurred within areas where bobcats are considered more abundant and fishers have been documented, particularly where extensive logging and road building within suitable coastal marten habitat have occurred (Slauson 2014, pers. comm.). No other records of coastal marten predation have been documented nor conducted, including within coastal Oregon.

Predation is identified as a natural stressor (*i.e.,* part of the natural condition in which the coastal marten has evolved). Human activities (such as vegetation management and road building) may increase the abundance and distribution of predators within coastal marten home ranges. The preliminary home ranges of all nine dead coastal martens mentioned above contained relatively large amounts of recently logged forest, compared with the home ranges of radio-collared coastal martens that are still alive (Slauson 2014, pers. comm.), suggesting that disturbed areas may result in greater predation rates or that undisturbed areas, which harbor suitable habitat features for escape from predators, are likely preferred. In addition, all nine dead coastal martens were found within 100 m (328 ft) of a road. As described in the ''Population Biology and Dynamics'' section of the Species Report (Service 2015, p. 12), Slauson *et al.* (In prep.(a)) estimated annual juvenile coastal marten survival at 50 percent, which suggests that the observed 33 percent annual mortality rate of coastal martens from predation may be sustainable.

The population-level impact of predation within the three coastal marten extant population areas is currently unknown. Data are available only for the coastal northern California population where a sample of 23 individuals were radio-tracked and 9 of those were found predated upon by bobcats, indicating a 33 percent predation rate (Slauson *et al.* 2014, unpubl. data). Similar information does not exist for the Oregon populations. However, the best available scientific and commercial data indicate that predation is occurring to an unknown

degree as an ongoing natural process across the range of the DPS.

As noted above, a 33 percent annual predation rate is expected to be sustainable when compared with an annual juvenile coastal marten survival rate of 50 percent; thus, predation would not likely result in a population-level impact. Therefore, based on the best available data, we find that predation has a low-level population impact for all three extant coastal marten populations. The best available data indicate that predation is a natural process and the level of predation is not expected to increase in the future. Based on the analysis contained within the Species Report and summarized above, we have determined that predation does not rise to the level of a threat, given that it is a natural phenomenon and appears to be occurring at a sustainable level.

Factor D—The Inadequacy of Existing Regulatory Mechanisms

Existing regulatory mechanisms that affect coastal martens include laws and regulations promulgated by the Federal and individual State governments. Federal and State agencies manage approximately 31 and 5 percent, respectively, of the lands within the coastal marten's range, including a total of approximately 57 percent (13,388 km^2 (5,169 mi^2)) of the currently available suitable habitat (high, medium, and low quality) throughout the range of the coastal marten (see Table 8.2 in the Species Report (Service 2015, p. 37)). Tribal governments, as sovereign entities, have their own system of laws and regulations on tribal lands. Principal stressors acting on coastal martens for which governments may have regulatory control include injury or mortality due to fur trapping, habitat modification or loss, and legal uses of pesticides, including anticoagulant rodenticides (ARs). These regulations differ among government entities, are explained in detail in the Species Report (Service 2015, pp. 78–96), and are summarized below.

Federal

All Forest Service and BLM lands within the range of the coastal marten are managed under the NWFP, which was adopted in 1994, to guide the management of 97,124 km^2 (37,500 mi^2) of Federal lands in portions of western Washington, Oregon, and northwestern California. The NWFP amends the management plans of National Forests and BLM Districts within the range of the northern spotted owl (*Strix occidentalis caurina*), representing a 100-year strategy intended to provide the basis for conservation of the northern spotted owl and other late-successional and old-growth forest-associated species (Forest Service and BLM 1994a, 1994b). This regional plan provides for retention and recruitment of older forests, and provides for spatial distribution of this type of habitat that will benefit late-successional forest-dependent species, including the coastal marten. The amount of late-successional coniferous habitat on Federal lands removed since implementation of the plan is substantially lower than pre-implementation levels (Kennedy *et al.* 2012, p. 128). Activities such as timber harvest and thinning, fuels reduction treatments, and road construction (see ''Vegetation Management'' and ''Development'' under *Factor A,* above) may occur in certain areas known as matrix lands (*i.e.,* limited areas delineated specifically to allow for programmed future timber harvest), which may result in some reduction of habitat and habitat connectivity for the coastal marten. However, the future loss, degradation, or fragmentation of suitable coastal marten habitat on Federal lands from these activities is expected to be low given the limited amount of matrix land allocation. Future increases in the amount and distribution of forest habitat suitable for coastal martens is expected to occur either through ingrowth in Federal Reserves, or through forest management activities designed to accelerate the development of late-seral characteristics within the coastal marten's range.

The coastal marten is currently treated differently on Federal lands in Oregon as compared to California. In Oregon, the coastal marten is not considered a sensitive species on Forest Service and BLM lands. However, the Forest Service (Region 6) has added the marten to its draft sensitive species list that is expected to be finalized in 2015 (U.S. Department of Agriculture, Forest Service 2014, p. 5), and BLM (Medford and Roseburg Districts) is also working to add the marten to its sensitive species lists (Hughes 2015, pers. comm.). In California, the coastal marten is a sensitive species on Forest Service lands, but not on BLM lands. Federal protections afforded the coastal marten as a sensitive species on Forest Service lands in California largely depend on best management practices and conservation efforts outlined in their Land and Resource Management Plans (LRMPs), and on-site-specific project analyses and implementation.

Potential exposure of coastal martens to ARs has not yet been studied, but to date we have incidental evidence of sublethal exposure in at least one individual (see ''Exposure to Toxicants'' under *Factor E,* below). The use of rodenticides is regulated under the Federal Insecticide, Fungicide, and Rodenticide Act of 1947 (7 U.S.C. 136 *et seq.*), via the registration of labels by the U.S. Environmental Protection Agency. Each label describes the permitted use for an individual rodenticide product and must be supported by rigorously collected and analyzed efficacy and environmental safety data. However, it is not clear how well those regulations prevent wildlife (including coastal martens) exposure to legal uses of these rodenticides. Coastal martens may also be exposed to rodenticides used illegally in the form of rodenticide applications on illegal marijuana grow sites. Law enforcement efforts occur in both Oregon and California in an attempt to eradicate suspected illegal marijuana grow sites, but it is unknown how effective such measures are at reducing the exposure of martens to rodenticides. At this time, as described below, the best available data do not indicate population- or rangewide-level impacts to coastal martens from legal or illegal use of rodenticides.

The Forest Service has extensive policy on the use of rodenticides (Forest Service Manual 2670.32), and the Forest Service Manual (Forest Service 2005, Chapter 2600) contains legal authorities, objectives, policies, responsibilities, instructions, and guidance needed on a continuing basis by Forest Service line officers and primary staff to plan and execute assigned programs and activities. In addition, BLM policy (BLM Manual 9011-Chemical Pest Control) regulates the use of rodenticides and other pesticides on their ownership. Queries to the BLM and Forest Service in Oregon confirm they do not use anticoagulant rodenticides on their ownership, although some use of strychnine for rodent control is employed on Forest Service land (Standley 2013, pers. comm.; Bautista 2013, pers. comm.).

States of Oregon and California

Forest practice rules vary greatly between Oregon and California, with no explicitly stated coastal marten protections specified in either State. However, retention of some number of snags and green trees in harvest units is a ubiquitous requirement in managed forests throughout the range of the coastal marten (State, Federal, and private lands) (*e.g.,* Oregon forest practice rules (Oregon Administrative Rules (OAR) Chapter 629, Division 600); CAL FIRE forest practice rules (Title 14, California Code of Regulations, Chapters

4, 4.5, and 10; Forest Service and BLM 1994a, 1994b)). The coastal marten is not listed under the California Endangered Species Act (CESA) or as a State ''fully protected'' species and thus does not receive protections available under those statutory provisions. In terms of effects to coastal marten habitat or incidental harm to coastal martens from timber harvesting or other types of land-disturbing projects, the State of California has existing regulations that act in combination to disclose, avoid, or mitigate environmental degradation, the latter two situations of which could potentially result in benefits to coastal marten habitat. Cumulative effects analyses for listed and non-listed species, such as coastal marten, are required in both the California Environmental Quality Act (CEQA) and the California forest practice rules.

Structures that are retained (*e.g.,* some level of snags and green trees) under existing forest practice rules typically do not meet the minimum size used by coastal martens (Schmidt 2014, pers. obs.; Slauson 2014, pers. obs.). Where these features are large enough, they may provide future denning and resting sites provided they have the appropriate structural attributes (such as cavities and large limbs) and the surrounding forest is allowed to develop the necessary canopy cover, dense shrub understory, and prey base to support coastal martens in the long term. Short rotations of industrial forest management rarely allow this to happen, as compared to areas where management is for longer rotations or designed to develop older stands (*e.g.,* old-forest structure management on Oregon State Forests) that retain these legacy features that may facilitate coastal marten habitat development.

Protection measures for riparian areas are also a widespread standard on managed forests throughout the range of the coastal marten, with larger buffers and more stringent timber retention requirements typically provided on Federal and State lands as compared to private lands. Retention areas to meet other management goals are also found across ownerships (*e.g.,* anchor habitats on Oregon State Forests, occupied site buffers on multiple ownerships, Watercourse and Lake Protection Zones on private land in California). Although many of these retained areas are not large enough to support a coastal marten home range, they do provide patches of structural features that may allow coastal marten movement across the landscape and facilitate dispersal between larger blocks of coastal marten habitat. This may be particularly valuable where State lands lie between large blocks of Federal lands managed as late-seral habitat. Additionally, the Oregon Department of Forestry calls for managing 30 to 50 percent of their State Forests in northwest Oregon for layered and old-forest structural conditions such as larger trees, multiple canopy layers, diverse understories and shrub layering, and diverse structural features such as downed wood and snags (ODF 2010, pp. 4–48, C–1 to C–24). These lands represent a small proportion of currently occupied habitat and are mostly located outside of existing coastal marten population areas; however, these areas may benefit coastal martens in the future as they are allowed to develop into a structural condition more suitable to martens.

Coastal martens can be legally harvested/trapped for fur in Oregon but not in California (see ''Trapping'' under *Factor B,* above). Within Oregon, coastal martens are listed (by the Oregon Department of Fish and Wildlife) as a sensitive species in the vulnerable category and as a species of conservation concern, but neither of these designations has associated regulatory mechanisms. Rather, these designations are used to encourage voluntary actions to improve a taxon's status or prevent population declines. Within California, coastal martens may not be intentionally harvested or trapped for fur or otherwise killed in California; although injury or mortality may occur when coastal martens are incidentally captured in traps set for other species, we expect incidental captures to be released unharmed. The use of body-gripping traps is prohibited and enforced in California, but injury or mortality of coastal martens is likely to occur during illegal fur trapping using the banned body-gripping traps. The extent of illegal fur trapping and mortality of coastal martens in Oregon and California is unknown. In general, legal trapping (such as that for research) is unlikely to result in injury or mortality to coastal martens because of the mandatory use of live traps and strict trapping and handling procedures.

Summary of Factor D

Overall, existing Federal and State land-use plans include some general conservation measures for northern spotted owl habitat that are not specific to coastal martens but nonetheless provide a benefit to the coastal marten, for example through the maintenance and recruitment of late-successional forest and old-growth habitat. Most management plans address structural habitat features (*e.g.,* snags or downed wood retention) or land allocations (*e.g.,* Oregon Department of Forestry's no-cut riparian buffer; NWFP's protections of a network of late-successional forest habitat connected by riparian reserves) that contribute to the coastal marten's habitat. These land-use plans are typically general in nature and afford relatively broad latitude to land managers, but with explicit sideboards for directing management activities. Federal regulatory mechanisms have abated the large-scale loss of late-seral coniferous forest habitat. Much of the land in Federal ownership across the range of the coastal marten is managed for interconnected blocks of late-successional forests that are likely to benefit martens. Timber harvest has been substantially reduced on Forest Service and BLM lands within the NWFP area, and existing management is designed to maintain or increase the amount and quality of late-successional or old-growth forest that provides marten habitat and aids in connecting populations. Management of State lands for scattered parcels of older forest or habitat retention for other late-successional species may also facilitate coastal marten movements across the landscape or provide future habitat as some areas are allowed to develop into older stands. Outside of public (State and Federal) ownership, forest practice rules provide no explicit protection for martens and limited protections for habitat of value to martens. While some structural retention and limited buffers may retain structural features desirable for martens on private lands, the short harvest-rotation periods reduce the likelihood that the surrounding stand will develop to a condition that makes these features suitable for long-term use by martens.

Based on the analyses contained within the Species Report (Service 2015, pp. 81–94) and summarized above on the existing regulatory mechanisms for the coastal marten, we conclude that the best available scientific and commercial information does not indicate that the existing regulatory mechanisms are inadequate to address impacts to coastal martens from the identified stressors.

Factor E—Other Natural or Manmade Factors Affecting the Continued Existence of the Species

Collision With Vehicles

Collision with vehicles is a known source of mortality for coastal martens currently and is expected to continue into the future, given the presence of roads within the range of the DPS. A low density of roads with heavy traffic traveling at high speeds (greater than 45 miles per hour) and infrequent reports of road-killed martens within all three

extant population areas suggest that few martens die from vehicle collisions each year.

No coastal marten road kill mortalities have been reported recently (since 1980) from within the coastal southern Oregon and coastal northern California population areas, both of which are areas that do not contain long segments of heavily used highway (although it is possible that road kill on any light-use roads in remote areas may not be discovered by humans before being consumed as carrion). A total of 14 coastal marten mortalities have been documented from vehicle collision since 1980 (over a 34-year period) within or near the coastal central Oregon population area, suggesting a low annual mortality rate from vehicle collisions. Collisions with vehicles were and continue to be expected within the coastal central Oregon population because of the presence of U.S. Highway 101 within this population.

We expect that in the future a small number of coastal martens will be struck by vehicles, especially dispersing juvenile coastal martens that must reach unoccupied suitable habitat for establishment of a home range. However, the best available information does not suggest any significant increases in vehicular traffic or new highways (consistent with the information available on potential development-related impacts (see ''Development'' under *Factor A,* above)) to be built in areas where martens occur. Therefore, we conclude the impact of vehicle collisions on coastal martens to continue at similar levels into the future. Any potential population impacts from individual coastal marten mortalities as a result of collisions with vehicles are difficult to estimate; we have no evidence of mortalities due to collisions with vehicles in the coastal northern California or coastal southern Oregon populations, and lack any population size estimate for the coastal central Oregon population area where some mortalities have been documented over an extended period of time. The best available data indicate, however, that across the DPS relatively few coastal martens are killed as the result of collisions with vehicles. Based on the information presented above and in the Species Report (Service 2015, pp. 52–53), we find that collision with vehicles presents a low-level impact on all three coastal marten populations (*i.e.,* impacts to individual coastal martens as opposed to populations); therefore, this stressor does not rise to the level of a threat.

Exposure to Toxicants

An emerging stressor to coastal martens is the widespread use of anticoagulant rodenticides (ARs) and other pesticides (*e.g.,* organophosphates, carbamates, or organochlorines) at both legal and illegal marijuana grow sites, and the potential individual- and population-level impacts to species, including coastal martens, that are exposed to toxicants at these sites. We note that recent efforts to determine the prevalence of ARs in carnivore populations have focused on fisher populations in California due to the conservation status of that species and because marijuana grow sites are common in California. As information specific to coastal martens is largely lacking, for the purposes of the analysis in our Species Report (Service 2015, pp. 54–61), we examined this fisher information to help evaluate the potential impacts ARs might have on coastal marten populations in coastal northern California and coastal Oregon.

Anticoagulant rodenticides were created to kill small mammals considered pests, including commensal rodents such as house mice (*Mus musculus*), Norway rats (*Rattus norvegicus*), and black rats (*R. rattus*) in and around residences, agricultural buildings, and industrial facilities, and agricultural pests such as prairie dogs (*Cynomys* sp.) and ground squirrels (*Spermophilus* sp.) in rangeland and near crops. Anticoagulant rodenticides bind to enzymes responsible for recycling vitamin K, thus impairing the animal's ability to produce several key blood clotting factors (Berny 2007, p. 97; Roberts and Reigart 2013, pp. 173–174).

Anticoagulant rodenticide exposure is manifested by such conditions as bleeding nose and gums, extensive bruises, anemia, fatigue, and difficulty breathing. Anticoagulants also damage the small blood vessels, resulting in spontaneous and widespread hemorrhaging. There is often a lag time of several days between ingestion and death, if lethal doses are ingested (Berny 2007, pp. 97–98; Roberts and Reigart 2013, pp. 174–175). Evidence from laboratory and field studies for several mammalian and avian species suggests that various pesticide (including rodenticide) exposures:

(1) Reduce immune system function (Repetto and Baliga 1996, pp. 17–37; Li and Kawada 2006, entire; Zabrodskii *et al.* 2012, p. 1);

(2) Are associated with a higher prevalence of infectious disease (Riley *et al.* 2007, pp. 1878, 1882; Vidal *et al.* 2009, p. 270);

(3) Cause transient hypothermia (Ahdaya *et al.* 1976, entire; Gordon 1984, p. 432; Grue *et al.* 1991, pp. 158–159), which may contribute to an increase in mortality rates (Martin and Solomon 1991, pp. 122,126); or

(4) Possibly impair an animal's ability to recover from physical injury (Erickson and Urban 2004, pp. 90, 100, 184, 188, 190–191).

Exposure to ARs, resulting in death in some cases, is documented in many mammalian predators (*e.g.,* Alterio 1996, entire; Shore *et al.* 1999, entire; Riley *et al.* 2007, entire; Gabriel *et al.* 2012, entire; Quinn *et al.* 2012, entire), but such information is unavailable for coastal martens. However, there is wide variability in lethal and sublethal levels of ARs exhibited among and within taxonomic groups (Gabriel *et al.* 2012, p. 11), and it is unknown if stressors or injuries could predispose all species to elevated mortality rates (*e.g.,* Gabriel *et al.* 2012, p. 10 for fishers). In one California study of two fisher populations, the majority (84 percent) of fishers (closely related to martens) tested positive for the presence of ARs, but at sublethal levels (Thompson *et al.* 2013, p. 6; Gabriel *et al.* 2012, p. 5). Additionally, several fishers have recently been confirmed to have died from acute poisoning from ARs on the Hoopa Reservation (Gabriel *et al.* 2012), which is located less than 9 km (5.6 mi) south of the coastal marten's extant population area in coastal northern California. However, Gabriel *et al.* (2012, p. 6) determined that AR exposure was the direct cause of death for only a small proportion (4 of 58 individuals found dead within 2 isolated California populations) of those fishers examined.

Little information exists specific to coastal marten exposure or response to ARs. Coastal martens within the California population and likely the coastal Oregon populations may be exposed to ARs currently or in the future in those areas where marijuana grow sites are located (which currently is known to be a fraction of the coastal marten's range) based on: (1) The proximity of the closely related fisher with confirmed exposure to ARs, including in areas as close as 9 km (5.6 mi) from the coastal northern California population; (2) the broad use of ARs at illegal marijuana cultivation sites, which have been documented to occur within or adjacent to portions of both the marten's coastal northern California and coastal southern Oregon population areas; and (3) the potential continued use of ARs at legal grow sites and other areas within the range of the coastal marten where agricultural pesticide use

occurs. Although the presence or use of ARs is documented in many areas throughout coastal northern California and into portions of Oregon (Higley *et al.* 2013, p. 2; Oregon High Intensity Drug Trafficking Area 2013, entire), to date, only one record of a positive exposure exists within the range of coastal martens that demonstrates exposure to ARs. This information was obtained from non-related, coincidental research occurring in the coastal northern California extant population area in 2014; of six coastal martens assessed, one tested positive for AR exposure with a sublethal concentration (Slauson 2014, unpubl. data). The individual that tested positive was confirmed killed by a bobcat. It is unknown whether the sublethal dose of ARs may have predisposed that coastal marten to predation. This information about potential exposure of coastal martens to ARs was collected on private lands and involved a small sample size (six coastal marten individuals) in one portion of the coastal northern California extant population area; thus, it is not necessarily representative of the levels of exposure throughout other land ownership areas within the remainder of the DPS. The sublethal AR exposure of this single coastal marten is the only data available to us regarding potential exposure of coastal martens to ARs; the best available information does not indicate any population- or rangewide-level impacts of AR exposure on coastal martens.

Overall, illegal and legal marijuana cultivation sites (and use of ARs and other pesticides) are present within or near all three coastal marten populations, although the probability of exposure varies between them. At this time we estimate that the prevalence of illegal marijuana cultivation sites (based on data associated with eradicated cultivation sites) occurs within approximately 5 percent of the coastal central Oregon population area, 25 percent of the coastal southern Oregon population area, and 40 percent of the coastal northern California population area (Service 2014, unpubl. data). However, the incidence of toxicant exposure that may result for coastal martens and the potential population-level effects are largely unknown given testing for exposure to ARs began only recently. We note significant uncertainty as to the severity of impact that this stressor may have at the population- and rangewide levels on coastal marten given that the best available data are minimal regarding potential exposure to this stressor and any consequent effects on coastal martens at this time, including the lack of information regarding potential sublethal effects. There are few samples to fully determine coastal marten exposure rates to ARs, and no tests on martens to determine sublethal exposure rates and effects. The recent legalization of marijuana in the State of Oregon adds an additional element of uncertainty to evaluation of this stressor, as it is unknown whether or how this may potentially affect exposure rates (for example, whether there may be a trend toward indoor grow operations, which would potentially reduce exposure of wildlife to ARs). Based on the analysis contained within the Species Report and summarized above, we find the population-level impact from exposure to toxicants to be low both currently and into the future, although a higher (medium-level) impact may occur for the coastal northern California population as a result of higher prevalence of illegal marijuana cultivation sites. The best available information does not suggest that these impacts rise to the level of a threat, primarily based on the available information on levels of known marten exposure to ARs and lack of evidence that ARs are having a population-level effect.

Small and Isolated Population Effects

Small, isolated populations are more susceptible to impacts overall, and relatively more vulnerable to extinction due to genetic problems, demographic and environmental fluctuations, and natural catastrophes (Primack 1993, p. 255). That is, the smaller a population becomes, the more likely it is that one or more stressors could impact a population, potentially reducing its size such that it is at increased risk of extinction. We therefore evaluated information suggesting that the currently known populations of coastal martens may be small or isolated from one another to the degree that such negative effects may be realized in the DPS.

The best available data suggest coastal marten distribution has contracted markedly in California and southern Oregon since the early 20th century. At present there are three known extant populations of coastal martens in California and Oregon; however, much of coastal Oregon has not been systematically surveyed. Of these known populations, the coastal northern California population is the only population for which size estimates are available. Based on multi-state occupancy modeling, Slauson *et al.* (2009b, p. 13) estimated that the abundance of coastal martens in the coastal northern California population area is low (*i.e.,* fewer than 100 individuals in 2008). Comparing areas sampled in 2008 to those sampled in 2000 to 2001, sample unit occupancy had declined by an estimated 42 percent (Slauson *et al.* 2009b, p. 10). Whether this change may have been part of a natural population fluctuation or was related to human-caused factors is unknown (Slauson *et al.* 2009b, p. 14). Although small in size, preliminary occupancy estimates for 2012 (which are unchanged from 2008) suggest no further changes in marten population abundance (Slauson *et al.* 2014, unpubl. data).

The abundance and trend of coastal marten populations in coastal Oregon is unknown; standardized survey efforts for martens in central and southern Oregon began in 2014. In the coastal central Oregon population area, at least one marten was detected in 2014, and six martens have been detected in 2015 in the first weeks of surveys (Moriarty 2015, pers. comm.). In addition, surveys just beginning in southern coastal Oregon have yielded a marten detection (Moriarty 2015, pers. comm.). Surveys are continuing at the time of publication of this document.

Slauson and Zielinski (2009, p. 36) describe the three known extant coastal marten populations as disjunct. Verified marten detections have clustered into the three extant population areas recognized in this document, which are geographically separated. The degree of functional connectivity between the known populations is not well understood due to insufficient survey effort in many areas, particularly in coastal Oregon (Service 2015, p. 29). There are some detections of martens occurring between the coastal northern California and coastal southern Oregon populations (Service 2015, p. 31, Figure 8.2(B)). Habitat modeling suggests connectivity of suitable habitat between these populations (Service 2015, pp. 25–26), and there are no known barriers to dispersal between them. Suitable habitat is more limited and of lower quality between the coastal southern Oregon and coastal central Oregon populations, but not entirely discontinuous (Service 2015, pp. 25–26). Survey efforts have also been more limited in this area to date (Service 2015, p. 29). Marten surveys are largely lacking from coastal central and coastal northern Oregon, although habitat modeling suggests conditions suitable for additional martens that could support the existing known populations (Service 2015, p. 29–30, 34).

Surveys designed to determine potential occupancy by coastal martens (for example, targeting areas of suitable habitat large enough to support multiple home ranges) may not necessarily detect animals moving between populations. Although not equivalent in function to large areas of contiguous habitat, fragmented patches of forest sufficient to provide corridors for dispersal of individuals can play an important role in maintaining assemblages of old-growth forest mammals (Perault and Lomolino 2000, pp. 418–419). The potential habitat connectivity between known populations of coastal martens and their capacity to travel long distances at least on occasion suggests that the geographically disjunct nature of coastal marten populations is not necessarily a barrier resulting in isolation. As described earlier, the majority of juvenile martens disperse relatively short distances from their natal areas, generally less than 15 km (9.3 mi) (Phillips 1994, pp. 93–94). The distance between known extant coastal marten populations exceeds the mean maximum juvenile dispersal distance for martens in general (15 km (9.3 mi); Phillips 1994, pp. 93–94). The distance between known extant populations exceeds this distance, but is within the maximum observed dispersal capability of martens, ranging from 40 to 80 km (25 to 50 mi) (Thompson and Colgan 1987, pp. 831–832; Broquet *et al.* (2006, pp. 1690, 1695), up to 149 km (92 mi) or greater (Slough 1989, p. 993; Kyle and Strobeck 2003, p. 61). The relatively continuous extent of some limited area of marten habitat, though much of it is low in quality, and dispersal capabilities of martens indicates that movement between coastal marten populations is possible, acknowledging that individuals seeking to traverse areas of regenerating forest face reduced probability of survivorship (Johnson *et al.* 2009, p. 3366). For this reason, areas that may provide for safe corridors of movement, such as riparian areas retained under State forest practice rules (see *Factor D,* above), may play an important role in facilitating connection between larger areas of suitable habitat for coastal martens.

In most cases, genetic interchange need occur only occasionally between populations (a minimum of 1 migrant per generation, possibly up to 10) to offset the potential negative impacts of inbreeding (*e.g.,* Mills and Allendorf 1996, entire; Wang 2004, entire). In addition, depending on population sizes and the distance between them, the ability of even a few individuals to move between population areas can preserve the potential for recolonization or augmentation (Brown and Kodric-Brown 1977, entire). Genetic evidence from studies of martens in fragmented landscapes suggests that despite separation of populations by large distances, up to several hundred kilometers, little genetic differentiation is observed (Broquet *et al.* 2006, p. 1690, citing Kyle and Strobeck 2003, pp. 60–61). Broquet *et al.* (2006, p. 1690) suggest this weak genetic structure is indicative of great dispersal capacity in martens, and their results suggest that a few successful long-distance dispersers create enough gene flow in marten populations to significantly reduce genetic differentiation that might otherwise result from isolation by distance (Broquet *et al.* 2006, p. 1695).

Based on all of these consideration, despite the relatively geographically disjunct nature of the known extant marten populations, we do not have evidence to suggest that the populations are likely entirely isolated from one another to the degree that we would expect the manifestation of significant negative effects that could potentially arise in small, isolated populations, such as inbreeding depression. We recognize that habitat quality and contiguity could be improved between the extant population areas, and indications are that habitat recruitment through management of Federal lands under the NWFP should contribute to improved connectivity. Despite room for improvement, at this point in time, the best available information suggests that the extant population areas are within the dispersal capabilities of martens and the habitat suitability model indicates some connectivity between populations, at least sufficient to provide for occasional genetic interchange. We note that more detailed information is needed regarding the size and demographics of coastal marten populations, as well as the capability of intervening areas of habitat to support dispersing individuals, in order to fully understand whether the known populations are faced with any challenges as a result of the present degree of connectivity between them.

Although coastal martens are likely reduced in abundance or distribution relative to their historical numbers and range, there is no empirical evidence that any current populations of coastal marten are in decline. Based upon the analysis contained within the Species Report and summarized above, the best available information indicates that the coastal northern California population totals fewer than 100 individuals (Slauson *et al.* 2009b, p. 13). Although small in size, the estimated number of individuals that comprise the coastal northern California population of martens appears to have remained the same in recent years based on survey data collected since 2008.

Abundance and trend estimates are not available for the two coastal Oregon populations, so it is unknown whether these populations might be considered small. Coastal martens have likely been reduced in abundance relative to their historical numbers, although Zielinski *et al.* (2001, p. 487) suggest that out of the three west coast States, coastal martens are likely most common in Oregon. These researchers note, however, an inability to evaluate the status of martens in the coastal mountain ranges of central and northern Oregon due to insufficient historical or contemporary data (Zielinski *et al.* 2001, p. 486). Data from systematic surveys continue to be limited or nonexistent in coastal northern and coastal central Oregon, leading to an inability to determine population size, trend, or distribution in these areas at this time. However, as noted above, recently initiated surveys in coastal central and coastal southern Oregon did result in seven total detections of coastal martens in the first weeks of effort in 2015 (Moriarty 2015, pers. comm.), and surveys are continuing at the time of this publication (Moriarty 2015, pers. comm.).

The three known extant populations of coastal martens are disjunct. While this characteristic does have some potential negative effects (*e.g.,* potential impacts from other stressors may be exacerbated), overall it places the DPS at a diminished risk of extinction due to small population size effects (known small population for coastal northern California and unknown for coastal Oregon populations) because it is unlikely that any stressor will simultaneously affect all three populations. In addition, although the populations may be discontinuous, we do not have evidence to suggest that populations are entirely isolated beyond the potential dispersal range known for martens such that negative small population effects are likely to be realized. Therefore, based on the best available data, we have determined that small or isolated population size effects do not rise to the level of a threat either currently or in the future.

Cumulative Effects

We estimate the potential impact of each stressor described above acting alone on coastal marten individuals, populations, and suitable habitat. However, coastal marten populations and suitable habitat can also be affected

by all stressors acting together or some of the identified stressors acting together (particularly medium-level impacts, as described in detail in the Species Report and summarized above). The combined effects of those stressors could impact populations or suitable habitat in an additive or synergistic manner. Any given stressor could impact individuals, a portion of a population, or available suitable habitat to varying degrees or magnitude, and alone, a stressor may not significantly impact coastal martens or their habitat.

Based on our analysis of all stressors that may be impacting coastal martens or their habitat, including, to be conservative, taking into account effects associated with potential small or isolated populations (noting that the coastal northern California population is known to be small and information is not available to indicate if the coastal Oregon populations may be small), it is likely that if any cumulative impacts occur, they would do so under the following three scenarios:

(1) A projected increase in the frequency and size of wildfires within the coastal southern Oregon and coastal northern California portions of the DPS's range due to climate change model projections of a warmer, drier climate in the future, which could also change vegetation structure.

(2) A potential increase in coastal marten mortality rates from predation, disease, fur trapping in Oregon, and collision with vehicles due to reduced marten fitness after sublethal exposure to toxicants found at marijuana grow sites, although levels of exposure remain unknown.

(3) Increased coastal marten predation rates due to an increased abundance of intraguild predators (*e.g.,* bobcats, fishers) resulting from vegetation management activities that improve habitat suitability for these marten predators by decreasing shrub densities.

Here we consider the impacts of each of these potential cumulative effect scenarios:

Models of climate change predict potential increases in wildfire frequency and size within the coastal southern Oregon and coastal northern California portions of the DPS. As described in our analysis in ''Wildfire'' under *Factor A,* above, we expect that wildfire impacts are likely to occur throughout the range of the coastal marten at a level similar to the historical impacts that have occurred within each extant population area between 1984–2012 (roughly 30 years), and we expect that fire frequency, size, and severity in the future will be fairly similar or slightly higher in some areas based on climate change projections. Based on these 30 years of data, we can reasonably estimate that these effects will continue with the same approximate level of impact throughout the DPS into the next 30 years, although they may be slightly higher in the coastal southern Oregon and coastal northern California population areas. Additionally, we do not have information that climate change will result in vegetation changes that will make significant portions of currently occupied coastal marten habitat unsuitable. Therefore, the best available data at this time do not suggest that the cumulative effects of wildfire and climate change rise to the level of a threat to the DPS overall for the following reasons:

(1) Although climate change models generally predict warmer, drier conditions in the future, the coastal marten primarily inhabits forests that are relatively less vulnerable to such changes. The overall continued presence of relatively moist habitat conditions for coastal marten habitat, primarily along the western coast, including overall cooler, moist summer conditions, moderate the dry conditions that promote fire ignition and spread.

(2) Moderate- and high-quality habitat for coastal martens has remained following recent large wildfires (*i.e.,* wildfires that have burned at mixed severities (LANDFIRE 2008a; LANDFIRE 2008b; LANDFIRE undated(a))); these fires have not resulted in extensive stand-replacement within the coastal marten's range.

(3) Neither adverse changes to coastal marten habitat through potential vegetation changes nor the loss of habitat from future wildfires is expected to be significant, nor is the combined effect of these two potential stressors.

Sublethal effects of anticoagulant rodenticides have been demonstrated for many species (see discussion in the Species Report (Service 2015, p. 57)), and can include reduced blood clotting abilities and excessive bleeding. Sublethal exposure to ARs has been shown to make individuals of non-mustelid mammals more susceptible to environmental stressors such as adverse weather, food shortages, and predation (Erickson and Urban 2004, p. 99; Jaques 1959, p. 851; Cox and Smith 1992, p. 169; Brakes and Smith 2005, p. 121; LaVoie 1990, p. 29), potentially predisposing individuals to death from other causes. However, there is wide variability in lethal and sublethal levels of ARs exhibited among and within taxonomic groups (Gabriel *et al.* 2012, p. 11), and it is unknown if stressors or injuries could predispose all species to elevated mortality rates (*e.g.,* Gabriel *et al.* 2012, p. 10 for fishers). While it is possible that these effects could occur for coastal martens, the best available data at this time do not support a conclusion that the cumulative effects of rodenticides (which may occur at relatively few sites within the extant population areas and thus reduce likelihood of exposure) combined with other environmental stressors rise to the level of a threat to the DPS overall. Relatively few marijuana grow sites have been found within the extant population areas (which reduce likelihood of exposure), there are too few samples to determine coastal marten exposure rates to ARs, and no tests have been conducted on martens to determine sublethal exposure rates and effects. Furthermore, none of the data available (related to exposure and potential lethal or sublethal effects) demonstrate an effect leading to current or future population declines.

Vegetation management activities that reduce the shrub layer that coastal martens rely on could also provide increased suitable habitat for marten predators, such as bobcats, resulting in potential increased levels of predation on coastal martens. In general, however, we expect such vegetation management activities would be restricted primarily to private lands. As discussed above (see *Summary of Species Information,* above), the majority of the area known to be occupied by coastal martens is composed of Federal lands, and most of these Federal lands are in reserves managed under the standards and guidelines of the NWFP. As these areas are under management for the protection or enhancement of late-successional forest characteristics, we do not expect extensive management activities on these lands to reduce shrub densities and thus potentially result in increased abundance of intraguild predators. Reduced shrub densities as a result of vegetation management on private lands may pose an increased risk of predation to individual coastal martens seeking to disperse through such areas, which poses some challenges in terms of maintaining or developing connectivity between populations. Although a potential reduction in the complexity of herb and shrub layers on these private lands is likely to continue and thus potentially result in increased suitable habitat for marten predators, these vegetation changes are expected to be offset by the continued maintenance and enhancement of significant portions of suitable habitat on forested reserves throughout the range of the coastal marten. Thus, at this time, cumulative

effects of potential vegetation management activities and predation do not rise to the level of a threat to the DPS overall.

In summary, the best available scientific and commercial data at this time do not show that combined impacts of the most likely cumulative impact scenarios are resulting in significant individual- or population-level effects to the coastal marten, including when taking into consideration small population size, where known. Although all or some of the stressors could potentially act in concert as a cumulative threat to the coastal marten, there is ambiguity in either the likelihood or level of impacts for the various stressors at the population or rangewide level, or the data indicate only individual-level impacts. There is little doubt that coastal marten populations today are smaller and their range has been reduced compared to historical conditions, which potentially increases the vulnerability of the coastal marten to potential cumulative low- or medium-level impacts. However, the best available information does not provide reliable evidence to suggest that current coastal marten populations are experiencing population declines or further reductions in distribution, which would be indicative of such impacts. Thus, the best available scientific and commercial data do not indicate that these stressors (including consideration of effects associated with potentially small or isolated populations, to be conservative) are cumulatively causing now or will cause in the future a substantial decline of the total extant populations of the coastal marten across its range. Therefore, we have determined that the cumulative impacts of these potential stressors do not rise to the level of a threat.

Conservation Efforts

The Humboldt Marten Conservation Group (HMCG) was formed in 2011, with the primary goal of developing a conservation assessment and strategy for the [then described] Humboldt marten subspecies (*Martes americana humboldtensis*) in coastal northern California. A memorandum of understanding (MOU) was signed on September 26, 2012, between the Service, Six Rivers National Forest, the U.S. Forest Service Pacific Southwest Research Station, Redwood National and State Parks, California Department of Fish and Wildlife (CDFW; formerly California Department of Fish and Game (CDFG)), California Department of Parks and Recreation (CDPR), the Yurok Tribe, and the Green Diamond Resource Company (Service 2012, entire). Each signatory party designated two or more members to provide input to the conservation assessment and strategy, and to guide future implementation of priority conservation actions, irrespective of land ownership. In January 2014, an Oregon stakeholder group was formed to work with the HMCG to extend conservation efforts for the coastal marten into Oregon. This informal group includes participation from Federal, State, timber, and tribal interests.

The HMCG is cooperatively developing a conservation strategy to address coastal marten population and habitat needs across its range, including the goal of increasing the abundance and distribution of coastal martens through habitat retention, habitat restoration, and establishment of additional populations within their historical range. The strategy uses strategic habitat conservation and adaptive management principles, and will identify necessary permits and compliance needs well in advance of the need for such authorization. Each party seeks input and support from scientific and technical support staff within their agencies or organizations for the entire HMCG to consider for integration in overall planning, implementation, analysis, and monitoring efforts collectively found to be necessary for the conservation of coastal marten and its habitat. It is not the intent of the conservation strategy to supplant any ongoing and planned conservation efforts by the individual parties; instead, the conservation strategy intends to identify opportunities to enhance those conservation efforts. The HMCG holds quarterly meetings to facilitate completion and implementation of the conservation strategy. The California component of the conservation strategy is estimated to be completed in the spring of 2015, followed by the Oregon component in late 2015 or early 2016. A final conservation strategy for both states (as a single coastal marten conservation strategy) is estimated to be completed in 2016.

Tribes that own or manage lands within the historical range of the coastal marten (and may or may not have currently suitable coastal marten habitat on their lands) include: Coquille Indian Tribe; Confederated Tribes of Grand Ronde Community of Oregon; Confederated Tribes of Siletz Indians of Oregon (Siletz Indians); Hoopa Valley Tribe, California; Yurok Tribe of the Yurok Reservation, California (Yurok Tribe); Wiyot Tribe, California; Karuk Tribe; Elk Valley Rancheria, California; Smith River Rancheria, California; Resighini Rancheria, California; Big Lagoon Rancheria, California; Cher-Ae Heights Indian Community of the Trinidad Rancheria, California; Blue Lake Rancheria, California; Bear River Band of the Rohnerville Rancheria, California; Cahto Tribe of the Laytonville Rancheria; Sherwood Valley Rancheria of Pomo Indians of California; and Manchester Band of Pomo Indians of the Manchester Rancheria, California.

Although suitable habitat for coastal martens may occur on tribal lands, our records indicate that none of the tribes in coastal Oregon or in coastal northern California specifically manage for coastal marten populations or habitat on their lands. However, the Siletz Indians manage 1,700 ha (4,300 ac) of forest land for the benefit of marbled murrelets (*Brachyramphus marmoratus*) in Oregon, which coincidentally may also provide suitable habitat for coastal martens, and the Yurok Tribe is a member of the HMCG and currently owns approximately 23 percent of the total area of the coastal northern California population area, most of which is occupied by coastal martens. The best available information does not identify what the Yurok Tribe's vegetation management activities or potential impacts may be to coastal martens and their habitat. However, we will continue to work with the Yurok Tribe, including through the HMCG, and explore potential coastal marten conservation actions on their lands. We also anticipate coordinating with other tribes that may harbor suitable coastal marten habitat within the range of the coastal marten.

In addition to conservation actions either planned or already being implemented related to the HMCG and tribal efforts, the Green Diamond Resource Company's (formerly Simpson Timber Company) 1992 Northern Spotted Owl Habitat Conservation Plan (HCP) (Simpson Timber Company 1992, entire) covers lands that contain suitable habitat for coastal marten. This HCP describes how Green Diamond Resource Company identifies (during planning for timber harvest) ways to retain resource attributes that provide core habitat for future northern spotted owl habitat, including retention of: (1) Hardwood and conifer patches, (2) habitat structure along watercourses, (3) hard and soft snags, (4) standing live culls (*i.e.,* trees of marketable size that are useless for all but firewood or pulpwood because of crookedness, rot, injuries, or damage from disease or insects), and (5) small areas of undisturbed brush (Simpson Timber Company 1992, entire). These HCP goals coincidentally will provide a

benefit to coastal martens that may occur on those lands. However, we note that the level and extent of resource retention are not defined, and the current description to retain ''small areas of undisturbed brush'' is helpful, but not necessarily adequate for the needs of the coastal marten (*i.e.,* management relies primarily on clear cut management of timberlands). The Green Diamond Resource Company is in the initial stages of developing a new HCP for their lands, although currently the coastal marten is not a covered species. Because 11 percent of the coastal northern California extant population area is on Green Diamond Resource Company timberlands, we are currently working with them to incorporate conservation actions into the HCP that would benefit the coastal marten and its habitat, particularly in those areas that lie between large suitable tracks of public lands.

Finding

As required by the Act, we considered the five factors in assessing whether the coastal marten is an endangered or threatened species throughout all of its range. We examined the best scientific and commercial data available regarding the past, present, and future stressors faced by the coastal marten. We reviewed the petition, information available in our files, and other available published and unpublished information, and we consulted with recognized marten and habitat experts, and other Federal, State, and tribal agencies. Listing is warranted if, based on our review of the best available scientific and commercial data, we find that the stressors to the coastal DPS of the Pacific marten are so severe or broad in scope as to indicate that the coastal marten is in danger of extinction (endangered), or likely to become endangered within the foreseeable future (threatened), throughout all or a significant portion of its range.

For the purposes of this evaluation, we are required to consider potential impacts to coastal martens into the foreseeable future. Based on the best available scientific and commercial information and to provide the necessary temporal context for assessing stressors to coastal martens, we determined 15 years (*i.e.,* 3 marten generations) to be the foreseeable future for consideration of most of the stressors to coastal marten, as this period allows for analysis of multiple generations of coastal martens over a reasonable time period, as opposed to examining further into the future where assumptions or extensive uncertainty would not allow meaningful predictions of potential future impacts. For two stressors, we have defined different periods: 30 years constitutes the foreseeable future over which we assessed the stressor of wildfire (based on the expected future equivalent level of fire frequency, size, and severity as compared to the past 30 years), and 40–50 years constitutes the foreseeable future over which we assessed the stressor of climate change (based on model projections of climate changes for coastal Oregon and coastal northern California).

We evaluated each of the potential stressors in the Species Report (Service 2015, entire) for the coastal DPS of Pacific marten, and we determined that wildfire (Factor A), habitat impacts due to the effects of climate change (Factor A), vegetation management (Factor A), development (Factor A), trapping (for fur and research purposes) (Factor B), disease (Factor C), predation (Factor C), collision with vehicles (Factor E), exposure to toxicants (Factor E), and small and isolated population size effects (Factor E) are factors that have either minimally impacted individuals in one or more of the populations or that may potentially have impacts on individuals or populations in the future. Our analysis resulted in the following conclusions for each of the stressors:

- Wildfire impacts are likely to occur throughout the range of the coastal marten similar to the historical impacts that have occurred based on the impact level estimates of the prevalence of wildfires within each extant population area between 1984–2012 (roughly 30 years). Overall, these impacts do not rise to the level of a threat based on the continued persistence of moderate- and high-quality habitat following past fires, the continued presence of relatively moist habitat conditions (overall) that moderate the dry conditions that promote fire ignition and spread, and little effect of altered structure or composition of the dominant forest types in areas that have experienced fire suppression. Thus, we do not anticipate a significant reduction in suitable habitat for coastal martens as the result of wildfire.
- Climate change modeling predicts a range of potential effects on vegetation, including some that indicate conditions could remain suitable for coastal martens in portions of the coastal range. The severity of potential impacts to coastal marten habitat will likely vary across the range, with effects to coastal martens potentially ranging from negative to neutral or potentially beneficial. Although many climate models generally agree about the changes in temperature and precipitation, the consequent effects on vegetation are more uncertain, as is the rate at which any such changes might be realized. Therefore, it is not clear how or when changes in forest type and plant species composition will affect the distribution of coastal marten habitat. There is additional uncertainty as to fine-scale features of suitable marten habitat that may be affected by climate change, whether any changes will occur at a scale relevant to the taxon, and how these changes will be expressed in the coastal marten populations. Overall, we lack sufficient information to predict with any certainty the future direct impacts of climate change on coastal marten habitat or populations. Consequently, we have determined that we do not have reliable information to suggest that climate change is a threat to coastal marten habitat now or in the future, although we will continue to seek additional information concerning how climate change may affect coastal marten habitat.
- Vegetation management is likely to have an overall low impact on the loss, degradation, or fragmentation of suitable coastal marten habitat across the range of the DPS both currently and into the future. Some loss of suitable habitat (primarily low-quality suitable habitat) is expected to continue to occur into the future on private lands within all three population areas. However, private lands support a relatively small proportion of the suitable habitat available for coastal martens within extant population areas. Federal lands constitute a majority of the extant population areas, have longer timber-harvest rotations, and retain more structural features on the subset of that area in matrix lands. In addition, most of the Federal lands that provide suitable habitat are in Federal Reserves, which are managed for the maintenance and recruitment of late-successional habitat characteristics beneficial for coastal martens; suitable habitat is thus expected to increase in Federal Reserves. Therefore, overall potential impacts from vegetation management do not rise to the level of a threat.
- Development has an overall low impact on the loss, degradation, or fragmentation of suitable coastal marten habitat across the range of the DPS both currently and into the future, and thus does not rise to the level of a threat. If development does occur, loss of suitable habitat is expected to be minimal, as has been the trend over the past 30 years.
- Fur trapping of coastal martens has no impact to the population in coastal northern California because trapping for martens is illegal in California. Possible illegal fur trapping in California, as well as rangewide potential impacts

associated with livetrapping for research purposes or incidental trapping of martens (when intentionally trapping for other furbearer species) is not expected to result in population-level impacts. Some martens could be trapped in Oregon where fur trapping for martens is legal, although we estimate that potential impacts will not be significant at the population- or rangewide level based on the best available trapping data for Oregon. Additionally, potential impacts from live-trapping and handling for research purposes on coastal marten populations is discountable. Thus, impacts from fur trapping and trapping for research purposes across the coastal marten's range do not rise to the level of a threat.

• Disease has not been documented in the past within coastal marten populations. The prevalence of possible past exposure to lethal pathogens within the coastal northern California population and the coastal Oregon populations has not been determined, and we have no information to suggest that disease is currently present in any of the populations. At this point in time, there is a low probability that a disease outbreak may occur. We anticipate that if there should be an outbreak, it would likely have a low impact on all three coastal marten populations combined since the distance between the extant populations makes it unlikely that an outbreak would spread to all three populations. Thus, disease does not rise to the level of a threat.

• Predation is a natural process and is generally only considered a threat if it is occurring at unnaturally high levels that are not sustainable. The population-level impact of predation within the three coastal marten extant population areas is currently unknown, although the best available data from one evaluation of predation indicate a 33 percent annual predation rate for the coastal northern California population (Slauson *et al.* 2014, unpubl. data). This level of predation is expected to be sustainable when compared with the observed annual juvenile coastal marten survival rate of 50 percent, and thus predation alone would not likely result in a population-level impact. Therefore, based on the best available data at this time, we have determined that predation does not rise to the level of a threat given that it is a natural phenomenon that appears to be occurring at a sustainable level.

• Collisions with vehicles are rare, but they can be expected into the future. Known rates of mortality due to collisions with vehicles have been low for coastal martens, and the best available information does not suggest any significant increases in vehicular traffic or new highways to be built in areas where martens occur. Therefore, it is reasonable to expect the impact of collisions with vehicles on coastal martens to continue at similar levels into the future and not rise to the level of a threat.

• Illegal and legal marijuana cultivation sites (and use of ARs and other pesticides) are present within or near all three coastal marten populations, although the probability of exposure varies between them. The degree of exposure and the effect of such exposure on coastal martens, should it occur, is unknown and thus far unstudied. There is significant uncertainty as to the severity of impact that this stressor may have on coastal martens at the population- and rangewide levels given that the best available data are minimal regarding this stressor and coastal martens at this time, and given the lack of information regarding potential sublethal effects. Furthermore, it is unclear how the recent legalization of marijuana in Oregon will affect the amount or spread of illegal marijuana grow sites. The best available information does not suggest that these potential impacts rise to the level of a threat, primarily based on the available information on levels of known marten exposure to ARs and lack of evidence that ARs are having a population-level effect.

• Small, isolated populations are more susceptible to impacts, and therefore, we evaluated whether coastal marten populations are small and isolated such that these negative effects are likely to be realized. At this time, evidence suggests that coastal marten distribution has contracted markedly in California and southern Oregon since the early 20th century. Although the coastal northern California population abundance declined in the recent past (based on survey data between 2000 and 2008 (Slauson *et al.* 2009b, p. 10)), the population abundance since that time appears to have remained unchanged as indicated by the most recent preliminary abundance estimates available from 2012. The abundance and trend of coastal marten populations in coastal Oregon is unknown, although recent surveys in some areas of coastal Oregon (which are not yet complete) are documenting the presence of martens as anticipated. Although the known populations are disjunct, the dispersal capabilities of martens and habitat modeling suggest the potential for interchange of individuals between the populations. In addition, martens may occur between or adjacent to the known populations in areas where surveys have been limited or absent. The best available data at this time indicate that although coastal martens are likely reduced in abundance or distribution relative to their historical numbers and range, there is no empirical evidence that any current populations of coastal marten are in decline. Thus, small or isolated population size effects do not rise to the level of a threat either currently or in the foreseeable future.

• Potential cumulative impacts to the coastal marten from all stressors combined or some of the stressors are possible; however, the most likely scenarios for cumulative impacts are likely to only occur from the following three scenarios: Increased frequency or size of wildfires associated with potential climate changes; increased coastal marten mortality rates from predation, disease, or other factors following a sublethal exposure to toxicants; or possible increased coastal marten predation rates due to decreased shrub densities resulting from vegetation management activities. Based on the best available data at this time and as described above, none of these possible cumulative impacts are likely to occur currently or into the foreseeable future to such a degree that the effects are expected to lead to population- or rangewide-level declines. Therefore, the cumulative impact of these potential stressors does not rise to the level of a threat.

We also evaluated existing regulatory mechanisms (Factor D) and did not determine an inadequacy of existing regulatory mechanisms for coastal marten. Specifically, we found that multiple Federal land use plans (*e.g.,* LRMPs, NWFP) or State regulations (*e.g.,* Oregon forest practice rules) are being implemented, often providing broad latitude for land managers, but with explicit sideboards for directing management activities. We also note that significant Federal efforts have been developed and are being implemented (*e.g.,* NWFP) to abate the large-scale loss of forested habitat-types deemed essential for coastal martens. Additional efforts are also underway within the reserve areas that constitute a majority of the Federal lands in areas occupied by coastal martens to promote further recruitment of such habitat.

None of these impacts, as summarized above, was found to individually or cumulatively impact the coastal DPS of Pacific marten to a degree such that listing is warranted at this time. Based on the analysis contained within the Species Report (Service 2015, pp. 41–95), we conclude that the best available scientific and commercial information indicates that these stressors are not

singly or cumulatively causing a decline of the DPS or its habitat currently, nor are the stressors likely to be significant in the foreseeable future to the degree that they would result in declines of one or more populations such that the DPS would be in danger of extinction, or likely to become so within the foreseeable future.

We base our decision on the following:

(1) Although habitat-based impacts may be occurring currently or in the future primarily as a result of wildfire and vegetation management (and, to an unknown degree, the effects of climate change), much of the coastal marten's habitat is not in especially fire-prone forest types, and vegetation management has significant impacts only on the relatively small area in private ownership within its range. Significant amounts of moderate- and high-suitability habitat are currently available on Federal and State lands within all three population areas, including approximately 44 percent of the coastal central Oregon population area, 70 percent of the coastal southern Oregon population area, and 63 percent of the coastal northern California population. Moderate- and high-suitability habitat in the coastal central Oregon population area is a currently undetermined value greater than 44 percent because the habitat suitability model did not account for occupied coastal dune habitat that exists as a narrow coastal strip along the western boundary of that population area. Overall, the existing moderate- and high-suitability habitat includes some areas that appear to be either (or both): (a) Resilient to many high-severity fires due to pronounced levels of precipitation and cool, moist summer conditions that exist along the coast currently and into the future; and (b) protected from significantly damaging treatments of vegetation management (*i.e.,* State and Federal lands such as those being managed under the NWFP, National Park Service lands, and lands managed by the Oregon and California Department of Parks and Recreation), including 77 percent of the moderate- and high-suitability habitat in the coastal central Oregon population area, 90 percent of the moderate- and high-suitability habitat in the coastal southern Oregon population area, and 78 percent of the moderate- and high-suitability habitat in the coastal northern California population area.

(2) Coastal marten populations throughout their range have likely experienced declines or significant impacts in the past (*i.e.,* harvesting and trapping for fur), which undoubtedly influenced the current distribution of these populations. The population size of coastal martens in the coastal northern California population area is estimated to be fewer than 100, but is no longer in decline as shown by survey data available from 2000, 2008, and preliminary abundance estimates from 2012. The abundance and distribution of coastal martens in coastal Oregon is unknown, coastal northern Oregon is unsurveyed, and there are no data available on which to estimate any trend in known populations in coastal central and coastal southern Oregon. We presume that coastal marten populations may not be especially large or expansive, given the historical impacts of overtrapping and timber harvest. However, these past threats have been largely ameliorated, and we have no evidence to suggest that current stressors are resulting in any population declines, such that we would consider the DPS of coastal marten to be on a trajectory toward extinction. We thoroughly evaluated impacts to the DPS and its habitat with regard to the five listing factors. Similar to the stressors described in (1) above for potential impacts to habitat, we found minimal evidence of population-level impacts.

We recognize a need to continue to monitor the coastal marten because the populations are disjunct, which in general makes them more susceptible to stressors than species with larger, more well-connected populations. There has been relatively little survey effort throughout much of the range of the DPS, however. In general, the interchange of only a few individuals is needed to maintain genetic connectivity between populations over time. As described in this document and the Species Report (Service 2015, entire), there are stressors that we find may be having some effect on coastal marten populations, albeit not to the degree that they currently rise to the level that listing is warranted. We will continue to monitor the status of the DPS and evaluate any other information we receive. Additional information will continue to be accepted on all aspects of the DPS. If at any time data indicate that protective status under the Act should be provided or if there are new threats or increasing stressors that rise to the level of a threat, we can initiate listing procedures, including, if appropriate, emergency listing pursuant to section 4(b)(7) of the Act.

In conclusion, we acknowledge that the coastal marten population in California may be reduced in size relative to its historical abundance, and that coastal martens may be reduced in distribution as compared to their historical range. A listing determination, however, must be based on our assessment of the current status of the species—in this case, the coastal DPS of the Pacific marten—in relation to the five listing factors under the Act. Section 4 of the Act requires that we make such a determination based solely on the best scientific and commercial data available. To this end, we must rely on reasonable conclusions as supported by the best available science to assess the current and future status to determine whether the coastal marten meets the definition of an endangered or threatened species under the Act. Based on our review of the best available scientific and commercial information pertaining to the five factors, we find that the stressors acting upon the coastal DPS of the Pacific marten are not of sufficient imminence, intensity, or magnitude to indicate that the coastal marten is in danger of extinction now (endangered), or likely to become endangered within the foreseeable future (threatened), throughout all of its range.

Significant Portion of the Range

Under the Act and our implementing regulations, a species may warrant listing if it is an endangered or a threatened species throughout all or a significant portion of its range. The Act defines ''endangered species'' as any species which is ''in danger of extinction throughout all or a significant portion of its range,'' and ''threatened species'' as any species which is ''likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' The term ''species'' includes ''any subspecies of fish or wildlife or plants, and any distinct population segment [DPS] of any species of vertebrate fish or wildlife which interbreeds when mature.'' We published a final policy interpreting the phrase ''Significant Portion of its Range'' (SPR) (79 FR 37578; July 1, 2014). The final policy states that (1) if a species is found to be an endangered or a threatened species throughout a significant portion of its range, the entire species is listed as an endangered or a threatened species, respectively, and the Act's protections apply to all individuals of the species wherever found; (2) a portion of the range of a species is ''significant'' if the species is not currently an endangered or a threatened species throughout all of its range, but the portion's contribution to the viability of the species is so important that, without the members in that portion, the species would be in danger of extinction, or likely to become so in the foreseeable future, throughout

all of its range; (3) the range of a species is considered to be the general geographical area within which that species can be found at the time the Service or NMFS makes any particular status determination; and (4) if a vertebrate species is an endangered or a threatened species throughout an SPR, and the population in that significant portion is a valid DPS, we will list the DPS rather than the entire taxonomic species or subspecies.

The SPR Policy is applied to all status determinations, including analyses for the purposes of making listing, delisting, and reclassification determinations. The procedure for analyzing whether any portion is an SPR is similar, regardless of the type of status determination we are making. The first step in our analysis of the status of a species (''species'' under the Act refers to any listable entity, including species, subspecies, or DPS) is to determine its status throughout all of its range. If we determine that the species is in danger of extinction, or likely to become so in the foreseeable future, throughout all of its range, we list the species as an endangered (or threatened) species and no SPR analysis is required. If the species is neither an endangered nor a threatened species throughout all of its range, we determine whether the species is an endangered or a threatened species throughout a significant portion of its range. If it is, we list the species as an endangered or a threatened species, respectively; if it is not, we conclude that listing the species is not warranted.

When we conduct an SPR analysis, we first identify any portions of the species' range that warrant further consideration. The range of a species can theoretically be divided into portions in an infinite number of ways. However, there is no purpose to analyzing portions of the range that are not reasonably likely to be significant and either endangered or threatened. To identify only those portions that warrant further consideration, we determine whether there is substantial information indicating that (1) the portions may be significant, and (2) the species may be in danger of extinction in those portions or likely to become so within the foreseeable future. We emphasize that answering these questions in the affirmative is not a determination that the species is an endangered or a threatened species throughout a significant portion of its range—rather, it is a step in determining whether a more detailed analysis of the issue is required. In practice, a key part of this analysis is whether the threats are geographically concentrated in some way. If the threats to the species are affecting it uniformly throughout its range, no portion is likely to warrant further consideration. Moreover, if any concentration of threats apply only to portions of the range that clearly do not meet the biologically based definition of ''significant'' (*i.e.,* the loss of that portion clearly would not be expected to increase the vulnerability to extinction of the entire species), those portions will not warrant further consideration.

If we identify any portions that may be both (1) significant and (2) endangered or threatened, we engage in a more detailed analysis to determine whether these standards are indeed met. The identification of an SPR does not create a presumption, prejudgment, or other determination as to whether the species in that identified SPR is an endangered or a threatened species. We must go through a separate analysis to determine whether the species is an endangered or a threatened species in the SPR. To determine whether a species is an endangered or a threatened species throughout an SPR, we will use the same standards and methodology that we use to determine if a species is an endangered or a threatened species throughout its range.

Depending on the biology of the species, its range, and the threats it faces, it may be more efficient to address the ''significant'' question first, or the status question first. Thus, if we determine that a portion of the range is not ''significant,'' we do not need to determine whether the species is an endangered or a threatened species there; if we determine that the species is not an endangered or a threatened species in a portion of its range, we do not need to determine if that portion is ''significant.''

We consider the historical range of the coastal marten to include coastal Oregon from the Columbia River (Clatsop and Columbia counties) south into northern Sonoma County, California, including suitable habitat from the coast eastward to an elevation of 1,524 m (5,000 ft). This range encompasses the coastal central Oregon extant population area, the coastal southern Oregon extant population area, the coastal northern California extant population area, and the intervening habitat. Based on the best available information at this time, these populations account for the current distribution of the DPS.

In considering any significant portion of the coastal marten's range, we considered whether the stressors facing the coastal marten might be different at three locations where the coastal martens have been found and, thus, geographically concentrated in some portion of the range of the DPS. In the Summary of Information Pertaining to the Five Factors analysis above, we identified the most likely potential differences associated with fur trapping in Oregon, wildfire, climate change, development and vegetation management (timber harvesting), and toxicant exposure.

(1) Fur trapping is legal in Oregon, and thus the two Oregon populations may be affected by this activity. Population-level impacts of legal coastal marten fur trapping within the two Oregon extant population areas have not been studied, as the impact of trapping on a marten population requires an estimate of population abundance, which is currently unavailable for both extant population areas in coastal Oregon. Based on the very few individuals removed from this population over time (36 individuals harvested from trapping over a 26-year period, between 1969 and 1995—on average fewer than 2 per year), the best available data indicate that fur trapping is unlikely to result in population-level impacts.

Fur trapping of martens is illegal in California but legal for other furbearer species. We expect that nearly all coastal martens that are accidentally captured in box traps set for other furbearer species (or that are live-trapped for research purposes) are released unharmed. Although illegal fur trapping specifically for martens is also a possibility in California, the best available data at this time do not indicate that illegal fur trapping or incidental legal live-trapping for coastal martens for research purposes is resulting in population-level impacts. Overall, we do not find that the potential impacts from fur trapping (illegal or legal) and live-trapping for research purposes are geographically concentrated in any one portion of the range of the DPS.

(2) The potential impacts from wildfire are slightly greater within the coastal southern Oregon and coastal northern California populations as compared to the coastal central Oregon population when considering historical (between 1984 and 2012) wildfire incidents and the likelihood that into the foreseeable future (approximately 30 years), the frequency, intensity, and severity of wildfires are expected to be similar to the recent past. However, these wildfires in coastal southern Oregon and coastal northern California have burned at varying levels of severity and have thus only partially impacted (*i.e.,* not completely removed) suitable habitat and the adjacent, intervening

suitable habitat that the coastal marten would need to rely on during post-fire habitat recovery periods. Surveys of these areas (including the drier, inland, xeric areas) post-burn indicate that low-, moderate-, and high-suitability habitat remain within and adjacent to these past wildfire perimeters. Therefore, although future wildfires are expected to occur similarly to those documented in the past 30 years throughout the coastal marten's range (*i.e.,* among all three extant population areas), and given the potential for increased temperatures and decreased precipitation over the next 50 years (see ''Climate Change'' under *Factor A,* above) throughout its entire range, we do not anticipate a concentration of threats in any one portion of the DPS' range due to:

(a) The coastal marten's range continuing to occur within a (generally) fog-influenced coastal zone, and thus the continued widespread presence of persistent, moist conditions year-round (including Pacific storms in the winter and cloud cover or coastal fog in the summer) that likely result in lower severity wildfires than what would occur in areas without the a moist, coastal influence; and

(b) The anticipated widespread presence of varying levels of suitable habitat post-fire throughout the coastal marten's range, as demonstrated by post-burn surveys.

(3) The potential impacts from climate change are slightly greater within the coastal southern Oregon and coastal northern California populations, which models indicate could result in a warmer and drier climate into the foreseeable future (40 to 50 years) as compared to the coastal central Oregon population. Nearly all models that encompass the landscape containing these two population areas show shifts in vegetation type to habitat that may be considered less favorable for coastal martens. However, most models project these shifts in vegetation type over time by the end of the century, and the models predict these same potential vegetation shifts in coastal central and northern Oregon. Additionally, even if vegetation shifts occur, suitable habitat for coastal martens is expected to remain in portions of the coastal southern Oregon and coastal northern California population areas, to which coastal martens could migrate (see Climate Change, above). Overall, we do not anticipate a geographic concentration of threats in any one portion of the DPS' range given the variety of potential effects from climate change, the high level of uncertainty regarding the nature and timing of any such effects, and the likelihood that suitable habitat for coastal martens will remain available into the foreseeable future throughout the entire range of the DPS despite potential climate change impacts.

(4) Both development (*e.g.,* road building, dam construction and creation of new reservoirs, conversion of forest habitat for agricultural use, development and expansion of recreational areas) and vegetation management (*e.g.,* timber harvest, thinning, fuels reduction) are expected to continue on some private lands throughout the range of the coastal marten. These activities potentially may occur to a greater extent in the coastal central Oregon population area as compared to the coastal southern Oregon and coastal northern California population areas due to the greater percentage of moderate- and high-suitability marten habitat in private ownership in the coastal central Oregon population area (*i.e.,* 23 percent as opposed to 10 percent and 11 percent, respectively). However, the best available data do not indicate that either potential development activities or vegetation management in one or more of these population areas will occur at a level greater than any other (*i.e.,* the potential impacts are uniformly distributed throughout the DPS's range). Additionally, the best available data do not indicate that any new development or vegetation management activities (*i.e.,* those that would remove currently suitable habitat) would occur into the foreseeable future to such a degree that population-level impacts are likely. We have made this conclusion primarily based on the extensive amount of Federal lands both within and adjacent to all three populations where overall beneficial vegetation management (such as that outlined in the NWFP) would occur, thus providing an overall conservation benefit to coastal marten rangewide.

Some vegetation management activities may also occur throughout the coastal marten's range that may result in short-term impacts to coastal marten (such as thinning, fuels reduction projects, and habitat restoration), but eventually result in long-term benefits to coastal martens and their habitat. In these cases, the long-term benefits likely outweigh the potential short-term, localized impacts by improving habitat suitability for the coastal marten in the long-term through: (a) Minimizing loss of late-successional stands due to wildfires, and (b) accelerating the development of late-seral characteristics. Although short-term degradation of suitable habitat could occur, these types of projects are designed to ultimately increase the overall amount, distribution, and patch size of suitable coastal marten habitat.

(5) Potential exposure of coastal martens to toxicants as a result of illegal marijuana cultivation sites is likely to continue on some lands within the coastal marten's range. This type of activity could potentially occur in those areas where marijuana grow sites are located (which currently is known to be a fraction of the coastal marten's range). Based on the presence of suitable climate conditions for marijuana cultivation and data that indicate a greater concentration of recently eradicated cultivation sites within or near the coastal northern California population area, these activities may possibly occur to a greater extent in the coastal northern California population area as compared to the coastal Oregon population areas. Of note is that incidence of toxicant exposure and the potential population-level effects to coastal marten are largely unknown, and there is significant uncertainty as to the severity of impact (both lethal and sublethal) that this stressor may have at the population- and rangewide levels on coastal marten, especially given the recent legalization of marijuana in Oregon (note that marijuana is not legal in California). The best available data indicate broad use of ARs at illegal marijuana cultivation sites, as well as continued use of ARs at legal grow sites, both of which are found within the range of the DPS, but the degree of exposure that may result for coastal martens is unknown. To date, only one record of a positive exposure exists within the range of the coastal marten that demonstrates exposure to ARs. Therefore, at this time, the best available data do not indicate that the coastal marten's exposure to ARs will occur at a level greater than any other in any one portion of the range of the DPS.

In summary, our evaluation of the best available information indicates that the overall level of stressors is not geographically concentrated in one portion of the coastal marten's range, and that the stressors that have the potential to impact coastal martens are relatively consistent across its range (Service 2015, entire). Therefore, it is our conclusion, based on our evaluation of the current potential threats to the coastal marten (see Summary of Information Pertaining to the Five Factors section of this finding and the ''Stressors on Coastal Marten Populations and Habitat'' section of the Species Report (Service 2015, pp. 41–95)), that no portion of the range of the coastal DPS of Pacific marten warrants

further consideration of possible endangered or threatened status under the Act.

Our review of the best available scientific and commercial information indicates that the coastal marten is not in danger of extinction (endangered) nor likely to become endangered within the foreseeable future (threatened), throughout all or a significant portion of its range. Therefore, we find that listing the coastal DPS of the Pacific marten as an endangered or threatened species under the Act is not warranted at this time.

We request that you submit any new information concerning the status of, or threats to, the coastal marten to our Arcata Fish and Wildlife Office (see **ADDRESSES**) whenever it becomes available. New information will help us monitor coastal martens and encourage their conservation. If an emergency situation develops for the coastal marten, we will act to provide immediate protection.

References Cited

A complete list of references cited is available on the Internet at *http://www.regulations.gov* and upon request from the Arcata Fish and Wildlife Office (see **ADDRESSES**).

Authors

The primary authors of this document are the staff members of the Pacific Southwest Regional Office.

Authority

The authority for this section is section 4 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: March 30, 2015.

Robert Dreher,

Acting Director, U.S. Fish and Wildlife Service.

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Tuesday, April 7, 2015

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FEDERAL REGISTER PAGES AND DATE, APRIL

17307–17682 1
17683–18082 2
18083–18304 3
18305–18514 6
18515–18772 7

CFR PARTS AFFECTED DURING APRIL

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

2 CFR

2400 18519

3 CFR

Proclamations:
9243 18073
9244 18075
9245 18301
9246 18303
9247 18509
9248 18511
9249 18513
9250 18515
Executive Orders:
13694 18077
Administrative Orders:
Memorandums:
Memorandum of March 27, 2015 18517
Notices:
Notice of March 31, 2015 18081

5 CFR

532 17307
Proposed Rules:
843 18159
2600 18160
2601 18160
2604 18160

7 CFR

953 17307

10 CFR

Proposed Rules:
429 ..... 17586, 17826
430 ..... 17355, 17359, 18167
431 ..... 17363, 17586, 17826

13 CFR

Proposed Rules:
121 18556
124 18556
125 18556
126 18556
127 18556
130 17708
134 18556

14 CFR

23 ..... 17310, 17312
25 18305
39 18083
73 18519
95 18084
Proposed Rules:
39 ..... 17366, 17368
193 18168

15 CFR

774 18522

16 CFR

Proposed Rules:
1422 18556

17 CFR

Proposed Rules:
240 18036

18 CFR

11 18526
35 17654

21 CFR

1 18087
14 18307
26 18087
99 18087
201 18087
203 18087
206 18087
207 18087
310 18087
312 18087
314 18087
600 18087
601 18087
606 18087
607 18087
610 18087
660 18087
680 18087
801 18087
807 18087
812 18087
814 18087
822 18087
876 18307
1271 18087

23 CFR

Proposed Rules:
515 17371

24 CFR

84 18519
85 18519
200 18095
235 18095
Proposed Rules:
5 17548
92 17548
135 17372
200 17548
574 17548
576 17548
578 17548
880 17548
882 17548
883 17548
884 17548
886 17548
891 17548

960 17548
966 17548
982 17548
983 17548

26 CFR

1 ..... 17314, 18171
602 17314
Proposed Rules:
1 18096

28 CFR

16 18099

29 CFR

Proposed Rules:
4000 18172
4041A 18172
4281 18172

33 CFR

100 18310
117 ..... 17324, 18114, 18313
161 17326
164 17326
165 ..... 17683, 17685, 17687, 18313
Proposed Rules:
101 17372
104 17372
105 17372
110 ..... 18175, 18324
120 17372
128 17372

36 CFR

Proposed Rules:
1193 18177
1194 18177

37 CFR

1 17918
3 17918
5 17918
11 17918
41 17918

38 CFR

3 18116

39 CFR

3020 18117

40 CFR

49 18120
52 ..... 17327, 17331, 17333, 17689, 17692, 18133, 18526, 18528
80 18136
81 ..... 18120, 18528, 18535
147 ..... 18316, 18319
180 ..... 17697, 18141
300 ..... 17703, 18144
Proposed Rules:
50 18177
51 18177
52 ..... 17712, 18179
80 18179
81 18184
93 18177
147 ..... 18326, 18327
180 18327
435 18557
704 18330

41 CFR

60–20 17373

45 CFR

Proposed Rules:
1355 17713

47 CFR

74 17343
90 18144
Proposed Rules:
12 18342
Ch. I 18185

48 CFR

216 18323
Proposed Rules:
1801 18580
1802 18580
1805 18580
1807 18580
1812 18580
1813 18580
1823 18580
1833 18580
1836 18580
1847 18580
1850 18580
1852 18580

49 CFR

173 17706
383 18146
385 18146
386 18146
387 18146

50 CFR

17 17974
300 17344
622 ..... 18551, 18552
660 17352
679 ..... 18553, 18554
Proposed Rules:
13 17374
17 ..... 18710, 18742
21 17374
223 18343
224 ..... 18343, 18347
229 18584
622 17380

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Last List April 6, 2015

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